

**LEHMAN TOWNSHIP
SEWAGE ORDINANCE**

ORDINANCE No. 61

**ADOPTED: 20 MARCH 1991
REVISED: 17 FEBRUARY 1993**

**LEHMAN TOWNSHIP
PIKE COUNTY
PENNSYLVANIA**

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Department - Pennsylvania Department of Environmental Resources (DER).

Days - Calendar days. If a time period is referred to, in this Ordinance, the period shall be computed to exclude the first and include the last day of the period. If the last day of the period falls on a Saturday, Sunday or Legal State or Federal Holiday, the day shall be omitted from the computation.

Community Sewage System - A system, whether publicly or privately owned, for the collection of sewage or industrial waste of a liquid nature from two or more lots and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

Applicant - A property owner or equitable owner who has filed an application in accordance with the terms of this Ordinance.

Alternate Sewage System - A sewage system employing the use of demonstrated technology in a manner not specifically recognized by current regulations of the Department.

The following words and terms, when used in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

SECTION 3. Definitions

The purpose of this Ordinance is to establish procedures for: the design and construction of on-site sewage disposal systems; the use and maintenance of holding tanks; the submittal of permit applications relating to the same; and the issuance of permits in the enforcement of the Pennsylvania Sewage Facilities Act (35 P.S. 750.1-750.20) and any amendments thereto.

SECTION 2. Purpose

This Ordinance shall be known and may be cited as the "Lehman Township Sewage Ordinance".

SECTION 1. Short Title

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lehman Township, Pike County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF PROCEDURES FOR PLANNING AND REGULATING ON-SITE SEWAGE DISPOSAL SYSTEMS IN LEHMAN TOWNSHIP, PIKE COUNTY, PENNSYLVANIA.

- Equivalent Dwelling Unit (EDU) - A waste water flow unit derived by dividing the projected waste water flow from an establishment by four hundred (400) gallons thereby equating the projected flow to an equivalent number of single family dwelling units.
- Experimental Sewage System - A method of sewage disposal not described in current DER regulations which is proposed for the purpose of testing and observation.
- Individual Sewage System - A system of piping, tanks or other facilities serving a single lot by collecting and disposing of sewage, in whole or in part, into the soil or into waters of the Commonwealth or by means of conveyance to another site for final disposal.
- Lot - 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 for commercial or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows (EDU's).
- Person - An individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate 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 of imprisonment, the term "person" shall include the members of an association, partnership, or firm and officers of any public or private corporation for profit or not for profit.
- Retaining Tank - A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Retaining tanks include but are not limited to the following:
1. Chemical Toilet - A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
 2. Holding Tank - A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.
 3. Privy - A tank designed to receive sewage where water under pressure is not available.
 4. Incinerating Toilet - A device capable of reducing waste materials to ashes.
 5. Composting Toilet - A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material.
 6. Recycling Toilet - A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

1. Holding tanks shall have regular service and maintenance to prevent their malfunction and overflow and shall be used only in lieu of treatment tanks and absorption areas when all of the following specific conditions are met.

b. Holding Tanks.

4. It is highly recommended that cleanouts be installed at the terminal end of all pressure dosed laterals.

3. No sewer line shall be placed in the same trench as a water line or any other underground utility line.

2. No part of a sewage system, including the berm area, shall be located within a drainage, slope or utility easement created by a residential subdivision or deed of record.

1. The design of all on-site sewage systems shall conform to the requirements of 25 PA Code Chapter 73 (Standards for Sewage Disposal Facilities) and any amendments thereto, except as defined below.

a. Sewage Disposal Systems.

SECTION 5. Design Standards

b. This Ordinance shall also apply to all reconstruction, repair, expansion and other changes to existing on-site sewage disposal systems.

a. This Ordinance shall apply to all on-site sewage disposal systems, including retaining tanks, which have not been previously permitted by the Township; which have not been completed and whose permit has expired; or which are not in operable condition at the time of passage of this Ordinance.

SECTION 4. Application

Township - Lehman Township, Pike County, Pennsylvania.

Supervisors - The Township Board of Supervisors.

Sewage Enforcement Officer (SEO) - The official of the Township who reviews applications, issues permits and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act (35 P.S. 750.1-750.20).

