

TOWAMENCIN TOWNSHIP

ORDINANCE NO. 25-04

AN ORDINANCE AMENDING TOWNSHIP CODE CHAPTER 127 [SEWERS], PART 3 [ON-SITE DISPOSAL SYSTEMS] BY: (1) AMENDING SECTION 127-79 [APPLICABILITY] RELATING TO PART 3 APPLICABILITY; (2) ADDING NEW DEFINITIONS TO SECTION 127-78 [DEFINITIONS]; (3) RE-NAMING SECTION 127-55 [REGISTRATION OF SYSTEMS] "REGISTRATION OF SYSTEMS; PERMIT REQUIREMENTS" AND ADDING ASSOCIATED PERMIT REQUIREMENT PROVISIONS; (4) RE-NAMING SECTION 127-81 [INITIAL MAINTENANCE AND INSPECTION ACTIVITIES] "INSPECTIONS" AND MAKING PROVISION FOR INITIAL INSPECTIONS AND ROUTINE INSPECTIONS; (5) RE-NAMING SECTION 127-82 [OPERATION AND MAINTENANCE] "OPERATION" AND MAKING PROVISION FOR PROPER OPERATION OF ON-SITE SEWAGE DISPOSAL SYSTEMS; (6) ADDING A NEW SECTION 127-83 ENTITLED "MAINTENANCE" AND MAKING PROVISION FOR PROPER MAINTENANCE OF ON-SITE SEWAGE DISPOSAL SYSTEMS; (7) RE-NUMBERING THE FORMER SECTION 127-83 [SYSTEM REHABILITATION, REPAIR, AND REPLACEMENT] AS SECTION 127-84 AND ADDING ADDITIONAL PROVISIONS ASSOCIATED WITH SYSTEM REHABILITATION, REPAIR, AND REPLACEMENT; (8) RE-NUMBERING THE FORMER SECTION 127-84 [HOLDING TANKS] AS SECTION 127-85 AND ADDING ADDITIONAL PROVISIONS ASSOCIATED WITH HOLDING TANKS; (9) AMENDING 127-88 [ADMINISTRATION AND FEES] AND ADDING ADDITIONAL PROVISIONS ASSOCIATED WITH ADMINISTRATION AND FEES; (10) AMENDING SECTION 127-89 [APPEALS] TO INCLUDE A NEW PARAGRAPH "D" RELATING TO ASSOCIATED APPEAL HEARINGS; AND (11) AMENDING SECTION 127-90 [VIOLATIONS AND PENALTIES] WITH A NEW VIOLATIONS AND PENALTIES PROVISION.

ATTESTATION

The attached is an attested copy of Ordinance 25-04 that was enacted by the Board of Supervisors at its July 9, 2025, Meeting.

TOWAMENCIN TOWNSHIP



ROBERT J. IANNOZZI JR.

Solicitor

Date: July 10, 2025

TOWAMENCIN TOWNSHIP

ORDINANCE NO. 25-04

AN ORDINANCE AMENDING TOWNSHIP CODE CHAPTER 127 [SEWERS], PART 3 [ON-SITE DISPOSAL SYSTEMS] BY: (1) AMENDING SECTION 127-79 [APPLICABILITY] RELATING TO PART 3 APPLICABILITY; (2) ADDING NEW DEFINITIONS TO SECTION 127-78 [DEFINITIONS]; (3) RE-NAMING SECTION 127-55 [REGISTRATION OF SYSTEMS] "REGISTRATION OF SYSTEMS; PERMIT REQUIREMENTS" AND ADDING ASSOCIATED PERMIT REQUIREMENT PROVISIONS; (4) RE-NAMING SECTION 127-81 [INITIAL MAINTENANCE AND INSPECTION ACTIVITIES] "INSPECTIONS" AND MAKING PROVISION FOR INITIAL INSPECTIONS AND ROUTINE INSPECTIONS; (5) RE-NAMING SECTION 127-82 [OPERATION AND MAINTENANCE] "OPERATION" AND MAKING PROVISION FOR PROPER OPERATION OF ON-SITE SEWAGE DISPOSAL SYSTEMS; (6) ADDING A NEW SECTION 127-83 ENTITLED "MAINTENANCE" AND MAKING PROVISION FOR PROPER MAINTENANCE OF ON-SITE SEWAGE DISPOSAL SYSTEMS; (7) RE-NUMBERING THE FORMER SECTION 127-83 [SYSTEM REHABILITATION, REPAIR, AND REPLACEMENT] AS SECTION 127-84 AND ADDING ADDITIONAL PROVISIONS ASSOCIATED WITH SYSTEM REHABILITATION, REPAIR, AND REPLACEMENT; (8) RE-NUMBERING THE FORMER SECTION 127-84 [HOLDING TANKS] AS SECTION 127-85 AND ADDING ADDITIONAL PROVISIONS ASSOCIATED WITH HOLDING TANKS; (9) AMENDING 127-88 [ADMINISTRATION AND FEES] AND ADDING ADDITIONAL PROVISIONS ASSOCIATED WITH ADMINISTRATION AND FEES; (10) AMENDING SECTION 127-89 [APPEALS] TO INCLUDE A NEW PARAGRAPH "D" RELATING TO ASSOCIATED APPEAL HEARINGS; AND (11) AMENDING SECTION 127-90 [VIOLATIONS AND PENALTIES] WITH A NEW VIOLATIONS AND PENALTIES PROVISION.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by this Board that the Township's Code shall be amended as follows:

**SECTION 1. AMENDMENT TO TOWNSHIP CODE 127 [SEWERS],
PART 3 [ON-SITE DISPOSAL SYSTEMS], SECTION 127-
79 [APPLICABILITY]**

The Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-79 [Applicability] shall be amended to read as follows:

The provisions of this Part 3 shall apply to all portions of the Township served by On-Site Sewage Disposal Systems. Within such an area or areas, the provisions of this Article shall apply to all persons owning any property serviced by an On-Site Sewage Disposal System and to all persons installing or rehabilitating On-Site Sewage Disposal Systems.

**SECTION 2. AMENDMENT TO TOWNSHIP CODE 127 [SEWERS],
PART 3 [ON-SITE DISPOSAL SYSTEMS], SECTION
127-78 [DEFINITIONS]**

The Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-78 [Definitions] shall be amended to include the following additional definitions:

INDIVIDUAL ON-SITE SEWAGE SYSTEM

A sewage system which serves a single lot and a single equivalent dwelling unit, and uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of sewage into a soil absorption area, spray field, retaining tank, or cesspool.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM (IRSIS)

An individual sewage system which serves a single dwelling and which treats and disposes of sewage through using a system of piping, treatment tanks, and soil renovation through spray irrigation.

INITIAL TREATMENT UNIT

Term used to describe the On-Site disposal system receiving unit to which sewage is delivered from a sewage generating facility. The term includes, but is not limited to, septic tanks, aerobic treatment units, and cesspools.

LIQUID WASTE

Septage pumped from septic tanks, cesspools, holding tanks, privies, or chemical toilets which does not include any toxic, industrial, or hazardous wastes.

LIQUID WASTE HAULER

Any person engaged in the business of pumping and transporting liquid waste within Montgomery County using vehicles licensed by the Montgomery County Health Department.

LOT

A parcel of land, undivided by any street or dedicated future street right-of-way. Such parcel shall be separately described by metes and bounds, the description of which is recorded in the office of the Recorder of Deeds of Montgomery County by deed description or is described by an approved subdivision plan recorded in the office of the Recorder of Deeds of Montgomery County.

MAINTENANCE CONTRACTOR

A private independent contractor who has been given training by the original equipment manufacturer on the operations of applicable sewage system components, has been authorized by the manufacturer to service said components, or has demonstrated technical expertise in the field of On-Site sewage system maintenance. All Maintenance Contractors shall be approved by the Township to provide such maintenance services within the borders of the Township.

RETAINING TANK

A watertight receptacle that receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. This term is synonymous with the term "holding tank."

SEPTAGE

The residual scum, sludge, and other materials pumped from, but not limited to, Initial Treatment Units, other treatment tanks, retaining tanks, pump tanks, and the systems they serve.

SEWAGE MANAGEMENT PROGRAM

A comprehensive set of legal and administrative requirements encompassing the requirements of this Article, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this Article.

**SECTION 3. AMENDMENT TO TOWNSHIP CODE 127 [SEWERS],
PART 3 [ON-SITE DISPOSAL SYSTEMS], SECTION
127-80 [REGISTRATION OF SYSTEMS]**

The Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-80 [Registration of Systems] shall be re-named "Registration of Systems; Permit Requirements" and amended to read as follows:

§127-80. Registration of Systems; Permit Requirements.

- A. All properties that have existing On-Site Disposal Systems shall be registered with the Township.
- B. All new On-Site Disposal Systems shall be required to file a registration form with the Township and pay the appropriate registration fee prior to the issuance of a use and occupancy permit for the use of the structure being served by the On-Site Disposal System.
- C. Permit requirements:
 - (1) No building permit shall be issued for a new building which will utilize an On-Site Sewage Disposal System until an On-Site Sewage Disposal System permit has been issued by the Montgomery County Health Department SEO. Proof of On-Site Sewage Disposal System permit issuance shall be presented to the Township in the form of a properly executed permit signed by the Montgomery County Health Department SEO.
 - (2) No occupancy permit shall be issued for a new building which will utilize an On-Site Sewage Disposal System until it has been installed and the completed installation is approved by the Montgomery County Health Department SEO. Proof of On-Site Sewage Disposal System final installation approval shall be presented to the Township in the form of a properly executed permit signed by the Montgomery County Health Department SEO.
 - (3) No building or occupancy permit shall be issued for and no work shall begin on any alteration or conversion of any existing structure if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit from the Montgomery County Health Department SEO for

alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from the Montgomery County Health Department SEO that such a permit will not be required. The Montgomery County Health Department SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.

