

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 1

Permit

§101. Permit.....	18-1-1
§102. Sanitation Officer	18-1-1
§103. Application	18-1-1
§104. Hearing.....	18-1-1
§105. Definitions.....	18-1-2
§106. Violations	18-1-2
§107. Penalties.....	18-1-2

Part 2

Holding Tanks

§201. Purpose	18-2-1
§202. Definitions.....	18-2-1
§203. Rights and Privileges Granted.....	18-2-1
§204. Rules and Regulations.....	18-2-2
§205. Rules and Regulations to be in Conformity with Applicable Law	18-2-2
§206. Rates and Charges.....	18-2-2
§207. Exclusiveness of Rights and Privileges	18-2-2
§208. Duties of Improved Property Owner	18-2-2
§209. Violations	18-2-3
§210. Abatement of Nuisances.....	18-2-3
§211. Repeal	18-2-3

Part 3

Sewage Management Program

§301. Short Title; Introduction; Purpose	18-3-1
§302. Definitions.....	18-3-1
§303. Applicability.....	18-3-3
§304. Permit Requirements.....	18-3-4
§305. Replacement Areas.....	18-3-5
§306. Inspections	18-3-5
§307. Operation	18-3-7
§308. Maintenance	18-3-7
§309. System Rehabilitation	18-3-9
§310. Authority to Contract for Repair on Behalf of Owner	18-3-12

§311. Disposal of Septage.....	18-3-12
§312. Administration	18-3-12
§313. Appeals.....	18-3-13
§314. Penalties and Enforcement.....	18-3-13
§315. Ordinance Not a Bar to Further Legal Action	18-3-13

Part 4
Connection to Sewer System

§401. Definitions.....	18-4-1
§402. Use of Public Sewers Required	18-4-2
§403. Permits to Make Connections.....	18-4-3
§404. Powers and Authority of Inspectors	18-4-5
§405. Protection of Sewer System from Damage.....	18-4-5
§406. Penalties, Disconnecting.....	18-4-5

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 1

Permit

§101. Permit. No person shall install an individual or community sewage disposal system in the Township of Buffalo, or construct any building in the Township of Buffalo in which an individual or community sewage disposal system is to be installed, without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act, Act number 537 of the General Assembly approved January 24, 1966, as amended and supplemented, and are in compliance with the rules and regulations adopted pursuant to said Act.

§102. Sanitation Officer. The office of Township Sanitation Officer is hereby created and said officer is hereby delegated all powers as may be necessary and appropriate for him to approve applications and issue permits pursuant to said Act and otherwise to enforce the provisions pursuant to said Act. Paul Boop of 537 Chestnut Street, Mifflinburg, Pennsylvania, is hereby appointed as the first Township Sanitation Officer and his successor shall be appointed from time to time by resolution of the Buffalo Township Board of Supervisors. The compensation of said officer shall be on a fee basis, in the amount of \$30.00 for the processing of each permit application received.

§103. Application. All persons desiring the permit required in §101 of this Part shall apply for the same in writing to the Secretary of the Buffalo Township Board of Supervisors on a formal application blank provided by the Township. Each application must be accompanied by a fee in the sum of \$35.00. The application shall be referred promptly by the Township Secretary to the Township Sanitation Officer who shall then review the application, take such other steps as required by said Act and the rules and regulations adopted pursuant to said Act, and issue or deny the permit. A copy of all formal action taken by the Township Sanitation Officer shall be provided by him to the Township Secretary. Upon receipt of the application, the Township Secretary shall retain \$5.00 of the requisite fee for the use of the Township and forward \$30.00 thereof to the Township Sanitation Officer.

§104. Hearing. In case any permit is denied or revoked, a hearing shall be held thereon before the Board of Supervisors of Buffalo Township within fifteen (15) days after request therefor is made by the applicant. Within seven (7) days following the date of such hearing, the applicant shall be notified in writing of the determination of said hearing.

(Ordinance No. 1-68-A, adopted September 9, 1968)

§105. Definitions. As used in this Ordinance:

COMMUNITY SEWAGE SYSTEM – Any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes serving three or more individual lots.

INDIVIDUAL SEWAGE SYSTEM – A single system of piping, tanks or other facilities serving only a single lot which is less than one acre in size or serving two lots which are less than one and one-half acres in total area and disposing of sewage in whole or in part into the soil of the property or into any waters of this Commonwealth of Pennsylvania.

All other terms used in this Part shall have the same meanings as are accorded them in the Pennsylvania Sewage Facilities Act and this Part shall in all respects be interpreted in a manner consistent with said Act and the rules and regulations adopted pursuant thereto.

