

ORDINANCE NO. 89-1

AN ORDINANCE OF THE TOWNSHIP OF UNION, UNION COUNTY, PENNSYLVANIA, PROVIDING FOR THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE BY DEFINING AND REGULATING THE DISPOSAL OF SEWAGE AND OTHER WASTE WATER WITHIN THE TOWNSHIP; PROVIDING FOR INSPECTION OF PROPOSED SEWAGE DISPOSAL SYSTEMS AND HOLDING TANKS, AND FOR THE APPROVAL OF SUCH SYSTEMS AND TANKS BY THE TOWNSHIP BEFORE AND AFTER THE CONSTRUCTION, INSTALLATION OR ALTERATION OF THE SAME AND BEFORE BUILDING PERMITS ARE ISSUED WITH RESPECT TO ANY RESIDENTIAL, COMMERCIAL OR INDUSTRIAL CONSTRUCTION WITHIN THE TOWNSHIP; ESTABLISHING THE PROCEDURES FOR THE ISSUANCE OF PERMITS CERTIFYING APPROVAL OF SEWAGE DISPOSAL SYSTEMS AND HOLDING TANKS, AND FOR THE APPROVAL AND DISAPPROVAL OF SUBDIVISION PLANS IN REFERENCE TO SEWAGE DISPOSAL; PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING ORDINANCE NO. 73-3, ENACTED JUNE 5, 1973, AS AMENDED DECEMBER 12, 1974.

Be it enacted and ordained by the Board of Supervisors of the Township of Union, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I - TITLE

Section 1.1. This Ordinance shall be known as the Union Township Sewage Disposal Ordinance.

ARTICLE II - DEFINITIONS

Section 2.1. The following words and phrases when used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings ascribed to them in this Section.

"Individual Sewage Disposal System" shall mean a sewage disposal system, other than a public or community system, which receives either human excreta or liquid waste, or both, from one or more premises. Included within the scope of this definition are septic tank soil absorption systems, privies, cesspools, chemical type toilets, and any other means of disposal of such wastes, other than a public or community sewer system.

"Holding Tanks" shall mean a water-tight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site.

"Sewage Enforcement Officer" shall mean the officer licensed by the Commonwealth of Pennsylvania under and pursuant to the rules and regulations of the Pennsylvania Department of Environmental Resources, appointed by the Township of Union, and charged with the administration and enforcement of the provisions of this Ordinance.

"Preliminary Certificate" shall mean the certificate issued by the Sewage Enforcement Officer, in writing, giving the specifications for an Individual Sewage Disposal System or Holding Tank according to the regulations, standards and requirements of the Department of Environmental Resources of the Commonwealth of Pennsylvania, and based on percolation tests of a particular lot or lots.

"Permit" shall mean a certificate of approval of an Individual Sewage Disposal System or Holding Tank by the Sewage Enforcement Officer after inspection of the completed system or tank on the premises.

"Person" shall mean any individual, partnership, corporation, institution, public or private, municipal authority, cooperative enterprise, federal or state agency, or other legal entity. This shall also include the owner of the premises as well as any person working for the owner, agent of the owner, or contractor building for the owner.

"Building Official" shall mean the officer or his duly authorized representative, or other designated authority, appointed by the Township of Union and charged with the administration and enforcement of Ordinance No. 73-2, enacted July 11, 1973, being the Building Permit Ordinance of the Township of Union.

ARTICLE III - REGULATIONS AS TO INDIVIDUAL PROPERTIES

Section 3.1. It shall be unlawful for any person to discharge raw sewage, septic tank effluent, or seepage from a soil absorption system to the surface of the ground, into surface water, or into any rock formation, the structure of which is not conducive to purification of water by filtration, within the jurisdictional limits of Union Township.

Section 3.2. It shall be unlawful for any person to dispose of sewage, waste water, or other effluent waste matter by the use of a deep well, a septic tank, a holding tank, a mechanical disposal system, a cesspool, a sinkhole, or other means, within the jurisdictional limits of Union Township, without a Permit. It is the specific intention of this Ordinance that all sewage disposal systems and holding tanks shall hereafter be set up, established and maintained pursuant to and in accordance with the provisions of this Ordinance.

Section 3.3. It shall be unlawful for any person to commence the construction, installation, alteration, enlargement, or extension, of any kind or of any nature whatsoever, of an Individual Sewage Disposal System or a Holding Tank without first making application for a Permit to the Sewage Enforcement Officer. In the event a building is proposed to be constructed, the application for a Permit shall accompany the application for a building permit, and the Sewage Enforcement Officer shall certify to the Building Official that such application has been made.

