

HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE No. 11-1967

The title of this Ordinance is:

THE SEWAGE DISPOSAL ORDINANCE  
of  
HONEY BROOK TOWNSHIP

AN ORDINANCE REGULATING the disposal of sewage in Honey Brook Township, Chester County, Pennsylvania;  
PROVIDING for the submission and approval of plans and specifications for the design and installation of new facilities; for the reconstruction, alteration, repair or addition to existing sewage disposal facilities; for the regulation and control of sewage disposal practices and facilities; for the abatement of dangers to health and welfare of the inhabitants of said Township arising from said facilities and practices; for certificates of use; and for the enforcement hereof with penalties for violation.

The Board of Supervisors of Honey Brook Township, pursuant to the laws of the Commonwealth of Pennsylvania and the authority granted by the Act of 1933, May 1, P.L. 103, Art. VII, 702, cl. 11, added 1951, May 24, P.L. 370, 8; as amended by Act of July 31, 1963, P. L. 381 No. 203 § 1, does hereby enact and ordain as follows:

SECTION I. Definitions

The following words and phrases, as used in this Ordinance shall have the meanings hereby ascribed thereto, unless the

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context thereof clearly indicates a different meaning.

A. SEWAGE, also called Sanitary Sewage, includes human, industrial, commercial, laundry, and like wastes discharged into sanitary facilities designed to receive the same from facilities used for residence, business and industrial purposes and from other sources.

B. PUBLIC OR COMMUNITY SEWAGE DISPOSAL SYSTEM: A system or facility for mass or group sewage disposal, such as normally requires approval of the Pennsylvania Department of Health and/or the Pennsylvania Public Utility Commission.

C. INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A facility or system other than a public or community sewage disposal system, which received sewage as defined herein from one or more facilities or sources.

D. ENFORCEMENT OFFICER: The legally designated Authority of Honey Brook Township, or his authorized representative.

E. PERSON: Any institution, association, public or private corporation, individual, partnership or other entity.

F. REPAIR: The procedure or work undertaken to restore the normal, satisfactory functioning characteristics of a sewage disposal facility, which includes nothing more than replacement or cleaning of the facility or any of its components. Repairs which will cost less than two hundred and fifty (\$250.00) dollars, as determined by the Enforcement Officer, do not require a permit as defined in this Ordinance.

G. PERMIT: A written, formal authority issued by the Enforcement Officer granting permission to construct, reconstruct,

alter, repair as provided herein, or add to a sewage disposal facility as defined in this Ordinance.

H. The singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. Permitted methods of disposal.

The disposal of all sewage within the Township shall henceforth be accomplished as follows:

A. By an individual sewage disposal system installed in accordance with the requirements of this Ordinance.

B. By an individual sewage disposal system existing at the effective date hereof which is maintained at all times so as not to constitute a danger to public health, provided that any complete or partial reconstruction, or repair as provided herein, or addition to such system shall conform to the requirements of this Ordinance.

C. By a public or community system which is approved by the proper approving authority under the laws and regulations of the Commonwealth of Pennsylvania, and is installed as required herein.

D. By removal thereof from the Township in a sanitary manner by means of closed containers.

SECTION 3. General Requirements

The following standard shall be considered as the minimum requirements for all sewage disposal systems and facilities specified in this Ordinance and shall be observed in the construction, reconstruction, alterations, addition to, or repair as provided herein, of all sewage disposal systems within the

Sanitary sewage must be disposed of so that:

1. It will not contaminate any water supply.
2. It will not pollute or contaminate any stream, pond, or other surface water.
3. It is not accessible to animals or insects.
4. The system does not permit the escape <sup>of</sup> odors or effluent to surface level or above.

Sites will be deemed unsuitable for sewage disposal if the following occur at location of overflow or

charge:

1. The percolation rate is slower than one (1) inch in sixty (60) minutes.
2. The maximum elevation of the ground water table or other sub-surface water is less than four (4) feet below the bottom of any sub-surface disposal field.
3. Rock formations or other impervious layers are less than four (4) feet below the bottom of trenches of beds.
4. The lot size is insufficient to permit the minimum requirements of this Ordinance.
5. It is located in a flood plain or drainage area subject to concentrated surface flow or general flooding.