(Ordinance No. 1-68, adopted April 1, 1968)

§106. Violations. The Board of Supervisors of Buffalo Township shall have the power to institute in the Court of Common Pleas of Union County proceedings to restrain the violation of this Act.

(Ordinance No. 1-68-A, adopted September 9, 1968)

§107. Penalties. Any person who shall violate any of the provisions of this Part or who resists or interferes with any officer, agent or employee, in accordance with the provisions of this Part, in the performance of his duties, shall upon conviction thereof in a summary proceeding before any Justice of the Peace in Union County be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and costs, and not more than Three Hundred (\$300.00) Dollars and costs, or in default thereof, shall be confined in the County Jail for a period of not more than thirty (30) days.

(Ordinance No. 1-68-A, adopted September 9, 1968)

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 2

Holding Tanks

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

§202. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

AUTHORITY – The Buffalo Township Municipal Authority, Union County, Pennsylvania.

(Ordinance No. 24-03, adopted September 9, 2024)

HOLDING TANK – A watertight receptacle, whether permanent or temporary which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

IMPROVED PROPERTY – Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

OWNER – Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON – Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE – Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

MUNICIPALITY – Township of Buffalo, Union County, Pennsylvania.

§203. Rights and Privileges Granted. That the Authority or its agent is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

(Ordinance No. 24-03, adopted September 9, 2024)

§204. Rules and Regulations. That the Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to affect the purposes herein.

§205. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of Buffalo Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§206. Rates and Charges. The Authority 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.

§207. Exclusiveness of Rights and Privileges.

(1) The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by an appropriate pumper/hauler, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

(2) The Authority or its agent will receive, review and retain pumping reports from permitted holding tanks.

(3) The Authority or its agent will complete and retain annual inspection reports for each permitted tank.

(Ordinance No. 24-03, adopted September 9, 2024)

§208. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank shall:

(1) Maintain the holding tank in conformance with this or any ordinance of the Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

(2) Permit only the Authority or its agent to inspect holding tanks on an annual basis.

(3) Retain an appropriate pumper/hauler to collect, transport, and dispose of the contents therein.

(Ordinance No. 24-03, adopted September 9, 2024)

§209. Violations. Any person who violates any provisions of §208 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than Three Hundred Dollars (\$300.00) and not more than One Thousand Dollars (\$1,000.00), and in default of said fine and costs to undergo imprisonment in the County Prison for a period not in excess of thirty (30) days.

§210. Abatement of Nuisances. In addition to any other remedies provided in this Part, any violation of §208 above shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction. Nothing in this Part shall preclude or limit the rights or ability of any person to institute any civil proceeding of any kind against any person for creating or causing a public or private nuisance under any statute or common law.

§211. Repeal. All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, shall be and the same are hereby repealed. In particular, existing Ordinance H 15 entitled "Sewage Holding Tank Ordinance" is hereby repealed and shall have no effect after the adoption of this Part.

(Ordinance No. 23, adopted April 9, 1990)

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 3

Sewage Management Program

§301. Short Title; Introduction; Purpose.

(1) This ordinance shall be known and may be cited as “A Sewage Management Program” for the Township.

(2) As mandated by the municipal codes, the Clean Streams Law (35 P.S. Sections 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. Section 750.1 et seq., known as Act 537), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Buffalo Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

(3) The purpose of this Part is to provide for the inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit the municipality to intervene in situations which are public nuisances or hazards to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

§302. Definitions.

ACT 537 – The Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. Section 750.1 et seq. known as the Pennsylvania Sewage Facilities Act.

AUTHORIZED AGENT – A certified sewage enforcement officer, code enforcement officer, professional engineer, plumbing inspector, municipal secretary or any other qualified or licensed person who is delegated by the municipality to function within specified limits as the agent of the municipality to carry out the provisions of this Part.

BOARD – The Board of Supervisors, Buffalo Township, Union County, Pennsylvania.

CODES ENFORCEMENT OFFICER (C.E.O.) – An individual employed by the municipality to administer and enforce other ordinances in the municipality.

COMMUNITY SEWAGE SYSTEM – Any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

DEPARTMENT – The Department of Environmental Resources of the Commonwealth of Pennsylvania (D.E.R.).

INDIVIDUAL SEWAGE SYSTEM – A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

MALFUNCTION – The condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into the building connected to the system or otherwise causes a nuisance hazard to the public or private drinking water wells. Systems shall be considered to be malfunctioning if any of the conditions noted above occur for any length of time during any period of the year.

MUNICIPALITY – Buffalo Township, Union County, Pennsylvania.

