

ORDINANCE NO. 34-1987

CENTRE TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA PROVIDING FOR THE ENFORCEMENT OF PENNSYLVANIA SEWAGE FACILITIES ACT OF JANUARY 24, 1966 (P.L. 1535) AND ESTABLISHING RULES AND REGULATIONS GOVERNING COMMUNITY SEWAGE SYSTEMS, AUTHORIZING THE ISSUANCE OF COMMUNITY SEWAGE PERMITS FOR THE INSTALLATION OF WASTE WATER COLLECTION AND TREATMENT FACILITIES AND LICENSES FOR THE TREATMENT, TRANSPORTATION AND DISPOSAL OF SEWAGE WASTE, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

SECTION 1. This Ordinance shall be known as the Centre Township Community Sewage Ordinance, being Ordinance No. 34-1987 hereinafter referred to as the Community Facilities Ordinance.

SECTION 2. The purpose of this Ordinance is to provide for the safe and sanitary disposal of community sewage waste and to protect the citizens of the Township from the hazards that result from the construction and use of inadequate community sewage disposal facilities.

SECTION 3. The following definitions shall apply:

1. "Person" A person, for the purpose of this Ordinance, shall include any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

2. "Community Facilities" shall include any sewer lines that convey waste water to the plant or to the users but does not include pipes, sewer or other conveyance not connected to a facility providing sewage treatment. For the purpose of this Ordinance, community sewage system shall include any sewers that convey waste waters to the community plant.

3. "Sewage" The normal water carried household and toilet waste from any improved property, including such ground, surface or storm water that may be present and authorized.

4. "Sewer" Any pipe or conduit constituting a part of the sewage system used or usable for sewage collection purposes.

5. "Sewage System" All the facilities as of any particular time, for collecting, pumping, treating and disposing of sewage and waste within the community sewage system project area owned, maintained and operated by the community treatment operator.

6. "State" Commonwealth of Pennsylvania.

7. "Structure Sewage Line" The sewage pipeline running from the physical foundation of any structure to the curb line where it is to be connected to the sanitary sewer lateral.

8. "Township" The Township of Centre.

9. "User" Any person who contributes, causes or permits the contribution of waste water into the community sewage system.

10. "Waste Water" The liquid and water-carried domestic waste from dwellings together with any ground water, surface water and storm water, that may be present, whether treated or untreated, which is contributed into or permitted to enter the community sewage plant which shall include sewage as defined hereinabove.

11. "Waters of the Commonwealth" All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, private or public, which are contained within, flow through, or border upon the state or any portion thereof.

SECTION 4. General Conditions. A community sewage system shall be any system which complies with the Department of Environmental Resources definitions and regulations. All community sewer systems shall have the following characteristics:

(a) They shall be totally paid for, maintained and operated by the residential subdivision developer;

(b) The residential subdivision developer shall have sufficient financial assets to satisfy the Township of Centre that the maintenance, upgrading and future rehabilitation and reconstruction of community facilities has been provided for at the time that the subdivision is approved;

(c) The community sewage system shall be constructed only with approved materials and with design approved by the proper state agencies having authorization over the premises. In the event there is no state agency with authorization over the premises, then the plan specifications and drawings shall be submitted to the Township of Centre for review along with appropriate fees to cover inspection by properly qualified people hired by the Township of Centre;

(d) All community facilities shall be certified by an independent engineer on a yearly basis and a report shall be submitted to the Township of Centre. All corrections, revisions or needed upgrading shall be performed within six months of the report;

(e) All community facilities shall be bonded both for construction and operation at 120% of the cost of the facility for construction and at 120% of the probable maximum loss due to catastrophe as substantiated by the Township Engineer with appropriate security running to the Township of Centre which security shall be either a letter of credit, a surety bond by an approved insurance company or cash deposit;

(f) All community facilities shall serve only the community set forth and designated on the subdivision plan submitted to the Supervisors of the Township of Centre and approved by the Township of Centre. There shall be no use of the community facilities or service by the community facilities for any person, business or industrial entity outside of the residential subdivision approved by the Supervisors of the Township of Centre. In the case

of a sewage treatment facility, no hazardous or toxic materials shall enter the aforesaid plant and period monitor change shall be done to insure that no hazardous or toxic materials enter the aforesaid plant;

(g) In every project having a community system, there must be on file the information regarding the organizational structure of the owner of the system including financial data, insurance data, managerial responsibility, and other information deemed necessary by the Township.

