

CHAPTER 18

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PART 1**SEWER CONNECTION****§18-101. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

AUTHORITY - Oley Township Municipal Authority, a municipality authority of the Commonwealth.

BUILDING SEWER - the extension from the sewage drainage system of any structure to the lateral of a sewer.

COMMONWEALTH - the Commonwealth of Pennsylvania.

IMPROVED PROPERTY - any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT - any improved property located within the Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article or any other improved property located within this Township from which wastes, in addition to or other than sanitary sewage, shall be discharged.

INDUSTRIAL WASTES - any and all wastes discharged from an industrial establishment, other than sanitary sewage.

LATERAL - that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity.

SANITARY SEWAGE - normal water-carried household and toilet wastes from any improved property, including such ground, surface or stormwater as may be present.

SEWER - any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM - all facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of sanitary sewage and/or industrial waste, situate in or adjacent to this Township and owned by the Authority.

STREET - shall include any street, road, lane, court, cul-de-sac, alley, public way or public square.

TOWNSHIP - the Township of Oley, Berks County, Pennsylvania, a municipal subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

(Ord. 129, 8/12/1974, §1.01)

§18-102. Use of Public Sewers Required.

1. The owner of any improved property accessible to and whose principal building is within 150 feet from the sewer system shall connect such improved property which and shall use such sewer system, in such manner as this Township may require, within 60 days after notice to such owners from this Township to make such connection, for the purpose of discharge of all sanitary sewer and industrial wastes from such improved property; subject, however, to such limitations and restrictions and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.
2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection (1), shall be conducted into a sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time
3. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of subsection (1). No person shall discharge or shall permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of subsection (1), except where suitable treatment has been provided which is satisfactory to this Township.
4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any improved property which has been connected to a sewer or which shall be required under subsection (1) to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleaned and shall be filled at the expense of the owner of such improved property, under the direction and supervision of this Township; and, any such privy

vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, not cleansed and filled, shall constitute a nuisance and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
6. The notice by this Township to make a connection to a sewer, referred to in subsection (1), shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 60 days after the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place which can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served upon the owner in accordance with law.

(Ord. 129, 8/12/1974, §§2.01-2.06)

§18-103. Building Sewers and Connections.

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or part of the sewer system without first obtaining a permit, in writing, from this Township.
2. Application for a permit required under subsection (1) shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
3. No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:
 - A. Such person shall have notified the Secretary of this Township of the desire and intention to connect such improved property to a sewer.
 - B. Such person shall have applied for and shall have obtained a permit as required by subsection (1).
 - C. Such person shall have given the Secretary of this Township at least 24 hours notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

- D. If applicable, such person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee which may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a sewer has been paid.
4. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.
 5. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected and such owner shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.
 6. A building sewer shall be connected to a sewer at the place designated by this Township or by the Authority and where, if applicable, the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.
 7. If the owner of any improved property located within this Township and accessible to and whose principal building is within 150 feet from the sewer system, after 60 days notice from this Township, in accordance with §18-102(1), shall fail to connect such improved property, as required, this Township may enter upon such improved property and construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 129, 8/12/1974, §§3.01-3.07)

§18-104. Rules and Regulations Governing Building Sewers and Connections to Sewers.

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fitting, to continue such house sewer line as a building sewer.

2. No building sewer shall be covered until it has been inspected and approved by this Township. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection, at the cost and expense of the owner of the improved property to be connected to a sewer.
3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township.
5. If any person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and the Authority.
6. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and with the sewer system, which additional rules and regulations to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 129, 8/12/1974, §§4.01-4.06)

§18-105. Enforcement.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 129, 8/12/1974, §5.01; as amended by Ord. 311, 6/14/2004, §1)

PART 2**DEVELOPERS TO SUBMIT PLANS FOR SANITARY SEWERS****§18-201. Definitions.**

AUTHORITY - the Oley Township Municipal Authority.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township of Oley.

DEVELOPER - planners and/or builders of lots and structures where public utilities, streets or other services and amenities are required.

(Ord. 141, 4/12/1976, §1)

§18-202. Plan Submission.

Preliminary plans of a developer submitted to the Township Board of Supervisors in accordance with the requirements of the Subdivision and Land Development Ordinance [Chapter 22] of the Township of Oley, as amended, shall be submitted to the Authority for recommendations and approval.

