

TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 455

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS FOR THE INSTALLATION, INSPECTION AND MAINTENANCE OF ON-LOT SEWAGE DISPOSAL SYSTEMS; APPLICATION AND PERMITTING PROCESSES; FINANCIAL AND/OR PERFORMANCE ASSURANCES FOR INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS AND COMMUNITY SEWAGE SYSTEMS; REGULATIONS GOVERNING MUNICIPAL MANAGEMENT OF ON-LOT SEWAGE DISPOSAL SYSTEMS; ENFORCEMENT REMEDIES AND THE IMPOSITION OF PENALTIES FOR VIOLATIONS; AND A METHOD OF APPEALS FOR HARDSHIP SITUATIONS, AS WELL AS REPEALING THE TOWNSHIP OF SPRING SEWAGE ORDINANCE NO. 241 of 1994.

BE IT ENACTED AND ORDAINED by the BOARD OF SUPERVISORS of the Township of SPRING, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of the same as follows:

SECTION 1. Short Title.

This Ordinance shall be known and may be cited as "The Township of Spring Sewage Ordinance."

SECTION 2. Source of Authority.

As mandated by the municipal codes, the Clean Stream Law, Act of June 22, 1937, P.L. 1987, No. 394, as amended, and codified at 35 P.S. § 691.1, *et seq.*, and the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, No. 537, as amended and codified at 35 P.S. § 750.1, *et seq.*, municipalities have the duty and authority to provide for adequate sewage treatment facilities, and protect the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for the Township of Spring indicates that the Township of Spring should formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.

SECTION 3. Purpose. The purposes of this Ordinance include but are not limited to:

- A. Regulating soil testing for permitting, installation, inspection, operation, rehabilitation, replacement, and timely ongoing maintenance of On-Lot Sewage Disposal Systems within the Township;

- B. Establishing provisions and safeguards for the Township of Spring by enabling it to issue permits for Bonded Systems and Individual Residential Spray Irrigation Systems by and through the Sewage Enforcement Officer;
- C. Permitting the Township's intervention in situations which may constitute a public nuisance or public health hazard;
- D. Establishing penalties for violations, and the appeal procedures necessary for the proper administration of a Sewage Management Program;
- E. Establishing standards for the periodic pumping of treatment and pump tanks which are components of On Lot Sewage Disposal Systems within the Township; and
- F. Establishing standards for the proper abandonment of On Lot Sewage Disposal Systems.

SECTION 4. Terms and Definitions. The terms below shall have the following meanings when used in this Ordinance:

Absorption Area: A component of an On-Lot Sewage Disposal System where liquid from a treatment tank seeps into the soil; it consists of an area containing piping, either with or without aggregate, for the distribution of liquid and the soil or sand/soil combination located beneath the piping and/or aggregate.

Absorption Area Easement: A portion of a lot, tract, or parcel that encompasses the Primary Area and the Replacement Area, and which shall be delineated and preserved. The Primary Area and the Replacement Area need not be contiguous.

Applicant or Developer: Any Person who erects or intends to erect a structure on property owned by it.

Authorized Agent: A Certified Sewage Enforcement Officer, professional engineer, or sanitarian, plumbing inspector, soil scientist, water quality specialist, or any other person who is designated to carry out the provisions of this Ordinance as the agent of the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.

Board: Shall mean the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.

Board of Review: The panel to hear, review, and issue decisions on appeal from determinations of a municipal representative under this Ordinance.

Bonded Disposal System: An individual sewage system located on a single lot serving a single-family residence, where soil mottling is within twenty (20) inches of the mineral soil surface, and the installation, operation, and replacement of which is guaranteed by the Owner.

Chisel Plow: A farm or tractor implement used to “rough up” or scarify the soil surface, break down surface vegetation, and increase the soil surface area.

Clean Streams Law: The Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, as amended and codified at 35 P.S. § 691.1, *et seq.*

Community Sewage System: Any system, whether publicly or privately owned, for the collection of sewage from two (2) or more lots or structures and the treatment and/or disposal of the sewage on one or more lots or any other site.

Construction Observation: Site visits by the Township’s appointed Sewage Enforcement Officer at specific intervals during the construction of the On-Lot Sewage Disposal System as specified by this Ordinance (see inspection).

Department or DEP: The Department of Environmental Protection of the Commonwealth of Pennsylvania.

Equivalent Dwelling Unit or EDU: For the purpose of determining the number of lots in a subdivision or land development, that part of a multiple-family dwelling, commercial, industrial, or institutional establishment with sewage flows equal to four hundred (400) gallons per day.

Individual Residential Spray Irrigation System or IRSIS: An individual sewage system that serves a single-family dwelling and that treats and disposes of sewage using a system of piping, treatment tanks, and soil renovation through spray irrigation.

Individual On-Lot Sewage System: An individual sewage system that uses a system of piping, tanks, or other facilities for the collecting, treating, and disposing of sewage into a soil absorption area or retaining tank.

Industrial Waste: A liquid, gaseous, radioactive, solid, or other substance, which is not sewage, resulting from manufacturing or industry or other plant or works and mine drainage, silt, coal mine solids, rock, debris, dirt, and clay from coal mines, coal collieries, breakers, or other coal processing operations. The term includes substances whether or not generally characterized as waste.

Inspection: An onsite review of an existing On-Lot Sewage Disposal System by the Township’s Authorized Agent for the purposes specified by this Ordinance. This term includes Construction Observations.

Malfunction: 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 otherwise 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 of the conditions noted above occur for any length of time during any period of the year.

Marginal Conditions: A property shall be deemed to exhibit marginal conditions if it displays any of the following characteristics: gross lot size of less than 1.5 acres; wetlands; floodplain; limiting zones of less than sixty inches (60") to evidence of seasonal high water table or rock and slopes in excess of twelve percent (12%); slopes in excess of twenty-five percent (25%); isolation limitations that would limit available space for OLDS or reduce the net lot size to less than 1.5 acres.

Official Sewage Facilities Plan: A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Township and approved by the Pennsylvania Department of Environmental Protection, as described in and required by the Pennsylvania Sewage Facilities Act.

On-Lot Sewage Disposal System or OLDS: Any system for disposal of domestic sewage and subsequent disposal of the clarified sewage into the soil for final treatment and disposal or retaining tank(s); this term includes both Individual On-Lot Sewage Systems and Community Sewage Systems.

On-Lot System Pumping and Inspection Report: A form provided by the Township to be completed by the SEO which provides certification to the Township of septic system pumping, cleaning and certain repairs.

Owner: Any Person owning real property situated within the Township.

Pennsylvania Sewage Facilities Act, Act 537 or Act: The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended and codified at 35 P.S. Section 750.1 et seq.

Person: Any individual, association, public or private corporation or other entity for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, township, 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 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, or public or private corporation for profit or not for profit.

Planning Module for Land Development: A revision to, or exception to the revision of, the Official Plan, submitted in accordance with DEP regulations, and in connection with the request for approval of a subdivision or land development plan.

Primary Area: An area on a lot, tract, or parcel of land that has been tested by the Sewage Enforcement Officer and found suitable, based upon the then current DEP site requirements, for the installation of an On-Lot Sewage Disposal System, and which will be preserved and

protected from alteration for installation of the initial on-lot sewage disposal system for the sewage generated on that lot, tract, or parcel (see replacement area).