OFFICIAL SEWAGE FACILITIES PLAN – A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the municipality and approved by the Pennsylvania Department of Environmental Resources, as described in and required by the Pennsylvania Sewage Facilities Act.

ON-LOT SEWAGE DISPOSAL SYSTEM – Any system for disposal of sewage involving pretreatment and subsequent disposal of the clarified sewage into the soil for final treatment and disposal, including both individual sewage systems and community sewage systems.

PERSON – Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

REHABILITATION – Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

REPLACEMENT AREA – A portion of a lot or a developed property, sized to allow the installation of a subsurface sewage disposal area, which is reserved to allow that installation in the event of the malfunction of the originally installed on-lot sewage disposal system.

SEWAGE – Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreating or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 396), known as “The Clean Streams Law”, as amended.

SEWAGE ENFORCEMENT OFFICER (S.E.O.) – The official of the local agency who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated thereunder.

SEWAGE MANAGEMENT DISTRICT – Any area or areas of a municipality for which a sewage management program is recommended by the municipality’s adopted Act 537 Official Sewage Facilities Plan. A sewage management district may encompass the entire municipality.

SEWAGE MANAGEMENT PROGRAM – A comprehensive set of legal and administrative requirements encompassing the requirements of this Part and other administrative requirements adopted by the municipality to effectively enforce and administer this Part.

SUBDIVISION – The division or re-division of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

§303. Applicability.

(1) From the effective date of this Part, its provisions shall apply in any portion of the municipality identified in the municipality’s Act 537 Official Sewage Facilities Plan as a sewage management district, as well as to any other portion of the municipality that the Board shall from time to time determine through a duly enacted ordinance, to be subject to the provisions of this Part. Within such an area or areas, the provisions of this Part shall apply to all persons owning any property serviced by an on-lot sewage disposal system (whether such system is a community or individual sewage system) and to all persons installing or rehabilitating on-lot

sewage disposal systems. If necessary, the entire municipality may be identified as a sewage management district.

(2) At the effective date of this Part, the portions of the municipality to which the provisions of this Part shall apply are the villages or areas known as Mazeppa, Buffalo Crossroads, Vicksburg, and Cowan. In determining the specific areas and the specific homes within these villages that are subject to this Part, the areas and homes designated and identified in the Municipality's Act 537 Official Sewage Facilities Plan, and all maps attached thereto, shall govern.

§304. Permit Requirements.

(1) No person shall install, alter, construct or request bid proposals for construction or alteration of an individual sewage system or community sewage system or construct, install, or occupy or request bid proposals for the construction or installation of any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act and the standards adopted pursuant to that Act.

(2) No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given by the municipal Sewage Enforcement Officer. If 72 hours have elapsed, excepting Sundays and Holidays, since the Sewage Enforcement Officer issuing the permit received notification of completion of construction, the applicant may cover said system or structure unless permission to cover the system has been specifically refused by the Sewage Enforcement Officer. Any person performing construction and installation of a community or individual sewage system shall provide written verification to the owner of such system of the exact date and time the system has been covered, if the system has been covered after more than 72 hours have lapsed since the Sewage Enforcement Officer received notification of completion and the Sewage Enforcement Officer has not specifically refused permission to cover the system.

(3) The municipality may require applicants for sewage permits to notify the municipality's certified Sewage Enforcement Officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspections during construction of the system, in addition to the final inspection required by the Act 537, may be scheduled and performed by the municipality's certified Sewage Enforcement Officer.

(4) No building or occupancy permit shall be issued by the municipality or its codes enforcement officer for a new building which will contain sewage generating facilities until a

valid sewage permit has been obtained from the municipality's certified Sewage Enforcement Officer.

(5) No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the municipality's codes enforcement officer and the structure's owner receive from the municipality's Sewage Enforcement Officer either a permit for alteration or replacement of the existing sewage disposal system or written notification that such a permit will not be required. The certified Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

(6) Sewage permits may be issued only by a certified Sewage Enforcement Officer employed by the municipality for that express purpose. The Department of Environmental Resources shall be notified by the municipality as to the identity of their currently employed certified Sewage Enforcement Officer.

§305. Replacement Areas.

(1) Any supplements or revisions to the municipality's Official Sewage Facilities Plan which are prepared pursuant to the applicable regulations of the Pennsylvania Department of Environmental Resources for subdivision or development of land within an identified sewage management district shall provide for the testing, identification and reservation of an area of each lot or developed property suitable for the installation of a replacement on-lot sewage disposal system. This requirement is in addition to the testing, identification and reservation of an area for the primary sewage disposal system.