Sewage - A substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals; any substance harmful to the public health, to animal or aquatic life, or to the use of water for domestic water supply or for recreation; or any substance which constitutes pollution under The Clean Streams Law (35 P.S. 691.1-691.1001).

Rural Residence - A structure occupied or intended to be occupied by not more than two families on a tract of land ten (10) acres or more.

1. No person shall install, construct, alter or expand an on-site sewage system without first obtaining a sewage permit from Lehman Township. This requirement specifically includes rural residences.

a. Permit Requirements.

SECTION 6. Permits

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

4. The Township may delegate the collection and disposal of a holding tank's contents except the ultimate responsibility for these operations remain with the Township.

3. All holding tanks shall be designed in accordance with the standards set forth in Chapter 73 (standards for Sewage Disposal Facilities).

c) For the temporary use of portable retention tanks or portable chemical toilets when such use is proposed at construction sites or at the site of public gatherings and entertainments.

b) For a privy or a chemical toilet when such use is proposed for a structure on an isolated lot which is not presently served and will not be served by water under pressure and which is not part of a subdivision in which lots have been or will be offered for sale or lease as part of a common promotional plan.

a) For holding tanks when DER determines that such use is necessary to abate a nuisance or public health hazard.

2. The restrictions set forth above notwithstanding, DER may allow the Township to issue permits for the following uses:

d) The holding tank cleaner and the proposed disposal site have been approved by DER and by the Township.

c) The Township or some other DER approved entity with jurisdiction over the site agrees to assume responsibility for maintaining the holding tank.

b) The Township's official plan or the revisions thereto indicate the use of holding tanks for that lot and provides for replacement by an adequate sewage disposal system in accordance with a schedule approved by DER. The plan shall include assurance of the project's implementation, to include financing, bonding or other financial security of sufficient present value to assure completion of the ultimate sewage disposal system.

a) A treatment tank and absorption area system at the lot cannot qualify for a permit.

1. Application for a permit to install an on-site sewage system shall be made to the Township by the owner, owner in equity or a person who is an authorized agent of the owner or owner in equity. An authorized agent must have written permission to apply for the permit, signed by the owner or owner in equity of the lot for which the application is made.

b. Application Procedures.

c) A method of sewage disposal other than renovation of sewage in a subsurface absorption area or temporary storage in a retaining tank.

b) Subsurface disposal or other method of disposal of a substance defined as industrial waste under The Clean Streams Law (35 P.S. 691.1-691.1001).

a) A large volume on-lot sewage system (in excess of 10,000 gallons per day).

8. The Township will not issue on-site sewage permits for the following systems; permits for these systems are issued by the Department:

7. The Township will not issue a permit for an on-site sewage system if the proposed system is not consistent with the method of sewage disposal contained in the Township's official plan for that location.

6. A permit is not required for the installation of a recycling toilet, incinerating toilet, composting toilet, or other type of water conservation device where the existing on-site system will not be altered; Provided the existing system is functioning properly.

5. Multiple installations of chemical toilets or other portable toilets proposed for temporary use at a construction site, a recreation activity or a temporary facility shall be covered by one permit.

4. All applications will be reviewed with respect to approved subdivisions maps. An applicant who owns multiple lots must conform to all regulations as they pertain to individual lot lines unless a restrictive covenant is contained in the deed or record joining the multiple lots together and creating a single entity which is inseparable unless subsequently subdivided and approved by the Township. All applications submitted pursuant to this paragraph must be accompanied by a certified copy of the deed.

3. All permits shall be issued by a Department certified Sewage Enforcement Officer employed by the Township as a Township Sewage Enforcement Officer.

2. No person shall install or construct a building to be served by the above mentioned system until said sewage permit is obtained. No person shall occupy or use said building until a Township Certificate of Occupancy is received from the Township Zoning Officer. Said Certificate of Occupancy shall not be issued until the constructed sewage system has received a final approval (Section 8f) from the Township SEO.