Pumper or Hauler: Any Person engaging in the cleaning of sewage systems and transports the septage cleaned from those systems.

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

Replacement Area: An area on a lot, tract, or parcel of land, separate from the Primary Area, that has been tested by the Sewage Enforcement Officer and found suitable, based upon the then current DEP site requirements, for the installation of an On-Lot Sewage Disposal System, and which will be preserved and protected from alteration for potential future use if the primary area on the same lot, tract, or parcel shall fail for any reason (see Primary Area).

Retaining Tank: A watertight receptacle, which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to the following:

- i. **Chemical Toilet:** A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control;
- ii. **Holding Tank:** A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system;
- iii. **Privy:** A tank designed to receive sewage where water under pressure is not available;
- iv. **Incinerating Toilet:** A device capable of reducing waste material to ashes;
- v. **Composting Toilet:** A device for holding and processing human and organic kitchen waste, employing the process of biological degradation through the action of microorganisms to produce a stable, humus-like material; and
- vi. **Recycling Toilet:** A device in which the flushing medium is restored to a condition suitable for re-use in flushing.

Septage: The residual scum, sludge, and other materials pumped from septic or aerobic treatment tanks and the systems they serve.

Septage Hauler: See Pumper/Hauler above.

Sewage: Any substance that contains any of the waste products or excrement or other discharges from the bodies of human beings or animals, any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937, (P.L. 1987, No. 394), known as The Clean Streams Law, as amended.

Sewage Enforcement Officer or SEO or Township SEO: The official of the Township who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537 and the rules and regulations promulgated there under.

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

Sewage Management Program or SMP: A comprehensive set of legal and administrative requirements encompassing the requirements of this Ordinance and other administrative requirements adopted by the Township to effectively enforce and administer the Ordinance.

Slope: The grade measured across the extremities of an absorption area, parallel to the direction of slope and perpendicular to contour, expressed as a percentage, or elevation change in feet per 100 feet of horizontal distance.

Soil Scientist: An individual practicing in the Commonwealth of Pennsylvania who is certified by the American Registry of Certified Professionals in Agronomy, Crops and Soils, also known as ARCPACS, or the Pennsylvania Association of Professional Soil Scientists, also known as PAPSS, for on-lot sewage evaluations.

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: Township of Spring, Berks County, Pennsylvania.

Treatment Tank: A watertight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

- i. Septic Tank: A treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.
- ii. Aerobic Sewage Treatment Tank: A mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

Waters of Commonwealth: Rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

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

SECTION 5. Applicability.

- A. From the effective date of this Ordinance, its provisions shall apply throughout the Township of Spring, and to all Persons owning or occupying any property serviced by an OLDS.
- B. The Owner of any property serviced by an OLDS within the Township shall be subject to all the requirements contained in this Ordinance, upon the occurrence of one of the following events:
 - 1. Receipt of a sewage permit from the SEO for the installation or rehabilitation of an OLDS;
 - 2. Malfunctioning of the OLDS; or
 - 3. Upon the effective date of this Ordinance after enactment of it by the Township.

SECTION 6. Required Permit.

- A. No Person shall install, rehabilitate, construct, or request bid proposals for construction or alteration of an individual sewage system or Community Sewage System, or construct or request bid proposals for construction or installation or occupancy of any building or structure for which an individual sewage system or Community Sewage System is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such systems are in compliance with the provisions and standards of, as well as the regulations adopted pursuant to the Clean Streams Law and Act 537.
- B. No OLDS 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 the Sewage Enforcement Officer (see Section 12 – Construction Observation).
- C. The Township requires an Applicant for a sewage permit to notify the Sewage Enforcement Officer of the schedule of inspections for construction of the permitted On-Lot Sewage Disposal System. This includes the final inspection required by Act 537, which may be scheduled and performed by the Sewage Enforcement Officer.
- D. No building, zoning, or occupancy permit shall be issued by the Township or its Zoning Officer or Code Enforcement Officer for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Sewage Enforcement Officer.
- E. No building, zoning, or occupancy permit shall be issued, and no work shall begin on any addition, alteration, or conversion of an existing building, if the work will result in the increase or potential increase of sewage flow from the structure or the proposed addition will conflict with any component of an existing septic system, until the Township's Zoning Officer and the structure's Owner receive from the Township's 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 Sewage Enforcement Officer shall determine whether the proposed addition, alteration or conversion of the structure will result in increased sewage flows or conflict with any component of an existing septic system. Should the location of the system be unknown and therefore unknown if the addition will conflict with any component of the system, the SEO shall conduct or require an inspection at the Owner's expense to locate the system and determine if the addition will conflict with any component thereof.

- F. No occupancy permit shall be issued by the Township, its Zoning Officer, or Code Enforcement Officer for the occupancy of any new building, addition, alteration or the change of use of any building, addition or alteration until the Sewage Enforcement Officer has informed the Township or said official that the existing sewage system or newly constructed sewage system is complete, operating and has had final inspection or that no such certification is necessary.
- G. Sewage permits must be issued by the Township's Sewage Enforcement Officer. The Township shall retain final authority for the conditions and issuance of OLDS permits.
- H. No contractor may proceed to install, construct, rehabilitate, or alter an OLDS system without verifying that the Owner has complied with this section of the ordinance.
- I. All sewage system components including absorption areas must be located on the same lot, tract, or parcel as the structure they will serve. Systems or components cannot be located on a separately deeded parcel, regardless of the parcel's ownership, except through means of an easement.
- J. All planning modules proposing On Lot Sewage Disposal Systems or Community Sewage Systems which require a DEP permit shall include a provision granting the Township and its agents the right to enter the premises to inspect the construction and/or operation of the DEP permitted system, and if the system is not being constructed or operated according to the permitted design, issue a stop work order or revoke the occupancy permit until construction or operation is brought into compliance with the permit.
- K. No part or component of any OLDS shall be altered, extended, augmented, modified, or repaired without the issuance of a repair permit by the SEO.
- L. No OLDS shall be used or loaded in a manner that is inconsistent with the permit that was issued to authorize the system's installation.
- M. Permit applications for OLDS that include electronically, mechanically, hydraulically, or pneumatically operated or controlled devices shall be accompanied by the respective manufacturer's recommended maintenance schedule and product specifications.
- N. Permit applications subject to Section 9 or 11 of this Ordinance shall include a fully executed maintenance contract indicating the Person responsible to carry out the required

maintenance, the maintenance schedule, and a provision that if the contract is terminated then that Person must notify the Township in writing.

SECTION 7. Replacement Areas.

