**TOWNSHIP OF CUMRU, BERKS COUNTY, PENNSYLVANIA**
**ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWNSHIP OF CUMRU, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS FOR THE INSTALLATION, INSPECTION AND MAINTENANCE OF ON-LOT SEWAGE DISPOSAL SYSTEMS (OLDS); ESTABLISHING APPLICATION AND PERMITTING PROCESSES; ESTABLISHING FINANCIAL AND/OR PERFORMANCE ASSURANCES FOR INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS (IRSIS); ADOPTING REGULATIONS GOVERNING MUNICIPAL MANAGEMENT OF ON-LOT SEWAGE DISPOSAL SYSTEMS (OLDS); PROVIDING FOR ENFORCEMENT REMEDIES AND IMPOSITION OF PENALTIES FOR VIOLATIONS; PROVIDING A METHOD OF APPEALS FOR HARDSHIP SITUATIONS; AND REPEALING THE CUMRU TOWNSHIP SEWAGE ORDINANCE NO. 740.**

BE IT ENACTED AND ORDAINED by the Commissioners of the Township of Cumru, 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 Cumru Township On-Lot Sewage Ordinance."

SECTION 2. Source of Authority

This Ordinance is enacted under the authority of, and shall be administered consistently with: The Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, as amended, 35 P.S. § 691.1 et seq.; the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, No. 537, as amended, 35 P.S. § 750.1 et seq. ("Act 537" or the "Act"), and the regulations promulgated thereunder at 25 Pa. Code Chapters 71, 72, and 73; and the First Class Township Code, as recodified at 73 Pa. C.S.A. § 101 et seq. Under Section 8 of the Act (35 P.S. § 750.8), the Township, as a local agency, has the power and the duty to administer Sections 7, 8, 12, 13, 13.1, 14, 15, and 16 of the Act, to employ or contract with a certified Sewage Enforcement Officer to administer the permitting provisions of Section 7, to make inspections and tests and to enter upon lands for those purposes, to restrain violations, to set and collect fees, and to adopt standards and procedures identical to those of the Department together with such other rules and regulations as are consistent with the Act and the Department's regulations. Municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for the Township of Cumru indicates that it is necessary to formulate and implement a sewage management program, consistent with 25 Pa. Code § 71.73, 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:

A. The regulation of soil testing for permitting, installation, inspection, operation, rehabilitation, replacement, and timely ongoing maintenance of on-lot sewage disposal systems (OLDS) within the Township; and,

B. The establishment of provisions and safeguards for the Township which enable the issuance of permits for bonded systems and individual residential spray irrigation systems (IRSIS) by and through the Sewage Enforcement Officer (SEO); and,

C. To permit the Township to intervene in situations which may constitute a public nuisance or hazard to the public health; and,

D. To establish penalties for violations and appeal procedures necessary for the proper administration of a sewage management program; and,

E. Establishment of standards for the periodic pumping of treatment and pump tanks which are components of OLDS within the Township; and

F. Establishment of standards for the proper abandonment of OLDS.

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

Absorption Area: A component of an individual or community OLDS 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 and replacement area and which shall be delineated and preserved. The primary and replacement areas need not be contiguous.

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

Act 537: See "Act".

Authorized Agent: A Certified Sewage Enforcement Officer (SEO), 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 Commissioners of Cumru Township.

Board: Shall mean the Board of Commissioners, Cumru Township, Berks County, Pennsylvania.

Bonded Disposal System: An individual sewage system permitted under 25 Pa. Code §§ 73.71--73.77, located on a single lot serving a single family residence, where the limiting zone (as evidenced by soil mottling or other indicators) is within 20 inches of the mineral soil surface, and the installation, operation, and replacement of which is guaranteed by the property 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.

Community Sewage System: Any 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 any other site.

Construction Observation: Site visits by the Township's appointed SEO at specific intervals during the construction of the OLDS as specified by this Ordinance (see inspection).

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

Developer: Any person, partnership, or corporation which erects or contracts to erect a building on property owned by it, with the intent to sell the building to some other party upon its full or partial completion, or upon the conveyance of property on which the building is to be built.

Equivalent Dwelling Unit (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 (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 OLDS by the Township's authorized agent for the purposes specified by this Ordinance. This term may or may not include construction observations (see construction observation).

