

WINDSOR TOWNSHIP  
ORDINANCE NO. 2014-04-01

AN ORDINANCE OF THE TOWNSHIP OF  
WINDSOR, LOCATED IN YORK COUNTY,  
PENNSYLVANIA ESTABLISHING ON-LOT  
SEPTIC SYSTEM MANAGEMENT,  
REQUIRING PERIODIC INSPECTIONS OF  
ON-LOT SEPTIC SYSTEM, PUMPING OF  
SEPTIC TANKS, AND ESTABLISHING  
PENALTIES FOR VIOLATIONS.

**BE IT ORDAINED AND ENACTED**, and it is hereby ordained and enacted by the Board of Supervisors of the Township of Windsor, York County, Pennsylvania, as follows, to wit:

**SECTION 1 - Definitions:** The following words and phrases shall have the following meanings wherever used in this Ordinance:

- A. "Township" shall mean the Township of Windsor, York County, Pennsylvania
- B. "Holding tank" shall mean a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:
  - 1. "Chemical Toilet" which is a toilet using chemicals that discharge to a Holding tank.
  - 2. "Retention Tank" which is a holding tank where sewage is conveyed to it by a water carrying system.
  - 3. "Vault Pit Privy" which is a Holding tank designed to receive sewage where water under pressure is not available.
- C. "Malfunction" shall mean a system that is not operating or is not functioning properly. Indications of a malfunctioning system include, but are not limited to, any of the following: ponding or outbreak of waste water or septic tank effluent onto the surface of the ground; seepage of waste water or septic tank effluent into parts of buildings below ground; back-up of waste water into a building that is not caused by a physical blockage of the internal plumbing; contamination of nearby water wells or waterbodies/courses; or broken/deteriorated components. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.
- D. "On-lot septic system" shall mean a system for the disposal of domestic sewage or other wastewaters operating below ground-level and located on or near the site of the building or buildings being served by the system. An On-lot septic system includes Holding tanks and cesspools.
- E. "Septage" shall mean accumulated solids, sludge, wastewater and grit resulting from biologically degraded sewage.
- F. "Sewage" shall mean any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals; a substance harmful to the

public health, to animal or aquatic life or to the use of water for domestic water supply or for recreation; or a substance which constitutes pollution under the Clean Streams Law.

**SECTION 2 - Inspections:** Each owner of a property located in the Township of Windsor which has or is required to have an On-lot septic system, but is not required to be connected to the public sanitary sewer system, shall cause such On-lot septic system to be inspected and the septic and treatment tank or tanks on the property to be pumped in accordance with this Ordinance. An initial inspection and subsequent periodic inspections shall be conducted by a qualified sewage hauler licensed by the York County Solid Waste Authority. Inspections shall be conducted for the purpose of determining a system's functional status. The individual property owner is responsible to contact and make arrangements directly with the sewage hauler.

Where properties are served by cesspools, the land owner shall contact the Township Sewage Enforcement Officer (S.E.O.) to conduct a walk over in person to check for collapse or sewage overflows/discharges from the cesspool system. If there is no evidence or malfunction, the land owner need not pump out the system or install access manhole over the cesspool.

In such case that an On-lot septic system in any form does not exist on a property, an Exemption Form provided by the Township must be completed and notarized to certify that no system exists.

**SECTION 3 – Access to Systems:** To enable the aforesaid inspections, access to each septic or treatment tank which is required to be pumped in accordance with this Ordinance shall be provided by an access manhole through which such inspection may be made. Such access manhole shall have an inside dimension measuring at least 20 inches by 20 inches, or 20 inches in diameter, with a removable cover. The top of the tank containing the access manhole or the top of any access manhole extension shall be extended to grade level. If access is extended to grade, the access manhole cover shall be airtight. Grade level access covers shall be secured by bolts or locking mechanisms, or have sufficient weight to prevent unauthorized access. The ground shall slope away from any access extended to grade level. If a septic or treatment tank has already been installed upon such property, such inspection access shall be completed prior to the first pumping. If a septic or treatment tank is not yet installed upon such property, then the inspection access shall be installed at the time of any new installation of an On-lot septic system of any kind. If a new or replacement septic or treatment tank is being installed or to be installed upon such property, then such tank shall be equipped with the inspection access at the time of such installation.

Property owners with properly functioning cesspools shall be exempt from the installation of an access manhole and pump out ports.