Section 3.4. The Sewage Enforcement Officer shall make or observe percolation tests on the lot or lots of the applicant according to the standards and regulations of the Pennsylvania Department of Environmental Resources in effect at the time of the application.

Section 3.5. The Sewage Enforcement Officer shall prescribe in writing and deliver to the applicant the minimum specifications for an Individual Sewage Disposal System or a Holding Tank based on the minimum standards and requirements of the Pennsylvania Department of Environmental Resources in effect at the time of the application, which in turn shall be

based on the result of the percolation tests provided for in Section 3.4 of this Article, and shall sign the same, which shall be effective as a Preliminary Certificate. The applicant shall thereafter design, or have designed, an Individual Sewage Disposal System or Holding Tank in accordance with the Preliminary Certificate and the standards and requirements of the Pennsylvania Department of Environmental Resources. Except as provided in Article V, upon completion of the design and its approval by the Sewage Enforcement Officer, the said Officer shall issue a Permit.

Section 3.6. Should the construction of a building be contemplated, a building permit shall not be issued by the Building Official until the Permit has been issued by the Sewage Enforcement Officer.

Section 3.7. The Permit shall be null and void unless construction of the Individual Sewage Disposal System or Holding Tank is commenced within two (2) years from the date the Permit is issued. If a building permit has been issued, the Permit shall also be null and void unless construction of the building is commenced within two (2) years from the date the Permit is issued.

Section 3.8. In the event that a Permit is issued by the Sewage Enforcement Officer and a building permit is issued by the Building Official, it is specifically required that the sewage disposal system constructed upon the premises in question or the hole for installation of the holding tank shall not be closed and no operation of said disposal system or holding tank shall be permitted until such installed system or tank has been inspected by the Sewage Enforcement Officer. Furthermore, any person installing any disposal system or holding tank in accordance with the provisions of this Ordinance shall, after installation of said system or tank but before closing or backfilling in or upon the system or tank, notify the Sewage Enforcement Officer that the installation of the system or tank has been completed and is ready for inspection by the said Officer. The Sewage Enforcement Officer, upon receipt of such notice, shall proceed forthwith to the premises and shall inspect the

installed system or tank for the purpose of ascertaining whether or not said system or tank complies with the approved specifications submitted by the said Officer with respect to the premises in question. In the event that the said installation complies with the approved specifications for the installation of the system or tank, the Sewage Enforcement Officer shall so advise the owner of the premises in writing and shall further certify to the Building Official that the installed system or tank is in conformity with the approved plans and meets the minimum standards and requirements of the Department of Environmental Resources of the Commonwealth of Pennsylvania in effect at the time of the filing of the application.

Section 3.9. If upon inspection the Sewage Enforcement Officer determines that the installed system or tank does not meet the aforesaid minimum standards and requirements or does not comply with the specifications set forth the Preliminary Certificate, the Sewage Enforcement Officer shall so specify the defects in the said installed system or tank, in writing, to the applicant. The applicant shall not thereafter put into operation the system or tank until such defects have been corrected and the system or tank has been re-inspected and approved by the Sewage Enforcement Officer. There shall be an additional fee charged in advance for each re-inspection of an installed system or tank where such re-inspection is necessary for the reason or reasons set forth hereinabove.

ARTICLE IV - ADDITIONAL REGULATIONS FOR HOLDING TANKS

Section 4.1. A Permit for a Holding Tank shall be issued only if an Individual Sewage Disposal System cannot be used and only pursuant to and in accordance with the rules, regulations and policies of the Pennsylvania Department of Environmental Resources in effect at the time of the application.

Section 4.2. The construction, design and maintenance of Holding Tanks shall conform with the minimum standards and requirements established by the Pennsylvania Department of Environmental Resources.

Section 4.3. The Board of Supervisors of Union Township shall be responsible for supervising the collection, transportation and disposal of human wastes withdrawn from existing and new holding tanks. A holding tank cleaner shall be appointed by the Board of Supervisors who will remove, transport and dispose of wastes upon the direction of the Supervisors. Fees, costs and other expenses connected with the said waste removal, transportation and disposal shall not accrue to Union Township but shall be paid by the owner of the property, who shall also manage such waste removal, transportation and disposal solely upon the direction of the Supervisors.

Section 4.4. Property owners utilizing existing or new holding tanks shall maintain such holding tanks in conformance with this Ordinance, any other applicable Ordinance of Union Township, the provisions of any applicable law, and the rules and regulations of the Pennsylvania Department of Environmental Resources.