Malfunction: The 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 acre; wetlands; floodplain; limiting zones of less than 60" to evidence of seasonal high water table or rock and slopes in excess of 12%; slopes in excess of 25%; isolation limitations that would limit available space for OLDS or reduce the net lot size to less than 1.5 acre.

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 (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; this term includes both individual 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, corporation, partnership, etc. holding deed or title to lands within the Township.

OLDS: Individual or community On-Lot sewage Disposal System.

Person: Any individual, association, public or private corporation 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 SEO 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/Hauler: Any person, company, partnership or corporation which engages in cleaning community or individual sewage systems and transports the septage cleaned from these 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 SEO and found suitable, based upon the then current DEP site requirements, for the installation of an on-lot 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:

1. Chemical Toilet: A permanent or portable non-flushing toilet using chemical treatment in the retaining tank for odor control.
11. 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.
1v. 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.
v1. 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 (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: 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: A practicing Pennsylvania ARCPAC or PAPSS certified soils professional qualified 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 devices, transfer of ownership or building or lot development.

Township: The Township of Cumru, 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 Cumru. The provisions of this ordinance shall apply to all persons owning or occupying any property serviced by an on-lot sewage disposal system.

B. If the owner does not reside on the property in question or within a building on said property, she/he remains responsible for compliance with this Ordinance.

Responsibility for compliance may be transferred to the lessee or resident of the building by an agreement between the owner and the lessee or resident, subject to the written approval of the Township. The Township will not recognize said agreement until notified in writing. If the lessee or resident shall move out of the building, responsibility shall revert back to the owner, even though a valid agreement with the lessee or resident continues to exist.

C. Upon transfer of responsibility for compliance, the owner shall provide the lessee or resident with a copy of all information concerning prior installation, operation, and maintenance of the system.

D. Upon transfer of responsibility for compliance, in accordance with the above requirements, all references to "owner" in this Ordinance shall hereinafter refer to the lessee or resident of the building or property.

E. The owner of any building serviced by an OLDS within the Township shall become subject to all of the requirements contained herein, upon the occurrence of one of the following:

1. Receipt of a sewage permit from the SEO for the installation or rehabilitation of an OLDS;

2. Transfer of ownership of the building;

3. Malfunctioning of the OLDS; and,

4. In the case of an existing building or system, upon the passing of this Ordinance.

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 of the Clean Streams Law and of the Pennsylvania Sewage Facilities Act and the standards adopted pursuant to those Acts.

B. 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 the Sewage Enforcement Officer (see Section 12 - Construction Observation).

C. The Township requires applicants for sewage permits 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 a system without verifying that the property 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 individual 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 on-lot systems 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 for which the provisions of Section 9 or Section 11 apply shall include a fully executed maintenance contract indicating the person or company responsible to carry out the required maintenance, the maintenance schedule, and a provision that if the contract is terminated, that the Township be so notified.

SECTION 7. Replacement Areas

A. Soil probe and percolation testing and/or soil morphological evaluations by a soil scientist to provide a replacement area shall be required on all proposed lots which are intended to be served by a soil absorption area, with the exception of Drip Irrigation and IRSIS systems. Lots exhibiting marginal conditions as defined in Section 4 are subject to this requirement in all events.

B. 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 and contain marginal conditions, but for which a permit to install an on-lot system has not been issued.

C. 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.

D. The location of the primary and replacement areas shall be 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.

E. 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. The exception shall be where Drip Irrigation or IRSIS systems are proposed, trees will be allowed to remain.

5. No trees shall be planted or remain which are located within ten (10) feet of the proposed sewage absorption area. The exception shall be where Drip Irrigation or IRSIS systems are proposed, trees will be allowed to remain.

F. A landowner wishing to alter the use of the absorption area easement must first document, through a site evaluation by the SEO, that an additional area suitable for the installation of an on-lot system exists, and upon such a finding shall:

1. Prepare and submit to the SEO for approval a Deed of Easement which shall:

   a. Meet the identification, non-use, and preservation requirements of this section; and

   b. Describe, by metes and bounds, the easement area to be abandoned.

2. Within 15 days of the approval by the Township, record the Deed of Easement at the Berks County Recorder of Deeds Office.

3. File a copy of the recorded easement with the Township.

G. Should the permitted system 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 landowner shall enter into an agreement with the Township entitled Deed of Easement stating the requirements set forth in 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 sections E and F herein.