- A. With the exception of Drip Irrigation and IRSIS systems, all proposed lots intending to be served by an Absorption Area shall have soil probe and percolation testing and/or soil morphological evaluations by a Soil Scientist to provide a Replacement Area.
- B. All proposed lots exhibiting Marginal Conditions shall have soil probe and percolation testing and/or soil morphological evaluations by a Soil Scientist to provide a Replacement Area.
- C. A Replacement Area shall be required for all unimproved lots existing prior to the effective date of this Ordinance, which are intended to be serviced by a soil absorption system or OLDS and contain Marginal Conditions, but for which a permit to install an On-Lot Sewage Disposal System has not been issued.
- D. Allowance of open land for the Replacement Area, without performance of appropriate soil testing to verify suitability of the land for a Replacement Area, shall not constitute compliance with this section.
- E. The location of the Primary Area and Replacement Area shall be depicted, delineated and identified as an Absorption Area Easement on the plot plans, and maps or diagrams submitted as part of the permit application and subdivision or land development plan.
- F. The description, including metes and bounds, of every Absorption Area Easement shall be recorded as part of the deed for each lot created as part of a subdivision or land development, and shall contain language reflecting the following:
 - 1. No improvements, whether permanent or temporary, shall be constructed upon or within the Absorption Area Easement;
 - 2. No permanent or temporary alterations, grading, excavation, stockpiling of any soil or any other material shall take place on or in the Absorption Area Easement;
 - 3. During any construction or other activities, the Absorption Area Easement shall be so marked to prevent equipment with greater wheel loadings than a common garden tractor/riding mower from traveling over or operating on the surface of the Absorption Area Easement;
 - 4. The final cover or improvement to every Absorption Area Easement shall be limited to shallow rooted vegetation, but when Drip Irrigation or IRSIS systems are proposed then trees may be allowed to remain; and

5. No trees shall be planted or remain which are located within ten (10) feet of the proposed Sewage Absorption Area, but when Drip Irrigation or IRSIS systems are proposed then trees may be allowed to remain.
- G. An Owner wishing to alter the use of the Absorption Area Easement must first show, through a site evaluation by the SEO, that an additional area suitable for the installation of an On-Lot Sewage Disposal System exists, and upon such a finding shall at its sole obligation, cost and expense:
1. Prepare and submit to the SEO for approval a Declaration which shall:
 - a. Meet the identification, non-use, and preservation requirements of this Section 7; and
 - b. Describe, by metes and bounds, the easement area to be abandoned;
 2. Within fifteen (15) calendar days of the approval by the Township, record the Declaration with the Berks County Recorder of Deeds Office; and
 3. File a copy of the recorded Declaration with the Township.
- H. Should the OLDS be installed on an existing lot that exhibits Marginal Conditions (rather than a new lot created through a subdivision) for which the recording of a new deed is not required, the Owner shall enter into an agreement with the Township, titled Declaration, stating the requirements set forth in Subsection (E) above in substantially the same form as attached hereto as Appendix A that shall be recorded with the Berks County Recorder of Deeds addressing the requirements of Subsections (F) and (G) herein.
- I. If no Replacement Area meeting the requirements of this Section can be located on an unimproved lot existing prior to the effective date of this ordinance, the SEO shall permit the primary system in the Primary Area without a replacement area. Provided, however, that at the time the permit for the primary system is issued, the SEO shall inform the Applicant in writing of the risks associated with the absence of an identified replacement area.

SECTION 8. On-Site Probe and Percolation Testing.

- A. All sites shall have a minimum of two soil probes excavated and observed by the SEO.
- B. Non-residential sites with Community Systems shall have a minimum of one (1) probe every fifty (50) feet on conventional ground-based systems and one (1) probe every one-hundred feet (100) feet for drip and spray sites. Probes shall be staggered in order that the lower probe is in the middle of the upper two.
- C. All sites shall have a minimum of six (6) percolation test holes conducted uniformly within the proposed sewage Absorption Area.

- D. Commercial and community sites shall require the following number of percolation test holes as follows:

<u>Proposed Absorption Area Square Feet</u>	<u>Number of Percolation Test Holes</u>
2,000	9
3,000	12
4,000	15
5,000	18
6,000	21
7,000	24

- E. No sewage system modification may be completed involving the installation of a new sewage Absorption Area or a modification to an existing sewage Absorption Area without completing percolation and soil probe testing as per Subsections (A) through (D).
- F. The Township SEO shall observe any and all percolation and soil probe testing to be deemed valid.
- G. All percolation and probe excavations shall be located on a referenced scaled plan drawing by the Applicant or Developer within sixty (60) calendar days after completion.
- H. The Applicant or Owner shall be responsible to protect the safety, health and welfare of all individuals relative to conducting onsite probe and percolation testing. The excavations shall be protected during testing and closed within seventy-two (72) hours thereafter.

SECTION 9. Maintenance Agreements Required.

- A. All applications for On-Lot Sewage Disposal Systems that propose to use an Individual Residential Spray Irrigation System (IRSIS) as the treatment method shall be accompanied by a maintenance agreement between the Owner and the Township providing for an annual inspection by the SEO, at the Owner's expense, in accordance with the currently adopted Township fee schedule, for the purpose of monitoring the satisfactory operation of the system. The inspection shall include analyses of effluent at a PA DEP certified laboratory for compliance with PA DEP standards. Said testing may be conducted based upon samples taken by the Owner, who must send a copy to the Township.
- B. All applications for Community Sewage Systems shall be accompanied by a maintenance agreement between the Owner and the Township providing for an annual inspection by the SEO, at the Owner's expense, in accordance with the currently adopted Township fee schedule, for the purpose of monitoring the satisfactory operation of the system. The inspection shall include analyses of effluent at a PA DEP certified laboratory for compliance with PA DEP standards. Said testing may be conducted based upon samples taken by the Owner, who must send a copy to the Township.

- C. A maintenance agreement, as described in Subsection (A) and (B) shall also be required for small flow treatment systems as permitted by the DEP, such as stream or swale discharge(s) and all Holding Tanks, whether residential, non-residential/commercial, or temporary.
- D. An application for an IRSIS, Community Sewage System, or Holding Tank shall be accompanied by a financial guarantee, as recommended by the SEO in his or her discretion, authorized by the Board of Supervisors, and specified in the maintenance agreement, in the form of a bond, letter of credit or cash escrow to be held by the Township.
- E. Planning Module submissions for DEP permitted small flow treatment facilities as permitted by the DEP shall also be accompanied by a financial guarantee as required in Subsection (C).
- F. The financial guarantee required by Subsections (D) and (E) shall ensure that the Township has access to sufficient funds to operate, maintain, repair, or replace any component of the IRSIS, Community Sewage System. DEP permitted system or Holding Tank in the event the Owner:
 - 1. Fails to maintain the system or any of the system's components according to the manufacturer's specifications;
 - 2. Fails to service, clean, inspect, and/or pump the treatment tank(s) according to the other applicable standards of this Ordinance; or
 - 3. Fails to conduct testing and monitoring at least annually, or more frequently if required by DEP regulation, and report the analysis to the Township.
- G. From the date the permit application or planning module is submitted to the SEO or Township and continuing for a period ending two (2) years after the date the system's installation is approved or verified by the SEO, the financial guarantee shall be in an amount not less than fifty percent (50%) of contract price for the installation of the system and all related system components unless a lesser amount is authorized by the Township Supervisors and SEO.
- H. Beginning two (2) years after the date the system's installation is approved or verified by the SEO and continuing as long as the system is in use, the financial guarantee shall be reduced to an amount not less than ten percent (10%) of the actual construction cost for the installation of the system and other related system components.
- I. The financial guarantee shall be forfeited by the Owner and the Township shall have the right to apply the funds to the repair, operation, and maintenance of the system and related out of pocket expenses of the Township for SEO enforcement when:
 - 1. The system is not maintained according to the standards of this Ordinance, applicable DEP regulations, or the manufacturer's specifications;

2. The treatment tank(s) are not serviced, cleaned, inspected, and/or pumped according to the applicable standards of this Ordinance; or
 3. The testing and monitoring are not conducted according to the standards of this Ordinance, applicable DEP regulations, or the manufacturer's specifications.
- J. If at any time the financial guarantee falls below the required amount as specified above, the Owner shall immediately provide the Township with sufficient funds to replenish the amount being held by the Township to the amount required by this Section and as specified in the maintenance agreement.
- K. Any maintenance agreement required by this Section shall be updated upon change of ownership of property. The Township may waive requirement for an updated agreement upon change of ownership if it determines that the current agreement meets current standards.