- A. Plans shall be placed on the agenda of the Authority by the Secretary as an order of business, in the order in which they are received.
- B. The Authority will make recommendations concerning sanitary sewers to the Board of Supervisors. Said recommendations shall be submitted in writing with copies to the developer, the Authority Engineer and the Authority Solicitor.

(Ord. 141, 4/12/1976, §2)

§18-203. Notification Prior to Commencement of Work.

The developer shall advise the Authority and the Board of Supervisors in writing prior to the commencement of any construction or other work within the proposed subdivision.

(Ord. 141, 4/12/1976, §3)

§18-204. Coordination of Design of System.

The developer shall have its Engineer coordinate the design of the sanitary sewage system with the Authority Engineer prior to the commencement of any construction.

- A. Plans, specifications and applications and accompanying documents for regulatory permits shall be approved by the Authority Engineer prior to execution by the Authority.

(Ord. 141, 4/12/1976, §4)

§18-205. Legal Agreement.

The developer shall, prior to the commencement of any construction or other work within the proposed subdivision, execute a legal agreement with the Authority providing for the conditions under which sewer service will be rendered.

- A. The developer shall record this said agreement as a deed restriction against each deed in the development.

(Ord. 141, 4/12/1976, §5)

§18-206. Legal Fees.

The developer shall present a written request to the Authority for preparation of the service contract. Prior to execution of this contract by the Authority, the Authority shall bill the developer for the legal fees incurred by it in the preparation of the contract. The contract shall not become an order of business on the agenda of the Authority until payment of the said legal fees has been made.

(Ord. 141, 4/12/1976, §6)

§18-207. Submission of Additional Information.

Upon completion of the engineering design and after final review by the Authority, the developer shall submit to the Authority in writing an indication of the size, limits or number of houses in the development or in the section of development then to be opened, and such information shall be required by the regulations of the Authority.

(Ord. 141, 4/12/1976, §7)

§18-208. Final Construction Contract.

The Authority and the developer shall enter into the final construction contract. Prior to the execution of this contract by the Authority all legal fees and escrow funds for the construction contract shall be submitted by the developer.

- A. Funds covering tapping fees, donations and other direct charges by the Authority shall be paid in cash.
- B. Funds covering construction may be furnished as a release account established by the developer at a financial institution acceptable to the Authority.

(Ord. 141, 4/12/1976, §9)

§18-209. Construction of System.

After execution of the construction contract the developer shall consult with the Authority Engineer regarding construction of the system.

- A. The Authority Engineer shall furnish all necessary inspection during the construction of the system.
- B. Release of escrow funds for construction completion shall be by the Authority and the Authority Engineer.
- C. Release of all other funds from the escrow account shall be by the instruction of the Authority.

(Ord. 141, 4/12/1976, §10)

§18-210. Connection to System.

No connections shall be made to the sanitary sewage system until all necessary Authority or Township permits have been issued. Such permits shall be withheld until the system is certified useable by the Authority Engineer and all permit fees have been paid.

(Ord. 141, 4/12/1976, §11)

§18-211. Dedication of System to the Township.

A written request for dedication of the sanitary sewage system shall be made by the developer to the Township's Supervisors and the Authority upon completion of all municipal services.

(Ord. 141, 4/12/1976, §12)

§18-212. Final Inspection.

That after notifying the Authority, the developer shall submit to the Authority as-built plans and legal descriptions and all legal descriptions necessary for the deeds, easements and contracts of dedication.

- A. The Authority and its Engineer shall make a final inspection prior to accepting dedication of the system.
- B. A satisfactory report of this inspection shall be a part of the dedication papers presented to the Authority.

(Ord. 141, 4/12/1976, §13)

§18-213. Submission of Required Documents.

Prior to the Authority's acting on the acceptance of dedication of the sanitary sewer system, the following items must be presented to the Authority:

- A. Dedication contract.
- B. Deeds of dedication.
- C. A dedication resolution.
- D. All required deeds of easement.
- E. A 1 year maintenance bond.
- F. Two copies of as-built plans.
- G. Positive report by the Authority and the Authority Engineer of the final inspection.
- H. Certification by the Authority Treasurer that all legal fees, permit fees and all other fees due and owing the Authority have been paid.
- I. Certifications by the Authority Engineer and Solicitor that all fees have been paid.

(Ord. 141, 4/12/1976, §14)

§18-214. Return of Remaining Escrow Funds.

At the time of dedication the Authority shall return all remaining escrow funds to the developer.