2. All applications shall be on a form provided by DER and may be obtained at the Lehman Township Municipal Building. The following supplemental documents must accompany each application:
- a) Township Trespass Waiver (Appendix A).
 - b) Certified plot plan of a current property survey, performed within the past three (3) years, signed and sealed by a Professional Land Surveyor.
 - c) Copy of the current deed, a tax receipt or a duly executed agreement of sale.
 - d) Applicable Fee.
3. Upon completion of Part I of the application form, all required documents should be submitted to the Township SEO and an appointment will be scheduled to conduct a site suitability investigation. This investigation will include a soil profile evaluation and a visual survey of the site to determine completeness of the plot plan.
4. The owner or authorized agent must meet the SEO at the property during the site suitability investigation to assure review of the correct site. Results of the investigation and soil profile evaluation shall be recorded on the appropriate DER forms by the SEO at the time of the investigation.
5. If the site is suitable for an on-site system, the location of the percolation testing will be determined and the actual testing will be scheduled with the SEO. All percolation holes must be dug and presoaked with twelve (12") inches of water eight (8) to twenty-four (24) hours prior to the commencement of the test. The individual responsible for performing the test must have on file with the Township a Certificate of Insurance showing proof of general liability coverage for such testing activity and an indemnification agreement in favor of the Township. All individuals conducting percolation testing within the Township must be approved by the Township SEO prior to any testing.
6. The temperature at the site on the day of the percolation test must be acceptable to the SEO. Normally, tests should not be conducted when the temperature is below 40° F. All percolation holes must initially be presoaked with at least six (6") inches of water on the day of the test. Testing must be accomplished in accordance with procedures established by DER. The Township SEO must be present for the last one-half hour reading of all percolation holes. In the event that the test runs fast and is completed prior to the scheduled arrival of the SEO, the test shall be continued by maintaining six (6") inches of water in the holes and upon arrival of the SEO, the final readings of all holes shall be determined and verified by the SEO. The final determination of percolation test results and test suitability shall remain the sole responsibility of the Township SEO. The location of the proposed well and sewage disposal system must be physically staked on the property at the time of the percolation testing.

7. The applicant must next design the system and complete all remaining parts of the application form. The SEO may assist the applicant, upon request, with the completion of the form but shall not become involved in the design of the disposal system. Four (4) copies of all required information must be submitted for review.
8. The initial plot plan submitted, prior to the site suitability inspection, shall be an accurate, scaled plot of a current (not more than three (3) years old) property survey, signed and sealed by a Professional Land Surveyor which shall contain the following information:
 - a) Title block containing the words "Plot Plan"; name of applicant; lot number - section number - development name or tax reference number, if applicable; township - county - state; written scale; graphic scale; date of plot preparation; name, address and seal of the responsible Professional Land Surveyor.
 - b) Date of property survey.
 - c) Property lines with bearings and distances.
 - d) Street lines, widths, numbers and names.
 - e) All existing easements, reservations and building setbacks.
 - f) Any proposed areas for subsurface sewage disposal and/or wells as shown on an approved subdivision plan.
 - g) Location of all existing wells and septic/sewage disposal systems on adjoining properties within one hundred (100') feet of the property lines of the subject property. If none exist, it should be so noted on the plot plan. Sufficient dimensions are required to accurately fix the location of all existing facilities.
 - h) Soil types as set forth on the SCS soils mapping.
 - i) Spot elevations in the vicinity of the proposed subsurface disposal area, in sufficient number to accurately describe the slope of the land.
 - j) Location description and elevation of an established Bench Mark near the proposed subsurface disposal site which was used to establish the datum of the spot elevations.
 - k) All surface water (ponds, springs, streams and dry watercourses) within fifty (50') feet of any proposed sewage system elements.
 - l) All flood plain areas.
 - m) North arrow.
 - n) Location of any exposed rock surfaces.

3. Failure of the SEO to act on an application does not constitute permit approval. If the SEO does not act upon an application within the times stated above, the applicant may request a hearing before the Township Supervisors.

2. A person desiring to install an experimental or alternate on-site sewage system shall submit complete preliminary design plans and specifications to the SEO and DER for review and comment at least sixty (60) days prior to submitting an application for a permit. The Department shall determine if classification as an experimental or alternate system is appropriate for the submission and provide review comments to the SEO.

1. A permit will be issued when the SEO determines that the application is complete and meets all requirements. The SEO has seven (7) days after receipt of all required information to approve or reject the application. If the application is found to be incomplete or deficient, it shall be returned to the applicant within seven (7) days of receipt of the application and shall include written notice as to why the application is not acceptable. The SEO has fifteen (15) days to act upon any resubmitted applications.

c. Approval of Permits.

