

Ordinance No 07-06-21-001

AN ORDINANCE OF THE TOWNSHIP OF SCOTT, LACKAWANNA COUNTY,
PENNSYLVANIA, REGULATING THE MANAGEMENT AND MAINTENANCE
OF ON-LOT SEWAGE DISPOSAL FACILITIES WITHIN THE TOWNSHIP.

NOW, THEREFORE, be it ORDAINED and ENACTED by the Board of Supervisors of Scott Township, as follows:

Section 1. Short Title.

The Ordinance shall be known and may be cited as the "On-lot Sewage Management Ordinance of Scott Township".

Section 2. Authority.

This Ordinance is adopted pursuant to the authority set forth in the Second Class Township Code, the Pennsylvania Clean Streams Law (35 P.S. § 699.1- 699.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966), P.L. 1535, as amended, 35 P.S. § 750.1, *et seq.*, also known as Act 537. This Ordinance is also adopted pursuant to the official Sewage Facilities Plan adopted for Scott Township pursuant to Act 537.

Section 3. Purpose.

This Ordinance is intended to prevent and abate water pollution and the hazards to the public health caused by the improper treatment and disposal of sewage. This Ordinance is further intended to provide for the permitting, inventory and inspection of on-lot sewage disposal systems within the Township, which said permitting, inventory and inspections are designed to provide for the adequate maintenance, management, rehabilitation/repair/replacement and construction of on-lot sewage disposal systems; to permit the Township to intervene in events which are nuisances or hazards to the public health; to license wastewater management persons that engage in the repair, inspection, and/or installation of on-lot disposal sewage systems, as well as the removal and disposal of septage; and, to establish penalties and appeal procedures necessary for the appropriate administration of the Scott Township On-Lot Management Program. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency, including but not limited to Ordinance No. 90-1-2 adopted January 2, 1990, and Scott Township Sewage Ordinance adopted February 3, 1982.

Section 4. Definitions.

Act 537: The Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. Sect. 750.1 *et. seq.* known as the Pennsylvania Sewage Facilities Act.

Alternate Replacement Area: An area approved for sewage disposal by the SEO which is intended to be utilized in place of a previously approved Replacement Area and which shall comply with the provisions for a Replacement Area.

Authorized Agent: The township Sewage Enforcement Officer or any person who is delegated by the municipality to function within specified limits as the agent of the municipality to carry out the provisions of this ordinance.

Community Sewage System: An on-lot sewage disposal system, whether publicly or privately owned, for the collection of sewage from two or more lots or structures, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

Department: The Department of Environmental Protection of the Commonwealth of

implement Act 537 and the rules and regulations promulgated thereunder, and this ordinance.

Sewage Management District: Any area or areas of a municipality for which a Sewage Management Program is recommended by the municipality's adopted Act 537 Official Sewage Facilities Plan.

Sewage Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance and other administrative requirements adopted by the municipality to effectively enforce and administer this ordinance.

Subdivision: The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

Township: Scott Township, Lackawanna County, Pennsylvania.

Water Test: The bacteriological water test supplied by the Pennsylvania Department of Environmental Protection which analyzes the presence of bacteriological contamination including coliform organisms in drinking water.

Waters of the Commonwealth: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof, and as defined by the Pennsylvania Clean Streams Law.

Zoning Officer: An individual employed by the municipality to administer and enforce the Township Zoning Ordinance.

All definitions included in Act 537 and the Clean Streams Law, as amended, are hereby incorporated by reference into this Ordinance.

Section 5. Applicability.

The provisions of this Ordinance shall apply to all persons owning real property serviced by an on-lot sewage disposal system and to all persons installing, altering, repairing, rehabilitating or replacing such systems. In order to facilitate the administration and implementation of the Ordinance, the Township is divided into three (3) On-Lot Sewage Management Districts as follows:

- (a) District No. 1 - Southern portion of the township below S.R. 632.**
- (b) District No. 2 – Middle portion of township North of S.R. 632, West of S.R. 247, and South of Country Club Road, Koehler Hill Road, and S.R. 438.**
- (c) District No. 3 – Eastern and Northern portions of township East of S.R. 247, and North of Country Club Road, Koehler Hill Road, and S.R. 438.**

Section 6. Permit Requirements/Fees.