(2) No permit shall be issued for any proposed new on-lot sewage disposal system on any newly created or subdivided property in any sewage management district unless and until a replacement area is tested, identified and reserved.

§306. Inspections.

(1) Any on-lot sewage disposal system may be inspected by the municipality's authorized agent at any reasonable time as of the effective date of this Part.

(2) The inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of waste water generated in the structure.

(3) An initial inspection shall be conducted by the municipality's authorized agent within one year of the effective date of this Part for the purpose of determining the type and functional status of each sewage disposal system in the sewage management district.

(4) A schedule of routine inspections may be established by the municipality, if necessary, to assure the proper function of the systems in the sewage management district.

(5) The municipality and its authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the municipality and its authorized agent shall take action to require the correction of the malfunction as provided for below in §309, System Rehabilitation.

(6) The municipality's authorized agent shall have the right to enter upon land for the purpose of conducting the inspections described above.

(7) Prior to conducting any inspection of any on-lot system under this Part, including entering the interior of any structure for the purpose of conducting any tests or inspections as set forth in subsection (2) of this section, the agent authorized by the municipality to conduct such inspections shall contact the owner of any such system to be inspected, and obtain that owner's permission to conduct such inspection and arrange for a suitable time to conduct the inspection. In the event the owner refuses to grant permission to conduct any such inspection, or otherwise fails to cooperate or allow such inspection to be carried out, the municipality and/or its authorized agent shall have full authority to take any and all necessary legal action in any court of competent jurisdiction, including obtaining search warrants, to conduct such inspections.

(8) The owner of any on-lot system who refuses to permit or otherwise fails to cooperate with the municipality or its authorized agent in the performance of any such inspections, shall be liable for any and all legal fees and costs incurred by the municipality in obtaining court approval to conduct such tests, and any costs incurred in performing such tests, under the following circumstances:

(a) The municipality or its authorized agent has requested permission to conduct such inspections under circumstances in which the municipality and/or its authorized agent has a reasonable belief that an on-lot system is malfunctioning, in need of repair, creating a public or private nuisance or hazard, or otherwise in violation of Act 537 or this Part; and

(b) As a result of such belief, the municipality and/or its authorized agent, has requested permission from the owner of such system to enter upon the owner's land or the interior of a structure to conduct any necessary inspections in order to verify or establish whether the system is indeed malfunctioning, in need of repair, creating a public or private nuisance or hazard, or otherwise in violation of Act 537 or this Part; and

(c) After the owner refuses permission for such inspection to occur, or otherwise fails to cooperate, the municipality or its authorized agent obtains court approval to enter upon the land or interior structure to conduct such inspections; and

(d) The results of any such inspections confirm, verify, or establish that the on-lot system is malfunctioning, in need of repair, creating a public or private nuisance or hazard, or otherwise in violation of Act 537 or this Part.

(9) In the event such inspections do not confirm, verify, or establish that the on-lot system is malfunctioning, in need of repair, creating a public or private nuisance or hazard, or otherwise in violation of Act 537 or this Part, then the owner of such system who refused permission for such inspections to take place, or otherwise failed to cooperate, shall not be liable for any legal fees and costs incurred by the municipality in obtaining court approval to conduct such tests and inspections, or for any costs incurred in performing such tests.

(10) There may arise geographic areas within the municipality where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area wide problems may necessitate detailed planning and a municipally sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DER authorized Official Sewage Facilities Plan Revision has been undertaken by the municipality, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the municipality, pending the outcome of the plan revision process. However, the municipality may compel immediate corrective action whenever a malfunction, as determined by municipal officials and the Pennsylvania DER, represents a serious public health or environmental threat.

§307. Operation. Only normal domestic wastes shall be discharged into any on-lot sewage disposal system. The following shall not be discharged into the system:

(1) Industrial waste;

(2) Automobile oil and other non-domestic oil;

(3) Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents;

(4) Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.

§308. Maintenance.

(1) Any person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a qualified pumper/hauler within

six months of the effective date of this Part. Thereafter that person shall have the tank pumped at least once every three years. Receipts from the pumper/hauler shall be submitted to the municipality within the prescribed six months and three year required pumping periods.

(2) The required pumping frequency may be increased at the discretion of the authorized agent if the septic tank is undersized, if solids build up in the tank is above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown. If any person can prove, by presenting paid and dated receipts for pumping or through other appropriate documentation, that their system tank had been pumped within three years of the six month anniversary of the effective date of this Part, then the municipality may delay that person's initial required pumping to conform to the general three year frequency requirement.