(Ord. 141, 4/12/1976, §15)

PART 3**SEWAGE HOLDING TANKS****§18-301. Purpose.**

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage, whether from institutional, residential, recreational or commercial uses and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health and safety of the inhabitants of the Township.

(Ord. 238, 4/13/1992, §1)

§18-302. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

DEP - the Pennsylvania Department of Environmental Protection. *[Ord. 311]*

GOVERNING BODY - the Board of Supervisors of the Township of Oley, Berks County, Pennsylvania.

HOLDING TANK - a watertight receptacle which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic occupancy or use by human beings and from which structure sewage shall or may be discharged.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON - any individual, partnership, company, association, corporation or other group or entity.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance which is 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.

TOWNSHIP - the Township of Oley, Berks County, Pennsylvania.

(Ord. 238, 4/13/1992, §2; as amended by Ord. 311, 6/14/2004, §1)

§18-303. Rights and Privileges Granted.

The governing body is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

(Ord. 238, 4/13/1992, §3)

§18-304. Rules and Regulations.

The governing body is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary, from time to time, to effect the purposes of this Part.

(Ord. 238, 4/13/1992, §4)

§18-305. Rules and Regulations to be in Conformity with Applicable Law.

All rules and regulations adopted by the governing body pursuant to this Part shall be in conformity with the provisions hereof, all other ordinances of the Township, all applicable laws and all applicable rules and regulations of the Commonwealth of Pennsylvania and its departments and agencies.

(Ord. 238, 4/13/1992, §5)

§18-306. Rates and Charges.

The governing body shall have the right and power to fix, alter, charge and collect rates, assessments and other charges for permits issued under this Part and for related municipal services.

(Ord. 238, 4/13/1992, §6)

§18-307. Exclusiveness of Rights and Privileges.

1. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the governing body, in compliance with the regulations of DEP, as amended from time to time. *[Ord. 311]*
2. The disposal of sewage from holding tanks shall be made only at sites which have been approved by DEP for that purpose. *[Ord. 311]*
3. When deemed necessary the Sewage Enforcement Officer of the governing body will receive, review and retain pumping receipts for each permitted holding tank.
4. The governing body directly and through its Sewage Enforcement Officer will complete and retain annual inspection reports for each permitted tank as deemed necessary by the governing body or the Sewage Enforcement Officer.

(Ord. 238, 4/13/1992, §7; as amended by Ord. 311, 6/14/2004, §1)

§18-308. Duties of Improved Property Owner.

The owner of an improved property that utilizes a holding tank shall:

- A. Install and maintain the holding tank in conformance with this and all other applicable ordinances of the Township, the provisions of any applicable law and the rules and regulations of the governing body, of DEP and of any other administrative agency of the Commonwealth of Pennsylvania. *[Ord. 311]*
- B. Permit only the governing body or its agent to inspect the holding tank on an annual basis.
- C. Permit only a licensed hauler to collect, transport and dispose of the contents of the holding tank at a licensed permanent dumping site.
- D. Provide proof to the governing body that the hauler and dumping site are both licensed by DEP or other appropriate governing agency.
- E. Provide the governing body, through the Sewage Enforcement Officer, with receipts indicating that the holding tank has been pumped on a regular basis.
- F. Fill any holding tank which has remained unused for a period of 4 consecutive years with sand or other nonhazardous material.

(Ord. 238, 4/13/1992, §8; as amended by Ord. 311, 6/14/2004, §1 and Ord. 2018-377, 11/12/2018, §1)

§18-309. Violations.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 238, 4/13/1992, §9; as amended by Ord. 311, 6/14/2004, §1)

§18-310. Abatement of Nuisances.

In addition to any other remedies provided in this part, any violation of §18-308 above shall constitute a nuisance and shall be abated by the Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 238, 4/13/1992, §10)

PART 4**ONLOT SEWAGE DISPOSAL SYSTEMS****§18-401. Definitions.**

The following terms as used in this Part shall be taken to have the following definitions:

ABSORPTION AREA - a component of an onlot sewage system where liquid from a treatment tank seeps into the soil from perforated or open jointed pipe.

CARBONATE GEOLOGY - sedimentary rock formations resulting from the organic or inorganic precipitation of mineral compounds and characterized by the fundamental chemical in CO₃; e.g., limestone and dolomite.

CAVERNS - a subterranean cavity or cave produced by dissolution of limestone or dolomite.