- (4) Sewage permits may be issued only by a Sewage Enforcement Officer employed by the Montgomery County Health Department.

**SECTION 4. AMENDMENT TO TOWNSHIP CODE 127 [SEWERS],
PART 3 [ON-SITE DISPOSAL SYSTEMS], SECTION
127-81 [INITIAL MAINTENANCE AND INSPECTION
ACTIVITIES]**

The Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-81 [Initial Maintenance and Inspection Activities] shall re-named “Inspections” and amended to read as follows:

§127-81. Inspections.

A. Township Inspection

Any On-Lot Sewage Disposal System may be inspected by the Township's authorized agent at any reasonable time as of the effective date of this Part 3. The inspection may include a physical tour of the property; the taking of samples from surface water, wells and other groundwater 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. A written report shall be furnished to the owner of each property inspected, and a copy of said report shall be maintained in the Township records. The written report shall be issued within 10 days following the inspection.

B. Initial inspections.

- (1) Each person owning a building served by an On-Site Sewage Disposal System shall employ a Maintenance Contractor to complete an initial inspection for the purpose of determining the

type, condition, and maintenance needs of each On-Site Sewage Disposal System. All such inspections shall be completed within three years of the effective date of this Article, although the Board may define subsets of the Township where initial inspections shall be completed in shorter prescribed periods in order to facilitate administration.

- (2) Initial inspections may be conducted concurrent with the pumping requirements of § 127-83A or § 127-83B, as applicable. However, if the liquid depth in the Initial Treatment Unit is above the unit's outlet piping, the Initial Treatment Unit must be pumped dry at the time of inspection. Pumping may also be required at the time of inspection for other conditions which would prevent a satisfactory inspection where such conditions are identified by the Maintenance Contractor and the requirement for pumping is verified by the Township's authorized agent.
- (3) A written inspection report signed by the Maintenance Contractor shall be furnished to the Township by the person owning the property served by the On-Site Sewage Disposal System within 10 days of the inspection. All written inspection reports shall be on a form provided by the Township.
- (4) Initial inspection requirements may be waived for the following conditions:
 - a. A new system has been installed in accordance with all Montgomery County Health Department and DEP standards within one year prior to the effective date of this Article. Copies of all approved Montgomery County Health Department permit data, including plot plan, as-built plot plan, design specifications, and installation inspection reports must be submitted to the Township by the property owner to qualify for a waiver from the initial inspection requirements.
- (5) A property owner has applied for a Montgomery County Health Department permit to repair a malfunctioning On-Site Sewage Disposal System but no repair was deemed possible by the Health Department. Copies of all Montgomery County Health Department documentation, including the permit application form, soils testing field reports, and a written determination from the Montgomery County Health Department that no repair

is possible must be submitted to the Township by the property owner to qualify for a waiver from the initial inspection requirements. Any such waiver will not absolve the property owner from the responsibility to maintain the On-Site Sewage Disposal System in a manner to prevent malfunction, including frequent pumping, water conservation, or any other means deemed acceptable by the Montgomery County Health Department. The property owner shall further assume an ongoing responsibility to revisit options for repair of the On-Site Sewage Disposal System with the Montgomery County Health Department at least annually in order to determine whether any new technologies may have been approved by DEP which would allow for permit issuance to repair the On-Site Sewage Disposal System.

C. Routine Inspections.

- (1) Each person owning a building served by an On-Site Sewage Disposal System shall employ a Maintenance Contractor to complete routine inspections for the purpose of evaluating ongoing condition and maintenance needs of each On-Site Sewage Disposal System in the Township.
- (2) Routine inspections shall be completed every three years after the date of initial inspection, the date of a new On-Site Sewage Disposal System installation pursuant to § 127-80(B), or the date of any waiver granted pursuant to § 127-8(B)(4)(a), as applicable. Routine inspections shall also be completed every three years after final installation approval by the Montgomery County Health Department SEO for all On-Site Sewage Disposal Systems constructed after the effective date of this Article.
- (3) Routine inspections may be conducted concurrent with the pumping requirements of § 127-83A or § 127-83B, as applicable.
- (4) A written inspection report signed by the Maintenance Contractor shall be furnished to the Township by the person owning the property served by the On-Site Sewage Disposal System within 10 days of the inspection. All written inspection reports shall be on a form provided by the Township.