(3) Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the municipality, that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the municipality's certified Sewage Enforcement Officer for approval of the necessary repair.

(4) Any person owning a building served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the municipality within six months of the effective date of this Part. Thereafter, service receipts shall be submitted to the municipality at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those for those required for septic tanks.

(5) Any person owning a building served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for septic tanks. As an alternative to this scheduled pumping of the cesspool or dry well, the owner may secure a sewage permit from the certified Sewage Enforcement Officer for a septic tank to be installed preceding the cesspool or dry well. For a system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval, unless the Sewage Enforcement Officer discovers a malfunction believed to be attributed to a malfunction in the cesspool or dry well. In such case, the Sewage Enforcement Officer may require that both the septic tank and cesspool be pumped according to the schedules set forth above.

(6) The municipality may require additional maintenance activity as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

§309. System Rehabilitation.

(1) No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit to discharge has been obtained from the Pennsylvania Department of Environmental Resources.

(2) The municipality shall issue a written notice of violation to any person who is the owner of a property in the municipality which is found to be served by a malfunctioning on-lot sewage disposal system or which is discharging raw or partially treated sewage without a permit, or which is otherwise being operated in violation of the Act or this Part.

(3) Within seven (7) days of notification by the municipality or its authorized agent that a malfunction has been identified, the property owner shall make application to the municipality's certified Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system, or shall appeal such decision in writing and request a hearing before the Board or other body pursuant to §313 below. Within thirty (30) days of initial notification by the municipality, construction of the permitted repair or replacement shall commence. Within sixty (60) days of the original notification by the municipality, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the municipality shall set an extended completion date. If a property owner has submitted a written notice of appeal to the Board within seven days after receiving notification of a malfunction, the thirty and sixty day periods with which construction shall commence and be completed shall begin to run from the date on which the Board or other hearing panel issues a written decision pursuant to §313(3), concluding that the system is, in fact, malfunctioning.

(4) The municipality's certified Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, other alternatives as appropriate for the specific site.

(5) In lieu of, or in combination with, the remedies described in subsection (4) of this section, the municipal Sewage Enforcement Officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served. The use of laundry facilities may be limited to one load per day or discontinued altogether, etc.

(6) In the event that the rehabilitation measures in subsections (1) through (5) of this section are not feasible or do not prove effective, the municipality may require the owner to apply to the Pennsylvania Department of Environmental Resources for a permit to install an individual spray irrigation treatment system or a single residence treatment and discharge system. Upon receipt of said permit the owner shall complete construction of the system within thirty (30) days.

(7) Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, or if complete correction of the malfunction is not economically or financially feasible in the opinion of the municipality and/or its Sewage Enforcement Officer and a representative of DER, the property owner is not absolved of responsibility for that malfunction. Under these circumstances, the municipality may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it deems appropriate. In all cases, any and all costs incurred to rehabilitate a malfunctioning system shall be paid for by the owner of the system.

(8) Because it is known that there are, at the present time, numerous malfunctioning on-lot systems within the management districts, and because it is believed that new malfunctioning on-lot systems will develop, and because each of the existing and any future malfunctions have and will arise under different circumstances, (e.g., different on-size lots, different topographies, different soil types, and different levels of sewage flow) which circumstances will, in some respects, dictate what rehabilitation action can be required or taken, and because the environmental and health effects of each malfunction may be different, the municipality and/or its Sewage Enforcement Officer shall, in taking any action under this section, or any part of this Part, to require the owner of a malfunctioning on-lot system to rehabilitate, repair or correct the malfunction:

(a) Take into account the severity of the public health or environmental threat created by the malfunctioning system; and

(b) Establish rational and reasonable criteria or guidelines for determining what types, kinds, or degrees of on-lot malfunctions shall be given primary and immediate attention and priority in requiring rehabilitation and repair, in order to comply with this Part and Act 537.

In particular, by way of illustration and not limitation, the character and type of system malfunction in a descending order of most to least severe, is as follows:

(1) System malfunctions that are contaminating or polluting public water supplies or public wells;

(2) System malfunctions that are contaminating the private water supplies for property or lots other than the property on which the malfunctioning system is located (e.g., a malfunctioning system located on Lot A is contaminating the private water supply for the owner of Lot B);

(3) System malfunctions that are discharging sewage onto the ground surface of the property or lots other than the property on which the malfunctioning system is located (e.g., a malfunctioning system located on Lot A is discharging sewage onto the surface ground of the owner of Lot B);

(4) System malfunctions that are contaminating the private water supplies for the property of lot on which the malfunctioning system is located (e.g., a malfunctioning system on Lot A is polluting or contaminating the water supply for Lot A);

(5) System malfunctions that are discharging sewage onto the surface ground of the property or lot on which the malfunctioning system is located (e.g., a malfunctioning system on Lot A is discharging sewage to surface ground of Lot A);

(6) System malfunctions that are discharging sewage in streams.