CESSPOOL - a sewage disposal system consisting only of a pit, hole or pond, rather than a tank and tile field or absorption area, where sewage is deposited for seepage into the ground. A pit or hole which uses an overflow connection to a tile field or absorption area shall also be considered a cesspool.

CLOSED DEPRESSION - remnants of sinkholes that have partially filled with soil by erosion and settlement of the sinkhole walls. Generally they are found as shallow, dish-shaped depressions on the land surface in areas of carbonate geologic formations.

COMMUNITY SEWAGE SYSTEM - a sewage facility, whether publicly or privately owned, for the collection of sewage or wastes from two or more lots, or two or more equivalent dwelling units, and the treatment of disposal, or both, of the sewage or wastes on one or more of the lots or at any other site.

DISAPPEARING STREAMS - streams that empty completely into a sinkhole or cavern.

GHOST LAKES - small bodies of water which occur in and occasionally around closed depressions or sinkholes after periods of heavy precipitation. They may form from slow permeability of soils, rises in the groundwater table or from the creation of a natural liner of impermeable or slowly permeable clays or soils in the depression.

INDIVIDUAL ONLOT SEWAGE SYSTEM - an individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a subsurface absorption area to a retaining tank.

LAND SURFACE MOTTLING - irregular shading of the land surface caused by uneven moisture content. In carbonate areas it can indicate the presence of rock pinnacles. It can be seen readily on aerial photographs.

LIMESTONE (CARBONATE) GEOLOGY - the carbonate geologic formations consisting of both limestone and dolomite bedrock. (See "carbonate geology.")

LIMITING ZONE - any horizon or condition in the soil profile or underlying strata which includes:

- (1) A seasonable high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling.
- (2) Rock with open joints, fractures or solution channels, or masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.
- (3) Rock formation, other stratum or soil condition which is slowly permeable that it effectively limits downward passage of effluent.

PINNACLES - tall, slender spires of carbonate bedrock. Pinnacles are formed from the chemical dissolution of carbonate rocks along planes of weakness (joints, fractures).

SUBSURFACE PINNACLES - such formations that exist below the surface of the ground.

SURFACE PINNACLES - such formations that protrude above the natural grade.

ROCK OUTCROP - rock strata that have been naturally exposed and are visible on the surface of the earth.

SEWAGE - a substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and 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 Clean Streams Law.

SEWAGE ENFORCEMENT OFFICER - the official having jurisdiction within the Township of Oley to issue and review permit applications and conduct such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act.

SINKHOLES - funnel-shaped or steep sided depressions in the lens surface that are caused by the dissolution and collapse or subsidence of the roofs of subterranean caverns in carbonate geologic formations.

SOIL SCIENTISTS - an individual with qualifications in the sciences of soils and geology who has applied for and received approval from the Township as a technical consultant.

SOLUTION CHANNELS - solution-widened joints or fractures occurring in carbonate bedrock. They can vary from less than 1 inch to several feet in width and often form a network of channels through the carbonate bedrock.

STRATUM - a single sedimentary bed or layer of a formation that consists of approximately the same kind of rock material.

STRIKE OF BEDROCK - the direction of a surface or subsurface stratum of the included bedrock in relation to the horizontal surface. The strike is perpendicular to the dip or slope of the stratum.

TEST PIT - an excavation conducted to determine the suitability of the soil conditions for on-site sewage disposal facilities by observing the soil types and the depth to any limiting zone that would restrict the passage or renovation of wastewater. Also known as deep probe or probe.

TILE FIELD - an absorption area where effluent from a treatment tank seeps into the ground from open jointed pipe.

TREATMENT TANK - a water-tight tank designed to retain sewage long enough for satisfactory bacterial decomposition of the solids to take place. The term includes the following:

AEROBIC SEWAGE TREATMENT TANK - a mechanically aerated treatment tank that provides aerobic biochemical stabilization of sewage prior to its discharge to an absorption area.

SEPTIC TANK - a treatment tank that provides for anaerobic decomposition of sewage prior to its discharge to an absorption area.

(Ord. 247, 1/11/1993, §1.0)

§18-402. Installation or Construction of Individual or Community On-Lot Sewage Systems.