ARTICLE V - REGULATIONS IN REFERENCE TO SUBDIVISIONS

Section 5.1. In the case of a subdivision plan involving multiple lots or one (1) or more building lots submitted by a proposed developer to the Board of Supervisors of Union Township for approval, no such subdivision plan shall be approved for any purposes by the Township Supervisors unless concurrently with the submission of said plan to the Supervisors for their approval, there is submitted a certificate from the Sewage Enforcement Officer certifying that any and all buildings proposed to be erected on any and all lots within the said subdivision can be serviced by some type of soil absorption system for the disposal of sewage, waste water and/or effluent. The proposed developer of a subdivision involving multiple lots or one (1) or more building lots need not submit any detailed or specific plans with respect to the method or methods of sewage, waste or effluent disposal within the proposed subdivision but need only obtain the certificate of the Sewage Enforcement

Officer certifying that some type of soil absorption system is practical for the lot sizes proposed for the particular area or tract of land included within the subdivision, as stated hereinabove, based on percolation tests according to the standards and regulations of the Pennsylvania Department of Environmental Resources in effect for subdivisions at the time of the application. As stated hereinabove, no building permit shall be issued with respect to any lot or lots within the said subdivision unless the applicant or applicants for such permit or permits complies with the applicable provisions set forth in Article III of this Ordinance.

Section 5.2. In the case of a subdivision plan where no soil absorption system is adequate, the plan shall not be approved by the Board of Supervisors of Union Township unless a plan of a mechanical system of disposal is submitted to and approved by the Sewage Enforcement Officer. Such a plan for a mechanical disposal system must be submitted to the Sewage Enforcement Officer in detail, setting forth the exact type of mechanical disposal system. Where such a mechanical type of disposal system is submitted for approval to the Sewage Enforcement Officer, the developer must show in detail his proposed plan for disposing of the sewage, waste water and/or effluent after purification by processing in the particular type of mechanical system so submitted for approval. In the event that such a mechanical system is approved by the Sewage Enforcement Officer, or where under law the approval must be obtained from the Pennsylvania Department of Environmental Resources or any other agency, board or department of the Commonwealth of Pennsylvania, the applicants for building permits with respect to lots included within the said subdivision shall accompany such application with a certificate or reproduction thereof from the Sewage Enforcement Officer, or in applicable cases from the Pennsylvania Department of Environmental Resources or other appropriate agency, board or department of the Commonwealth of Pennsylvania, indicating that the particular lot in question and the building proposed to be erected thereon, will be serviced by the mechanical disposal system

previously approved. In the case of construction within a subdivision where a mechanical disposal system has been approved for a subdivision, the owner of the construction shall notify the Sewage Enforcement Officer after connecting to the mechanical disposal system that such connection has been made. The owner, however, shall not close or backfill with respect to said connection until the same has been inspected and approved by the Sewage Enforcement Officer. The Sewage Enforcement Officer shall from time to time make periodic inspections with respect to any mechanical system of disposal within any subdivision where such a system has been approved.

ARTICLE VI - MECHANICAL SYSTEMS FOR INDIVIDUAL RESIDENCES,
COMMERCIAL BUILDINGS OR INDUSTRIAL BUILDINGS

Section 6.1. With respect to individual residences, commercial buildings or industrial buildings where no soil absorption system is approved by the Sewage Enforcement Officer, a plan for a mechanical system of disposal shall be submitted. The plans for such a mechanical system of disposal shall be submitted to the Sewage Enforcement Officer in detail and no such system shall be permitted to operate after its installation until it has first been inspected and approved by the Sewage Enforcement Officer. Furthermore, no backfilling or closing over of any mechanical system so installed shall be permitted without first notifying the Sewage Enforcement Officer that such mechanical system is installed, after which time the Sewage Enforcement Officer shall inspect the installation for the purpose of seeing whether or not the installation complies with the specifications so submitted and approved with respect to the particular premises of the building in question. An application for a building permit with respect to premises where no soil absorption system is adequate, shall be accompanied by a certificate from the Sewage Enforcement Officer certifying that the proposed mechanical system for disposal is acceptable, or in cases where approval of the Pennsylvania Department of Environmental

Resources or any other agency, board or department of the Commonwealth of Pennsylvania is required, a certificate or reproduction thereof from the Pennsylvania Department of Environmental Resources or such other agency, board or department shall be accepted in lieu of that required from the Sewage Enforcement Officer.

ARTICLE VII - DEEP WELLS

Section 7.1. The use of deep wells for the purpose of disposing of surface drainage or surface water is expressly prohibited in Union Township.

ARTICLE VIII - FEES

Section 8.1. Any applicant for a building permit at the time of making such application shall also make application for a Permit for an Individual Sewage Disposal System on the premises in question. At the time such application for a Permit for a proposed Individual Sewage Disposal System is made, there shall also be paid by the applicant an application fee which shall be charged to the applicant in accordance with the Township's schedule of fees adopted from time to time by resolution of the Board of Supervisors of Union Township.