- (a). No person shall install, rehabilitate, construct, or solicit proposals for the construction or alteration of an on-lot sewage disposal system, or construct or request proposals for the construction, installation, or occupancy of any building or structure for which an on-lot sewage disposal system is to be installed without first obtaining the appropriate permit from the Scott

Township Sewage Enforcement Officer confirming that the system complies with the provisions of Act 537, and any and all regulations adopted pursuant to said Act.

(b). No permit shall be issued for any proposed new on-lot sewage disposal system on any newly created or subdivided property in any Sewage Management District unless and until a replacement area is tested, approved, and reserved; and such replacement area complies with Section 7 of this Ordinance.

(c). No system or structure designed for on-lot sewage disposal; or for a rehabilitation, repair, and/or replacement to or of an existing on-lot sewage disposal system shall be covered from view until a final inspection and approval of same has been provided by the SEO.

(d). Applicants for on-lot sewage disposal system permits shall notify the SEO of the schedule for construction or rehabilitation, repair and/or replacement of the permitted on-lot sewage disposal system so the appropriate inspection(s) can be scheduled and performed.

(e). No building or occupancy permit shall be issued by the Township or its Zoning Officer for a new building which will utilize an on-lot sewage disposal system, until such time as a valid sewage permit has been obtained.

(f). No building or zoning permit shall be issued and no work shall begin on any addition, alteration or conversion of any existing structure, if said addition, alteration or conversion will result in the increase or potential increase of sewage flows from the structure, until the municipality's Zoning Officer and the structure's owner receive from the Sewage Enforcement Officer either a permit for alteration, rehabilitation or replacement of the existing sewage disposal system or written notification that such a permit will not be required. The township's authorized agent shall determine whether the proposed addition, alteration or conversion of the structure will result in increased sewage flows.

(g). No contractor shall install, construct, rehabilitate or alter an on-lot sewage disposal system without verifying that the property owner has complied with the provisions of this Ordinance.

(h). In accordance with Section 7(a)(1) of Act 537, Scott Township requires a permit for all on-lot sewage disposal systems regardless of lot size.

(i). The Township Supervisors shall establish, by resolution, a schedule of fees necessary and required before the issuance of any permit required under this ordinance, which may be changed by resolution from time to time as deemed necessary. No permit shall be issued until all required fees are paid in full.

Section 7. Replacement Areas.

(a) Each applicant who shall submit a plan for the subdivision or development of land or who shall apply for a permit for the installation of an on-lot sewage disposal system, or who shall request a revision, exception to revision, or supplement to the Scott Township Official Sewage Disposal Facilities Plan shall demonstrate to the satisfaction of the SEO that a suitable area exists on the lot or on each lot to be created for an initial on-lot sewage disposal system and for a

Replacement Area. The SEO shall perform or observe all tests required for the location of an on-lot sewage disposal system to confirm the suitability of the Replacement Area. Allowance of open land for the Replacement Area without testing performed or observed by the SEO shall not constitute compliance with the requirements of this Section. Approved Replacement Areas must be shown on subdivision plans recorded with Lackawanna County, and or Scott Township.

(b). The location of the initial on-lot sewage disposal system and the Replacement Area as confirmed by the SEO shall be identified on the plot plans and diagrams submitted as part of the permit application.

(c). Any revisions to a permit or plan affecting a Replacement Area which previously has been approved pursuant to the provisions of this Ordinance shall be reviewed for approval by the Township or its authorized agent.

(d). The area for the Replacement Area noted upon the plot plan shall state that no permanent or temporary improvements of any character, other than shallow-rooted plant matter, shall be constructed upon the Replacement Area. This provision shall be enforced by the Township unless the person who desires to construct such improvements can demonstrate to the satisfaction of the SEO that an Alternate Replacement Area which complies with all applicable regulations of the PADEP, this ordinance and all other applicable Township ordinances, exists upon the lot. If such an Alternate Replacement Area can be identified, it may be considered to be the Replacement Area required by this ordinance and may be so designated for the purposes of this ordinance.