SECTION 5. Community Facilities Operator. For all persons who operate a community facilities plant, be it sewer or water, the Township shall have on file at all times a current information sheet including name, education, credentials, permits, licenses, home phone number, work phone number, times of availability and times when the said person will be at the project site. In addition, there shall be on the permit form, provisions for emergency notification in case of failure of the community system together with complete engineering details of the monitoring and notification equipment to be employed along with installations schematics. In addition, there shall be details of an emergency preparedness plan setting forth the steps to be taken by the user in the event of an improper discharge or toxic substance.

SECTION 6. Required Information. In any subdivision in which the subdivider is either required by ordinance, regulation or statute or is required to furnish either community water or sewer or both by the zoning ordinance's application of community facilities to smaller lot sizes, the subdivider shall be required to do the following:

(a) furnish to the Township a copy of any document submitted to any local, state or federal agency;

(b) explain in writing in detail sufficient for evaluation by the Township and its support personnel an economic analysis of the cost of the facilities, when the facilities will be installed, the type and design of the facilities, the age life depreciation and renewal schedule for the facilities, and the economic and legal plan for the future operation of the facilities after the project is completed. The analysis shall be certified by the engineer and any legal opinions, conclusions and analysis shall be the subject of the Subdividor's attorney's legal opinion which will be given to the Township;

(c) the subdivider shall also maintain for the benefit of the residents of the subdivision a surety bond, letter of credit, cash bond and/or securities, which in the opinion of the Township Consulting Engineer is sufficient to maintain the facilities in the future in the event of destruction or malfunction;

(d) the subdivider shall perpetually provide liability and comprehensive coverage insurance for the benefit of the residents and any injured third parties in amounts deemed sufficient by the Township Consulting Engineer;

(e) the subdivider, the heirs, successors and assigns, shall provide the Township with either a PUC Certificate of Authority or a legal opinion from a qualified attorney with a citation of authority that the charges made for water/sewer or any other services are legal charges;

(f) the subdivision plan to be filed in the Recorder of Deeds Office in and for the County of Berks, in addition to any other mandated requirements, shall state the following in capital letters in type size as large as the capital lettering hereinafter or greater:

SEWER AND/OR WATER SERVICE IS PROVIDED BY THE SUBDIVIDER. ANY CHARGES IMPOSED ON LOT OWNERS FOR ANY SERVICES PROVIDED BY THE SUBDIVIDER ARE TOTALLY OUTSIDE THE JURISDICTION OF CENTRE TOWNSHIP. NO FACILITY, SEWER AND WATER INCLUDED, IN THIS SUBDIVISION WILL BE TAKEN OVER BY THE TOWNSHIP AT ANY TIME. ALL PERSONNEL OPERATING ANY COMMUNITY FACILITIES ARE EMPLOYEES OF THE SUBDIVIDER OR THE SUBDIVIDER'S SUCCESSOR IN INTEREST INCLUDING A RESIDENT'S ASSOCIATION. THE EVENTUAL REPLACEMENT OF ANY AND ALL FACILITIES IS NOT THE RESPONSIBILITY OF THE TOWNSHIP.

All of the above insofar as possible shall be included in Part I of the permit application.

SECTION 7. As Built Plans Required. All subdivisions having community sewer shall furnish to the Township an "as built" set of plans showing in sufficient detail as required by good engineering practices the location and identification of all facilities, location and identification of all service lines, trunk lines and laterals showing pipe diameter, materials in place and the line burial technique. In the event any street which meets township specifications is taken over by the Township, appropriate legal documents shall be prepared delineating all rights of the subdivider regarding the lines within the street or road taken over by the Township including the procedure to follow for any street opening.

SECTION 8. Engineering, Inspection and Attorney's Fees. All attorney, inspection and engineering fees incurred by the Township in reviewing and advising on any matter contained in the ordinance shall be at the expense of the subdivider. Advance cash payments may be required on any work performed by the Township Attorney or Consulting Engineer.

SECTION 9. Subdivider's Operating Responsibilities. At no time will the Township provide a sewage treatment operator in the event of default or other emergency. Maintenance of all sewage facilities is the responsibility of the subdivider. The subdivider shall furnish to each lot owner the following information with timely updates as required:

(a) hours during which an operator shall be on the plan premises;

(b) names, addresses, and phone numbers of all personnel who operate the plan premises;

(c) name, address and phone number of the subdivider in the case of emergency.

