

PITTSTON TOWNSHIP
Luzerne County, Pennsylvania
ORDINANCE NO. 10-01 of 2026

**AN ORDINANCE OF THE TOWNSHIP OF PITTSTON, LUZERNE COUNTY,
PENNSYLVANIA REGULATING THE MANAGEMENT AND MAINTENANCE
OF ON-LOT SEWAGE DISPOSAL FACILITIES WITHIN THE TOWNSHIP**

BE IT ENACTED AND ORDAINED by the Township of Pittston, Luzerne County, Pennsylvania (the "Township"), and it is hereby enacted and ordained by the authority of the same, as follows:

WHEREAS, the Township finds it to be in its best interests to regulate on-lot sewage disposal systems located within the Township; and

WHEREAS, this Ordinance is adopted pursuant the general powers of the Township to make or adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township pursuant to the provisions of the Second-Class Township Code, § 101 et seq. as amended (53 P.S. § 65101 et seq.); the Pennsylvania Clean Streams Law (35 P.S. §699.1-699.100); the Pennsylvania Sewage Facilities Act (35 P.S. §750.1, et seq.) and Pittston Township's Act 537 Plan.

Section 1. Short Title.

This Ordinance shall be known as the "Pittston Township On-Lot Sewage Management Ordinance".

Section 2. 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 Pittston Township On-Lot Management Program.

Section 3. Definitions

Act 537 means the Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. Sect. 750.1 known as the Pennsylvania Sewage Facilities Act.

Alternate Replacement Area means 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 means 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 means 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 means The Department of Environmental Protection of the Commonwealth of Pennsylvania ("DEP").

Individual Sewage System means a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

Malfunction means a condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

Official Sewage Facilities Plan means a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board of Supervisors and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

On lot Sewage Disposal System means any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.

Person means any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau of agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

Rehabilitation means work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

Sewage Enforcement Office (SEO) means a person certified by DEP who is employed by the Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.

Sewage Management Program means a comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, 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 ordinance.

Subdivision means the division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

Township means the Township of Pittston, Luzerne County, Pennsylvania.

Water Test means the bacteriological water test supplied by DEP which analyzes the presence of bacteriological contamination including coliform in drinking water

Waters of Commonwealth means all streams lakes, ponds, marches, 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 means the Pittston Township Zoning Officer who administers and enforces the Pittston Township Zoning Ordinance.

For the purposes of this ordinance, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto.

Section 4. Applicability.

From the effective date of this ordinance, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan. Within such area or areas, the provisions of this ordinance shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

Section 5. Permit Requirements.

- A. No person shall install, construct, rehabilitate, or request bid proposals for construction, or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit from the sewage enforcement officer which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law (35 P.S. §§691.1 691.1001) and the Pennsylvania Sewage Facilities Act (35 P.S. 750.1 et seq.) and the regulations adopted pursuant to those Acts.

- B. No permit shall be issued for any proposed new on-lot sewage disposal system on any newly created or subdivided property unless and until a replacement area is tested, approved, and reserved; and such replacement area complies with Section 6 of this Ordinance.
- C. No system or structure designed to provide individual, or community sewage disposal shall be covered from view until approval to cover the same has been given by a sewage enforcement officer.
- D. Applicants for sewage permits may be required to notify the sewage enforcement officer of the schedule for construction of the permitted on-lot sewage disposal system so that inspection(s) in addition to the final inspection required by the Sewage Facilities Act may be scheduled and performed by a sewage enforcement officer.
- E. No building or occupancy permit shall be issued for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from a sewage enforcement officer.
- F. No building or occupancy permit shall be issued 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 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 a sewage enforcement officer that such a permit will not be required. The sewage enforcement officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- G. Sewage permits may be issued only by a sewage enforcement officer employed by the Township. DEP shall be notified as to the identity of each sewage enforcement officer employed by Township.
- H. No Contractor shall install, construct, rehabilitate or alter an on-lot sewage disposal system without verifying that the owner has complied with the provisions of this Ordinance.
- I. In accordance with Section 7(a)(1) of Act 537, Pittston Township requires a permit for all on-lot sewage disposal systems regardless of size.
- J. The Supervisors of the Township of Pittston shall establish a fee schedule necessary and required before the issuance of any permit required under this Ordinance which may be amended from time to time by resolution. No permit shall be issued until all permit fees are paid in full.

Section 6. 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 or supplement to the Pittston 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 Luzerne County and/or Pittston 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 7. 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 or supplement to the Official Sewage Facilities Plan 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 5 of this Ordinance.

Section 8. Inspections.