10. For community disposal systems involving multi-family dwellings, commercial activities, and industrial uses, applicants must submit a copy of the DER planning approval letter prior to the issuance of a sewage permit. To facilitate this process, applicants are encouraged to submit the DER Planning Module along with the proposed site development plan to the Township for approval at the earliest possible date.

- g) Location of any proposed wells.
- f) Location of all proposed elements of the sewage disposal system, including but not limited to, septic tank, building sewer, pressure line, pump tank, absorption area, toe of any berms and all drainage facilities, existing and proposed. Sufficient dimensions are required to accurately fix the location of all proposed facilities.
- e) Location of proposed building, drive and other improvements.
- d) Slope across the absorption area measured perpendicular to the natural slope.
- c) Spot elevations at the four corners of the proposed absorption area (outside corners of proposed berm at toe of slope, if involving an elevated system) based upon the original bench mark.
- b) Location of all percolation holes, both suitable and unsuitable.
- a) Location of all soil profile holes, both suitable and unsuitable.

9. The subsequent plot plan submitted with the sewage design shall be accurately updated with the following information:

2. The notice of permit revocation shall be in writing to the permit holder and shall include the reasons for revocation, notice of the permit holder's opportunity to request a hearing before the local agency within ten (10) days of receipt of the revocation notice, and notice that no further construction or use of either the sewage system or the

e) When the permittee has violated the provisions of these regulations or the requirements of the permit.

d) When the original decision of the SEO otherwise failed to conform with these regulations.

c) When information relative to the issuance of a permit has been falsified.

b) When one or more tests required for the issuance of a permit has not been properly conducted.

a) When a change has occurred in the physical conditions of any lands which will materially affect the operation of an on-site sewage system covered by a permit previously issued.

1. A permit shall be revoked by the SEO at any time for any one or more of the following reasons:

f. Revocation of Permits.

2. A permit shall be transferred from the permit holder to a new property owner with the transfer of the property. Transfers are not valid until approved in writing by the SEO, and until new property owners receive a copy of the application under which the permit was issued.

1. A permit shall expire if construction or installation of an on-site sewage system and the structure for which the system is to be installed has not been completed within three (3) years after permit issuance. A new permit shall be required prior to beginning or restarting any construction or installation. When issuing a new permit, the SEO may require additional information necessary to confirm the validity of the original application.

e. Expiration and Transfer of Permits.

2. A person aggrieved by a permit denial by the SEO may within thirty (30) days of receipt of notice of such action, file a request for a hearing before the Township Supervisors. The request must be in writing.

1. Notice of a permit denial shall be in writing to the applicant, shall include the reasons for denial and shall advise the applicant of the right to a hearing before the Township Supervisors. The SEO shall provide DER with a copy of the notice of denial within seven (7) days of issuance.

d. Denial of Permits.

d. Periodic Inspections. The SEO must be notified prior to the start of all construction. Periodically, the SEO may inspect on-going construction to insure that all work is in conformance with existing regulations. When dealing with elevated sand systems, the applicant shall, as a minimum, notify the SEO when the following work has been completed and he is ready to proceed to the next phase of construction. The SEO shall have twenty-four (24) hours, excluding Saturdays, Sundays and Holidays, to inspect the work and notify the applicant of any deficiencies. Failure by the SEO to act within said period shall not constitute approval but will allow the applicant to proceed with construction of the system. Deficiencies noted during subsequent inspections remain subject to correction by the applicant at the time noted.

c. Percolation Test Verification. This is the second inspection conducted by the Township and is performed to verify the percolation test results and to tentatively confirm isolation distances to the proposed system. All percolation holes shall be filled within five (5) days of completion of the SEO's verification.

b. Site Suitability Inspection. This is the initial inspection by the Township and serves as a check of the site information submitted and verification of the soil profile evaluation. All test pits shall be filled within five (5) days of completion of the SEO's verification.

a. The Township Tresspass Waiver and submission of a permit application shall constitute permission by the applicant for the Township to enter a property to conduct the necessary testing and inspection.

SECTION 7. Inspections

3. The Attorney General and the Department shall be notified in writing by the appellant of an appeal challenging the constitutionality of the act or the validity of this part.

2. Hearings under this section and a subsequent appeal shall be conducted in accordance with regulations pertaining to Local Agency Law (2 Pa. C.S. 551-555). The Township will defend its actions during the course of a subsequent appeal.

