

**SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-01

AN ORDINANCE DEFINING SPECIFIC TERMS REGARDING SMALL FLOW TREATMENT FACILITIES, PROVIDING FOR DESIGN STANDARDS AND PROPER DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMITS AND APPROVAL, PROVIDING FOR THE EXECUTION OF AN OPERATION AND MAINTENANCE AGREEMENT BETWEEN A TOWNSHIP PROPERTY OWNER WISHING TO INSTALL A SMALL FLOW TREATMENT FACILITY ON THEIR PROPERTY AND A QUALIFIED INDIVIDUAL, FIRM, OR CORPORATION TO PROPERLY OPERATE AND MAINTAIN THE FACILITY, PROVIDING FOR REPAIR, REPLACEMENT AND MAINTENANCE OF A SMALL FLOW TREATMENT FACILITY BY ITS OWNER, PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING FOR ESCROW, AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE

WHEREAS, the Summit Township (the “Township”) has recently been receiving an increased number of requests regarding the installation of small flow sewage treatment facilities (“SFTF”) on Township properties and the amendment of the Township’s Sewage Management Plan; and

WHEREAS, the Pennsylvania Department of Environmental Protection (“DEP”) regulations, at 25 Pa.Code. §71.64, requires that each amendment or revision to a municipal plan adopted pursuant to the Pennsylvania Sewage Facilities Act (“Act 537”), 35 P.S. §750.1 *et seq*, must include a municipal Ordinance providing for the execution of a SFTF Operation and Maintenance Agreement between the property owner and a qualified individual, firm, or corporation; and

WHEREAS, the Board of Supervisors of Summit Township, pursuant to the Second Class Township Code, at 53 P.S. §66522, believe it necessary for the proper management of the Township to enact this Ordinance in anticipation of future requests from property owners to install SFTFs on properties within the Township.

NOW THEREFORE, this 5th day of March, 2018, be it enacted and ordained by the Board of Supervisors of Summit Township, Erie County, Pennsylvania, as follows:

Section 1. Recitals

The recitals set forth above are incorporated herein as if more fully set forth.

Section 2. Definitions

A. As used in this article, words in the singular include the plural, and those in the plural include the singular. The words “shall” and “will,” for the purpose of this article, are defined as mandatory.

B. Unless otherwise expressly stated, the following definitions shall, for the purpose of this article, have the meaning indicated herein. Any pertinent word or term not a part of this article shall be construed to have the meaning attributed to it under Act 537 and the regulations promulgated thereunder:

- 1) “Act 537” shall mean the Pennsylvania Sewage Facilities Act.
- 2) “Board of Supervisors” shall mean the Board of Supervisors of Summit Township, Erie County, Pennsylvania.
- 3) “DEP” shall mean the Pennsylvania Department of Environmental Protection
- 4) “Effluent” shall mean liquid sewage discharged as waste.
- 5) “Property Owner” or “Owner” shall mean the individual(s) owning the property on which an SFTF will be installed.
- 6) “Regulations” shall mean the current regulations of the DEP as set forth under the Pennsylvania Code Title 25, as amended from time-to-time.
- 7) “Small Flow Sewage Treatment Facility” or “SFTF” shall mean an individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 gallons per day for final disposal using stream discharge, Municipal Separate Storm Sewer discharge or discharge to the surface of the ground.
- 8) “Township” shall mean Summit Township, Erie County, Pennsylvania.
- 9) “Township Engineer” shall mean the official Township Engineer of Summit Township, Erie County, Pennsylvania.

Section 3. Design Standards

Section 3. Design Standards

A. The SFTF shall be designed in accordance with the design standards and requirements of the DEP. The property owner shall submit the design standards to the Township Engineer for approval prior to the commencement of construction activities. In addition to all other requirements, each SFTF's design standards shall include the following:

1. Easy access for inspection and periodic maintenance shall be provided for all SFTF facilities. A readily accessible effluent sampling point, located at either one of the stream discharge point, Municipal Separate Storm Sewer System (MS4) discharge point, discharge point onto the surface of the ground, or a sampling port that is provided at an approved point along the discharge pipe, shall be provided.
2. An alarm shall be provided for all pumps and aeration devices. Alarms shall include both visual and audible devices located so as to be readily noticeable by occupants of property. An appropriate high level alarm in the dosing tank and an alarm for the aeration monitor (if used) are needed
3. Reasonable vehicular access shall be provided to the SFTF for periodic removal of sludge

Section 4. Approvals, Permits and Final Plans

A. The property owner must submit a sewage planning module to the Board of Supervisors prior to construction. The planning module must be approved by both the Board of Supervisors and DEP.