**SECTION 4 - Reports:** A written septic system report of the inspection and pumping shall be prepared by a qualified sewage hauler and furnished to the owner of each property inspected on a form provided by Windsor Township. The owner shall deliver a copy of the fully completed septic system

report to the Township within 30 days of the inspection and pumping. The owner may mail or hand-deliver such report to the Township. Written reports shall be recorded on the Township's septic system report form. The sewage hauler shall fully complete the form to address all requested information.

**SECTION 5 – Township SEO Inspections:** The sewage enforcement officer for the Township shall inspect all On-lot septic systems known to be or alleged to be malfunctioning. The sewage enforcement officer shall inspect all cesspools on the same schedule as denoted in Section 6 of this Ordinance. Should said inspection reveal that the system is malfunctioning, the sewage enforcement officer of the Township shall take action to require the correction of the malfunction. The sewage enforcement officer of the Township may inspect any On-lot septic system or cesspool at any time given reasonable notice. The sewage enforcement officer of the Township shall have the right to enter upon land for the purpose of inspections as described above. Inspections by the sewage enforcement officer of the Township may include a physical tour of the property, the taking of samples from surface water, wells or other groundwater sources, the sampling of contents of the sewage disposal system or cesspool, including 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. The cost of these inspections and the Township's administrative fee will be in accordance with the current Fee Schedule as approved by the Windsor Township Board of Supervisors.

**SECTION 6 – Pumpout/Inspection:** The Township shall notify all owners of property served by an On-lot septic system that their system must be pumped by the end of the calendar year in which the letter is received. The Township shall follow a schedule whereby a fourth of all the owners of properties within the Township served by On-lot septic systems are notified annually of the pumping requirement, such that all owners are notified once every four years. The property owner must have the septic or treatment tank or tanks located on the owner's property pumped within the time specified in the Township's letter unless the owner can provide the Township with pumping certification indicating that the on-lot system was pumped in the one year prior to the date of the Township's letter. Where properties are served by cesspools, the owner shall contact the Township S.E.O. to inspect the system once every four years. As long as the cesspool functions properly, no pump out is required. Should the Township S.E.O. determine the cesspool is malfunctioning or collapsing, access manhole and pump out ports shall be installed and the malfunction must be corrected.

**SECTION 7 – Limit of Pumpout:** Tanks shall be deemed to be pumped when all organic solids are removed and the total average liquid depth remaining in the tank is less than six inches.

**SECTION 8 – Maintenance:** The Township may require additional maintenance activity as needed, including but not limited to cleaning and unclogging of piping; service and repair of mechanical equipment; leveling of distribution boxes, tanks, and lines; removal of obstructing roots or trees; or the diversion of surface water away from the absorption area; or any combination of the foregoing or of other matters.

**SECTION 9 – Follow-up Pumpouts/Inspections:**

Following the initial pumping and inspection as prescribed in Section 5 above, and in accordance with the notice from the Township provided for in Section 5 above, the owner of a property served by or required to be served by an On-lot septic system shall cause the removal of septage or other solids from the septic or treatment tank or tanks on the property at least once every four years. The Township may allow septic or treatment 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 for pump-out for a period longer than four years. In no case shall such period extend beyond six years. Such a request may be made after the initial pumping and inspection. The sewage enforcement officer for the Township shall determine if an extension of time should be granted and the length of the extension. In making the determination, the sewage enforcement officer for the Township shall take into account the sewage permit issued for the installation or rehabilitation of the system, reports of inspection and maintenance of the system, and other relevant information. The sewage enforcement officer for the Township shall conduct an onsite inspection. The number of years between pumping shall be determined from the Penn State Fact Sheet F-161 "Septic Tank Pumping", as may be amended, provided the inspection findings and all other information is satisfactory. The applicant shall pay a fee established by Township resolution for this request. The applicant shall receive a decision within 60 days of accumulation of all necessary information by the Township.

**SECTION 10 – Pumpout/Inspection Frequency:**

The Township may require septic or treatment tanks to be pumped out more frequently than every four years at the discretion of the Township if any one of the following events should occur or be discovered:

- A. An On-lot septic system is found to be malfunctioning;
- B. An On-lot septic system is found to be undersized;
- C. The septic or treatment tank or tanks are filled with solids in excess of one-third of the liquid depth of the tank or with scum in excess of one-third of the liquid depth of the tank;
- D. The hydraulic load On-lot septic system increases significantly above average;
- E. A garbage grinder is used in the building; or
- F. Other good cause can be shown.