1. The Supervisors shall hold a hearing for denials or revocations within thirty (30) days of receipt of a written request for a hearing. Hearing requests shall state concisely all reasons for the appeal. The Department shall be notified of the hearing by the Supervisors at least three (3) days prior to the hearing date. This notification shall include a statement of the reasons for the appeal.

g. Review of Denials and Revocations.

3. If a permit holder fails to file a written request for a hearing within ten (10) days of receipt of the notice of revocation shall be final.

structure for which it is intended may take place until a new permit is issued or the revocation is reversed by the Supervisors.

a. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into waters of the Commonwealth of Pennsylvania, unless specifically approved by DRK pursuant to the Clean Streams Law. Unauthorized discharges shall constitute a sewage disposal system malfunction and will require a repair. The owner of any such system shall contain the malfunction and attempt to correct the problem by taking measures in compliance with current DRK standards. Necessary actions may require the reconstruction, upgrade or replacement of existing systems. Upon written

SECTION 8. Malfunctions and Repairs

g. A combined maximum of three (3) inspections to cover or final inspections are covered by the standard permit fee (i.e. two inspections to cover plus one final inspection or one inspection to cover plus two final inspections). Additional inspections required for any reason whatsoever will result in additional fees.

f. Final Grade Inspection. Upon completion of all construction, including grading and seeding, the applicant shall notify the Township, in writing. The Township SEO will perform a final inspection of the sewage system to determine whether there has been compliance with the permit, as issued. Upon completion of the inspection, the SEO shall either issue an approval based upon the original permit or deny an approval due to non-compliance with the issued permit. If any part of the system does not meet the standards of these regulations, the SEO shall notify the applicant, in writing. Upon correction of all deficiencies, the applicant shall request another inspection. Final approval of the system by the Township SEO is required prior to receiving a Certificate of Occupancy from the Township Zoning Officer.

e. Inspection to Cover. When all system components have been installed and the system is ready for operation, the applicant must request, in writing, an inspection by the SEO. This inspection is to observe that the system is properly constructed and is performed to grant approval to cover the system. The SEO shall have three (3) working days to complete this inspection and notify the applicant. Failure by the SEO to act within said period shall constitute approval and the applicant may cover the installation. Failure to request this inspection shall constitute a violation by the applicant and may require that the system be uncovered for inspection. No part of the installation shall be covered until the work has been inspected and approved, except as provided above. All absorption areas shall be covered by the applicant within five (5) calendar days after final inspection and approval to prevent damage.

1. Chisel Plow - Upon completion of the natural ground surface preparation, the applicant shall notify the SEO, personally, that this phase is complete and that he is ready to begin placing sand. The purpose of this inspection is to insure that the natural ground has been properly scarified, that all organic litter has been removed from the site and that all equipment has remained off the bed area.
2. Sand Inspection - Upon completion of the sand placement, the applicant shall notify the SEO, personally, that this phase is complete and that he is ready to begin installation of the system piping. The purpose of this inspection is to insure that the sand is properly shaped and set to the design elevation.

notification by the SEO of a malfunction, owners shall begin remedial efforts immediately. Failure to contain the malfunction within ten (10) days or to commence repairs within thirty (30) days of notice shall constitute a violation of this Ordinance, unless good cause is shown to the Board of Supervisors as to why additional time is necessary.

b. Where site limitations on existing properties preclude compliance with individual Chapter 73 requirements, the SEO may exercise some latitude with respect to required repairs and allow a repair system to deviate from a specific regulation with respect to that requirement. Any such deviation must be in accordance with current DER guidelines for repairs. Under no circumstance does the SEO have the authority to disregard regulations and install a repair system contrary to regulations in a repair situation; Nor does the SEO have the authority to permit an inappropriate system for a particular site. The following criteria must be met in all instances of deviation by the SEO:

1. The system to be installed will not create a public nuisance or health hazard.

2. The system has a reasonable probability of functioning.

3. The system employs the best available technology.

c. When permitting a repair system in accordance with paragraph b above, the SEO will notify the applicant, in writing, that the site does not meet current Chapter 73 regulations, citing specific regulations; that there is a possibility that the repair system will fail; that the SEO does in deed have the authority under Section 73.2 of the DER regulations to issue the permit; that reductions in water consumption and installation of water conservation devices could prolong the life of the system; and that the permit does not relieve the applicant of the responsibility to correct any future malfunctions of the system.