H. 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 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. Site investigation, including soil profile excavations (probes), shall be conducted and observed by the SEO in accordance with 25 Pa. Code § 73.14. At least one soil profile excavation shall be provided in each proposed absorption area; because a replacement area is required under Section 7, at least one soil profile excavation shall be provided in each of the primary and replacement absorption areas. The SEO may require additional soil profile excavations where site conditions warrant under § 73.14.

B. Commercial or community sites shall have a minimum of one probe every 50 feet on conventional ground based systems and one probe every 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. Spray field soil profile evaluations shall additionally comply with 25 Pa. Code § 73.14(b).

C. Percolation tests shall be conducted in accordance with 25 Pa. Code § 73.15, with six or more 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:

| Proposed Absorption Area Square Feet | Number of Percolation Test Holes |
|---|---|
| 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 Section 8.A through D.

F. All percolation and soil probe testing shall be observed by the Township SEO to be valid.

G. All percolation and probe excavations shall be located on a referenced scaled plan drawing by the Applicant or Developer within 60 days after completion.

H. The Applicant or Land 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 72 hours thereafter.

SECTION 9. Maintenance Agreements Required

A. As required by Section 7.3 of the Act (35 P.S. § 750.7c) and 25 Pa. Code § 72.25(h), no permit for an Individual Residential Spray Irrigation System (IRSIS) shall be issued until the Township has in place one or a combination of the compliance-assurance options authorized by § 72.25(h). All applications for on-lot systems that propose to use an IRSIS as the treatment method shall be accompanied by a maintenance agreement, in a form approved by the Township, providing for operation and maintenance of the system for its design life in accordance with the standards of 25 Pa. Code § 73.167. The maintenance agreement shall provide, at a minimum, for: (i) inspection of the treatment tanks, dosing tanks, lift pump tanks, chlorine contact/storage tanks, sand filters, chlorinators, spray plumbing, spray nozzles, and spray field at least once every six (6) months by a maintenance entity qualified under § 72.25(h); and (ii) at least annual sampling and laboratory analysis of the discharge for fecal coliform, carbonaceous biochemical oxygen demand (CBOD), suspended solids, and chlorine residual by a PA DEP certified laboratory for compliance with PA DEP standards. A copy of the test results, together with the most recent inspection report, shall be sent to the Township (local agency) by certified mail within thirty (30) days after each annual anniversary of the permit date, as required by § 750.7c(6) and § 73.167(4). Inspections required of the SEO under this Section shall be at the owner's expense in accordance with the currently adopted Township fee schedule.

B. A maintenance agreement, as described in Section 9.A shall also be required for on-lot sewage disposal systems permitted by PA DEP such as stream or swale discharge and all holding tanks, whether residential, commercial or temporary.

C. Application for IRSIS and holding tanks shall be accompanied by a financial guarantee in the form of a bond, letter of credit or cash escrow to be held by the Township, as authorized by 25 Pa. Code § 72.25(h)(7) and Section 7.3 of the Act (35 P.S. § 750.7c).

D. Planning Module submissions for DEP permitted on-lot sewage disposal systems shall be accompanied by a financial guarantee as that required in Section 9.C.

E. The financial guarantee required by Sections 9.C and 9.D shall assure that the Township has access to sufficient funds to operate, maintain, repair, or replace any component of the IRSIS, 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; or,

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.

F. Consistent with 25 Pa. Code § 72.25(h)(7) and 35 P.S. § 750.7c(4), 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 assurance shall be in an amount not less than fifty percent (50%) of the equipment and installation cost of the system and all related system components for each of the first two (2) years, unless a lesser amount is authorized by the Township Commissioners and SEO.

G. 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 assurance 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.

H. The financial guarantee shall be forfeited by the owner and the Township shall apply the funds to the repair, operation, and maintenance of the system and 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; or,

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.

I. Should at any time the financial guarantee be reduced below the required amount, 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.

J. 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. All systems shall provide at a minimum the following, in addition to the standard items required by PA DEP regulations:

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. Where a lift pump is used, the cleanout shall be vented.

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

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:

   a. Chisel plow/scarification of soil surface.
   b. Sand placement.
   c. Stone and pipe placement, including pressure test.
   d. Final grade and seeding.

