

**TOWNSHIP OF WINFIELD
BUTLER COUNTY, PENNSYLVANIA
ORDINANCE NO. 2010-2**

BE IT ORDAINED AND IT IS HEREBY ORDAINED AND ENACTED BY THE SUPERVISORS OF WINFIELD TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA AS FOLLOWS:

Section 1. Title.

This ordinance may be known and may be cited as the "Winfield Township Small Flows and Alternative Treatment System Ordinance."

Section 2. Purpose.

The purpose of this ordinance is to establish requirements and procedures for the use, operation and maintenance, by permit only, of small flows and alternative treatment systems for individuals and communities. Further, it is declared that the purpose of this ordinance is to establish requirements and procedures for the protection, benefit and preservation of health, safety and welfare of the inhabitants of Winfield Township.

Section 3. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this ordinance shall be as follows. Terms not defined herein shall be as defined in 25 Pa. Code § 71.1.

ALTERNATE INDIVIDUAL SEWAGE SYSTEM -- A privately owned mechanical sewage treatment plant (package treatment plant), serving a single lot and pre-engineered and designed to meet the standards set forth by the Pennsylvania Department of Environmental Protection for the collection and treatment of sewage and/or the disposal of the discharge of the effluent on the same lot or into the waters of the Commonwealth.

BUILDING SEWER -- The piping carrying liquid wastes and sewage from a building to the treatment tank or retention tank.

COMMUNITY SEWAGE SYSTEM -- A system whether publicly or privately owned for the collection of sewage or industrial wastes of a liquid nature from two or more lots, three or more equivalent single-family dwellings or commercial or industrial structures as may be deemed necessary by the Township SEO and Township Planning Commission. The system shall consist of a satisfactorily engineered mechanical sewage treatment plant meeting the standards set forth by the Department of Environmental Protection and shall provide for the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site or into the waters of the Commonwealth.

DISTRIBUTION BOX -- A watertight receptacle which receives the liquid from the treatment tank and provides outlets for connection to the absorption field.

INDIVIDUAL SEWAGE SYSTEM -- A system of piping, tanks or other facilities including the building sewer, treatment tank, distribution box and tile field, serving a single lot and collecting and disposing of sewage into the soil.

INDUSTRIAL WASTE -- Any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industry, or from any establishment as herein defined, and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. "industrial waste" shall include all such substances whether or not generally characterized as waste.

LAGOON SYSTEM -- Known as a "waste stabilization pond" or "oxygen contact stabilization pond" consisting of a shallow impoundment intended to treat sewage by natural aerobic decomposition.

LOT -- A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future. Whenever a lot is used for a multiple-family dwelling or contains more than one single-family dwelling, the lot shall be deemed to have been subdivided into an equivalent number of single-family residential lots for purposes of providing adequate sewage facilities.

PERSON -- Includes 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 or 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 municipality, public or private corporation for profit or not for profit.

PROPERTY OWNER -- Any and all persons with an interest in real estate including equitable and legal interests.

SEWAGE -- Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings 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 recreation or which constitutes pollution under the Act of June 22, 1937, known as "The Clean Streams Law," as amended.

SEWAGE ENFORCEMENT OFFICER -- The duly appointed official of Winfield Township, who reviews permit applications, conducts such investigations and inspections as are necessary and issues permits.

SMALL FLOW TREATMENT SYSTEM -- An individual or community sewage system

designed to adequately treat sewage flows not greater than 2,000 gallons per day (gpd) for final disposal using a stream discharge or other disposal methods approved by the Department of Environmental Protection.

TILE FIELD or SEEPAGE BED -- An area in which open jointed or perforated piping is placed in gravel trenches and then covered with earth. May herein also be called the "absorption field." It is the area through which the liquid from a treatment tank seeps into the soil.

TOWNSHIP -- Winfield Township, Butler County, Pennsylvania.