d. When permitting a repair system in accordance with paragraph b above, the SEO may order the use of water conservation devices, aerobic treatment tanks, septic tank modifications, holding tanks or other measures to reduce the effluent flow or otherwise control effluent characteristics and thereby reduce the hydraulic and/or organic loadings on the system.

e. A malfunctioning sewage disposal system may be evidenced by discharge of effluent to the ground surface, bacteriological samples or dye tests which confirm pollution of wells or streams, or the backup of sewage into house sewers. Upon written complaint by affected persons or other evidence of a public health nuisance, the SEO shall inspect properties to determine the existence of a malfunction and to direct remedial action. A plot plan shall be prepared indicating a layout of the lot and all surface features which may have caused or contributed to the malfunction, including isolation distance to wells, streams, etc.

f. Upon completion of the required repairs, the SEO shall inspect the system to determine compliance with the Ordinance and will specify a schedule for periodic follow-up inspections to insure that the corrective action has solved the problem.

If an applicant has shown that any mandatory provisions of this Ordinance are unreasonable or cause undue hardships as they may apply to the subject property, the Township Supervisors shall schedule a public hearing, upon written request of the applicant, and may in their discretion grant a variance or waiver to such applicant from the mandatory provisions of this Ordinance so that substantial justice may be done and the public interest secured. The granting of any such variance or waiver shall not have the effect of nullifying the intent and purpose of this Ordinance. In granting variances, waivers, or modifications, the Supervisors may impose such conditions as will, in their judgment, substantially secure the objectives of the standards or requirements so modified. Any such hearing shall be held in accordance with the provisions of the Local Agency Law.

SECTION 11. Waiver

e. All sewage permits must be transferred within ten (10) days when change of ownership occurs.

d. Permits for portable toilets shall be valid only for the duration of the specific activity for which they are obtained.

c. Any permit for repairs or alterations shall be valid for thirty (30) days from the date of issuance, unless extended by the SEO. Failure to complete the required work or to extend the permit shall invalidate the permit and shall require a new permit prior to any work.

b. All permits for new systems shall be in effect as of the date of issuance, and shall remain in effect for a period of three (3) years thereafter. In the event that construction under the permit has not been completed at the expiration of three (3) years from date of issuance, the permit shall expire and the validity of the permit shall cease and terminate.

a. The Township SEO shall act upon all applications for permit within seven (7) days of receipt of all required information. If the SEO fails to render and communicate a decision to the applicant within said time period, the applicant has the right to request a hearing before the Township Supervisors.

SECTION 10. Effective Date of Permits

b. The cost of all materials, equipment and labor incidental to the required tests shall be the responsibility of the applicant.

a. All applications for a sewage permit shall be accompanied by a fee payable to the "Township of Lehman" in accordance with a schedule of fees established from time to time by a resolution of the Lehman Township Supervisors.

SECTION 9. Fees

8. Upon evidence of multiple malfunctions in a particular neighborhood, the Supervisors may order the inspection of all sewage systems in that area and/or require regular periodic inspections for purposes of identifying and correcting malfunctions in high risk areas. Additional criteria for defining the extent of such high risk areas may be set forth by action of the Supervisors.

SECTION 12. Violations

a. It shall be illegal to commence construction of any on-site sewage system or holding tank without first obtaining such a permit. Any person who violates any of the provisions of this Ordinance shall be subject to prosecution by the Township, and upon conviction before a District Justice, shall be subject to a fine of not less than twenty-five (\$25.00) dollars nor more than three hundred (\$300.00) dollars, as may be deemed appropriate by the District Justice having jurisdiction, plus costs of prosecution.

b. For the purpose of this Ordinance, each day of a continuing violation shall be considered a new and separate violation of this Ordinance.

c. Any such fines collected hereunder shall be used for general Township purposes.

SECTION 13. Sewage Enforcement Officer

a. General.

1. The Township shall appoint both a primary and an alternate Sewage Enforcement Officer at the annual reorganization meeting of the Township Supervisors and shall establish their rate of compensation.

2. In the event of a conflict of interest with either or both appointed SEO's, the Township may appoint a special SEO to deal with the lot or system creating the conflict.

3. The Township may employ other technical and administrative personnel necessary to support the activities of the SEO, as required.

b. Qualifications.