SECTION 10. Installation of OLDS.

- A. In addition to the standard items required by PA DEP regulations, all systems shall at least provide the following:
1. Cleanouts at the end of laterals with a removable plug for all pressurized systems;
 2. All piping from the treatment tanks to the absorption area shall have a minimum thickness of Schedule 40 PVC;
 3. Where a distribution box is used, a cleanout shall be provided at the inlet of the "d-box" to identify location, installed with watertight cap above final grade, however, where a lift pump is used, the cleanout shall be vented; and
 4. Where a manifold is used for gravity distribution, at least one cleanout must be provided in seepage bed piping, to identify location, and check for ponding, and the cleanout shall be installed with watertight cap above final grade.

SECTION 11. Community Sewage Systems.

- A. Privately owned Community Sewage Systems are subject to the same requirements of this Ordinance as Individual On-Lot Sewage Systems. In addition, the following shall be applicable to Community Sewage Systems:
1. A list of the names and addresses of all participants in the Community Sewage System shall be provided to the Township;
 2. Participants shall be equally liable for expenses incurred by the Township or its Authorized Agent on the shared component of the Community Sewage System

unless they have decided among themselves to assume unequal burdens of responsibility for said system, in which case the Township shall assess expenses incurred accordingly; and

3. Expenses incurred on the individual property of participants by the Township or its Authorized Agent shall be assessed against the individual participant.

B. Participants in a Community Sewage System shall be assessed directly for expenses incurred by the Township or its Authorized Agent unless an organization exists that manages the system, in which case the Township may deal solely with that organization.

SECTION 12. Construction Observation.

A. All OLDS shall have Construction Observations by the Township's appointed SEO during performance of the various tasks as follows:

1. Elevated sand mound systems (will include, but not be limited to):
 - a. Chisel Plow/scarification of soil surface;
 - b. Sand placement;
 - c. Stone and pipe placement, including pressure test; and
 - d. Final grade and seeding.
2. Alternate at-grade bed systems (will include, but not be limited to):
 - a. Chisel Plow/scarification of soil surface;
 - b. Stone and pipe placement, including pressure test; and
 - c. Final grade and seeding.
3. In-ground systems (will include, but not be limited to):
 - a. Excavation of bed or trenches including scarification of same;
 - b. Stone and pipe placement, including pressure test, if applicable; and
 - c. Final grade and seeding.
4. Drip-irrigation systems (will include, but not be limited to):
 - a. Pre-construction meeting with contractor to review lateral layout and system components;
 - b. Laterals, upon installation and system components prior to cover;
 - c. Activation of system; and
 - d. Final grade and seeding.

B. The PA DEP Alternate Sewage Disposal Systems Guidance lists several systems that require a continuing service agreement with a qualified maintenance provider. These systems include but are not limited to: AdvanTex Treatment System; Ecoflo Biofilter;

Puraflo Peat Biofilter; Singulair-Hydro-Kinetic Combo; Sundrive Biovaporator. Final approval for these systems shall not be granted without evidence of an executed service and maintenance contract.

- C. Certain On-Lot Sewage Disposal Systems require the use of components such as aerobic treatment units, UV disinfection, etc. In some instances, said systems may be maintained by the Owner while others may need a service contract with a qualified maintenance provider. For said systems, the SEO shall review the need for a service contract and when he or she finds that such a service contract is necessary then it must be executed before final approval.
- D. All specified OLDS Construction Observations shall permit visual review of all sewer system components prior to placing soil cover.
- E. Any OLDS component covered without review and observations by the SEO shall be required to be opened for examination prior to approval.
- F. No structure may be occupied, nor any land placed in use where an OLDS is utilized without the sewage system being approved by the Township SEO.
- G. Construction Observation requests should be received by the SEO two (2) business-days prior to requiring the same. All OLDS shall require inspection regardless of time of inspection request.
- H. The Code Enforcement Officer or authorized Person of the Township shall not issue a demolition permit for any property that is served by an OLDS without first receiving written notice from the SEO that the OLDS has been properly abandoned.
- I. An Owner wishing to abandon an existing OLDS must first contact the SEO for instructions and/or standards for the proper abandonment of said system. The Owner shall be responsible to pay the necessary fees incurred for a minimum of one (1) compliance inspection in accordance with the current municipal fee schedule. Exact requirements for safe abandonment of OLDS may vary according to the individual system characteristics and design. Requests shall be handled on a case-by-case basis.

SECTION 13. Isolation Distances

- A. The following minimum horizontal distances shall be maintained between the named feature and the sewage absorption area pump tank, Septic Tanks, and/or Holding Tank as follows:

Distance to Named Feature	HT, ST, PT, TP	In-Ground, Sand Mound or At-Grade Absorption Area	Drip Irrigation Absorption Area	IRSIS Spray Field

Water Supply Well	50 ft.	100 ft.	102 ft.	100 ft.
Driveway	10 ft.	10 ft.	12 ft.	25 ft.
Pools	10 ft.	10 ft.	12 ft.	100 ft.
Occupied Building	10 ft.	10 ft.	12 ft.	100 ft.
Cistern	25 ft.	25 ft.	27 ft.	25 ft.
Water Suction Line	50 ft.	100 ft.	102 ft.	100 ft.
Water Supply Line Under Pressure	10 ft.	10 ft.	12 ft.	10 ft.
Storm Water Infiltration System	50 ft.	50 ft.	50 ft.	0 ft.
Drainage Swale	10 ft.	10 ft.	12 ft.	25 ft.
Storm Water Pond	25 ft.	50 ft.	52 ft.	50 ft.
Stream or Lake	25 ft.	50 ft.	52 ft.	50 ft.
Grading or Disturbed Area	0 ft.	10 ft.	12 ft.	10 ft.
Closed Depression or Mine Hole	50 ft.	100 ft.	102 ft.	100 ft.
Slopes Above 25 %	10 ft.	10 ft.	10 ft.	10 ft.
Property Lines	10 ft.	10 ft.	12 ft.	25 ft.
Unoccupied Buildings	10 ft.	10 ft.	12 ft.	25 ft.
Rock Out Crop	10 ft.	10 ft.	12 ft.	25 ft.

HT = Holding Tank, ST = Sewage Tank, PT = Pump Tank, TP = Treatment Plant

SECTION 14. Inspections.

- A. As of the effective date of this Ordinance, any OLDS may be inspected by the Township's Authorized Agent, including but not limited to the Township SEO, at any reasonable time of day: (i.) when the Township or its Authorized Agent has probable cause to believe that a system has a Malfunction or poses an immediate danger to human health and safety; or (ii.) pursuant to a routine inspection as further described in Subsection (E) below. For an inspection under Subsection (A)(i), notice is not required. For a routine inspection under Subsection (A)(ii) and pursuant to Subsection (D) below, the Township's Authorized Agent shall attempt to provide prior, written notice to the Owner and any known lessee or resident of the property by mailing correspondence to the property via USPS Mail, which requirement is satisfied even if returned to sender as undeliverable.
- B. The Township or its Authorized Agent, including but not limited to the Township's SEO, shall have the right to enter upon the property for the purpose of any inspection described and permitted herein this Section 14, in accordance with the procedures and notice required herein.