All sewage disposal systems of the water floated type shall consist of the following components which shall be considered to be minimum requirements:

1. A water flushed sewer line, no less than 4" internal diameter, from an interior plumbing system, beginning at the

point where it enters the exterior building wall and extending to the septic tank, hereafter called the building sewer.

2. An underground septic tank or tanks of proper size or sizes, properly connected.

3. A sub-surface disposal field, or a sub-surface disposal bed or a seepage pit, or a combination of these, with accessories through which effluent from the septic tank or tanks will discharge.

#### SECTION 4. Percolation tests

A. Percolation tests, when required under this Ordinance, will be performed by the Enforcement Officer, or by a registered Professional Engineer, legally qualified to practice in Pennsylvania. The report of percolation tests will certify that the tests have been conducted in accordance with the method herein described and will be signed and sealed by the Enforcement Officer, or the Professional Engineer responsible for the tests. The Enforcement Officer may require that tests made by others be conducted in his presence.

Tests shall be made in holes which have been kept filled with water for at least 4 hours. Percolation rates will be figured on the basis of the test data obtained after the soil has had opportunity to become wetted or saturated and has had opportunity to swell for at least 24 hours. Enough tests will be made in separate holes to assure that the results are valid.

#### B. Procedure.

1. Number and location of tests. Six or more tests shall be made in separate test holes spaced uniformly over a

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proposed absorption-field site and two tests shall be made at the site of a proposed seepage pit.

2. Type of test hold. Dig or bore a hole, with horizontal dimensions of from 4 to 12 inches and vertical sides to a depth of the bottom of the proposed absorption trench or seepage pit.

3. Preparation of test hole. Carefully scratch the bottom and sides of the hole with a knife blade or sharp-pointed instrument, in order to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. Remove all loose material from the hole. Add 2 inches of coarse sand or fine gravel to protect the bottom from scouring and sediment.

4. Saturation and swelling of the soil. In the conduct of the test, carefully fill the hole with clear water to a minimum depth of 12 inches over the gravel or sand covered bottom. In most soils, it is necessary to refill the hole by supplying a surplus reservoir of water to keep water in the hole for at least 4 hours. Percolation rate is to be determined 24 hours after water is first added to the hole. This procedure is to ensure that the soil is given ample opportunity to swell and to approach the condition it will be in during the wettest season of the year. In sandy soils containing little or no clay, the tests are to be made as described in paragraph 5b and 5c below, after the water from one filling of the hole has completely seeped away.

5. Percolation Rate Measurement. With the exception of

sandy soils, percolation-rate measurements will be made on the day following the procedure described below.

a. If water remains in the test hole after the overnight swelling period, adjust the depth of the water in the test hole to approximately 6 inches over the sand or gravel covering the bottom of the hole. From a fixed reference point, measure and record the drop in water level over a 30 minute period. This drop is used to calculate the percolation rate.

b. If no water remains in the hole after the overnight swelling period, add clear water to bring the depth of the water in the hole to approximately 6 inches above the sand or gravel covering the bottom of the hole. From a fixed reference point, measure and record the drop in water level at approximately 30 minute intervals for 4 hours, refilling to 6 inches over the gravel as necessary. The drop that occurs during the final 30 minute period is used to calculate the percolation rate.

c. In sandy soils (or other soils in which the first 6 inches of water seeps away in less than 30 minutes, after over-night swelling period), the time interval between measurements shall be taken as 10 minutes and the test run for 1 hour. The drop that occurs during the final 10 minutes is used to calculate the percolation rate.

#### SECTION 5. Regulations

A. All sewage disposal systems for individual dwelling

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shall comply, in addition to the requirements of Section 100, with the contents of a publication entitled "Model Code - Individual Sewage Disposal System" issued by the Department of Health, Education and Welfare and the Commonwealth of Pennsylvania Department of Health, as amended from time to time, and presently identified as Bulletin HS-8053-P.

