

ORDINANCE REGULATING THE ISSUANCE OF SEWER PERMITS.

In order to protect the public health, safety and general welfare, the Board of Supervisors of Halifax Township does hereby enact and ordain the following:

SECTION I. - SEWER PERMIT

A. That a Sewer Permit shall be secured prior to the issuance of a building permit for any structure containing restroom or bathroom facilities; provisions relating to the acquisition of a Sewer Permit and the charges therefore, shall be governed by the Subdivision Ordinance of this Township.

B. Penalties - Any person violating any of the provisions of this Ordinance shall be liable, upon conviction before any District Justice in a summary proceeding, to pay a fine not less than \$50.00 nor more than \$500.00.

Halifax Township
Janet Noblitt, Secretary
1-20-11

#82-A
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ARTICLE II

Procedures and Standards

SECTION 200

The procedures and standards established herein for the regulation of sewage systems and related testing are those adapted from the aforesaid Sewage Facilities Act, and the regulations, standards and practices of the Pennsylvania Department of Environmental Resources promulgated pursuant to said Act, which regulations, standards and practices, as may be revised from time to time, are intended to serve as reference minimum standards for the municipality.

Particularly, the "Standards for Individual Sewage Disposal Systems" and the "Standards for Community Sewage Disposal Systems", established in the Rules and Regulations of the Pennsylvania Department of Environmental Resources, Chapter 4, Article 423, as may from time to time be revised, shall be the minimum standards of the municipality, for the design, installation and operation of such systems. A copy of these standards shall be supplied on request, to any applicant, by the Sewage Facilities Officer.

SECTION 201

The construction, installation, alteration, extension or repair of any sewage system, any part thereof, or any disposal or treatment plant, in the municipality, shall be in accordance with the procedures, practices and standards established herein, either directly or by reference.

SECTION 202

The requirements for assuring the suitability of lands proposed for land development or subdivision shall be in accordance with the procedures, practices and standards established herein, either directly or by reference.

SECTION 203

No sewage system, nor any part thereof, shall be constructed, installed, altered, extended or repaired, and no permit shall be issued nor system approved; no land development nor subdivision shall proceed nor be approved; which does not comply with these regulations.

SECTION 308

LAND DEVELOPMENT:

- 1. The erection or installation of a building, for residential or other purposes, the useful occupancy of which will require the disposal of sanitary sewage or industrial wastes.
- 2. Any improvement or use of land which results in a need to provide for the disposal of sanitary sewage or industrial wastes.

SECTION 309

MOBILE HOME: Any portable or mobile vehicle or structure, designed or used for continuous living purposes, whether on wheels, rollers or skids are attached or unattached, except those which are:

- 1. Displayed for sale.
- 2. Utilized as an office in a commercial activity.

SECTION 310

MOBILE HOME PARK: Any site, lot, field or tract of ground, or part thereof:

- 1. Where two (2) or more mobile homes are parked.
- 2. Which is used by the public as parking space for two (2) or more mobile homes.
- 3. Shall include any building, structure, tent, vehicle or enclosure, used or intended for use as part of the equipment of such a park.

SECTION 311

MUNICIPALITY: Halifax Township, Dauphin County, Pennsylvania.

SECTION 312

PUBLIC SEWAGE SYSTEM: Any system of collector and interceptor piping, located in public rights of way or easements, discharging into and including centralized sewage treatment plants and all auxiliary facilities, providing means for a large number of users in a general area to dispose of sewage.

SECTION 313

RECREATION FACILITY SEWAGE SYSTEM: Any system for the collection and disposal, with or without treatment, of sanitary sewage, serving any facility or land use seasonally or periodically occupied for recreational purposes, whether or not the facility or land use includes permanent or portable structures or enclosures.

SECTION 314

SEEPAGE PIT: A covered pit with open jointed lining, through which liquid from a treatment tank can seep or leach into the soil.

ARTICLE IV

Regulation of the Depositing of Sewage

SECTION 400

These regulations shall apply throughout the municipality, and shall govern the depositing of any sewage, sewage effluent or sludge on any lands within the municipality.

SECTION 401

Human excrement or material containing such excrement, in the form of sewage, sewage effluent or sludge, or in any form, shall not be deposited on or in any lands in the municipality, whether for use as a fertilizer or otherwise, except as provided by the sections of these regulations governing the use of sewage systems.