TOWNSHIP SECRETARY -- The Secretary to the Winfield Township Board of Supervisors.

TREATMENT TANK -- A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. It includes the following:

1. **SEPTIC TANK** -- A watertight receptacle which receives sewage and is designed and constructed to provide for sludge decomposition and to separate solids from the liquid through a period of detention before allowing the liquid to be discharged to an absorption field.
2. **AEROBIC SEWAGE TREATMENT TANK** -- Any unit incorporating, as a part of the treatment process, a means of introducing air and oxygen into the sewage held in a storage tank or tanks so as to provide aerobic biochemical stabilization during a detention period prior to its discharge to an absorption field.

WATERS OF THIS COMMONWEALTH -- Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or any of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

Section 4. Rights and privileges granted.

The Township is hereby authorized and empowered in accordance with the Clean Streams Law and the Pennsylvania Sewage Facilities Act 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.

Section 5. Rules and regulations.

- A. The Township is hereby authorized and empowered to adopt such rules and regulations concerning small flow and alternative treatment system use and sewage disposal, collection, and transportation therefrom, which it may deem necessary from time to time to effect the purposes herein.
- B. 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 changes.

The Township shall have the right and power to fix, alter, change and collect rates, assessments, and other charges for small flow and alternative treatment system use, and sewage disposal, collection, and transportation therefrom, in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Section 7. Township Authorization and Construction Standards.

The Township is hereby authorized and empowered to undertake within the Township the control and methods of small flow and alternative treatment system use, sewage disposal and sewage collection and transportation thereof. Because small flow and alternative treatment systems require service and maintenance to prevent their malfunction, they shall be used in lieu of other methods of sewage disposal only when an acceptable on-lot system, public sewage disposal or private sewage treatment plant cannot be used, and the following conditions are met:

- A. Alternate Treatment Systems shall be constructed to meet the specifications of the Sewage Facilities Act and Rules and Regulations (25 Pa. Code § 73.72) thereof relating to standards for alternate sewage systems, as may be amended from time to time.
- B. Small Flows Treatment Systems shall be constructed to meet the specifications of the Department of Environmental Protection's Small Flow Treatment Facilities Manual, Technical Guidance Number 362-0300-002 and the Sewage Facilities Act and Rules and Regulations (25 Pa. Code § 71.64) as may be amended from time to time.
- C. Only normal domestic wastes shall be discharged into any sewage disposal system, including wastes listed in 25 Pa. Code §73.11(c). 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 (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
 - 4. Clean surface or ground water, including water from root or cellar drains, springs, basement sump pumps and French drains.
- D. The Township may enter into agreements, with the owner of any improved property, proposing the use of a small flow or alternative treatment system. Such agreements may contain conditions imposed on the owner by the Township with respect to construction, usage, payment of fees, posting of security, and maintenance for the system.
- E. Small flow and alternative treatment systems shall be abandoned once public facilities become available.

Section 8. Permits and requirements.

A. Permit required.

It shall be unlawful for any person to install, construct, expand, modify, use or maintain a small flow or alternative treatment system in the Township of Winfield without first obtaining a permit from the Township, paying a permit fee in an amount as may be established from time to time by resolution of the Board of Supervisors, and executing an agreement with the Township regarding the operation and maintenance of the system.

B. Application procedure and requirements.

Prior to the construction, installation, expansion, or modification of a system, the Township shall require an application for permit be submitted to the Township Sewage Enforcement Officer. The Township Sewage Enforcement Officer shall be authorized to issue a permit for a small flow or alternative treatment system only upon the following conditions having been met:

1. All applications for construction and installation of the system shall be made to and permits issued by the Township; and
2. An application shall include the following information:
 - a. Name, address and phone number of the property owner and person responsible for use and maintenance of the system.
 - b. Location and description of property to be served by the system and a description of existing and proposed uses of the property.
 - c. A statement why the system use is being requested and documentation that the use of the system is a technically, environmentally, and administratively acceptable method.
 - d. A description of the design and construction of the system.
 - e. Information required in accordance with 25 Pa. Code §71.64, Small flow treatment facilities.
3. At such time public sewage service becomes available the system shall be abandoned within 60 days and said property shall be subject to the payment of applicable rates to the public sewage system provider; and
4. The design and construction of the system meets the requirements of the Department of Environmental Protection and considers supplemental design and permitting requirements for a system which is located in a High Quality Exceptional Value Watershed (25 Pa. Code § 93); and
5. The application is not in violation of any other statutes, ordinances, rules and regulations of the Commonwealth, Butler County, Winfield Township, their agencies, departments and boards; and
6. The operation and maintenance of the system meets the approval of the Township and the Pennsylvania Department of Environmental Protection; and

7. The approval of the requested permit would be in the best interests of the health, safety and welfare of the inhabitants of Winfield Township as determined by the Township; and

C. Duties of Improved Property Owner.

The owner of an improved property that utilizes a small flow or alternative system shall:

1. Maintain the system in conformance with this or any Ordinance of Winfield Township, the provisions of any applicable law, and the rules and regulations of the Department of Environmental Protection.
2. Permit the Township or its designated agent to inspect the system.
3. Provide the Township with all inspection, operation, and maintenance reports.
4. Provide the Township with current information about any change in ownership of the property or persons responsible for use, operation and maintenance of the system.
5. Report leaks, spills, overflows, and malfunctions to the Township immediately and take immediate corrective action in accordance with the regulations of the Department of Environmental Protection.

Section 9. Notification and remedy of violations.

- A. Upon finding of the Township Sewage Enforcement Officer that any provision of this ordinance has been violated; or that the terms of any issued permit have been violated; or that the use of the system is creating a danger to the health, safety and welfare of the inhabitants of Winfield Township or to the environment, the Township Sewage Enforcement Officer shall so notify the Township and the use of the system shall immediately cease and the Township shall take all steps required by this ordinance to remedy the use of the system or to remove it entirely.
- B. The Township shall have the right to contract for the proper operation and maintenance of the system to abate any nuisance or danger to the health, safety and welfare of the inhabitants of the Township or to the environment and to remove the system. All costs of same incurred by the Township shall be chargeable to and paid by the surety.

Section 10. Violations and penalties.

The Township at its discretion may enforce this Ordinance as follows:

- A. Civil Enforcement

The Township may commence a civil proceeding before a District Judge or an action in equity before the Court of Common Pleas. Any person who shall violate any provision of this ordinance shall, for each and every such violation, pay a penalty of not less than One Hundred (\$100) Dollars or no more than maximum penalty of Six Hundred (\$600) Dollars per violation as permitted by Section 1601(c.1)(1) of the Second Class Township Code, 53 P.S. § 66601 (c.1)(1), as may be amended, following adjudication by a District Judge or Judge of the Court of Common Pleas, plus court costs and reasonable attorney fees incurred by the Township. Each day during which any person violates any provision of this ordinance shall constitute a separate offense.

B. Criminal Enforcement.

The Township may file and commence a summary offense proceeding. Any person who shall violate any provision of this ordinance shall, for each and every such violation, be sentenced to pay a fine of not less than One Hundred (\$100) Dollars or no more than the maximum penalty of \$1,000.00 per violation as permitted by Section 1601(c.1)(2) of the Second Class Township Code, 53 P.S. § 66601(c.1)(2), as may be amended, plus costs of prosecution, following adjudication and conviction by a District Judge or Judge of the Court of Common Pleas. Each day during which any person violates any provision of this ordinance shall constitute a separate offense.

C. A violation of any provision of this ordinance shall also constitute a nuisance and may be abatable in the manner provided by law.

D. Nothing in this ordinance shall be construed as stopping the Township from proceeding in courts of law or in equity to abate nuisances forbidden under this ordinance or abate nuisances under existing law. Nothing in this ordinance shall in any way abridge or alter rights of actions or remedies now or hereafter existing in equity or under the common law or statutory law, criminal or civil.