Section 8. Relief from Replacement Area Requirement

(a). If any lot held in single and separate ownership as of the effective date of this ordinance does not contain land suitable for a Replacement Area, the applicant submitting a request for a revision, exception to revision, or supplement to the Official Sewage Facilities Plan, or desiring to install an on-lot sewage disposal system may request that the Township grant an exception to the requirement of providing a Replacement Area. The Applicant for such an exception shall present credible evidence demonstrating (1) that the lot was held in single and separate ownership on the effective date of this ordinance; (2) the size of the lot ; (3) inability of the applicant to acquire adjacent land or unsuitability of adjacent land which might be able to be acquired; and (4) results of the testing conducted to determine that the lot is not suitable to provide a Replacement Area.

(b). At all times the burden to present credible evidence and the burden of persuasion shall be upon the applicant for an exception from the terms of this Ordinance. In no case shall any lot be exempted from the requirements of Section 6 of this Ordinance.

Section 9. Inspections.

(a) To assure the proper functioning, all on-lot sewage disposal systems within Scott Township will be inspected by the Township's authorized agent in accordance with the schedule outlined in Sections 9(e) and 9(f) below ; Section 12, Maintenance; and as required thereafter utilizing the

Scott Township Sewage Management District Inspection Report.

(b) The inspection may include a physical tour of the property, water tests, including the taking of samples from surface water, wells, or other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of traceable substances into the interior plumbing of the structure served (providing a responsible resident/owner, over the age of eighteen (18) is present) to ascertain the path and ultimate destination of the wastewater generated in the structure.

(c) In addition, any on-lot sewage disposal system may be inspected by the Township's authorized agent at any reasonable time after the effective date of this Ordinance providing one or more of the following applies: (i) sufficient evidence of a potential health or safety risk has been obtained from a reliable source; (ii) a signed complaint has been submitted by a resident of the Township; (iii) if directed to do so by the Township; or (iv) if directed to do so by PADEP.

(d) The Township's authorized agent shall have the right to enter upon land for the purposes of inspections described above. Any person who shall deny or in any way impede Township inspections shall be subject to the penalties prescribed in Section 19 of this Ordinance.

(e) Initial inspections by the township pursuant to this Ordinance shall be conducted as follows:
District No. 1 during the calendar year 2007
District No. 2 during the calendar year 2008
District No. 3 during the calendar year 2009

(f) Any property scheduled for inspection in a given year which has not been inspected at the end of that calendar year shall be inspected as soon as practicable during the following year.

(g) A copy of the Scott Township On-Lot Sewage Management District Inspection Report shall be furnished to the owner which shall include the following information: date of inspection; name and address of the system owner; and the status of the on-lot sewage disposal system, either functioning or malfunctioning.

(h). The Township shall make a reasonable attempt to provide advance notice to the property owner of the on-lot sewage disposal system prior to a regularly scheduled inspection as described in Section 9(e).

Section 10. Operation.

(a). No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All sewage shall be discharged to an on-lot sewage disposal system. All owners with gray water discharges to the ground surface shall correct such discharges and route the gray water into the on-lot sewage disposal system. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the Waters of the Commonwealth of Pennsylvania unless a permit to discharge has been obtained from the Department and verified by the Township.

(b). Only normal domestic wastes shall be discharged into any on-lot sewage disposal system.

The following shall not be discharged into the system:

1. Industrial waste.
2. Automobile oil and other non-domestic oil.
3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.
5. Any non-biodegradable materials.
6. Radioactive waste materials.

(c). The Township, or it's authorized agent may require installation of water conservation devices and other methods to improve system operation.

(d). The Township will periodically review the number and location of malfunctioning on-lot sewage disposal systems to determine if alternate sewage disposal solutions may be necessary. A resolution of the area wide problems may necessitate detailed planning and a Township revision of the Township's Act 537 Official Sewage Facilities Plan related to that area.

Section 11. Right of Entry.