- C. Any inspection pursuant to this Section 14 may include a physical tour of the property, the taking of samples from surface water, wells, other ground water 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.
- D. To ensure proper functioning of any one or all of the systems in the Sewage Manage District, a routine inspection may be conducted by the Township's SEO once every three (3) years pursuant to a routine sewage inspection schedule as established by the Township. That routine inspection may be conducted by the Township's SEO after the effective date of this Ordinance for the purpose of determining the type and functional status of each sewage disposal system in the Sewage Management District. A written report shall be furnished to the Owner of each property inspected and a copy of said report shall be maintained in the municipal records.
- E. If any inspection permitted under any provision within this Section reveals that a system has a Malfunction then the Township, its Authorized Agent, and/or the SEO may take action pursuant to this Ordinance.
- F. There may arise geographic areas within the Township where numerous on-lot sewage disposal systems are Malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and municipally sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When the Department of Environmental Protection authorizes the Township, mandatory repair or replacement of individual Malfunctioning sewage disposal systems within the study area may be delayed, at the discretion of the Township, pending outcome of the plan revision process. However, the Township may compel immediate corrective action whenever a Malfunction, as determined by municipal officials represents a serious public health or environmental threat.
- G. In the event that an Owner or other Person rightfully in charge of a property refuses to permit the Township or its Authorized Agent entry thereupon for an inspection pursuant to this Ordinance then the Township or its Authorized Agent may obtain an administrative search warrant pursuant to the laws of the Commonwealth of Pennsylvania to effectuate such inspection.

SECTION 15. Operation.

- A. 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. Wallpaper pastes and adhesives;
 5. Photo processing chemicals;
 6. Clean surface or groundwater, including water from roof or cellar drains, springs, basement sump pumps and French drains;
 7. Any other substance or liquid not intended to be processed or treated by the system.
- B. The Township's Authorized Agent may require installation of water conservation devices and other methods to improve system operations.
- C. The Township may require the on-site pretreatment of effluents prior to their discharge to any sewage facilities owned and operated by the Township or any other entity, to assure that the effluent's chemical or biological constituents are compatible with the renovative methods employed by the receiving facilities.
- D. The Owner of a property upon which an OLDS is constructed shall at all times operate and maintain the OLDS in such condition as will permit it to function in the manner in which it was designed and to prevent the unlawful discharge of sewage.
- E. The Owner of a property upon which an OLDS is constructed 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 system components.

SECTION 16. Maintenance.

- A. Any Person owning a property served by an On-Lot Sewage Disposal System containing a Septic Tank shall have it pumped by a licensed pumper/hauler. The initial pump out intervals shall not begin later than one (1) year from the effective date of this Ordinance. A revolving pump out schedule shall be initiated for a period of three (3) years from the effective date of this Ordinance pursuant to a schedule and map developed by the Township to be referred to as the Sewage Management District Map, as attached hereto as Appendix B. If for any reason, other than the Township's delay of the initial pumping as set forth in this Section, an Owner desires an exemption from this Subsection (A) then he or she must complete and submit to the Township the form attached hereto as Appendix C titled "Septic Tank Pumping Exception Request." In addition, the SEO shall perform an inspection of scum and sludge level. If the scum or sludge level is found to be greater than one third (1/3) of the liquid depth of the Septic Tank, the exception request shall be denied. An Owner may not be exempt for more than one (1) consecutive pumping cycle absent a compelling reason as determined by the SEO.

- B. Following the initial pump-out, every Owner shall have the Septic Tank pumped as directed by the Township, on at least a three (3) year rotational basis. An On-Lot System Pumping and Inspection Report, Appendix D to this Ordinance, shall be completed by the SEO during each pump-out.
- C. The required pumping frequency may be increased at the discretion of the Township's Authorized Agent if the Septic Tank is undersized, solids or scum build-up in the tank is in excess of one-third (1/3) of the liquid depth of the tank, the hydraulic load on the system increases significantly above average, a garbage grinder is used at the property, the system Malfunctions, or other good cause is shown.
- D. Any Person owning a property served by an On-Lot Sewage Disposal System containing an aerobic Treatment Tank shall follow the operation and maintenance recommendations of the equipment manufacturer. In no case may the pumping intervals for aerobic treatment tanks be less frequent than those required for Septic Tanks. Such Person shall maintain the aerobic system as required by the manufacturer's operation manual. Required pumping periods shall be consistent with Subsection (A).
- E. When a Treatment Tank of an On-Lot Sewage Disposal System is pumped out, all dosing tanks, lift tanks, and other tanks associated with the system shall also be pumped out.
- F. Holding Tanks shall be pumped out at such intervals as will prevent overflow, leakage, backup, other Malfunction, or a public health hazard or nuisance, but no less frequently than one (1) time per year in accordance with this Ordinance.
- G. Any Person owning a property served by a cesspool or dry well shall have that system pumped according to the schedule prescribed for Septic Tanks.
- H. Any system pumping shall include an Inspection of the side walls of the cesspool or dry well. If the sides need cleaning, as determined by the SEO, the Owner is responsible to ensure completion and documentation of cleaning.
- I. The Township's Authorized Agent may require additional maintenance activity, 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 line, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.
- J. The Township may, in its discretion, issue a written Notice of Violation to any Owner when the Township has not received an On-Lot System Pumping and Inspection Report form proving that they have had their Septic Tank, cesspool, or dry well pumped within the time limits as specified in this Section.
- K. Within thirty (30) calendar days of notification by the Township that a Septic Tank, cesspool, or dry well has not been pumped within the time limits set by this Section, the

Owner shall have said Septic Tank, cesspool, or dry well pumped and shall contact the SEO to inspect the system and prepare an On-Lot System Pumping and Inspection Report showing that it has been pumped. If the Owner fails to have the septic system pumped within thirty (30) calendar days of a second notice from the Township of the requirements to have the system pumped and inspected, the Owner shall be subject to enforcement pursuant to Section 22 of this ordinance.

SECTION 17. System Rehabilitation.

- A. No Person shall operate and maintain an On-Lot Sewage Disposal System in such a manner that it Malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to an OLDS. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth unless a permit to discharge has been obtained from the Pennsylvania Department of Environmental Protection.
- B. In the event an Owner detects conditions that indicate or could reasonably be interpreted to indicate a Malfunction, the Owner shall contact the SEO and, if repair or replacement is necessary, apply for a permit to repair or replace the Malfunctioning system.
 - 1. An Owner who discloses to the SEO the presence of a Malfunction upon their land shall not be penalized.
 - 2. If an Owner has disclosed the presence of a Malfunction fails to make voluntary repairs, the Township may seek injunctive or other relief to compel the repair or cause the repair to be effectuated.
 - 3. The Owner of a Malfunctioning system may not undertake any independent repair, modification, or replacement of the system, or components thereof, without prior notice to and approval of the Township SEO.
- C. The Township shall issue a written notice of violation to any Person who is the Owner of a property in the Township found to be served by a Malfunctioning OLDS, or which is discharging raw or partially treated sewage without a permit.
- D. Within thirty (30) calendar days of notification by the Township that a Malfunction has been identified, the Owner shall make application to the Sewage Enforcement Officer for a permit to repair or replace the Malfunctioning system. Within sixty (60) calendar days of initial notification by the Township, the construction shall be completed, unless extended due to unfavorable weather, upon the approval of the Township Sewage Enforcement Officer.
- E. The Township's appointed SEO shall have the authority to order the repair or replacement of any existing sewage disposal system with an up-to-date method of sewage disposal. This authority shall include the replacement of any component of the system, the addition of components to the system, and the replacement of an existing septic system with a

completely different system, as determined by site evaluation and soil testing as deemed appropriate by the SEO.