Sewage disposal systems for multiple family dwellings, public purposes buildings, industrial, and other buildings, other than single family dwellings, in addition to other requirements set forth herein, shall be designed by a Registered Professional Engineer, legally qualified to practice in Pennsylvania, according to the determined requirements of the particular jurisdiction, using as a guide the manual of septic tank practice, United States Public Health Service Publication No. 526, or such other supplemental publications as the Board of Supervisors may by resolution designate. Plans, specifications and reports for such system shall bear the imprint of the seal of the Registered Professional Engineer by or under whom they were prepared.

C. Any system required by law to be approved by the Department of Health, or the Public Utility Commission of the Commonwealth of Pennsylvania shall be so approved prior to approval hereunder. Submission for approval by the Department of Health of the Commonwealth of Pennsylvania may, in any event, be required by the Board of Supervisors or the Enforcement Officer as a condition of approval under this Ordinance.

SECTION 6. Permits, Applications and Fees

A. No sewage disposal system shall be constructed, installed, reconstructed, altered, repaired as provided herein, or added to without a permit therefor issued by the Board of Supervisors. Authority to issue such permits, may, by resolution, be delegated to the Enforcement Officer or other designated representative of the Board of Supervisors.

B. Application for permits shall be made upon such forms and be supported by such plans, specifications, percolation tests and other data as shall be prescribed by the Board of Supervisors.

C. Upon the approval of the application, plans and specifications by the Enforcement Officer, or the Board of Supervisors, a permit shall be issued to the applicant. The said applicant shall pay the costs of any material used and tests made and shall reimburse the Township for the necessary inspection at the rate of Twenty-five dollars (\$25.00) for each day, or fraction thereof, that a Township authorized representative is performing or supervising inspection tasks.

D. A fee of Five Dollars (\$5.00) shall be paid to the Board of Supervisors for each permit issued, such fee to be for the use of the Township.

E. Any person whose application for a permit under this Ordinance has been denied may request, within ten (10) days of the receipt of written denial, a hearing before the Board of Supervisors. A hearing shall be granted within thirty (30)

of the receipt of a written request to said Board of Supervisors.

7. Exceptions and special approvals

Facilities for disposal of sanitary sewage for public private fall-out or blast-resistant shelters, designed for emergency purposes only, shall be exempt from terms and regulations of this Ordinance. Such facilities are constructed in accordance with the recommendations of Federal and State Civil Defense and Health Agencies.

8. Special approval of facilities not strictly conforming to the requirements of Section 3 hereof of regulations delegated hereunder may be authorized by the Board of Supervisors under the following conditions, if it be found by Board of Supervisors that the facilities so approved otherwise comply with the provisions of this Ordinance.

1. In the case of the reconstruction of, altering, repairing of as provided herein, or addition to existing facilities where it is impossible to conform to such minimum requirements.

2. Where approval is sought for construction and use of temporary sewage disposal facilities provided that the application and approval shall both clearly state the beginning and end of the term during which such temporary facilities shall be in use. No term of approved usage shall exceed the duration of the project or necessity for which the facility was first requested and in no case shall it exceed eighteen (18) months.

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3. Where approval is sought for the installation of an individual sewage disposal system or facility at a location not used or not to be used as a dwelling, restaurant, or laundry nor for bathing purposes.

C. Request for special approval under sub-section B above, shall be made in writing by the owner (and user, if not the same), stating which provisions of this Ordinance cannot be met, with reasons therefor, accompanied by plans and specifications, completed application, and fee. Request for renewal of a special approval as covered by sub-section B-2 above, shall be made in writing, stating fully the reasons therefor and the term or period of time of anticipated continued use of the facility, and accompanied by the fee.

#### SECTION 8. Inspection and Enforcement

A. The Enforcement Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and the requirements herein by reference.

B. All sites for sewage disposal systems which will be newly constructed, installed, reconstructed, altered, repaired as provided herein, or added to, shall be inspected by the Enforcement Officer before approving the plans and also during the course of installation of the facilities for which plans have been approved. Plans retained by the Township Supervisors will be amended by the applicant to conform to the installation as finally completed, for record purposes.