**SECTION 11 – Routine Maintenance:** Any person owning a building served by an On-lot septic system containing an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. In no case may the service or pumping interval for aerobic treatment tanks exceed that required for septic tanks.

**SECTION 12 - Appeals:**

- A. Appeals from decisions made under this Ordinance shall be made to the Board in writing within fifteen (15) days from the date of the Authorized Agent's decision in question.

B. The appellant shall be entitled to a hearing before the Board at its next regularly scheduled meeting, if the appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the subsequent meeting. The Township shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant or the Township.

C. The Local Agency Law shall govern the procedures for an appeal.

**SECTION 13 – Holding Tanks:** Holding tanks shall be pumped out at intervals in accordance with the Windsor Township Holding Tank Ordinance that prevent the overflow, leakage, backup, and other malfunctions characteristic of an overloaded system.

**SECTION 14 – Site Maintenance:** The owner of a property served by an On-lot septic system or cesspool shall maintain the area around such system so as to provide convenient access for inspection, maintenance, and pumping, and divert surface water and downspouts away from the absorption area and On-lot septic system components.

**SECTION 15 – Inspection Ports:** Tanks shall only be pumped from or through the access port. Tanks shall not be pumped from or through the inspection port.

**SECTION 16 – Unlawful Discharge:** The owner of a property upon which an On-lot septic system is constructed shall, at all times, operate and maintain the On-lot septic system in such condition as will permit it to function in the manner in which it was designed and to prevent unlawful discharge of sewage.

**SECTION 17 – Rates and Charges:** The Township may, by resolution, establish rates or charges for its services established under this Ordinance.

**Section 18 – Penalties:**

- A. Any person who shall violate or fail to comply with any provision of this Ordinance shall, upon conviction thereof by summary proceeding action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than One Hundred (\$100) Dollars, nor more than One Thousand (\$1,000) Dollars, plus all court costs, or imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. Each day's continuance of a violation of this Ordinance shall constitute a separate offense.
- B. Failure to pay any inspection fee or administrative fee when due shall be subject to civil enforcement proceedings and, upon being found liable therefore, shall be subject to a penalty of \$100.00 in addition to the required fee, plus the Township's reasonable attorney fees and costs.

**SECTION 19 – Severability:** It is the intention of the Board of Supervisors that each Section or portion of any Section of this Ordinance shall be a separate provision and all shall be independent of all



other provisions herein, and it is further the intention of the Board of Supervisors that if any Section or portion of any Section shall be declared to be unconstitutional, invalid, illegal, or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining Sections or parts thereof of this Ordinance. It is hereby declared as a legislative intent of this Ordinance would have been enacted had such unconstitutional, invalid, illegal, or unenforceable provision not have been included herein.

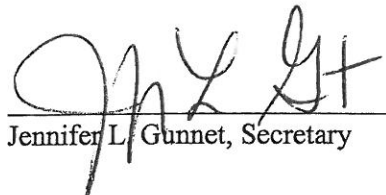
**SECTION 20 – Relationship with other Ordinances:** All ordinances or parts of Ordinances which conflict with this Ordinance area hereby repealed insofar as the same affects this Ordinance.

**SECTION 21 – Township Liability Waiver:** Although this Ordinance is intended to provide guidelines for the installation and maintenance of on-lot disposal systems and community sewage systems and the identification and maintenance of a replacement location for on-lot disposal systems, nothing contained herein shall be interpreted as a guarantee or warranty to applicants or other Township residents that had systems installed under the provisions of this article that such systems will function as intended. The Township assumes no responsibility for the location and/or maintenance of OLDS or community sewage systems within the Township.

**SECTION 22:** This Ordinance shall be and become effective five (5) days after its adoption.


**ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Windsor, York County, Pennsylvania, on Apr. 21, 2014.

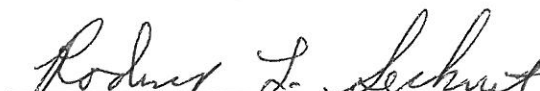
ATTEST:

  
Jennifer L. Gunnet, Secretary

WINDSOR TOWNSHIP  
BOARD OF SUPERVISORS

  
Dean L. Heffner, Chairman

  
Jo Anna J. Shovlin, Vice Chairman

  
Rodney L. Sechrist