D. Inspection On-Lot Sewage Disposal System with Septic Tank.

The following procedure shall be utilized in pumping and inspecting an On-Lot Sewage Disposal System utilizing a septic tank as an Initial Treatment Unit. Aerobic systems may not need to be pumped but shall be inspected by a qualified person to determine that they are in good working order.

- (1) Locate the septic tank and the absorption areas (tile field trenches, seepage pits, elevated sand mound, etc.).
- (2) Locate the septic tank cleanout manhole and excavate around the cover to prevent soil from falling into the tank when the cover is removed. The owner shall be responsible to have the cleanout manhole excavated, whether by the sewage hauler or otherwise.
- (3) Remove cleanout manhole cover. Break up scum in the tank and pump out a portion of the material in the tank. The inspection port over the baffle shall not be pumped out as this may damage the baffle and will not permit the tank contents to be thoroughly mixed for pumping.
- (4) Reinject the pumped liquid back into the tank to further break up the scum and mix the sludge at the bottom of the tank with the liquid. Pump out the mixed material.
- (5) Repeat Subsection D(4) until the tank is pumped out, i.e., sludge and scum removed.
- (6) Inspect the empty tank for cracks, leaks, deterioration and missing baffles. The tank shall not be entered for the purpose of inspection. A mirror and light may be helpful to see inside the tank. Note any problems with the tank. Acid or chemical cleaner shall not be used in the tank.
- (7) Replace the manhole cover carefully and securely.
- (8) If the cleanout manhole is buried deeper than a foot, risers shall be installed over the cleanout manhole and inspection port to facilitate future cleaning and inspection. The riser cleanout manhole should be 24 inches in diameter.
- (9) Backfill over the cover or around the riser.

- (10) Make a visual inspection of the disposal area for seepage, breakouts, etc., and note any problems.
- (11) Inform the property owner of any problems encountered with any of the components of the system and, if possible, suggest corrective measures.
- (12) Clean up any spillage. Dispose of the septage at any PADEP-approved disposal site.

**SECTION 5. AMENDMENT TO TOWNSHIP CODE 127 [SEWERS],
PART 3 [ON-SITE DISPOSAL SYSTEMS], SECTION
127-82 [OPERATION AND MAINTENANCE]**

The Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-82 [Operation and Maintenance] shall be re-named "Operation" and amended to read as follows:

§127-82. Operation.

- A. No person shall operate and maintain an On-Site Sewage Disposal System in such a manner that it malfunctions. All gray water shall be discharged to a treatment tank. No system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the commonwealth unless a permit to discharge has been obtained from the Montgomery County Department of Health.
- B. Only normal domestic wastes shall be discharged into any On-Site Sewage Disposal System. The following shall not be discharged into the system:
 - (1) Industrial waste.
 - (2) Automobile oil and other nondomestic 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 water or groundwater, including water from roof or cellar drains, springs, basement sump pumps, French drains, air-conditioner condensate discharges, and dehumidifier discharges.

(5) Wastewater resulting from hair treatment at a multi-chaired beauty shops.

(6) Any non-biodegradable materials.

C. The Township may require other operation or maintenance procedures to ensure proper On-Site Sewage Disposal System performance.

**SECTION 6. AMENDMENT TO TOWNSHIP CODE 127 [SEWERS],
PART 3 [ON-SITE DISPOSAL SYSTEMS] TO PROVIDE
A NEW SECTION 127-83 [MAINTENANCE]**

The Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], shall be amended to provide a new Section 127-83 [Maintenance], which will read as follows:

§127-83. Maintenance.

A. Each person owning a building served by an On-Site Sewage Disposal System shall have the Initial Treatment Unit pumped within three years of the effective date of this Article by a Montgomery County Health Department licensed liquid waste hauler. Thereafter, the property owner shall have the system pumped at least once every three years. Receipts from the Montgomery County Health Department licensed liquid waste hauler shall be submitted by the property owner to the Township within the prescribed pumping periods.

B. All On-Site Sewage Disposal System pumping shall be performed in accordance with Section 127-81(D), to the extent applicable, and Chapter 504 of the Montgomery County Health Department regulations and shall also conform to the following minimum standards, unless other standards are specified by an equipment manufacturer:

(1) At all times, the pumper truck operator's personal safety, as well as protection of the environment and the landowner's property, shall receive the highest priority.