2. Alternate at-grade bed systems:

a. Chisel plow/scarification of soil surface.
b. Stone and pipe placement, including pressure test.
c. Final grade and seeding.

3. In-ground systems:

a. Excavation of bed or trenches including scarification of same.
b. Stone and pipe placement, including pressure test, if applicable.
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.
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 will 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 cases these systems may be maintained by the property owner while in others, it may be necessary to obtain a service contract with a qualified maintenance provider. The need for a service contract will be evaluated on a case by case basis by the Sewage Enforcement Officer, and where necessary, required to be in place prior to 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 will 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 working days prior to requiring 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 building that is served by an OLDS without first receiving written notice from the SEO that the OLDS has been properly abandoned.

I. Landowners 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 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 will be handled on a case-by-case basis.

J. Cumru Township's plumbing code requires the Township to inspect the building sewer. Property owner/excavator shall contact the Township prior to installation for requirements.

SECTION 13. Isolation Distances

A. The minimum horizontal isolation distances set forth in 25 Pa. Code § 73.13 shall be maintained between the named feature and each component of a sewage disposal system, as follows. As provided by § 73.13(a), greater isolation distances may be required by the SEO where site conditions warrant, and the well isolation distance exemption of 25 Pa. Code § 72.33 may apply to a private well on the same lot.

| **Named Feature** | **Treatment, Dosing, Lift, Filter & Chlorine Tanks [§ 73.13(b)]** | **In-Ground, Sand Mound or At-Grade Absorption Area [§ 73.13(c)]** | **Drip Irrigation Absorption Area [§ 73.13(c)]** | **IRSIS Spray Field (wetted perimeter) [§ 73.13(d)]** |
|---|---|---|---|---|
| Property line, easement or right-of-way | 10 ft. | 10 ft. | 10 ft. | 25 ft. |
| Occupied building | 10 ft. | 10 ft. | 10 ft. | 100 ft. |
| Swimming pool | 10 ft. | 10 ft. | 10 ft. | 100 ft. |
| Driveway or road | 10 ft. | 10 ft. | 10 ft. | 25 ft. |
| Unoccupied building | — | — | — | 25 ft. |
| Individual water supply (well) or water supply suction line | 50 ft. | 100 ft. | 100 ft. | 100 ft. |
| Water supply line under pressure | 10 ft. | 10 ft. | 10 ft. | 10 ft. |
| Cistern used as a water supply | 25 ft. | 25 ft. | 25 ft. | 25 ft. |
| Streams, water courses, lakes, ponds or other surface waters (wetlands are not surface waters) | 25 ft. | 50 ft. | 50 ft. | 50 ft. |

| | | | | |
|---|---|---|---|---|
| Other active on-lot systems | — | 5 ft. | 5 ft. | — |
| Surface drainageway | — | 10 ft. | 10 ft. | — |
| Detention basin, retention basin or stormwater seepage bed | — | 10 ft. | 10 ft. | — |
| Mine subsidence area, bore hole or sinkhole | — | 100 ft. | 100 ft. | 100 ft. |
| Rock outcrop or identified shallow pinnacle | — | 10 ft. | 10 ft. | 25 ft. |
| Natural or manmade slope greater than 25% | — | 10 ft. | 10 ft. | — |
| | | | | |
| | | | | |

A dash ("—") indicates that 25 Pa. Code § 73.13 specifies no separate minimum isolation distance for that feature and system component; the SEO may nonetheless require an appropriate isolation distance consistent with Chapter 73 where site conditions warrant. The distances for an absorption area apply equally to a drip irrigation absorption area.

SECTION 14. Inspections

A. As of the effective date of this Ordinance, any on-lot sewage disposal system may be inspected by the Township's authorized agent at any reasonable time of day in emergency situations or when the agent has a reasonable belief that system conditions pose an immediate danger to human health and safety. For purposes of routine inspections, written notice of such inspection shall be mailed to the property owner and/or any known non-owner resident seventy-two (72) hours in advance of such inspection.

B. The inspection 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.

C. As authorized by Section 8(b)(5) and (b)(10) of the Act (35 P.S. § 750.8(b)(5), (b)(10)), the Township's authorized agent shall have the right to enter upon land for the purposes of the inspections and tests described herein, in accordance with the procedures and notice required herein. If the owner or occupant refuses to permit entry, or where entry into an occupied building is required and consent is not given, the Township may apply to a court of competent jurisdiction or a Magisterial District Judge for an administrative

search warrant or other order authorizing the inspection, and may pursue the enforcement remedies set forth in Section 22.