1. All Sewage Enforcement Officers shall be certified by the Pennsylvania Department of Environmental Resources.

2. All Sewage Enforcement Officers shall be in good health and physically capable of performing their duties.

3. No Sewage Enforcement Officer shall have any interest in the sale, construction or manufacture of buildings or sewage disposal system components nor shall they have any interest in the construction, installation, alteration or repair of sewage disposal systems.

c. Duties and Responsibilities.

1. An SEO shall have the power and duty to issue, deny, and revoke permits, and to take all other actions necessary to administer and enforce the provisions of the Sewage Facilities Act, with the exception of conducting hearings.

2. An SEO shall issue permits only within the jurisdiction of the Township.

No responsibility or liability for the construction of any sewage system shall be deemed to be placed upon Lehman Township, or any of its officers, agents, or employees by virtue of the terms of this Ordinance or otherwise.

SECTION 14. Liability

3. An SEO shall only accept payment from the Township for services performed in conjunction with administration of this Ordinance.
4. An SEO shall only accept application fees for the Township: if the fee is in the amount prescribed by the adopted fee schedule; if the fee is made payable to "The Township of Lehman" or is rendered in accordance with the Townships adopted receipt system.
5. An SEO may not plan, design, construct, sell or install an on-site sewage system within the Township, other than at his personal residence.
6. An SEO may not conduct a test, issue a permit, participate in the official processing of an application or official review of a planning module for an on-site sewage system in which the SEO, a relative of the SEO, a business associate of the SEO, or an employer of the SEO, other than the Township, has a financial interest.
7. Prior to issuing a permit, the SEO shall personally conduct, observe, or otherwise confirm in a manner approved by the Department all tests used to determine the suitability of a site for an on-site sewage system.
8. Prior to issuing a permit, the SEO shall confirm that the application is complete and that the proposed system design is in compliance with the requirements of this Ordinance.
9. The SEO shall give timely written notice to applicants or permittees of the approval, denial, or revocation of a permit under this Ordinance.
10. The SEO shall advise the Township of any violations of this Ordinance known to him/her.
11. The SEO shall advise the Township of its responsibility to restrain a violation of this Ordinance and shall independently take action within the scope of his authority necessary to restrain or correct the violation.
12. The SEO shall submit the DER copy of all completed Applications For Sewage Disposal System, with necessary attachments, within seven (7) days of acting upon the application.
13. The SEO shall keep comprehensive records of all applications, permits, designs, inspections, reports and approvals. Records will be retained for the life of a system and shall not be destroyed until such time as a system no longer exists. All records will be available for public inspection during normal office hours.
14. The SEO shall make semi-annual written reports to the Township Supervisors itemizing applications, permits and other orders.

Ordinance No. 76 - 17 February 1993

AMENDMENTS ADOPTED:

(TOWNSHIP SEAL)

Attest:

Elizabeth Cotton, Secretary

By:

Edward Dickison, Supervisor

By:

Pasquale Digiovanna, Vice Chairman

By:

Walter P. Bensley, Chairman

TOWNSHIP OF LEHMAN

ORDAINED AND ENACTED into an Ordinance this 20th day of March, 1991.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such provisions shall be held to be unconstitutional, illegality, or invalidity shall not affect the validity of any of the remaining provisions of the Ordinance.

SECTION 17. Severability

All other Township Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 16. Repealer

If any provision of this Ordinance conflicts with the provisions of any other Federal or State regulations, the provision of such act or regulation shall prevail and apply.

SECTION 15. Conflict with Other Regulations

APPENDIX A
TOWNSHIP TRESPASS WAIVER

TO WHOM IT MAY CONCERN:

The undersigned is the owner(s) of a parcel of land in Lehman Township, Pike County, Pennsylvania, at the following location:

SUBDIVISION _____

LOT NO./OR TAX NO. _____
SECTION _____

The undersigned authorize and allow any agents, employees, officials, or representatives of Lehman Township to enter upon the above land for the purpose of performing any inspection or testing necessary to determine if the above land is suitable for an on-site sewage disposal system or to inspect a lateral connection to an existing central sewage collection system.

IN WITNESS WHEREOF, the undersigned has signed this Waiver this _____ day of _____, 19____, intending thereby to be legally bound.

OWNER

OWNER