(a). Authorized persons acting on behalf of the Township shall, upon presentation of the proper credentials and identification, be permitted to enter upon the outside of the property that contains an on-lot sewage disposal system for the purpose of inspecting, observing, testing, photographing, and sampling the system in accordance with the provisions of this Ordinance.

(b) In the event entry is denied by the property owner, the township shall be authorized to take such steps as are appropriate to secure access to the property for the purpose of determining compliance with the terms and conditions of this Ordinance. Said steps shall include, but not be limited to, the seeking of an administrative search warrant from the appropriate judicial official.

Section 12. Maintenance.

(a) All septic and aerobic tanks in the Township, shall be pumped out by a Township licensed Pumper/Hauler, selected by the property owner, at least, once every three (3) years. The three (3) year time period shall begin when the Township has completed the first three (3) year cycle based upon the following schedule of pumping:

- (1) Properties located in District No.1 must be pumped within one (1) year of the effective date of this Ordinance;
- (2) Properties located in District No.2 must be pumped within two (2) years of the effective date of this Ordinance; and
- (3) Properties located in District No.3 must be pumped within three (3) years of the effective date of this Ordinance.

(b) Notwithstanding the provisions of this subsection (a) of this section, if any person owning

such system shall produce satisfactory documentary evidence to the Township that the tank had been pumped within a one year period prior to the effective date of this Ordinance such pumping shall not be required until on or before the third anniversary of such prior pumping.

(c) After the initial pumping as required by subsection (a) of this Section, the removal of septage or other solids shall be performed once every three (3) years, or whenever an inspection program reveals that solids are in excess of one-third (1/3) the liquid depth of the tank, or system.

(d) The Township may allow tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Township that the system can operate properly without the need of pumping for a period longer than three (3) years, but in no case shall such period extend beyond five (5) years. Such a request may be made at any time, and must be in writing, with all supporting documents attached. The Township, in making its determination, shall take into account the information submitted by the applicant, the sewage permit issued by the Township SEO upon installation or rehabilitation of the system, and supporting documentation, reports of inspection and maintenance of the system, and other relevant information; and may conduct an on-site inspection. The applicant shall bear the cost of any inspection; and any surface or subsurface, and soil, waste, or water sampling conducted for the purpose of evaluating the request. The applicant shall receive a decision within ninety (90) days of request.

(e) The required pumping frequency may increase at the discretion of the Township if the septic tank is undersized, if solids buildup in the tank is above average, if the hydraulic load increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown (as determined by the SEO and approved by the Township).

(f) Any person owning a building served by an on-lot sewage disposal system containing an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer, except that the pumping interval shall not exceed that normally required for septic tanks(3 years).

(g) 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 or electrical equipment; leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees; the diversion of surface water away from the disposal area; etc. Repair permits, required by the SEO, must be secured for these activities.

(h) Any person owning a residence or other building that is claimed to be served by a sewage disposal system that is not covered by the requirements of this ordinance, or by a type of sewage disposal system that has no maintenance needs, or that is claimed not to have a sewage disposal system shall furnish written proof to Scott Township of the type of system in use, the method of sewage disposal if no system is claimed, or the lack of maintenance requirements for the system. Every residence or other building is presumed to be served by an on-lot sewage disposal system subject to the requirements of this ordinance and any person claiming not to be covered by the requirements of this ordinance shall have the burden of proving that he is not subject to such requirements.

(i) Any tank pumping shall include an inspection of the baffles or sanitary tees within the tank. If they are in deteriorated condition the property owner is responsible to ensure proper replacement. Approval for the installation of baffles or sanitary tees must be obtained from the SEO prior to commencement of the work.

(j) The Township approved Pumper/Hauler shall complete the Scott Township Pumper/Hauler Report after completing each inspection and pump out, and must provide a copy of the report to the owner of the property and to Scott Township. The report shall be complete, and include the findings of the inspection and any recommendations for the maintenance of the on-lot sewage system, and shall serve as proof of compliance with the pumping requirement of this ordinance.

(k). Any person owning a building utilizing a system not described by this Ordinance, which is the receiving unit for solids shall have that system pumped according to the schedule prescribed for septic tanks (three years).

(l). If excavation is necessary to accomplish the pump-out, the cost for this excavation will be borne by the property owner

Section 13. Pumper/Hauler Requirements.