- F. In lieu of, or in combination with, the remedies described in Subsection (D), the Township's Authorized Agent may require the installation of water conservation equipment, and the institution of water conservation practices. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structures served. The use of laundry facilities may be limited to one (1) load per day or discontinued altogether, etc.
- G. Should none of the remedies described above prove totally effective in eliminating the Malfunction of an existing On-Lot Sewage Disposal System, the Owner is not absolved of responsibility for that Malfunction. The Township may require the Owner to install a Holding Tank and provide evidence of a suitable maintenance agreement therefore pursuant to Section 9 of this Ordinance or require connection to a public system.
- H. In areas that have been designated by the Township for future service by sanitary sewer lines, the Township's Authorized Agent may design a program of interim remedial actions to be implemented until a sanitary sewer is available to the affected property.

SECTION 18. Liens.

Upon written notice from the Township's Authorized Agent that an imminent health hazard exists due to the failure of an Owner to maintain, repair or replace an On-Lot Sewage Disposal System that has Malfunctioned, the Township shall have the authority to perform or contract to have performed the work required by the Township's Authorized Agent. The Owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with the law.

SECTION 19. Disposal of Septage.

- A. All septage originating within the municipal Sewage Management District shall be disposed 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 farmlands.
- B. Septage pumper/haulers operating within the municipal Sewage Management District shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act 97 of 1980, 35 P.S. § 6018.101-6018.1003.

SECTION 20. Administration.

- A. All permits, records, reports, files, and other written material related to the installation, operation and maintenance and Malfunction of On-Lot Sewage Disposal Systems in the Township of Spring shall become the property of the Township. Existing and future records shall be available for public inspection. All records pertaining to sewage permits, building

permits, occupancy permits, and all other aspects of the Township's Sewage Management Program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Protection.

- B. All fees imposed shall be in accordance with the fee schedule adopted by the Board of Supervisors and in effect at that time. The Township shall subsequently collect fees by any appropriate method, including the use of municipal liens to cover the cost to the Township of administering this program.

SECTION 21. Administrative Appeals.

- A. Appeals from the determination of the Township or its Authorized Agents, under this Ordinance, shall be made to the Board of Supervisors. Such appeals shall be in writing, using the Township's Sewage Appeal Form, attached hereto as Appendix E, addressed to the Board of Supervisors at the business office and shall be filed within thirty (30) calendar days of the date of the determination in question. Appeals from revocation of a permit shall be filed within ten (10) calendar days of receipt of notice of revocation of the permit. The appealing party shall pay a fee for the appeal hearing in such amount as shall be established from time to time by the Board of Supervisors. If the last day to appeal falls on a weekend day (Saturday or Sunday) or federal holiday, then the next business day shall be the last day to file such appeal.
- B. Hearings.
 - 1. Appeal hearings shall be conducted by the Board of Supervisors in accordance with the act of December 2, 1968 (P.L. 1133, No. 353), known as the "Local Agency Law," and shall be conducted at the next regularly scheduled meeting if filed fourteen (14) calendar days or more prior to the meeting. If filed less than fourteen (14) calendar days of the next meeting, the appeal shall be heard at a special meeting. The Board shall thereafter reverse, modify, or affirm the aforesaid action. The hearing may be postponed for good cause shown by the appellant or the Township, or upon written agreement of the appellant to such extension of time.
 - 2. The decision of the Board of Supervisors shall be sent in writing within thirty (30) calendar days of the termination of the hearing and shall be communicated by First Class Mail to the appellant and other parties who have appeared to the addresses set forth by them. If a decision is not rendered within thirty (30) calendar days, the relief sought by the appellant shall be deemed granted. If the last day to render and send a decision falls on a weekend day (Saturday or Sunday) or federal holiday, then the next business day shall be the last day to render and send such decision.
 - 3. 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. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be precluded.

4. The Township shall not be required 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. Said stenographic record shall be compiled by a properly recognized stenographer. Any parties ordering stenographic records shall pay their own costs.
- C. Any subsequent appeal shall be to the Court of Common Pleas of Berks County. The Attorney General shall be notified in writing by the appellant of any appeal challenging the constitutionality of any provision of the Pennsylvania Sewage Facilities Act, 35 P.S. § 750.1, *et seq.*, or the validity of any rule or regulation promulgated thereunder, including this Ordinance.

SECTION 22. Enforcement.

- A. Enforcement Notice: If a Person has violated this Ordinance, then the Township may initiate enforcement proceedings by mailing an enforcement notice as provided in this Section.
- B. The enforcement notice shall be sent to the Owner, any adult resident or lessee for the property, and any person who has filed a written request to receive enforcement notices. Notices regarding the subject parcel may be forwarded to any Person as requested in writing by the Owner.
- C. The enforcement notice shall state at least the following:
1. The name of the Owner or any other Person against whom the Township intends to enforce the Ordinance;
 2. The location of the property in violation of this Ordinance;
 3. The specific violation or violations of this Ordinance with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance;
 4. The date by which steps for compliance with the Ordinance must be commenced and the date by which the steps for compliance with the Ordinance must be completed;
 5. That the recipient of the enforcement notice has the right to appeal it to the Board of Supervisors within the applicable time period provided in Section 21 of this Ordinance in accordance with the procedures set forth in this Ordinance. The enforcement notice shall specify that applicable time period to appeal under Section 21 of this Ordinance; and
 6. That failure to comply or appeal within the time specified, constitutes a violation with possible sanctions clearly described.

D. Jurisdiction: Magisterial District Justices shall have initial jurisdiction over enforcement proceedings brought under this Ordinance when a Person fails to comply or appeal within the time specified by the enforcement notice.