In no way should the character and type of malfunctions set forth above, be considered an exhaustive set of criteria or guidelines to be utilized by the municipality and/or its Sewage Enforcement Officer in taking action to require the repair or rehabilitation of malfunctioning systems. There are a variety of factors or circumstances, too numerous to mention, that may or will alter any method of categorizing and assessing the severity of system malfunctions, and which will affect any decision concerning repair or rehabilitation of a malfunctioning system.

§310. Authority to Contract for Repair on Behalf of Owner. The municipality, upon written notice from the municipal Sewage Enforcement Officer that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this Part, shall have the authority to perform or contract to have performed, the work required by the certified Sewage Enforcement Officer. The owner shall be liable for the cost of all work performed and, if necessary, the municipality may take any and all necessary legal action to collect those costs from the owner.

§311. Disposal of Septage.

(1) All septage originating within the municipal sewage management district shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Resources. Approves sites or facilities shall include the following: Septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

(2) Septage of pumper/haulers operating within the municipal sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. Sections 6018.101 – 6018.1003).

§312. Administration.

(1) The municipality shall fully utilize those powers it possesses through enabling statutes and ordinances to affect the purposes of this Part.

(2) The municipality shall employ qualified individuals to carry out the provisions of this Part. Those employees shall include a certified Sewage Enforcement Officer and may include a codes enforcement officer, secretary, administrator or other persons as required. The municipality may also contract with private qualified persons or firms as necessary to carry out the provision of this Part.

(3) All permits, records, reports, files or other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the sewage management district shall become the property of the municipality. Existing and future records shall be available for public inspection during required business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the municipality's sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Resources.

(4) The Township Board shall establish all administrative procedures necessary to properly carry out the provisions of this Part.

(5) The Township Board may establish a fee schedule, and subsequently collect fees, to cover the cost to the municipality of administering this program.

§313. Appeals.

(1) Appeals from decisions of the municipality of its authorized agents under this Part shall be made to the Board of Supervisors in writing within thirty (30) days from the date of the decision in question. Appeals from a decision by the municipality or its authorized agent that an on-lot system is malfunctioning must be made, however, within seven (7) days of receiving notification of such malfunction as described in §309(3) above.

(2) The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if the appeal is received at least fourteen (14) days prior to the date scheduled for that meeting. If the appeal is received less than 14 days before the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the municipality. Additional evidence may be introduced at the hearing provided that it is submitted within the written notice of appeal.

(3) A decision shall be rendered in writing within thirty (30) days of the date of the hearing. If a decision is not rendered within thirty (30) days, the relief sought by the appellant shall be deemed granted.

§314. Penalties and Enforcement. The municipality and/or its authorized agent shall have authority to institute legal proceedings against any person who fails to comply with any provisions of this Part.

Any person failing to comply with any provision of this Part shall be subject to a fine of not less than Three Hundred Dollars (\$300.00) and costs, and not more than One Thousand Dollars (\$1,000.00) and costs, or in default hereof shall be confined in the county jail for a period of not more than thirty (30) days. Each day of noncompliance shall constitute a separate offense.

§315. Ordinance Not a Bar to Further Legal Action. The decision by the municipality or its authorized agent to institute legal proceedings against any person who fails to comply with any provision of this Part, shall not bar the municipality or its authorized agent, DER, or any other person from instituting any other civil or criminal action (including seeking injunctive relief), as may be provided for under common law, statute, ordinance, or regulation in order to redress any violation of this Part, or other applicable law or regulation.

(Ordinance No. 22, adopted April 2, 1990)

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 4

Connection to Sewer System

§401. Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this Part shall be as follows:

AUTHORITY – Buffalo Township Municipal Sewer Authority.

AUTHORITY ENGINEER – An Engineer employed by the Authority or an authorized member of his staff.

LATERAL SEWER OR SERVICE CONNECTION – That part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, to the edge of the Street abutting the property affected or, if no such Lateral shall be provided, then “Lateral Sewer” or “Service Connection” shall mean that portion of, or place in, a Sanitary Sewer which is provided for the connection of any Service Line.

NATURAL OUTLET – Any outlet into a water course, ditch, pond, lake or other body of surface or ground water.

OCCUPIED BUILDING – Each single or multiple dwelling unit, household unit, flat or apartment unit, store, shop, office, business, commercial or industrial unit, or family unit contained within any structure, erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged, located in the Township.