(a). All Pumper/Haulers must obtain a license from Scott Township to pump septage within or from the township, and utilize the Scott Township Pumper/Hauler Report.

(b). The requirements to obtain a license shall be in compliance with the provisions of this Ordinance and the Township may, by resolution, establish a fee for said license.

(c). The Township shall establish rules and regulations for the licensing procedure.

(d). Septage Pumper/Haulers operating within Scott Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. subsections 6018.101-6018.1003), and regulations adopted pursuant to such Act.

(e) Initial and periodic pumping shall be performed to these minimum standards unless other standards are specified by an equipment manufacturer:

(1) Tanks shall ONLY be pumped from/through the manhole/access port(i.e., the largest tank opening).

(2) Tanks shall Not be pumped from/through the observation port.

(3) No liquids or solids are to be discharged into/through the outlet pipe.

(4) Tanks shall be deemed to be cleaned when all organic solids are removed and the total average liquid depth remaining in the tank is less than one inch (1”).

(f) Every pump-out shall include a visual inspection, by the Pumper/Hauler, of the tank's interior. The inspection shall include a determination regarding the presence of baffles or sanitary tees and their condition, as well as the physical condition of the treatment tank.

Section 14. System Rehabilitation/Repair/Replacement.

(a) Any on-lot sewage disposal system or component thereof found to be malfunctioning shall be repaired, modified or replaced pursuant to direction of the Township or its Authorized Agent to correct the conditions causing the malfunction. Rehabilitation shall be performed in accordance with "Chapter 73, Standards for Sewage Disposal Facilities" of Title 25, Rules and Regulations, Department of Environmental Protection. The Township SEO, or Authorized Agent shall inspect the rehabilitated on-lot sewage disposal system and certify its compliance with local and state standards.

(b) If the Township determines that any on-lot sewage disposal system is malfunctioning and, further, if that property abuts or fronts an existing public sewer, then the Township may require that property to be connected to said public sewer, at the property owner's sole cost and expense. Under those circumstances, the Township will not issue a permit for the repair of a malfunctioning on-lot sewage disposal system.

(c) The Township may require the rehabilitation/repair/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; and such other alternatives as appropriate for a specific site, including use of a reserved replacement area as described in Section 7.

Section 15. Liens.

(a) The Township, upon written notice, from its SEO or Authorized Agent, that an imminent health hazard exists due to failure to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this Ordinance, shall have the authority to perform or contract to have performed, the work required to correct the problem. The Owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

Section 16. Disposal of Septage.

(a). All septage originating within the Scott Township Sewage Management District shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Protection. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farm lands.

Section 17. Administration

(a) The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Ordinance.

(b) The Township shall employ qualified individuals to carry out the provisions of this Ordinance in accordance with the regulations contained in Chapter 72 of the Pennsylvania Code, Section 42. Those employees shall include a certified SEO, and a secretary, administrator, or other persons as required. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.

(c) All permits, records, files and other written material relating to the installation, operation and

maintenance and malfunction of on-lot sewage disposal systems shall become the property of the Township. Existing and future records shall be available for public inspection during normal business hours at the official Township office. All records pertaining to sewage, permits, building permits, occupancy permits and all other aspects of the Township's On-Lot Sewage Management Program shall be made available, upon request, for inspection by a representative of the Department.

(d) The Township may establish, by resolution, all procedures necessary to properly carry out the provisions of this Ordinance to cover costs to the Township of administering this program, including, but not limited to, fee schedules for permits, testing, and inspections, a pumper/hauler licensing fee, and a fee collection procedure.

Section 18. Appeals.

(a) Appeals from decisions of the Township or its Authorized Agents, under this Ordinance shall be made to the Review Board. Such appeals shall be in writing and addressed to the Review Board at the Township business office and shall be filed within thirty (30) days from the date of notification of the decision in question.

(b) The Review Board shall consist of three (3) members and an alternate, appointed by the Township. The appointment shall be for a three (3) year term expiring the first (1st) Monday in January in the appropriate year, one to expire each year. Original Review Board members shall draw lots to determine seniority. One member's term will expire each year for the first three (3) years. The original alternate's term shall expire the second (2nd) year after his appointment. The alternate shall have the same powers as other members when substituting for a regular member.