No person may install or construct an individual or community onlot sewage system or install, construction, occupy or use a building to be served by that system without first obtaining a permit from the Township. The following procedure shall be followed for obtaining a sewage disposal permit:

- A. The Sewage Enforcement Officer (sometimes referred to hereinafter as the S.E.O.) shall determine whether or not the property in question is situated over carbonate geology. The basis for the determination shall be the mapping in the soil survey of Berks County, Pennsylvania, prepared by the U.S. Department of Agriculture Soil Conservation Service (September 1970). Properties located on soils depicted on the maps as "Group 11" soils by the Department of Environmental Protection (see Table 1) shall be considered to be situated over carbonate geology. *[Ord. 311]*
- B. To compensate for the margin of error associated with the soil survey maps, a 200 foot buffer zone around the mapped carbonate soils shall also be considered carbonate. The buffer zone line shall be drawn parallel to the limestone soil line and 200 feet from its edge.
- C. Property owners whose property or portion of property is in the buffer zone shall have an opportunity to prove that the property is not situated over carbonate rock. Acceptable proof shall be a written report prepared by a Township-approved soil scientist certifying conclusively that the area is not carbonate geology. The basis of the report shall include soils test pits performed by the soil scientist on the property. Marginal or inconclusive results shall not constitute acceptable proof.
- D. Soil testing for proposed onlot systems located in areas determined to be carbonate shall comply with the trenching procedures identified in §18-403 if the S.E.O. determines that any of the following conditions exist:
- (1) Land surface mottling within $\frac{1}{4}$ mile from the closest property line of the lot or parcel being tested as depicted on aerial photographs.
 - (2) Sinkholes or closed depressions within $\frac{1}{4}$ mile from the closest property line of the lot or parcel being tested, as determined by the PaDEP sinkhole mapping of Oley Township or by visual inspection. *[Ord. 311]*
 - (3) Rock outcrops within $\frac{1}{4}$ mile from the closest property line of the lot or parcel being tested, as determined by the sinkhole map and/or visual inspection.
 - (4) In the case of a subdivision, the property line considered in (1), (2) and (3) above shall be the property line of the original tract minus the proposed residue, unless the residue also requires testing. In such a case, the property line shall be the property line of the original tract.
- E. Proposed onlot systems which are not located in carbonate geology and sites located in carbonate geology which do not exhibit any of the characteristics described in subsection (D)(1), (2) and (3) above shall be tested in accordance with 25 Pa. Code, Chapter 73 of DEP. However, each site investigation shall include at least two acceptable test pits. These pits shall be located at

opposite ends of the absorption area. The pit with the shallowest limiting zone shall be used as the basis for the permit. *[Ord. 311]*

- F. All proposed onlot systems shall have suitable test area for a back-up or alternate absorption area. The alternate absorption area shall have at least two satisfactory test pits, and trenching as described in §18-403, if required in accordance with this Section. Use of an alternate absorption area immediately adjacent to the primary absorption area is acceptable if adequate area exists for two systems. Trenching shall, when required, be extended to include the alternate absorption area. In the case of single lots or parcels which existed prior to the date of this Part, an alternate absorption area is recommended, however, the inability to locate an alternate absorption area shall not be reason to deny a permit for that lot or parcel provided that all other requirements of this part and DEP regulations are met. *[Ord. 311]*
- G. All proposed onlot systems shall have an acceptable percolation test performed in accordance with Chapter 73 of DEP regulations. All alternate absorption areas required by this Part shall have an acceptable percolation test performed in accordance with Chapter 73 of DEP regulations. *[Ord. 311]*
- H. The applicant shall obtain a design for the proposed system which conforms with DEP regulations and the requirements of this Part. *[Ord. 311]*
- I. The S.E.O. shall issues a permit when all fees have been paid and all testing, administrative and design requirements have been met.

(Ord. 247, 1/11/1993, §2.0)

§18-403. Additional Requirements for Certain Carbonate Geology Areas.

The trenching procedure described below shall be used for all permit applications where the absorption area site has been identified as carbonate and where at least one of the criteria established in §18-402(D) has been identified.

- A. A conventional test pit shall be performed to establish a limiting zone. The pit should be dug outside of but within 10 feet of the proposed absorption area.
- B. A second test pit shall be dug on the opposite end of the absorption area from the first test pit. The pit shall be examined in the conventional manner and the shallower limiting zone of the two pits shall become the limiting zone of the system. Limiting zones shall be determined by the S.E.O.