- A. Any on-lot sewage disposal system may be inspected by an authorized agent at any reasonable time as of the effective date of this ordinance.
- B. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, 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.
- C. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this section. The Township shall make reasonable attempt to provide advance notice to property owners prior to any regularly scheduled inspection.
- D. An initial inspection shall be conducted by an authorized agent within two (2) years of the effective date of this ordinance for the purpose of determining the type and functional status of each sewage disposal system in the Township. 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.
- E. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the Township.
- F. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of DEP including, but not limited to, those outlined in Chapter 73 of Title 25 of Pennsylvania Code or, is not technically or financially feasible in the opinion of the authorized agent and a representative of DEP; then action by the property owner to mitigate the malfunction shall be required.
- G. If there arises a geographic area where numerous on-lot sewage disposal systems are malfunctioning, 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. If a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, 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. Immediate corrective action will be compelled whenever a malfunction, as determined by Township officials and/or DEP, represents a serious public health or environmental threat.

Section 9. Operations.

- 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 waste shall be discharged into any on-lot sewage disposal system.

The following shall not be discharged into the system.

- i. Industrial waste.
- ii. Automobile oil and other non-domestic oil.
- iii. 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.
- iv. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.
- v. Any non-biodegradable material.
- vi. Radioactive waste materials.

The Township or its authorized agent may require installation of water conservation devices and other methods to improve system operation.

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 10. Maintenance.

- A. Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a Township licensed pumper/hauler within three years of the effective date of this Ordinance. Thereafter that person shall have the tank pumped at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or with scum in excess of 1/3 of the liquid depth of the tank. Justification, including sufficient evidence that the septic tank does not require pumping every three years, may be submitted to the SEO for review and approval. Receipts from the authorized pumper/hauler shall be submitted to the Township.
- B. The required pumping frequency may be increased 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 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.
- C. Any person owning a property served by a septic tank shall submit, with each required pumping receipt, a written statement, from the authorized pumper/hauler or from any other qualified individual acceptable to the Township, that the baffles of 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 a Sewage Enforcement Officer for approval of the necessary permit.
- D. Any person owning or building served by an on-lot 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 the Township within one year of the effective date of

this ordinance. 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.

- E. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical 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.

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. 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. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system, or which is discharging sewage without a permit.
- D. Within seven (7) days of notification by the Township that a malfunction has been identified, the property owner shall make application to the sewage enforcement officer for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the Township, construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Township shall set an extended completion date.

- E. A sewage enforcement officer shall have the authority to require the repair 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 areas, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative appropriate for the specific site.
- F. In lieu of, or in combination with, the remedies described above, a sewage enforcement officer 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.
- G. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

Section 13. Liens.

The Township, upon written notice from a sewage enforcement officer that an imminent health hazard exists due to failure of property owner 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 by the sewage enforcement officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

Section 14. Disposal of Septage.

- A. All septage originating within the Township shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101 et seq.) and all other applicable laws and at sites or facilities approved by DEP. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farmlands.
- B. Pumper/haulers of septage 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) and all other applicable laws.

Section 15. 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 may include 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 materials 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 Township Municipal Building. 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 16. Appeals.

- A. Appeals from final decisions of the Township or any of its authorized agents under this ordinance shall be made to the Board of Supervisors in writing within 30 days of the date of written notification of the decision in question.
- B. The appellant shall be entitled to a hearing before the Board of Supervisors at its next regularly scheduled meeting, if a written appeal is received at least 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The municipality 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. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
- C. A decision shall be made in writing within 30 days of the date of the hearing.

Section 17. 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 fine of not less than \$500.00 and not more than \$2,500.00 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 Magisterial District Judge. 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 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.
- B. Any Pumper/Hauler who violates any of the provisions of this Ordinance, the conditions of its State permit or any State or local law governing its operation shall pay a fine of not less than \$500.00 and not more than \$2,500.00 plus all courts costs including reasonable attorney's fees

incurred by the Township as a result thereof. In addition, the Township shall have the power to suspend said Pumper/Hauler from operating within the Township for a period of not less than 6 months and not more than 2 years.

Section 18. Preemption.

The provisions Act 537 and any regulations or rules adopted by DEP pursuant to Act 537 shall preempt the provisions of this Ordinance to the extent that the provisions of Act 537 or DEP regulations are more stringent than the provisions of this Ordinance. In all other instances, the provisions of this Ordinance shall prevail.

Section 19. Repealer

Any Ordinances, Resolutions or Laws in conflict with this Ordinance are hereby **REPEALED**.

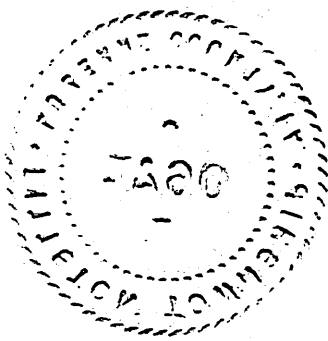
Section 20. Severability

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid, unenforceable or beyond the power of the Township of Pittston, said provision or provisions shall not be construed to affect the validity of any of the remaining portions of this Ordinance. It is hereby declared as the intent of the Supervisors of the Township of Pittston that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provisions not been included therein.

Section 21. Enactment

This Ordinance shall be effective immediately upon passage and shall remain in force until modified, amended or rescinded by the Supervisors of the Township of Pittston.





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