E. Enforcement Remedies:

1. Any Person-who has violated or permitted the violation of any provision of this Ordinance shall, upon being found guilty thereof in a summary criminal proceeding commenced by the Township, pay a fine of not less than Five Hundred Dollars (\$500.00) and not more than Five Thousand Dollars (\$5,000.00) per violation, plus all court costs. For each day or portion thereof in which a violation is found to exist or for each section of the Ordinance, which is found to have been violated, said violation shall be treated as a separate offense subject to a separate fine. Enforcement of an action brought pursuant to this section shall be brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Collection of all fines shall be pursuant to the Pennsylvania Rules of Criminal Procedure. All fines, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township Treasurer.
 2. The Court of Common Pleas, upon Petition, may grant an Order of Stay when just cause is shown, withholding the per diem fine pending a final adjudication of the violation and judgment.
 3. Nothing contained in this section shall be construed or interpreted to grant any Person or entity other than the Township the right to commence an action for enforcement pursuant this section.
- F. Upon written notice from the SEO that an imminent health hazard exists due to failure of an Owner to properly operate, maintain, repair, or replace an OLDS as provided under the terms of this Ordinance, the Board shall have the authority to perform, or contract to have performed, any repairs as may be directed by the SEO to abate the health hazard.
- G. The costs for the actual repair, repair permit, and site investigations in support of the permit shall be borne by the Owner.
- H. The Township may take whatever action necessary to recover those costs in accordance with the law, including entering a lien against the property.
- I. The Township may seek injunctive relief to prevent continued use of a Malfunctioning system.
- J. A violation will be assessed against both parties when the property is under joint ownership and/or against a contractor if construction occurred without compliance with this Ordinance.

- K. Any septage waste hauler who violates any of the provision of this Ordinance, or regulations of the Township, and conditions of its state permit, or of any state or local law governing its actions, shall, upon conviction thereof, be suspended from operating within this Township for a period of not less than six (6) months nor more than two (2) years for each violation, to be determined by the Township.

SECTION 23. Fees.

The Board may, by resolution, establish a fee schedule and collect fees to cover the Township's actual costs of administering this Ordinance.

SECTION 24. Appendices.

- A. The following appendices attached hereto are incorporated herewith and may be changed by resolution of the Board of Commissioners from time to time.

1. Appendix A - Declaration of Easement
2. Appendix B - Sewage Management District Map
3. Appendix C - Septic Tank Pumping Exception Request
4. Appendix D - On-Lot System Pumping and Inspection Report
5. Appendix E – Sewage Appeal Application

SECTION 25. Repealer.

- A. All Ordinances or part of any Ordinance inconsistent with the provisions of this Ordinance are hereby replaced to the extent of such inconsistency.
- B. Any and all Township Ordinances and Resolutions, or parts thereof, to the extent inconsistent therewith, hereby are repealed.

SECTION 26. Severability.

If any section or clause of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

SECTION 27. Effective Date.

This Ordinance shall be effective at the earliest possible date permitted by law.

DULY ENACTED AND ORDAINED the 10th day of April, 2023 by a (unanimous /majority) vote of the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, in lawful session duly assembled.

ATTEST:

**BOARD OF SUPERVISORS OF
THE TOWNSHIP OF SPRING**


Township of Spring Manager

By: 
Chairman

By: 
Member

By: 
Member

By: 
Member

By: _____
Member

MUNICIPAL CERTIFICATION

I, Mary L Rossi, hereby certify that the foregoing is a true and accurate copy of Ordinance No. 455, adopted by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania at a regular meeting held on April 10, 2023, pursuant to notice as required by law.

Dated: 4 / 11 / 2023

Mary L Rossi
Secretary, Township of Spring

APPENDIX A

DEED OF EASEMENT

Prepared by:

Return to:

Parcel ID#:

DEED OF EASEMENT

THIS INDENTURE, made this _____ day of _____, 20____,

BY AND BETWEEN _____, of

the Commonwealth of Pennsylvania, hereinafter called the "Grantor(s)", and the Township of SPRING, of 2850 Windmill Road, Reading Pennsylvania, 19608, Township of Spring, County of Berks and Commonwealth of Pennsylvania, hereinafter called the "Grantee",

WITNESSETH:

That for and in consideration of the promises contained herein and other good and sufficient consideration, and intending to be legally bound hereby, the Grantor(s) do(es) hereby grant, convey, bargain and sell unto Grantee, its successors and assigns, a perpetual right-of-way and easement over the hereinafter described primary and replacement on-lot sewage disposal systems with access to and from same for the specific purposes hereinafter provided, being portions of that premises belonging to Grantor(s) received by deed recorded in the Berks County Office of the Recorder of Deeds at Document I.D. # _____, (Tax Parcel I.D. No.) in Township of Spring, Berks County, Pennsylvania, as more fully set forth on the legal description attached hereto and made a part hereof, marked as Exhibit "A", and as indicated on the plan attached hereto and marked as Exhibit "B".

Together with free ingress, egress and regress to and for the said Grantee, its successors, assigns, and their agents or employees, on, over and through the tract of land described as aforesaid, at all times and seasons forever hereafter, in order to accomplish the specific purposes set forth hereinafter.

Grantor(s) agree(s) that until released by the Township, they shall not, within the easement areas:

- a. install, construct, or permit any improvements, whether permanent or temporary, other than for the intended purposes;
- b. perform or permit any permanent or temporary alterations, grading, excavations, stockpiling of any soil or any other material, other than for the intended purposes;
- c. allow any construction or other such activities on the property unless the absorption area easements shall be marked and protected by temporary construction fencing and shall not permit equipment with greater wheel loadings than a common garden tractor/riding mower to travel over or operate on the surface of the absorption area easements;

d. allow or place other than shallow-rooted vegetation over the absorption area easements, except where a Drip Irrigation or IRSIS system is installed;

e. plant or permit any trees on or within ten (10) feet of the absorption area easements;
and

f. construct any improvements or plantings that would totally block reasonable access to perform permitted activities at or on the primary and alternate sites referenced herein.

Further, Grantor(s) hereby grant a right of entry to Township, it agents, employees successors and assigns, for the purposes, at any time, of inspecting, maintaining, sampling, testing evaluating, excavating or repairing the on-lot sewage disposal systems described in the sewer application and permit. Such rights shall include, but not be limited to, the right to excavate any part of the property or to sample soil, water or suspected septage subject only to the requirement that of the Township or its agents shall return the land to as close to its former condition as is reasonably possible under the circumstances as soon as reasonably possible.

This Agreement, together with other provisions of this grant, shall constitute a covenant running with the land for the benefit of the Grantee, its successors, and assigns.

TO HAVE AND TO HOLD all and singular the privileges, right-of-way and appurtenances above mentioned to it, the said Grantee, its successors and assign, to the only proper use and behoof of them, the said Grantee, its successors and assigns forever.

AND THE SAID Grantor(s) do(es) hereby SPECIALLY warrant the premises hereby conveyed.

IN WITNESS WHEREOF, these presents have been executed by the Grantor(s) and Grantee herein under seal the day and year first above written, intending to be legally bound thereby.