SECTION 402

Manures containing animal or poultry excrement, offal and organic waste substances of all kinds shall be treated and disposed of in a manner which is not detrimental to the public health, and which is in accordance with any applicable regulations of the Commonwealth of Pennsylvania, the County of Dauphin or the municipality concerninig the treatment and disposal of agricultural wastes and all other wastes classified as solid wastes.

- (2) Number and location of private and public water supplies within one hundred (100) feet of the proposed system.
- (3) Location of and distance to any public sewage system within one (1) mile of the site.
- 4. Approval of the proposed system, when such is required, by the Department of Environmental Resources or any other agency of the Commonwealth of Pennsylvania.
- 5. Such further information as may be required by the Sewage Facilities Officer, to ensure the proposed system complies with these regulations.

SECTION 503

Application and Procedure For Lot Testing.

For systems which will treat and dispose of sewage on the lot or land to be served by the system, the applicant shall make an initial application to the Sewage Facilities Officer, containing the following information:

- 1. Name and address of the applicant.
- 2. Description of the real estate upon which the system is to be installed, and the improvements thereon which the system will serve.
- 3. Brief description of the arrangements to conduct the required soil percolation rate tests, indicating the location of the test holes on the site, who will be responsible for preparing the holes and performing the tests, and when the holes can be prepared, soaked and tested in accordance with these regulations.
- 4. The Sewage Facilities Officer, or his agent, may periodically inspect the pre-soaking process, and shall observe the actual percolation rate tests. The pre-soaking and the rate tests shall be performed on a date and at a time in accordance with a written schedule, established cooperatively by the Sewage Facilities Officer and whoever is responsible for performing the tests, provided that the Sewage Facilities Officer may not require a date and time more than forty-eight (48) hours, exclusive of Sundays and holidays, later than that requested, and provided that if the Sewage Facilities Officer or his agent fails to observe the tests performed according to such schedule, he shall accept the results reported by whoever is responsible for performing the tests, and further provided that the results of tests performed other than according to such schedule, which are not observed by the Sewage Facilities Officer or his agent, shall not be accepted, and shall be repeated on the order of the Sewage Facilities Officer.

the installation within forty-eight (48) hours, exclusive of Sundays and holidays, of receiving the notice of completion, the installation may be covered, and it shall be accepted by the Sewage Facilities Officer as in accordance with the approved plan and standards for the system; further provided that the Sewage Facilities Officer may order any installation which has been covered contrary to the provisions herein to be uncovered for inspection, and also provided that the Sewage Facilities Officer may order correction of any installation found by inspection to be not in accordance with the approved plan and standards, and that a new notice of completion shall be effected, following any ordered uncovering or corrective work.

SECTION 507

For the purposes of this ordinance Mobile Homes shall be considered as separate dwelling units, each requiring an individual sewage system, except for those Mobile Homes located in a Mobile Home Park for which a Sewage Facilities Permit has been issued.

SECTION 508

Every dwelling unit shall have a separate, individual sewage system, except those contained in apartment houses or in a two-family house with the dwelling units arranged one above the other.

SECTION 509

Sewage systems which serve recreation facilities shall comply with the following regulations. Lands newly used for these purposes shall comply from the outset; lands previously used for these purposes shall comply within one (1) year after adoption of these regulations, and it shall be obligatory upon the owner or operator of any lands used for recreation purposes to obtain a Sewage Facilities Permit, prior to installing or operating any sewage system, issued in accordance with the provisions herein:

1. Structures or land uses serving, or intended to serve, more than twenty (20) persons, or are used or intended to be used periodically throughout the year, shall be served by an individual sewage system as herein defined and regulated.
2. Structures or land uses serving twenty (20) or fewer persons, and generally used only during the warm weather months, may be served by a sewage system composed of a fully-enclosed insect-tight structure, a privy vault or tank made of concrete, coated steel, or other material impervious to water and sewage, and related facilities. Such system shall be in accordance with standards for such structures as accepted by the Pennsylvania Department of Environmental Resources, and shall be subject to initial

ARTICLE VI

Regulation of Site Testing for Land Subdivision

SECTION 600

No plan for the subdivision of land which proposes the use of individual sewage systems, shall be approved by the Municipality, nor shall any land in the Municipality be subdivided, until the land has been tested as provided below, except that a subdivision of three (3) lots or less shall not subject to the provisions of this Article VI.