- (2) Initial Treatment Units shall only be pumped from or through the manhole or access port (i.e., the largest tank opening).
 - (3) Initial Treatment Units shall not be pumped from or through the observation or inspection port.
 - (4) When necessary to break up solids, backwashing with clean water or material of a similar nature already on board the pumper truck may be employed. Mechanical means (scraping, raking, etc.) are not necessary but may be employed, provided that appropriate safeguards are taken to prevent injury.
 - (5) When backwashing, care shall be taken not to fill or refill the Initial Treatment Units to a level greater than 12 inches below the elevation of the outlet pipe, where applicable.
 - (6) No liquids or solids are to be discharged into or through the outlet pipe, where applicable.
 - (7) Initial Treatment Units shall be deemed to be cleaned when all organic solids are removed and the total average liquid depth remaining is less than one inch.
 - (8) At all times, and in all phases of operations, the liquid waste hauler shall comply with all laws and regulations regarding the activities associated with On-Site Sewage Disposal System maintenance and disposal of materials removed therefrom.
- C. All owners of on-site systems with gray water discharges to the ground surface shall correct such discharges and route the gray water into the treatment tank (i.e., septic tank or, if applicable, cesspool or dry well). The owner shall notify the Montgomery County SEO when the work is completed, and the SEO shall inspect the property and file a report with the Township no earlier than three months and no later than six months from the date of notification
- D. The required pumping frequency may be increased at the discretion of the authorized agent if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions, or for other good cause shown. In addition, the Township reserves the right to modify the pumping frequency on a case-by-case basis for those individuals and

properties that see significantly lower-than-normal flows, where in which a longer pump-out schedule may be appropriate. Property owners who submit a written statement to the Township that no more than two people reside on the property may be switched to a five-year pump-out cycle at the Township's discretion.

- E. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement from the pumper/hauler or from any other qualified individual acceptable to the Township that the baffles in the septic tank have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the MCDH SEO for approval of the necessary repair.
- F. Any person owning a building served by an on-site sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to and remain on file with the Township and MCDH. Thereafter, service receipts shall be submitted to the Township at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
- G. Any person owning a building utilizing a cesspool or dry well which is the receiving unit for solids shall have that system pumped according to the schedule prescribed for septic tanks. As an alternative to this scheduled pumping of the cesspool or dry well, the owner may secure a sewage permit from the MCDH SEO for a septic tank to be installed preceding the cesspool or dry well. For a system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the prescribed interval.
- H. The Township may require additional maintenance activity as needed, including but not necessarily limited to cleaning and unclogging of piping; servicing and repair of mechanical equipment; leveling of distribution boxes, tanks and lines; removal of obstructing roots or trees; and the diversion of surface water away from the disposal area, etc.
- I. Any person owning a building served by an On-Site Sewage Disposal System which utilizes any components or technologies deemed by DEP to require more detailed operation and maintenance

requirements than provided for in this Article, including but not limited to Individual Residential Spray Irrigation Systems (IRSIS), alternate systems, or experimental systems shall be further subject to the maintenance responsibilities recommended by DEP for said system. The Township may impose additional requirements as deemed necessary to provide for the increased oversight inherent in these cases, including but not limited to collection of an annual fee and additional financial security.

J. Surface contouring shall be required as necessary to direct surface water and drainage ways away from all components of On-Site Sewage Disposal Systems.

K. Additional maintenance activity may be required as needed including, but not limited to, providing reasonable access to Initial Treatment Unit, cleaning and unclogging of piping, servicing and the repair of mechanical and electrical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, etc.

**SECTION 7. AMENDMENT TO FORMER TOWNSHIP CODE 127
[SEWERS], PART 3 [ON-SITE DISPOSAL SYSTEMS]
127-83 [SYSTEM REHABILITATION, REPAIR AND
REPLACEMENT]**

The former Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-83 [System Rehabilitation, Repair and Replacement], shall be re-numbered Section 127-84 and shall read as follows:

§127-84. System Rehabilitation, Repair and Replacement.

A. No person shall operate or maintain an On-Site Sewage Disposal System in such a manner to constitute a malfunction. Any suspected malfunction shall be reported to the Montgomery County Health Department SEO, who shall make a final determination as to functional status and rehabilitation measures required. Any person owning a building served by an On-Site Sewage Disposal System determined to be in a state of malfunction by the Montgomery County Health Department SEO shall perform all corrective measures required by the SEO to abate the malfunction. The Montgomery County Health Department SEO shall have the authority to require abatement of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's Initial

Treatment Unit, expanding the existing disposal areas, replacing the existing disposal area, replacing the system with a retaining tank, frequent pumping, or any other alternative appropriate for the specific site.