, Grantor

, Grantor

TOWNSHIP OF SPRING

Attest _____
_____, Secretary

By: _____
_____, Chairman

COMMONWEALTH OF PENNSYLVANIA)
)
) SS:
COUNTY OF BERKS)

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

COMMONWEALTH OF PENNSYLVANIA)
)
) SS:
COUNTY OF BERKS)

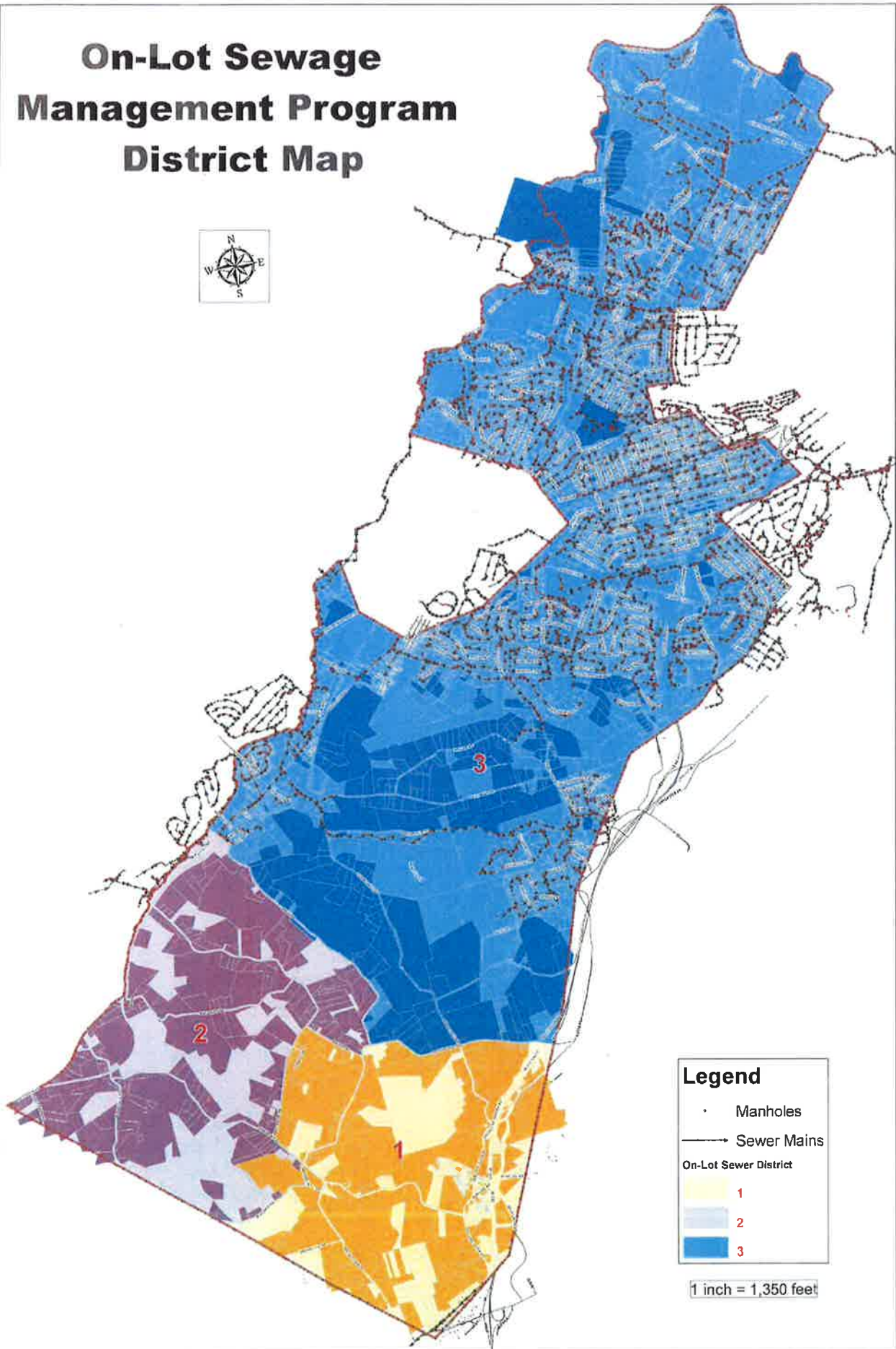
IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Agent for Grantee

APPENDIX B

SEWAGE MANAGEMENT DISTRICT MAP

On-Lot Sewage Management Program District Map



APPENDIX C

REQUEST FOR WAIVER FROM THE PUMPING AND INSPECTION REQUIREMENTS UNDER SPRING TOWNSHIP'S SEWAGE MANAGEMENT PROGRAM

**SEPTIC TANK PUMPING EXCEPTION REQUEST PER THE
TOWNSHIP OF SPRING SEWAGE MANAGEMENT PROGRAM**

Property Owner's Name: _____

Property Owner's Address: _____

City, State, Zip: _____

Phone: _____

Address of Tank Location: _____

Septic Tank Capacity: _____ gallons Number of Occupants: _____

As owner of the above referenced property, I hereby request to be exempt from the requirement to have my septic tank pumped for the current pumping cycle.

I further understand that my septic tank must be accessible and the Township's appointed Sewage Enforcement Officer (SEO) will conduct an inspection of the tank's sludge and scum levels to determine if I qualify for the requested exemption. In accordance with Pa DEP regulations: if the tank(s) are filled with solids in excess of 1/3 of the liquid depth of the tank or scum exceeds 1/3 of the liquid depth of the tank, the exemption will not be granted. If the exemption is denied, I will be required to have my septic tank cleaned by a licensed septic waste hauler.

I also understand that if the exemption is granted, I will be required to have my septic tank cleaned and inspected during the next pumping cycle. In no case will a property owner be exempt for more than one consecutive pumping cycle.

Owner's Signature: _____ Date: _____

Township Use Only

SEO: _____ Date Inspected: _____ Sludge and Scum Measured: _____

Comments: _____ Exemption Granted: Yes ____ No ____

APPENDIX D

ON-LOT SYSTEM PUMPING AND INSPECTION REPORT

ON-LOT SYSTEM PUMPING AND INSPECTION REPORT

Section 1: PROPERTY INFORMATION

Date of pumping / inspection: _____

Owner's Name: _____

Mailing Address: _____

Site Address (if different): _____

Telephone Number: _____

Sewage Management District #: _____

Parcel ID #: _____

Year System Installed (if known): _____

Year System Repaired (if applicable): _____

Date of Last Pumping: _____

RESIDENTIAL (# of bedrooms): _____

COMMERCIAL (type): _____

Section 2: ONLOT SYSTEM & OBSERVED CONDITIONS

Type of Absorption Area: _____

Treatment Tank: () Septic () Aerobic () Other

Tank Size: 1st: _____ 2nd: _____ 3rd: _____

Observations (X = no good OR √ = ok):

- () Condition of baffles
- () Pump and/or alarm checked (if applicable)
- () Sewage backing up into structure
- () High water or solids level(s) in the tank(s)
- () Leaking, cracked or deteriorating tank(s)
- () Backwash of liquid from absorption area into tank(s)
- () Wet / soft area or lush grasses near absorption area
- () OTHER: _____

Recommended Repairs: _____

Weather Condition: _____

Tank Construction: () Concrete () Metal () Plastic

Depth of Scum Layer in Tank(s): _____ in.

Depth of Solids Layer in Tank: _____ in.

Amount of Septage Removed: _____ gal.

SKETCH OF MAJOR COMPONENTS OF SYSTEM

Name of Authorized Septage Hauler: _____

APPENDIX E

ON-LOT SEWAGE APPEAL APPLICATION

ON-LOT SEWAGE APPEAL APPLICATION

DATE: _____

Name: _____

Address: _____

Phone Number: _____

E-Mail (OPTIONAL): _____

Property Address (if different from place of residence):

Parcel ID Number: _____

I am hereby requesting an appeal hearing before the Board of Supervisors of the Township of Spring. The purpose of the hearing is to appeal a correction order or other action by the Township's duly appointed Sewage Enforcement Officer.

Following, is a brief summary of the reason for my appeal (please attach copies of any supporting documents if applicable):

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

By signing this request, I attest that the information I have provided is accurate and true.

Signature

Date

Printed Name _____

Printed Name