B. The property owner must obtain all necessary DEP permits prior to commencing construction of the SFTF.

C. The property owner shall provide the Township with a complete set of as-built plans once construction of the SFTF has concluded.

Section 5. Operation and Maintenance Agreement with Township

A. Any property owner within the Township that submits an application to the Township and DEP for the installation of a SFTF, and a corresponding modification to the Township's Act 537 Sewage Management Plan, shall execute an Operation and Maintenance Agreement with the Township defining both parties' responsibilities for the SFTF.

B. The Operation and Maintenance Agreement shall be for the duration of the life of the SFTF.

Section 6. System Maintenance Agreement with Qualified Contractor

Any property owner within the Township that submits an application to the Township and DEP for the installation of a SFTF, and a corresponding modification to the Township's Act 537 Sewage Management Plan, shall execute an Operation and Maintenance Agreement with an individual, firm, or corporation experienced in the operation and maintenance of sewage treatment systems.

Section 7. Repairs, Replacement, and Maintenance

A. In the event that an inspection indicates the need for repair or replacement of any component part or all of an SFTF in order to bring the SFTF into compliance with this Ordinance or DEP regulations, the owners of the SFTF shall complete such repairs or replacement and obtain certification from the Township Engineer or the designee thereof that the repair or replacement has been completed in accordance with the appropriate standards.

B. In the event that an inspection indicates the need for maintenance on any component part or all of an SFTF in order to bring an SFTF into compliance with this Ordinance or DEP regulations, the owners of the SFTF shall complete such maintenance and obtain certification from the Township Engineer or the designee thereof that the work has been completed in accordance with the appropriate standards.

Section 8. Public Sewer Connection

If, after the approval of coverage under this Ordinance, DEP approves a municipal sewage facilities official plan or an amendment to an official plan under Act 537, in which sewage from the a Property Owner's herein approved SFTF will be treated and disposed of at other planned facilities, the Property Owner, shall upon notification from the Township or DEP, provide for the conveyance of their sewage to the planned facilities, abandon use and

decommission the SFTF, including the proper disposal of solids, and notify DEP accordingly. The Property Owner shall adhere to schedules in the approved official plan, amendments to the plan, or other agreements between the Property Owner and the Township. The approval of Ordinance coverage shall then, upon notice from DEP, terminate and become null and void.

Section 9 Enforcement

In the event that a property owner fails or refuses to achieve timely compliance with the provisions for SFTF repair, replacement, or maintenance as described in Section 7, the Township shall have the right to enter upon the premises and to perform any repairs, replacement, or maintenance with respect to an SFTF, all of which shall be made at the cost and expense of the property owner. Township action to effectuate needed repairs, replacement, or maintenance shall occur no sooner than thirty (30) days after the notice of violation was remitted to the property owners.

Section 10. Penalties

Pursuant to the Second Class Township Code, at 53 P.S. §66601, any persons who shall violate any provision of this article shall, upon conviction thereof before a Magisterial District Judge, be subject to a penalty or fine of not less than One Hundred Dollars (\$100), but no more than One Thousand Dollars (\$1,000), together with the costs of prosecution for each such violation, and may, upon default of payment of fine and costs, be sentenced to imprisonment in accordance with the law.

Section 11. Escrow

In order to secure the costs which may be incurred by the Township, the property owner shall deposit the sum of One Thousand Dollars (\$1,000) prior to officially recording the SFTF plans to be held in an Escrow Fund of the Township.

Section 12. Severability

If any sentence, clause, section, or amendment of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity, shall not affect or impair any of the remaining provisions, sentences, clauses, sections or amendments of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or amendment thereof not been included herein.

Section 13. Repealer

All other Ordinances or parts of Ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 14. Effective Date

This Ordinance shall take effect five (5) days after its enactment and adoption.

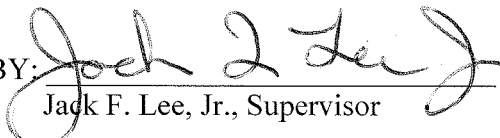
DULY ENACTED AND ORDAINED on the day first written above by the Board of Supervisors of Summit Township, Erie County, Pennsylvania.

ATTEST:

SUMMIT TOWNSHIP



Christene Yeast, Secretary

BY: 

Jack F. Lee, Jr., Supervisor

BY: 

Mark A. Welka, Supervisor

BY: 

Anthony W. Davis, Supervisor

SECRETARY CERTIFICATE

I hereby certify a true copy of the Summit Township, Erie County, Pennsylvania,
Ordinance No. 2018-01 adopted by the Board of Supervisors on March 5, 2018 and advertised in
the Erie Times News on February 19, 2018.



Christene Yeast, Secretary

1878775.v1