D. An inspection shall 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.

E. Access via a removable manhole cover (minimum 20-inches wide or square) at grade with a water-tight seal and secured against unauthorized access is required.

F. 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.

G. A schedule of routine inspections may be established by the Township to assure the proper function of any one or all of the systems in the Sewage Management District. The Inspections shall occur every three (3) years pursuant to a schedule and Sewage Management Districts established by the Township.

H. The Township's authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning; the Township and its authorized agent shall take action to require the correction of the malfunction. Action by the property owner to mitigate the malfunction shall be required.

I. 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.

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.

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 building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank 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 Ordinance date 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, a property owner feels it warranted to ask for an exception, the property owner must complete and submit to the Township the form attached hereto as Appendix C entitled Request for Waiver from the Pumping/Inspection

Requirements. 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 will be denied. A property owner may not be exempt for more than one consecutive pumping cycle.

B. Following the initial pump-out, every property owner shall have the septic tank pumped as directed by the Township, on at least a three year rotational basis. An On-Lot System Pumping 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, if solids or scum buildup in the tank is in excess of one-third of the liquid depth of the tank, 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 if other good cause is shown.

D. Any person owning a 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. In no case may the pumping intervals for aerobic treatment tanks be less frequent then 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 Section 16.A of this Ordinance.

E. When an on-lot system's treatment tank is pumped out, all dosing tanks, lift tanks, and other tanks associated with the system shall also be pumped out.

F. Holding tanks shall meet the standards of 25 Pa. Code § 73.62, including a minimum capacity of 1,000 gallons (or the volume of three (3) days' sewage, whichever is larger) and a warning device that provides an audible and visual signal when the tank is filled to 75% of capacity. 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 time per year, and their contents shall be disposed of only at a Department-approved site. As required by 25 Pa. Code § 71.63(c), the Township assumes responsibility for assuring the maintenance of holding tanks; the owner shall submit pumping receipts to the Township for retention, and the Township shall conduct an annual inspection of each holding tank and complete and retain a written inspection report.

G. Any person owning a building 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 are in need of cleaning, the property 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 issue a written Notice of Violation to any person who is the owner of property in the Township and the Township has not received an On-Lot System Pumping 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) 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 Inspection Report showing that it has been pumped. If the property owner fails to have the septic system pumped within thirty (30) days of a second notice from the Township of the requirements to have the system pumped and inspected, the property 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 on-lot septic system. 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 a property owner detects conditions that indicate or could reasonably be interpreted to indicate a malfunction, the landowner shall contact the SEO and, if repair or replacement is necessary, apply for a permit to repair or replace the malfunctioning system.

1. Landowners who disclose to the SEO the presence of a malfunction upon their lands shall not be penalized for the disclosure.

2. If a landowner who has disclosed the presence of a malfunction fails to make voluntary repairs, the Township may seek injunctive or other relief to compel the repair of the malfunction 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 which is found to be served by a malfunctioning on-lot sewage disposal system, or which is discharging raw or partially treated sewage without a permit.

D. Within thirty (30) 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 sixty (60) 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 subsections D and E above, 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 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 property owner is not absolved of responsibility for that malfunction. The Township may require the property owner to install a holding tank and provide evidence of a suitable maintenance agreement therefore 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

The Township, upon written notice from the Township's authorized agent that an imminent health hazard or nuisance exists, due to the failure of a 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 Township's authorized agent. The owner shall be charged for the full cost of the work performed, together with a penalty of ten percent (10%) of that cost as authorized by 73 Pa. C.S.A. §§ 4318(b) and 4708(b). The Township may collect such costs and penalty by any means provided by law, including an action in assumpsit under 73 Pa. C.S.A. § 7901 and the entry and collection of a municipal claim and lien against the property under the Municipal Claims and Tax Liens Act, 53 P.S. §§ 7101 et seq., including § 7107 (lien for the removal of nuisances), together with interest, charges, and reasonable attorney fees as permitted by 53 P.S. § 7106 and 73 Pa. C.S.A. § 7711(a)(4).

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 farm lands.