E. All actions hereunder shall be prosecuted in the name of Winfield Township.

Section 11. Abatement of nuisances.

In addition to any other remedies provided in this ordinance, any violations of any provision of this ordinance shall constitute a nuisance and may be abated by the Township by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 12. System maintenance and bonding.

A. Agreements and Bonds

In accordance with the Sewage Facilities Act of 1996 and 25 Pa. Code §71.64, Small flow treatment facilities, as amended, the Township will require:

1. A valid operation and maintenance agreement between the property owner and an individual, firm or corporation experienced in the operation and maintenance of sewage treatment systems;
2. Establishment of bonding, escrow or other security. The bonding, escrow or other security shall be forfeited to the Township upon notice of continuing noncompliance of the system with the operation, maintenance and monitoring standards contained in the permit or noncompliance with the Township assurances for management of the operation and maintenance requirements established through agreement. The municipality shall use the forfeited security to cover the costs of repair or future operation and maintenance of the system over its design life. The bonding, escrow or other security shall be for an amount equal to ten (10) percent of the total cost of equipment and installation of the System. The deposit shall be held by the Township in an escrow account for the life of the System without regard to the change of ownership of the Property or System at any time in the future. The deposit may be used by the Township, at its sole discretion, for System inspection, repair, replacement, or maintenance. Should the escrow account balance fall below the sum of Five Hundred Dollars (\$500.00), the Property Owners shall deposit the sums required to bring the account balance to an amount equal to ten percent (10%) of the total estimated cost of replacing the System within thirty (30) days of receipt of written notice from the Township. This provision does not impose any duty upon the Township to maintain and/or repair an alternate or experimental sewage system.
3. If title to Property is conveyed or transferred in any manner, the new property owner shall provide the Township with a security deposit as required in Paragraph 2, above, before the Township releases the existing financial security.

B. Maintenance and Operation

1. The property owner shall be responsible for operating and maintaining the system. Operation and maintenance reports and records shall be held on file at the property and a copy shall be transmitted to Winfield Township within 15 days of the report date. Operation and maintenance reports shall include the name and address of the system operator; name, address, and NPDES number of the system; and the date and description of work performed.
2. Any person or persons owning a lot served by a small flow or alternative treatment system shall be responsible for any and all maintenance and repairs required to ensure the proper functioning of the system.
3. Any person or persons owning a lot served by a small flow or alternative treatment system shall follow the operation and maintenance recommendations of the system manufacturer or designer. A copy of the manufacturer's

recommendations and a copy of the service agreement in accordance with Section 12 A.1 of this Ordinance shall be submitted to the Township. In no case shall system maintenance periods exceed one calendar year.

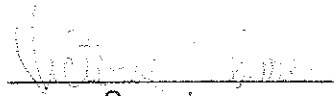
C. Inspections

Inspection of the small flow or alternative treatment system by an authorized representative of the Township may occur at any time and may include a physical tour of the property, the taking of samples from surface waters, wells, or other underground 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 wastewater generated in the structure.

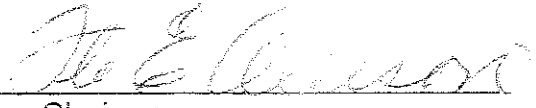
ORDAINED AND ENACTED as an Ordinance of Winfield Township, Butler County, Pennsylvania, this _____ day of _____, 2010.

ATTEST:


WINFIELD TOWNSHIP
BOARD OF SUPERVISORS



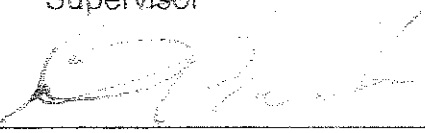
Secretary

By: 

Chairman

By: 

Supervisor

By: 

Supervisor