- B. In the event other remedies described in this section fail to abate a malfunction, the Montgomery County Health Department's Sewage Enforcement Officer and/or the Township's authorized agent may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.
- C. Should none of the remedies described in this section be totally effective in eliminating the malfunction of an existing On-Site Sewage Disposal System, the property owner is not absolved of responsibility for that malfunction. The Township and the Montgomery County Health Department may require action by the property owner to lessen or mitigate the malfunction to the extent necessary.
- D. There may arise geographic areas where numerous On-Site Sewage Disposal Systems are known or are suspected to be in a state of malfunction. A resolution of these area-wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. When a DEP-authorized Official Sewage Facilities Plan Revision has been undertaken, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action may be compelled whenever a malfunction, as determined by the Montgomery County Health Department and/or the Department, represents a serious public health or environmental threat.
- E. Should the Montgomery County Health Department SEO, or the independent SEO/consultant retained by the property owner, with the approval of the Montgomery County Health Department, indicate that it is not possible to repair or modify the system to comply with the Department's standards for on-site sewage disposal systems, then the property owner shall be required to have a replacement on-site sewage disposal system designed for the property. Said design shall conform to current regulations as promulgated by the Pennsylvania Department of Environmental Protection. This design may include the

typical on-site sewage disposal system for an approved alternate on-site sewage disposal system.

- F. The Montgomery County Health Department SEO shall have the authority to require the repair, rehabilitation or replacement of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system or other alternatives as appropriate for the specific site, including use of the reservation areas as required for new systems in § 127-86G of this Part 3.
- G. In lieu of or in combination with the remedies described in Subsection F, the Montgomery County Health Department SEO may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving appurtenances, or they may be required to be replaced by water-conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served. The use of laundry facilities may be limited to one load per day or discontinued altogether.
- H. Should none of the repair, rehabilitation or replacement efforts described herein be totally effective in eliminating the malfunction of an existing on-site sewage disposal system, the property owner shall be required to install a sealed holding tank. This holding tank shall be sized by the Montgomery County Health Department SEO. The property owner shall have the holding tank pumped out as required under § 127-83G.
- I. Should none of the repair or rehabilitation efforts described herein be totally effective in eliminating the malfunction of an existing on-site sewage disposal system, a property owner whose property abuts or fronts an existing public sewer shall be required to connect to said public sewer at the property owner's sole expense.
- J. Should more than 50% of the property owners in a particular drainage area, as set forth in Exhibit A, petition the Board of Supervisors to install public sewers, then the Board may authorize the design of the public sewer system which shall be dependent upon

the location of the drainage area and its proximity to any existing public sanitary sewers. *Editor's Note: Exhibit A, On-Site Disposal System Drainage Area Map, is on file in the Township offices.*

**SECTION 8. AMENDMENT TO FORMER TOWNSHIP CODE 127
[SEWERS], PART 3 [ON-SITE DISPOSAL SYSTEMS]
127-84 [HOLDING TANKS]**

The former Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-84 [Holding Tanks], shall be re-numbered Section 127-85 and shall read as follows:

§127-85. Holding Tanks.

- A. Retaining tanks shall only be utilized as a remedy for a malfunctioning On-Site Sewage Disposal System when it has been determined by the Montgomery County Health Department SEO and the Township that no other remedy is viable.
- B. Where no On-Site Sewage Disposal System malfunction has been identified by the Montgomery County Health Department, the use of retaining tanks shall be subject to approval by the Board, the Montgomery County Health Department, and DEP. Board approval shall be further predicated upon a satisfactory operation and maintenance agreement specific to each use, to which both the Township and the property owner shall be party. The Township may impose additional requirements as deemed necessary, including but not limited to collection of financial security and an annual fee.
- C. Retaining tank installation and use shall be subject to all the requirements of 25 Pa. Code § 71.63 (relating to retaining tanks) and the requirements of the Montgomery County Health Department.
- D. No holding tank shall be installed or used for the disposal of sewage until a permit for such tank shall be obtained from the Montgomery County Health Department SEO. Property owners shall submit to the SEO for approval plans showing the size, shape, location and type of material used in the fabrication of the holding tank and the details of

its construction prior to the issuance of the permit. At the time of application for such permit, the following shall be submitted:

- (1) A letter from the Authority or other disposal site agreeing to receive sewage from the applicant.
- (2) A copy of the contract between the applicant and the sewage hauler providing for the pumping of such holding tank on a regular basis, with the contract being irrevocable for a period of not less than one year.
- (3) A covenant, executed by the applicant, to be recorded running with the land binding the successors entitled to observe the duties required under this Part.
- (4) No truck used in the removal of sewage for disposal shall exceed a capacity of 3,000 gallons, and no removal of sewage from a holding tank shall occur before the hour of 7:00 a.m. or after 7:00 p.m. prevailing time, except in the case of an emergency.

E. The Authority and the Township are hereby empowered to adopt from time to time rules and regulations governing the disposal of sewage from holding tanks. Such rules and regulations are and shall be a part of this Part 3, and the violations of such rules and regulations shall be in violation of this Part 3.