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. subsections 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 Cumru Township 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 programs 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 Commissioners 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. Consistent with Section 16(a) of the Act (35 P.S. § 750.16(a)), any person aggrieved by a determination of the Township or its authorized agents (including the SEO) under this Ordinance — including the granting or denial of a permit, the issuance of an order, or other action taken hereunder — shall have the right to request a hearing before the Board of Commissioners, acting as the local agency. Such appeals shall be in writing, using the Township's Sewage Appeal Form, attached hereto as Appendix E, addressed to the Board of Commissioners at the business office and shall be filed within thirty (30) days of the date of the determination in question. Appeals from revocation of a permit shall be filed within ten (10) 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 Commissioners.

B. Hearings.

1. Appeal hearings shall be conducted by the Board of Commissioners 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 made at least fourteen (14) days prior to the meeting. If made within fourteen (14) 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 Commissioners shall be made in writing within thirty (30) 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) days, the relief sought by the appellant shall be deemed granted.

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 it appears to the Township that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.

B. The enforcement notice shall be sent to the owner of record for the parcel on which the violation has occurred and to 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 of record.

C. The enforcement notice shall state at least the following:

1. The name of the owner of record or any other person against whom the Township intends to take action.

2. The location of the property violation.

3. The specific violation with the description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.

4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

5. That the recipient of the notice has the right to appeal to the Board of Commissioners within a prescribed period of time in accordance with the procedures set forth in this Ordinance.

6. That failure to comply within the time specified, unless extended by appeal to the Board of Commissioners, constitutes a violation with possible sanctions clearly described.

D. Jurisdiction: Magisterial District Judges shall have initial jurisdiction over summary proceedings brought under this Ordinance.

E. Enforcement Remedies:

1. Summary offense. As provided by Section 13 of the Act (35 P.S. § 750.13), any person who violates any provision of this Ordinance, the Act, or the rules, regulations, or standards promulgated under the Act, or who is the owner of a property on which a condition exists which constitutes a nuisance under the Act, or who resists or interferes with the Township's authorized agent in the performance of duties under this Ordinance, shall be guilty of a summary offense and, upon conviction, shall 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 costs of prosecution, or be imprisoned for not more than ninety (90) days, or both. As authorized by 73 Pa. C.S.A. § 7711(a)(3), each day or portion thereof in which a violation continues, and each section of this Ordinance that is violated, shall constitute a separate offense subject to a separate fine. Such actions shall be brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, and, as permitted by 73 Pa. C.S.A. § 7711(b)(2), the Township Solicitor may assume charge of the prosecution without the consent of the district attorney. All fines, costs, and reasonable attorney fees collected for a violation of this Ordinance shall be paid over to the Township Treasurer and, to the extent required by Section 13.2 of the Act (35 P.S. § 750.13b), placed in a restricted account to be used only for the repair of damage or mitigation of threats to the public health, the costs of investigation and enforcement, and the administration of the Act.

2. Civil penalty. In addition to, or in lieu of, proceeding under subsection E.1 and any other remedy available at law or in equity, the Township may, after notice and an opportunity for a hearing, assess a civil penalty against any person for a violation of this Ordinance, the Act, or the regulations, orders, or permits issued thereunder, as authorized by Section 13.1 of the Act (35 P.S. § 750.13a). The civil penalty shall be not less than Three Hundred Dollars ($300.00) and not more than Two Thousand Five Hundred Dollars ($2,500.00) for each violation, and may include the cost of any damage caused by the violation and the cost of correcting it. Where the Township determines that the violation is of a continuing nature, it may impose a weekly assessment of not more than Two Thousand Five Hundred Dollars ($2,500.00) per week for each week the violation continues unabated. A person assessed a civil penalty has the right to an appeal de novo under Section 16 of the Act, subject to the escrow, letter-of-credit, or bond requirements of 35 P.S. § 750.13a(c). Civil penalties and costs are collectible in any manner provided by law for the collection of debts and, once docketed by the prothonotary, constitute a judgment and lien upon the violator's real property under 35 P.S. § 750.13a(e).

3. 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.

4. 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 to this section.

F. Upon written notice from the SEO that an imminent health hazard exists due to failure of a property 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 property owner.