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When considered necessary, under conditions arising from the progress of the work permitted under this Ordinance, adequate and safe facilities under the numerous requirements of this Ordinance, said Enforcement Officer and Board of Supervisors may require additional tests or obligations at the expense of the owner or builder, and the plans and specifications to be amended, or require amendment of the permitted project.

D. It shall be the duty of the applicant for permit to notify the Enforcement Officer or the Board of Supervisors at least 24 hours in advance of the commencement of any construction operations associated with a new, reconstructed, altered, repaired or provided herein, or enlarged sewage disposal system.

E. The Enforcement Officer and the Board of Supervisors shall be given the right to enter upon private land at any time during working hours of weekdays by the owner or occupant of the property to inspect and make tests on existing sewage disposal systems as well as construction on new, reconstructed, altered, repaired as provided herein, or enlarged sewage disposal systems to determine<sup>e</sup> whether such facilities are functioning or will function in a sanitary manner and as required by this Ordinance.

F. Whenever the Enforcement Officer, or the Board of Supervisors, determines, upon inspection, that a sewage disposal system is in use and in violation of the requirements of this Ordinance as stated in Section 3A, the Enforcement Officer, or the Board of Supervisors shall notify the property

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owner and the tenant, or person having control over the said sewage disposal system, in writing of such violation. After written notice that a violation is charged, the property owner and the tenant, or other person having control over the sewage disposal system, shall have the opportunity to be heard before the Board of Supervisors within thirty (30) days of the date of said notice. After such hearing, and within such time as granted at the hearing by the Board of Supervisors, the violation shall be abated by complying with the provisions of this ordinance.

G. The property owner and tenant, or other person having control over a sewage disposal system, shall have the opportunity to be heard before the Board of Supervisors within thirty (30) days after being advised by the Enforcement Officer, while construction, reconstruction, alteration, repair as provided herein, or addition to a sewage disposal system is being performed, that any work or plans must be changed in order to comply with this Ordinance.

SECTION 9. Certificate of use

No individual sewage disposal system newly constructed or installed, reconstructed, altered, repaired as provided herein, or enlarged after the enactment of this Ordinance shall be put into use until such time as the Enforcement Officer, or the Board of Supervisors, has issued a certificate of use stating that the facility conforms to the approved plans and specifications, or the approved plans and specifications with amendments as required by the Enforcement Officer or the Board of Supervisors as provided herein. The original of said certificate

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issued to the applicant and a copy thereof shall be  
 in the records of the township.

### Penalties

any person, including the partners, officers, or responsible  
 persons of a non-individual entity, who, after a hearing before  
 a Board of Supervisors and the expiration of the time granted  
 by the Board of Supervisors as provided for in Section 8,  
 F. or G. of this Ordinance, is violating any of the  
 provisions of this Ordinance, upon summary conviction before a  
 Justice of the Peace, shall be sentenced to pay a fine, for the  
 Township, of not less than Twenty-five Dollars (\$25.00)  
 nor more than Three Hundred Dollars (\$300.00) plus costs of  
 prosecution, or upon default of payment of the fine and costs,  
 shall be sentenced and committed to imprisonment for a period  
 of not more than thirty (30) days. Provided also that whenever  
 a person shall have been officially notified that he is  
 committing any violation of this Ordinance, each day that he  
 continues to continue any violation after such notification shall  
 constitute a separate offense punishable by a like fine, penalty,  
 or imprisonment. Such fines or penalties shall be collected or  
 paid in the name of the Township before any Justice of the Peace. The  
 Township shall also have the right to seek an injunction to abate  
 any violation.

### SECTION 11. Severability

Should any section, provision, or part of this Ordinance be

declared invalid by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, provisions, part or parts hereof; the Board of Supervisors hereby declares that it would have enacted and ordained the remaining sections, provisions, or parts of this Ordinance, if it had known such sections, provisions, part or parts, thereof would be declared invalid.

SECTION 12. Effective date

This Ordinance and the regulations included by reference shall become effective five (5) days after enactment.

Enacted in regular session this 2 day of March, 1967.

ATTEST:

Robert C. Bachman  
Secretary

James A. Smith  
Chairman, Board of Supervisors  
Honey Brook Township