OWNER – Any person vested with ownership, legal or equitable, sole or partial, of any property situated in the Township.

PERSON – Any individual, partnership, company, association, society, corporation or group.

SANITARY SEWER – A sewer which is part of the Sewer System and which carries sanitary sewage and/or treated industrial waste permitted to be discharged into the Sewer System.

SERVICE LINE OR HOUSE CONNECTION – That part of the main house drain or sewer line extending from a point outside the outer building wall or foundation wall to its connection with the Lateral Sewer.

SEWER SYSTEM – Sewer mains, Lateral sewers from a sewer main to Service Line or House Connection, sewage ejector and/or pumping stations, sewer force mains, and all appurtenant facilities operated by the Township or the Authority in furnishing sewer service.

TOWNSHIP – Buffalo Township, Union County, Pennsylvania.

TOWNSHIP ENGINEER – An Engineer employed by the Township or an authorized member of his staff.

§402. Use of Public Sewers Required.

(1) It shall be unlawful for any owner of property who is required to connect to the Sewer System pursuant to §402(2) below, to construct or maintain any privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle intended or used for the disposal of sewage within the Township, or, unless such discharge is pursuant to a permit issued by the Pennsylvania Department of Environmental Resources, to discharge or permit the discharge of any sanitary sewage or industrial waste into any Natural Outlet in the Township.

(2) Each owner of any occupied building situate on property abutting on any street, alley or right-of-way in which there has been constructed a sanitary sewer and where any part of such building is within one hundred fifty (150) feet of said sewer and is accessible thereto, shall at his own expense install suitable sanitary facilities therein and connect such facilities directly with such sewer in accordance with the provisions of this Part within sixty (60) days after the date of official notice to do so, given in the manner provided by law. In the event any such owner shall refuse or neglect to so connect within said sixty (60) day period, he shall be deemed to be in violation of this Part and subject to all penalties prescribed under this Part for any violation (see §406), and the proper officers of the Township and/or Authority, or their agents, may enter upon such property and construct such connection. In such case, the Township and/or Authority officer shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to such owner, which bill shall be payable forthwith. In case of neglect or refusal by such owner to pay said bill, within thirty (30) days thereafter, it shall be the duty of the Township and/or Authority officers to file municipal liens. Notwithstanding the foregoing provisions, no owner of an occupied building shall be required to connect such building to a sanitary sewer if the Authority determines that connecting such building would result in an overloading of sewage treatment facilities.

(3) No privy, privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be connected with the Sewer System at any time.

Each such privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be abandoned upon the making of connection to the Sewer System, and at the request of Township and/or Authority officers shall be cleaned and filled under its direction and supervision; and any such privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Township and/or Authority officers, cleaned and filled, shall constitute a nuisance and such nuisance shall be abated as provided by law at the expense of the owner of such property.

(4) There is hereby reserved to the Township and/or Authority the right to refuse to any Person the privilege of connecting any Occupied Building to the Sewer System, or to compel discontinuance of the use of any sewer by any person, or to compel the pretreatment of industrial wastes, in order to prevent discharge into the Sewer System of wastes which may be deemed by the Authority, the Authority Engineer, the Township or the Township Engineer, to be harmful to the Sewer System or to have a deleterious effect on sewage treatment processes or to be injurious to personnel operating the Sewer System.

§403. Permits to Make Connections.

(1) No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any sewer or the Sewer System without first making application for and obtaining a permit, in writing, from the Authority.

(2) Application to the Authority for a permit required under this section shall be made by the Owner of the property to be served, in such form as may be prescribed by the Authority. The application shall be accompanied by the required connection charge and tapping fee imposed by the Authority and payable to the Authority.

(3) No Person other than the Authority, or its agents, shall make or cause to be made the connection of any property with a Lateral Sewer until such Person has fulfilled each of the following conditions:

(a) Such Person shall have notified the Authority of the desire and intention to connect to a Lateral Sewer; and

(b) Such Person shall apply for and obtain a permit as required by this Part; and

(c) Such Person shall have given the Authority at least twenty-four (24) hours notice of the time when such Service Line is to be connected and such connection is

made so that the Authority may inspect the Service Line, the work of connection and perform necessary testing.

(4) Payment of the above-mentioned connection charge and/or tapping fee shall entitle the applicant to have one Lateral Sewer installed to the curblineline of his property, but in no case longer than 24 feet, at the expense of the Authority, including repairing. All costs of constructing a longer Lateral Sewer to a Service Line shall be borne by the Owner of the property to be connected; and such Owner shall indemnify and save harmless the Township and/or Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the construction which the Owner is required to perform. The cost of construction of the Service Line shall be borne by the Owner.