SECTION 601

Prior to the preparation and submission of a subdivision plat for approval, and prior to the subdivision of any land in the Municipality, the owner of the land, or his agent, shall request the Sewage Facilities Officer to inspect and observe the testing of the site. Such request shall be accompanied by submission of a Land Subdivision Site Plan, which shall include the following:

1. General Information describing or outlining existing covenants, land characteristics, community facilities and utilities, and information describing the proposed subdivision such as the number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed utilities, and street improvements.
2. Location Plan showing the location of the proposed subdivision and the existing community facilities which will serve or influence it: traffic arteries, public or other schools, parks, playgrounds, utilities, churches, shopping centers, airports, hospitals, and places of large employment.
3. Sketch Plan showing the proposed layout of streets and lots, indicating the contours and other features of the subdivision as planned.

SECTION 602

Percolation tests shall be made throughout the area of the subdivision, with a minimum of one test site per acre, or more as may be required by the Sewage Facilities Officer. Tests shall be performed by a qualified agent of the owner, in the presence of the Sewage Facilities Officer or his representative, and shall be conducted in the manner and according to the procedures and standards established in the aforementioned Rules and Regulations of the Pennsylvania Department of Environmental Resources.

ARTICLE VIII

Penalties.

Any person, corporation or other entity violating any provisions of this ordinance, or of any regulations, standards or orders promulgated hereunder, or interfering with any officer or agent of the municipality performing duties in accordance with this ordinance, shall;

upon conviction thereof before a District Justice, or Justice of Peace having jurisdiction in the municipality, be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), plus costs of prosecution; or in default thereof, be subject to confinement in the County Prison for a period of not less than ten (10) nor more than thirty (30) days; provided, that each of violation shall constitute a separate offense, and that all fines shall be paid to the municipality.

ARTICLE IX

Appeals and Remedies.

SECTION 900

Any person, corporation or other entity aggrieved by an action of the Sewage Facilities Officer, by means of denial of a permit; disapproval of an installed system, or an issued order, may appeal to the Board of Township Supervisors, within thirty (30) days after such action or order. The Township Supervisors shall hold a hearing on such an appeal within fifteen (15) days after receiving a written notice of appeal. At that time, the applicant may be represented by counsel and may present evidence as to why a permit should be issued or retained, or an installed system approved, or an order rescinded or changed. No transcript of testimony shall be required, but the applicant shall be notified in writing within seven (7) days after the hearing, of the decision of the Township Supervisors and the reasons therefore.

SECTION 901

Any person, corporation or other entity aggrieved by the action of the Board of Township Supervisors on an appeal may, within thirty (30) days after such action, further appeal to the Secretary of Environmental Resources of the Commonwealth of Pennsylvania.

The Secretary of Environmental Resources, or his designee, shall hear the appeal in accordance with the provisions of the "Administrative Agency Law", P. L. 1388, Act of the General Assembly of Pennsylvania of June 4, 1945.

ORDINANCE SIGNIFYING THE INTENTION OF HALIFAX TOWNSHIP TO ESTABLISH PROCEDURES AND MAINTENANCE OF HOLDING TANKS; DEFINITION OF TERMS THEREIN; RIGHTS AND PRIVILEGES GRANTED; AUTHORITY TO ADOPT RULES AND REGULATIONS; REQUIREMENTS THAT RULES AND REGULATIONS BE IN CONFORMITY WITH APPLICABLE LAW; RATES AND CHARGES; EXCLUSIVENESS OF RIGHTS OF PRIVILEGES GRANTED; DUTIES OF IMPROVED PROPERTY OWNERS; PENALTIES AND FINES FOR VIOLATION OF ORDINANCE; ABATEMENT OF NUISANCES; REPEALER CLAUSES; SEVERABILITY CLAUSE; AND EFFECTIVE DATE OF ORDINANCE.

BE IT ENACTED AND ORDAINED by the Halifax Township Supervisors of Dauphin County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Purpose

The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of health, safety and welfare of the inhabitants of this Township.

Section 2. Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. "Holding Tank" means a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding Tanks include but are not limited to the following:

Section 3. Rights and Privileges Granted

That the Township is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof.

Section 4. Rules and Regulations

That the Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

Section 5. Rules and Regulations to be in Conformity with Applicable Law

All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, all other Ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 6. Rates and Charges

The Township shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Section 7. Exclusiveness of Rights and Privileges

The disposal of all sewage from any improved property utilizing a holding tank, shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Section 13. Effective Date

This Ordinance shall become effective thirty (30) days after its adoption.

ENACTED AND ORDAINED into an Ordinance this 14th day of March, A.D., 1983, by the Board of Supervisors of the Township of Halifax in lawful session duly assembled.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF HALIFAX

Mark E. Zimmerman

Paul J. Mattis

[Signature]