(c) Hearings. The Review Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Written notice of a hearing shall be given to the appellant, the zoning officer, such other persons as the Township shall designate, and to any other persons as the Review Board shall determine. Written notice shall be given at such time and manner as shall be prescribed by Review Board, but shall not give less than fifteen (15) days notice of said hearing.

2. The Township may prescribe reasonable fees with respect to hearings before the Review Board. Fees for such hearings may include compensation for the Secretary and members of the Review Board, Notice and Advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Review Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

3. The hearing shall be held by the Review Board within sixty (60) days from the date of the appellant's request, unless the appellant has agreed, in writing, to an extension of time. The Review Board may include an alternate. Two (2) members shall constitute a quorum.

4. The decision of the Review Board shall be made in writing within thirty (30) days of the termination of the hearing and shall be communicated by First Class Mail to the appellant and any other parties who have appeared at the addresses set forth by them.

5. The parties to the hearing shall be the Township, the appellant, any person affected by the appeal who has made a timely appearance of record before the Review Board and any other person, including civic, community, or state organizations permitted to appear by the Review Board. The Review Board shall have the power to require that all persons who wish to be considered parties enter appearance in writing. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

6. Formal Rules of Evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded. It is not necessary for the Review Board to keep a stenographic record of the proceedings, however, any party desiring to keep a stenographic record will be allowed to do so at their expense.

7. The Review Board shall not communicate directly or indirectly with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memorandum, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so notice and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

8. Where legal counsel is desired, a Township attorney, other than the solicitors may be appointed by the supervisors to serve as counsel to the Review Board.

Section 19. Penalties.

(a). Any property owner and/or person who has violated or permitted the violation of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, shall pay a judgment up to \$1000.00 plus all courts costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by the District Justice. If the responsible party neither pays judgment nor files a timely appeal, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to the Township. In addition to the rights as set forth in this paragraph, the Township may take such other steps as are available to it to enforce the provisions of this Ordinance including resort to the courts of equity to seek compliance with the provisions of this Ordinance.

Section 20. Violation and Penalties Pertaining to Pumper/Haulers.

(a) Pumper/Haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §~6018.101-6018.1003).

(b) Any Pumper/Hauler who violates any of the provisions of this Ordinance or any other Ordinance or regulations of the Township, the conditions of its State permit, or any State or local law governing its operation, shall, upon conviction thereof, be sentenced to pay a fine not

exceeding one thousand dollars (\$1000.00) and costs. Each day the violation continues shall constitute a separate offense.

(c). In addition, the Township may suspend or revoke a Scott Township Septage Pumper/Hauler License and impose penalties for violations of requirements of Section 20(a) above, this Ordinance, and the Scott Township Rules and Regulations for Septage Pumper/Haulers. The Township shall have the power to suspend said Pumper/Hauler from operating within the Township for a period of not less than six (6) months or more than two (2) years for each violation, as determined by the Township.

Section 21. Pre-emption.

(a). The provisions of the Act and any regulations adopted by the PADEP pursuant to the Act shall pre-empt the provisions of the Ordinance to the extent that the provisions of the Act or PADEP regulations are more stringent than the provisions of this Ordinance. In all other cases, the provisions of this Ordinance shall prevail.

Section 22. Severability.

(a). Should any section of this Ordinance or part thereof be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the balance of the Ordinance since it was the intent of the Township that said Ordinance would have been adopted even if such invalid provision had not been included.

Section 23. Effective Date.

This ordinance shall take effect within five (5) days of enactment or as otherwise provided for by law.

This Ordinance was duly ORDAINED and ENACTED this day of 21st of June, 2007
SCOTT TOWNSHIP BOARD OF SUPERVISORS

ATTEST: Tom Wicks
Tom Wicks
SCOTT TOWNSHIP SECRETARY

By: _____
Robert Vail Jr.

By: James Black
James Black

By: Michele Duchnik
Michele Duchnik