H. The Township may take whatever action is necessary to recover those costs in accordance with the law, including an action in assumpsit under 73 Pa. C.S.A. § 7901 and the entry and collection of a municipal claim and lien against the property under the Municipal Claims and Tax Liens Act, 53 P.S. §§ 7101 et seq., together with interest, charges, a penalty of ten percent (10%), and reasonable attorney fees as permitted by law (see also Section 18).

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

A. 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.

B. 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 - Deed of Easement
2. Appendix B - Sewage Management District Map

3. Appendix C - Request for Waiver from the Pumping/Inspection Requirements
4. Appendix D - On-Lot System Pumping Inspection Report
5. Appendix E- Sewage Appeal Application

SECTION 25. Repealer

A. The Cumru Township Sewage Ordinance No. 704 is hereby repealed. All other Ordinances or parts of any Ordinance inconsistent with the provisions of this Ordinance are hereby repealed 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 there from.

SECTION 27. Effective Date

This Ordinance shall take effect five (5) days after its enactment, or on such later date as may be required by law.

DULY ENACTED AND ORDAINED the _____ day of _____ 2026 by a majority vote of the Board of Commissioners of the Township of Cumru, Berks County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Board of Commissioners of the
Township of Cumru

_____
Cumru Township
Secretary

_____
President

# CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. _____, adopted by the Board of Commissioners of Cumru Township, Berks County, Pennsylvania at a regular meeting held on _____, 2026, pursuant to notice as required by law.

Dated: _____

_____
Cumru Township Asst. Secretary

# 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

Commonwealth of Pennsylvania, hereinafter called the "Grantor(s)", and Cumru TOWNSHIP, of 1775 Welsh Road, Mohnton, Pennsylvania,19540, Cumru Township, 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 Cumru Township, 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;

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

Cumru TOWNSHIP

Attest _____ By: _____
Secretary President

ACKNOWLEDGMENT OF GRANTORS

COMMONWEALTH OF PENNSYLVANIA )
) SS:
COUNTY OF BERKS )

ON THIS, the _____day of _____,20__, before me, the undersigned officer, personally appeared _____,known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

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

_____
Notary Public

ACKNOWLEDGMENT OF GRANTEE

COMMONWEALTH OF PENNSYLVANIA )
) SS:
COUNTY OF BERKS )

ON THIS, the _____day of _____,20__, before me, the undersigned officer, personally appeared _____, President of the Cumru Township Board of Commissioners, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he or she executed the same as such President on behalf of Cumru Township for the purposes therein contained.

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

_____
Notary Public

I CERTIFY that the address of the Grantee herein is:

1775 Welsh Road
Mohnton, PA 19540

_____
Agent for Grantee

# APPENDIX B

# SEWAGE MANAGEMENT DISTRICT MAP

SEWAGE MANAGEMENT DISTRICT MAP

APPENDIX C

REQUEST FOR WAIVER FROM THE PUMPING/ INSPECTION REQUIREMENTS UNDER Cumru TOWNSHIP' S SEWAGE MANAGEMENT PROGRAM

REQUEST FOR WAIVER FROM THE PUMPING/ INSPECTION REQUIREMENTS UNDER Cumru TOWNSHIP'S SEWAGE MANAGEMENT PROGRAM

DATE: .....

Name: _____

Address: .....

_____

Phone Number: _____

E-Mail (OPTIONAL): _____

Parcel ID Number: .....

I am hereby requesting excusal from the on-lot system pumping/ inspection requirement under the municipality's sewage management program. The reason for this request for an excusal or a waiver is as follows: (check the most appropriate reason)

I already had my sewage system pumped and inspected within the past year. Proof of compliance (canceled check, receipt, or report) is attached. In making this request, I understand that I will have to comply with the next pumping/ inspection cycle for my sewage management district.

I own vacant land containing no on-lot sewage system.

My property contains an abandoned structure and an on-lot sewage system that is no longer in use. I am planning to properly abandon the system on this property within the next year and will provide proof to the municipality once it has been completed.

Other:

_____

_____

_____

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

_____ _____

*Signature* *Date*

_____

Printed Name

# 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: ON-LOT 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: _____

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 and/or photos OF MAJOR COMPONENTS*

Required Repairs: ----------

_____

_____

SEO# 04298 Don Westbrook _____

# 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 Commissioners of the Township of Cumru. The purpose of the hearing is to appeal a correction order or other action by the Township of Cumru'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):

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

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

_____ _____

*Signature* *Date*

_____

Printed Name