

ORDINANCE NO. 2-1999

AN ORDINANCE OF SHENANGO TOWNSHIP, LAWRENCE COUNTY, PENNSYLVANIA, REGULATING SPRAY IRRIGATION INDIVIDUAL SYSTEMS AND STREAM DISCHARGE SYSTEMS; AND REQUIRING AN APPROVED MAINTENANCE AGREEMENT SUFFICIENT TO COVER THE COSTS OF FURTHER OPERATION AND MAINTENANCE OF SUCH SYSTEMS.

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of Shenango Township, Lawrence County, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED by the Authority of the same as follows:

SECTION 1. PURPOSE. The purpose of this Ordinance is to establish Township regulations for individual spray irrigation and stream discharge type treatment systems (which shall include, but not be limited to, dry stream channel discharge and overland flow systems) consistent with the Pennsylvania Sewage Facilities Act (Act 537), as amended. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

Furthermore, this Ordinance is intended to satisfy the additional requirements imposed upon a municipality in the Amendments to Act 537, which require a municipality to assure compliance of such treatment systems with the regulations that establish standards for operation and maintenance of these systems.

SECTION 2. SCOPE. As part of any zoning and subdivision approval proposing the use of an individual spray irrigation or stream discharge type treatment system, compliance with the requirements hereinafter set forth shall be a condition of any such approval. All individual spray irrigation and stream discharge type treatment systems to be constructed in Shenango Township shall be subject to a permit issued by the Lawrence County Health Department pursuant to the amendments of Act 537. In addition, the property owner and/or developer must execute an approved Maintenance Agreement with the Township in recordable form which, along with the issuance of the permit, must be memorialized in appropriate textual notes prominently set forth on the approved final subdivision and land development plan.

SECTION 3. DEFINITIONS. As used herein, the following terms shall have the meanings herein described, unless otherwise provided:

(a) BOARD - The Board of Supervisors of Shenango Township.

(b) DEP - The Bureau or office of the Department of Environmental Protection of the Commonwealth of Pennsylvania.

?? (c) LAWRENCE COUNTY HEALTH DEPARTMENT - The office administering the issuance of permits and promulgating regulations governing individual spray irrigation systems and stream discharge type treatment systems in the various municipalities of Lawrence County, as authorized under the amendments to Act 537.

(d) LOCAL AGENCY - All references to the "local agency" shall mean the Lawrence County Health Department.

(e) SANITARY SEWAGE - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings, and any nocuous or deleterious substance being harmful or inimical to the public health or to animal or aquatic life or to the use of water or domestic water supply or for recreation. The term sanitary sewage specifically excludes waste waters of industrial origin.

(f) SPRAY IRRIGATION SYSTEM - Any individual sanitary sewage treatment and disposal system which treats and disposes of sewage utilizing a system or piping, treatment tanks and soil renovation through spray irrigation and surface absorption or land application.

(g) STREAM DISCHARGE TREATMENT SYSTEM - Any sanitary sewage treatment and disposal system which treats and disposes of sewage utilizing stream discharge.

(h) TOWNSHIP - Shenango Township, Lawrence County, Pennsylvania.

SECTION 4. TOWNSHIP REGULATION. All site developments, involving a residential structure, subdivisions and land development plans utilizing an individual spray irrigation or stream discharge type treatment system hereafter installed in Shenango Township shall not be approved within the Township unless and until the property owner and/or developer executes a

Maintenance Agreement approved by the Township for purposes of providing security in a form acceptable to the Township sufficient to cover the costs of future operation and maintenance of the system over its design life up to a maximum of fifty percent (50%) for each of the first two (2) years of operation and no more than ten percent (10%) each year thereafter of the equipment and installation cost of the system, estimates for which amounts shall be submitted by the applicant for review and approval by the Township Engineer and/or the establishment of properly chartered associations, trusts or other private legal entities to manage the systems, municipal ownership of the systems, at the municipalities discretion, establishment of a sewage management agency to manager the systems or any combination of the above.

In addition, prior to plan approval, the Township shall have received the permit issued by the Lawrence County Health Department for the construction and use of the individual spray irrigation system or stream discharge type treatment system and shall have received any and all escrows required by the approved Maintenance Agreement.

SECTION 5. FEES. All fees for the Township's review, approval, inspection, and maintenance, in the event that applicant fails to perform the same after notice issued by Township, of an individual spray irrigation or stream discharge type treatment system shall be established and set forth in the Maintenance Agreement approved by the Township, the contents of which are

incorporated herein by reference and shall be borne by the applicant as their sole cost and expenses.

SECTION 6. PLAN REVIEW PROCESS. All site development subdivisions and land development plans utilizing a spray irrigation or stream discharge type treatment system within Shenango Township shall be reviewed to determine compatibility with the intent and requirements of the Shenango Township Comprehensive Plan, the Shenango Township Subdivision and Land Development Ordinance, the Shenango Township Zoning Ordinance, the Building and/or Plumbing Codes adopted in Shenango Township, and the Rules and Regulations of the Lawrence County Health Department. All such plans shall be reviewed as may be necessary and otherwise required by the following boards and/or bodies:

- A. Shenango Township Code Enforcement Officer;
- B. Shenango Township Engineer;
- C. Lawrence County Planning Commission;
- D. Shenango Township Planning Commission;
- E. Lawrence County Health Department;
- F. Shenango Township Sewer Advisory Board or Municipal Authority; and
- G. Shenango Township Board of Supervisors.

SECTION 7. PERMIT. Once it has been determined that the Certified Sewage Enforcement Officer for the Lawrence County Health Department that the site, sewer conditions and system design meet

the standards established by the Lawrence County Health Department for such systems and the applicant has submitted documentation to the Sewage Enforcement Officer reflecting that the proposed use of the individual spray irrigation system or stream discharge type treatment system will not adversely impact existing and proposed drinking water supplies and will not create a nuisance or public health hazard, the Lawrence County Health Department may issue a permit for the construction of such individual spray irrigation system or stream discharge type treatment system.

SECTION 8. AMENDMENTS. The Shenango Township Board of Supervisors reserve the right to amend these regulations by Resolution or Ordinance as may be appropriate from time to time and as is deemed necessary and proper.

SECTION 9. REPEALER. All Ordinances, or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 10. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Shenango Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid

sentence, clause, section or part thereof not been included herein.

ENACTED AND ORDAINED this _____ day of _____,
1999.

ATTEST:

Brian D. Tanner
Secretary

SHENANGO TOWNSHIP BOARD OF
SUPERVISORS

[Signature]

Andrew Licanto