F. The owner of a property that utilizes a holding tank shall maintain the holding tank in conformance with the rules and regulations adopted by the Authority, the Township, Montgomery County Health Department, and PADEP.

G. The holding tank shall have as a minimum the following construction standards:

- (1) Tank capacity. The minimum capacity allowed shall be equal to either the daily flow times the longest interval, in days between collection plus one day of additional capacity, or three days' capacity, whichever is greater; provided, however, that the

minimum tank capacity shall be at least 1,000 gallons for each equivalent dwelling unit (EDU).

- (2) Level indicator. An indicator to show the sewage depth will be required. Also, a warning device using a light and sound device shall be installed within the proposed property to be activated when a tank is 75% full.
- (3) Withdrawal facilities. The tank shall be designed so that it can be completely pumped out.
- (4) Venting. The tank shall be designed with a vent to the atmosphere. If odor problems occur, it will be the property owner's responsibility to install the necessary filter system within 30 days after written notice from the Township.
- (5) All holding tanks shall be located so that the sewage pump will have easy access to withdrawal facilities during all seasons of the year.

H. Any person owning a building served by a retaining tank shall annually provide to the Township a copy of a maintenance contract with a liquid waste hauler licensed by the Montgomery County Health Department. The contract shall provide for regular removal of the retaining tank contents in accordance with Section 11 and with a frequency sufficient to prevent the contents from overflowing on the ground surface. The contract shall also specify the Montgomery County Health Department license number of the liquid waste hauler and the disposal site(s) of the retaining tank contents.

**SECTION 9. AMENDMENT TO TOWNSHIP CODE 127 [SEWERS],
PART 3 [ON-SITE DISPOSAL SYSTEMS] 127-88
[ADMINISTRATION AND FEES]**

The Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-88 [Administration and Fees] shall be amended to read as follows:

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part 3.

- B. The Township shall employ or contract with qualified individuals to carry out the provisions of this Article. Those employees and/or contractors shall include an authorized agent and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Part 3.
- C. The Township's authorized agent shall have the right to enter upon land for the purpose of administering the provisions of this Article. The Township shall provide a written notice to the property owner no less than 14 days prior to any entry upon property for these purposes, unless the Township, Montgomery County Health Department or DEP has determined that potential an imminent public health hazard exists, in which case the Township may conduct such actions at any reasonable time. The Township's authorized agent shall have a photographic proof of identification and shall present same to the property owner upon request whenever entering upon land to administer the provisions of this Part 3.
- D. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-site sewage disposal systems in the Township shall become the property of the Township. Existing and future records shall be available for public inspection during required business hours at the official municipal office. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Township sewage management program shall be made available, upon request, for inspection by representatives of the PADEP.
- E. The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Part 3.
- F. The Board may by resolution establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this Part 3.

**SECTION 10. AMENDMENT TO TOWNSHIP CODE 127 [SEWERS],
PART 3 [ON-SITE DISPOSAL SYSTEMS] 127-89
[APPEALS]**

The Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-89 [Appeals] shall be amended to include a new Paragraph D that shall read as follows:

D. Hearings under this subsection shall be conducted pursuant to the Act of December 2, 1968 (P.L. 1133, No. 353), known as the "Pennsylvania Local Agency Act."

**SECTION 11. AMENDMENT TO TOWNSHIP CODE 127 [SEWERS],
PART 3 [ON-SITE DISPOSAL SYSTEMS] 127-90
[VIOLATIONS AND PENALTIES]**

The Township Code 127 [Sewers], Part 3 [On-Site Disposal Systems], Section 127-90 [Violations and Penalties] shall be amended to read as follows:

In addition to a proceeding under any other remedy available to the Township at law or in equity for a violation of any provision of this Article or any rule or regulation promulgated under this Article or any order issued by the Township or any permit issued by the Montgomery County Health Department and/or the Township pursuant to this Article, the Township, after notices and hearing, may assess a civil penalty against any person for that violation. All proceedings by the Township to impose civil penalties pursuant to this section shall be governed in all respects by the provisions of § 13.1 of Act 537 (35 P.S. § 750.13a) which are incorporated herein by reference in their entirety.

SECTION 12. SEVERABILITY

This Ordinance's provisions are intended to be severable. If any section, sentence, clause, part, or provision of this ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such determination shall not affect or impair this Ordinance's remaining sections, sentences, clauses, parts, or provisions.

Furthermore, it is hereby declared to be this Board's express intent that this Ordinance still be adopted even if such an illegal, invalid, or

unconstitutional section, sentence, clause, part, or provision had not been included.

SECTION 13. REPEALER

All other ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby repealed.