SECTION 10. Engineer. The Board of Supervisors shall appoint an engineer or engineering firm (Engineer) to provide required engineering assistance for review of all data and implementation of this Ordinance in every community sewage application and facility. The Engineer must be capable of performing all of the technical and inspection activities necessary to maintain the integrity of all community sewage facilities located in the Township.

SECTION 11. Building Permits. No building permits for a dwelling unit or any other structure not related to community sewage system may be issued unless the community wastewater system that serves the proposed development or subdivision is constructed and approved by the Township Engineer.

SECTION 12. Maintenance and Inspection. All malfunctioning community wastewater systems are strictly prohibited and must be repaired by the residential subdivision developer to meet all applicable Chapter 73 requirements governing standards for sewage disposal facilities. All community systems must pass an inspection by a registered professional engineer prior to the sale, lease or any other system that attempts to transfer ownership or responsibility of the community facility. The inspecting professional engineer shall submit a report of his/her findings to the Township within 7 days of completing the inspection.

SECTION 13. Application. When Part I of the application is completed to the Board's satisfaction, the Applicant or his agent shall complete Part II which shall consist of design drawings of the proposed facility and material and construction specifications. The following additional items shall be submitted with Part II of the application:

1. A proposed maintenance escrow account, including finding, total amount and method of disbursement.
2. An outline of maintenance methods and a statement of responsibility.
3. An outline of present and future ownership.
4. Copies of all necessary permits from regulatory agencies as required by Federal, State and local rules and regulations.
5. Copies of all construction plans, supporting data and information necessary to procure these outside permits.

The Applicant shall submit the completed Application for Plan Approval to the Board of Supervisors' Secretary. At the next meeting, the Supervisors shall review the application for completeness and notify the Applicant of any deficiencies which may be completed and submitted to the Supervisor.

The Engineer shall have a minimum of 30 days to review the application prior to advising the Board of Supervisors to accept or reject the proposed plan. Before advising the Board, a public hearing may be held after appropriate public notice. The Board shall complete its review of the application after receiving the Engineer's review.

SECTION 14. Haulers. Any person or corporation engaged in the activity of emptying cesspools, septic tanks or holding tanks shall dispose of sludge or sewage in an environmentally sound manner approved by the Pennsylvania Department of Environmental Resources..

SECTION 15. Fees. Charges for all Township reviews, costs and inspections of any nature whatsoever including engineering and attorney's fees shall be assessed in accordance with a fee schedule set forth by the Board of Supervisors. The Board shall adopt a fee schedule annually or as required.

SECTION 16. Regulatory Requirements. No person or corporation shall construct any sewage disposal system which the Township that fails to meet the minimum requirements for such facilities as set forth in Title 25, Pennsylvania Code, Part 1, Subpart C, Article I, Chapter 73 (Chapter 73). Compliance with the requirements of Chapter 73 is mandatory, but stricter requirements may be necessary in individual cases to insure an adequate and safe method of sewage disposal as determined by the Township Engineer. Community sewage facilities shall be designed in accordance with Chapter 73. Additional design criteria are available in the DER Technical Manual for Sewage Enforcement Officers and the DER Sewerage Manual.

SECTION 17. Enforcement and Compliance. Any person who fails to comply with the requirements of this Ordinance or who resists or interferes with any SEO or Engineer employed by the Township in the performance of duties under the provisions of this Ordinance shall be guilty of a summary offense. Upon conviction, the guilty person shall

pay a fine of not less than \$100 and not more than \$300, plus costs of prosecution. Each day during which the offense continues shall constitute a separate offense. Any violation of this Ordinance and any community sewage system not constructed in compliance with this Ordinance shall constitute a nuisance and may be remedied by Township in the manner provided in the law.

SECTION 18. Inconsistent Ordinances Repealed. Except as otherwise hereinabove provided, all existing ordinances or parts of ordinances are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 19. Severability. It is the intention of the Township of Centre that each separate provision and every part thereof shall be independent of all other provisions herein and it is further the intention of the Township of Centre that if any of the provisions of this Ordinance be declared to be invalid all of the other provisions hereof shall remain valid and in force.

SECTION 20. Effective Date. This Ordinance shall become effective thirty (30) days after date.

Duly enacted by the Supervisors of the Township of Centre, Berks County, Pennsylvania, this 5th day of July, 1987, in lawful session duly assembled.

CENTRE TOWNSHIP

Albert W. Burdick Sr.
Harvard W. Miller
Wilmer H. Phillips

Attest:

George C. Seifert