Section 8.2. The Sewage Enforcement Officer shall prepare and submit to the Board of Supervisors of Union Township a list of the fees for his services to be rendered with respect to inspection of plans, if required, taking of percolation tests on the premises, observation of percolation tests on premises, issuance of Preliminary Certificates, final inspection of installation, re-inspection of premises, if required, inspection of plans and installation of mechanical systems for both subdivisions and individuals, and inspections relative to extensions, alterations, modifications and/or changes to existing systems. The list of fees so submitted by the Sewage Enforcement Officer shall be considered by the Board of Supervisors of Union Township when adopting the Township's fee schedule resolution.

Section 8.3. The application for a Permit for an Individual Sewage Disposal System shall be made to the Secretary of Union Township. The required application fee shall be paid to the said Township Secretary at the time such application is made. Any and all other or additional fees that may be required from time to time shall be paid in advance to the Township Secretary before any work therefor is commenced by the Sewage Enforcement Officer.

ARTICLE IX - APPLICATIONS FOR PERMITS

Section 9.1. The application for a Permit shall be in writing and signed by the applicant and shall include the following:

- a. Name and address of the applicant or owner of the property;
- b. Name of subdivision, lot and block number of property on which construction, alteration or extension is proposed;
- c. Union County tax assessment sheet and parcel number; and
- d. Name and address of the contractor or builder.

Section 9.2. The above application may be signed by either the owner of the property or the contractor or builder.

ARTICLE X - PENALTIES

Section 10.1. Any person, who shall violate any of the provisions of this Ordinance or fail to comply with the requirements hereof, or any person or persons setting up, constructing, installing, maintaining, establishing, extending or altering any Individual Sewage Disposal System or Holding Tank contrary to the requirements and provisions of this Ordinance, shall, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution, or be imprisoned for a period not in excess of thirty (30) days, or both. If a violation of this Ordinance persists continuously over a period of time in excess of twenty-four (24) hours, each successive twenty-four (24) hour period of time shall be considered as a separate and distinct violation of this Ordinance.

ARTICLE XI - GENERAL PROVISIONS

Section 11.1. The provisions of this Ordinance shall apply to any and all construction within the Township of Union, whether such construction be for residential, commercial and/or industrial purposes, and whether the construction is for a new system or the alteration, enlargement or extension of an old or existing system.

Section 11.2. The Board of Supervisors of Union Township and/or their duly authorized agents, including the Sewage Enforcement Officer, shall have the right to enter upon any premises within the Township at any time for the purpose of ascertaining whether or not the provisions of this Ordinance are being complied with by the owners and/or occupants of the premises in question.

Section 11.3. If any section, subsection, paragraph, sentence, clause, phrase, word, or provision of this Ordinance shall be judged illegal, invalid or unconstitutional by any court of competent jurisdiction for any reason, such adjudication shall apply only to the section, subsection, paragraph, sentence, clause, phrase, word, or provision so adjudged and shall in no way effect the remaining provisions of this Ordinance, which shall be deemed valid and effective.

Section 11.4. This Ordinance shall be subject to all applicable federal, state and local laws, ordinances, rules and regulations, including the rules and regulations as set forth by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

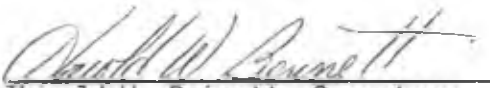
Section 11.5. Ordinance No. 73-3, enacted June 5, 1973, as amended December 12, 1974, and all other ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 11.6. This Ordinance shall become effective five (5) days after enactment.

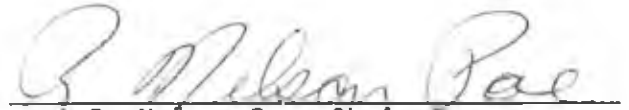
ENACTED AND ORDAINED as an Ordinance of the Township of Union, Union
County, Pennsylvania, this 7 day of FEBRUARY,
1989.

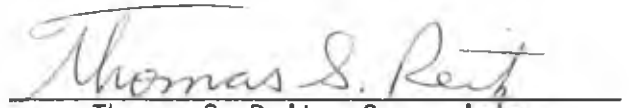
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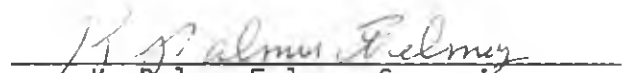
TOWNSHIP OF UNION
BOARD OF SUPERVISORS


Harold W. Bennett, Secretary

(SEAL)


R. Nelson Poe, Chairman


Thomas S. Reitz, Supervisor


K. Palmer Felme, Supervisor