(5) Whenever the surface of any public street, sidewalk or cartway is disturbed by the construction of a Service Line, it shall be the responsibility of the applicant for a connection to obtain street opening permits from the Township, or highway occupancy permits from the Pennsylvania Department of Highways. Unless otherwise required, all surfacing materials must be restored in kind, thickness and construction to the satisfaction of the Township and of the Department of Highways, as the case may be.

(6) Financial Security. The applicant for a permit to open a street shall execute an agreement with the Township providing financial security in an amount equal to one hundred ten (110%) percent of the estimated cost to restore the street to its original condition, subject to the following:

(a) The estimated cost shall be prepared by an engineer or contractor and shall be in writing itemizing the costs. The estimated costs shall be subject to the approval of the Township. The financial security shall be: (1) funds deposited with the Township, (2) a bond from an entity acceptable to the Township or (3) an irrevocable letter of credit from an entity acceptable to the Township. The agreement and financial security shall remain in effect until the connection to the sewer system is completed and the street restored to its original condition.

(b) The financial security may be utilized by the Township to pay the costs of restoring the street to its original condition as provided herein.

(c) The estimate of the said costs, prepared by an engineer or contractor, shall be submitted to the Township in writing by the applicant for the street opening permit. The said estimate shall be subject to the approval of the Township. The said financial security shall equal one hundred ten (110%) percent of the said estimated costs.

(d) In the event the Township utilizes the said financial security as herein provided, the applicant for the street opening permit shall, immediately, replace the funds so utilized to the extent necessary to provide financial security in the amount of the said one hundred ten (110%) percent.

(e) The Township shall be entitled to an administrative fee of ten (10%) percent of the cost of any work done by it pursuant hereto. The same may be deducted from the financial security.

(f) Should the financial security not be sufficient to pay the costs and the fee, the applicant for the street opening permit shall be liable for the costs and fees not paid from the financial security, and the same may be collected as permitted by law, including the filing of a Municipal Claim.

(g) The agreement referred to herein shall be prepared by the Township.

(h) All costs, expenses and fees incurred by the Township in preparing the agreement, reviewing the estimates or enforcing the said agreement shall be paid by the applicant for the street opening permit within ten (10) days of receiving a bill for the same.

(Ordinance No. 22-2, adopted January 3, 2022)

§404. Powers and Authority of Inspectors. The Authority and/or Authority Engineer and other duly authorized representatives or employees of the Authority bearing proper credentials and identification shall be permitted, at all reasonable times, to enter upon any premises connected or about to be connected or required to be connected to the Sewer System for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Part.

§405. Protection of Sewer System from Damage. No person shall maliciously, willfully or negligently damage, destroy, deface, block or otherwise tamper with any Sewer System, or discharge any substance into the Sewer System contrary to or in violation of this Part, or in violation of any Authority resolutions, rules, or regulations that, inter alia, prohibit discharge of certain wastes into the Sewer System.

§406. Penalties, Disconnecting.

(1) Any person who shall violate any provision of this Part other than §404 and §405 shall be served by the Township and/or Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. (The 60 day notice to connect provided in §402(2) above shall be deemed to be notice of a violation for

purposes of determining and assessing penalties in the event the owner fails to connect within 60 days of receipt of said notice.)

The offender shall within the period of time stated in such notice, permanently cease all violations. If no period of time is stated in the written notice, the violation shall permanently cease immediately.

(2) Any person who shall continue any violation beyond the time limit fixed as provided for in §406(1) shall be subject to a fine in an amount not exceeding Three Hundred Dollars (\$300.00) for each violation. A new and separate violation shall be deemed to have been committed for each day any violation continues beyond such time limit.

(3) Any person who shall violate any provision of §404 and §405 shall, upon summary conviction, be subject to a fine not to exceed Three Hundred Dollars (\$300.00) for each violation, together with costs of prosecution in each case. A new and separate violation shall be deemed to have been committed for each day any violation continues.

(4) All fines and penalties imposed for violation of any provision of this Part shall be paid to the Treasurer of the Township for the use of the Township and/or Authority. Default in payment of the fine and costs shall make the defendant liable to imprisonment for a term not to exceed thirty (30) days.

(5) Any person violating any of the provisions of this Part, in addition to being liable for a fine and penalty shall also be liable to the Township and/or Authority for any expense, loss or damage occasioned by the Township and/or Authority by reason of such violation.

(Ordinance No. 36, adopted December 6, 1993)