SECTION 14. EFFECTIVE DATE

This Ordinance shall take effect immediately from this Board's adoption of it in accord with Pennsylvania law.

[Signatures on Next Page]

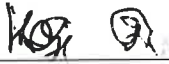
ENACTED and **ORDAINED** by this Board at its public meeting on July 9, 2025.

TOWAMENCIN TOWNSHIP
BOARD OF SUPERVISORS



Joyce F. Snyder, *Chairman*

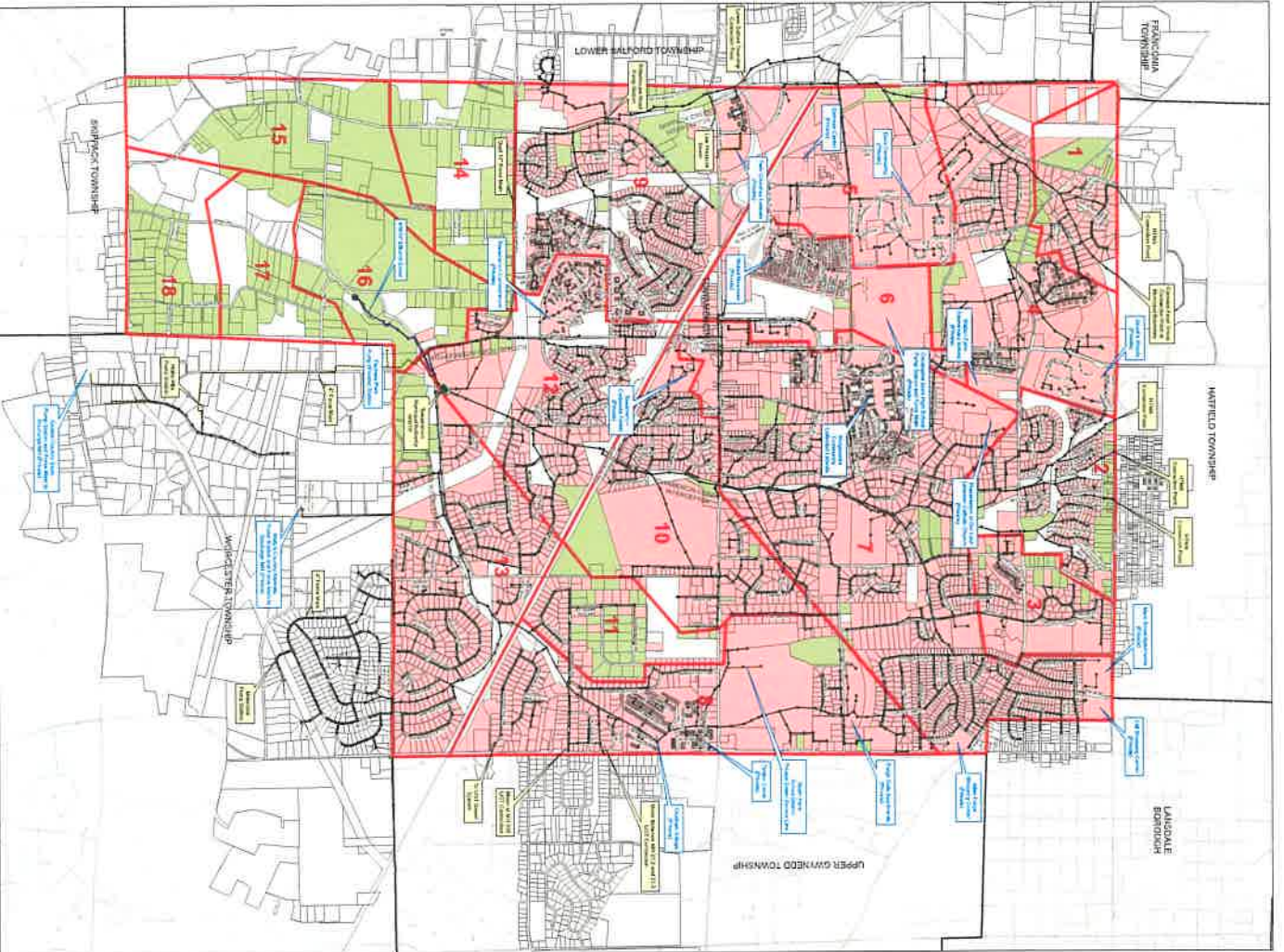
Attest:



Kofi Osei, *Secretary*

EXHIBIT A
On-Site Disposal System Drainage Area Map

{03995719;v1 }



- Legend**
- Sewerage Authority
 - Outfall Discharge Location
 - Collection System (Private)
 - Discharge Area
 - Force Main
- Sewerage Authority Boundary
 --- Discharge Area Boundary
 --- Force Main Boundary