- C. A trench shall be dug, through one of the test pits if possible, along a side of the proposed absorption area in a direction perpendicular to the strike of the bedrock. Strike shall be determined through whatever geologic information is available for the area being tested. In the absence of more specific information, the approximate strike of N. 45° may be used. The depth of the trench shall be to at least the depth of the shallowest limiting zone as determined in subparagraphs (A) and (B) above.
- D. The Sewage Enforcement Officer shall determine whether any other limiting zone is encountered in the trench that is shallower than the test pit limiting zone. Limestone pinnacles shall be of particular concern and if observed shall be considered a bedrock limited zone. The S.E.O. shall measure the distance from the surface of the mineral soil to the limiting zone. The shallowest limiting zone observed in the test pits and trench shall be the limiting zone for the proposed system.
- E. No person on the site shall enter any trench required by subparagraph (C) that is deeper than 5 feet unless shoring or other appropriate precautions are taken. Measurements relative to limiting zones in such trenches shall be made from the original surface.
- F. Trenches shall be backfilled immediately. Test pits shall be backfilled immediately, if possible, but in no case shall they remain open longer than 5 days. In the event test pits are not backfilled immediately, reasonable precautions shall be taken to prevent accidents that could result from open pits.

(Ord. 247, 1/11/1993, §3)

§18-404. Sewage Disposal Permit Application Procedure for Repair or Replacement of Existing Individual On-Lot Sewage Systems.

The following procedure shall be followed for obtaining a permit for repair of an individual onlot sewage disposal system.

- A. The owner of any malfunctioning sewage system shall obtain a repair permit from the S.E.O. prior to making any repair or alteration to that system
- B. The S.E.O. shall determine the extent of repairs necessary and prescribe remedial action.
- C. In the event that the malfunctioning system is a cesspool, the owner of the malfunctioning system shall install a new system which conforms with Chapter 73 of PaDEP regulations and §18-402 of this Part. In the event that a conforming system cannot be installed due to insufficient lot size, poor soil, or other technical reasons, the S.E.O. shall prescribe a solution on the basis of best advisable technology for the situation. At a minimum, all repaired

systems shall include a tank (septic or aerobic tank) for retention of solids.
[Ord. 311]

- D. In the event that the malfunctioning system includes a tile field or absorption area (see definitions) which has failed and will no longer accept wastewater (as determined by the S.E.O.), the owner shall install a new system which conforms with Chapter 73 of DEP regulations and §18-402 of the Part. Repairs such as additional trenches and other stop gap measures shall not be used. In the event that a conforming system cannot be installed due to insufficient lot size, poor soils or other technical reasons, the S.E.O. shall prescribe a solution on the basis of best advisable technology for the situation. At a minimum, all repaired systems shall include a tank (septic or aerobic tank) for retention of solids. This paragraph applies to systems with tile fields or absorption areas that have failed and will no longer accept wastewater. A system containing a tile field or absorption area which has malfunctioned due to a mechanical fault such as a crushed tile or pipe may be repaired by replacing the mechanical component. *[Ord. 311]*
- E. A back up or alternate absorption area, as required in §18-402, is recommended, but not required, for repair or replacement of existing sewage systems.

(Ord. 247, 1/11/1993, §4)

§18-405. Additional Requirements for Subdivisions Containing Two or More Lots.

1. Procedure for Subdivision Containing from Two through Ten Lots.

- A. Each proposed lot requiring a new onlot system shall be subjected to the procedures of this Part as established in §18-402.
- B. The developer shall provide a Township-approved soil scientist for consultation to the S.E.O. if requested.
- C. The subdivision shall be staked out prior to conducting the soils testing. The stakes should locate property lines and streets so that test pits and trenching can be performed accurately for each lot.
- D. The final approved absorption areas for each lot shall be clearly staked out so that construction vehicles will keep off the area and it will remain otherwise undisturbed until the disposal system is installed.

- E. Testing results for each lot requiring soil tests shall be completed and submitted to the Township in accordance with the Subdivision and Land Development Ordinance [Chapter 22].

2. Procedures for Subdivision That are Part of an Existing or Proposed Subdivision Containing Greater Than Ten Lots.

- A. Each proposed lot requiring a new onlot system shall be subject to the procedures of this Part as established in §18-402.
- B. Subdivisions subject to this Section will be required to provide the appropriate planning module components to the Township for submittal to DEP. Soil testing for these subdivisions shall be conducted in conjunction with the requirements of the planning module. DEP shall be advised of the proposed testing and shall be provided the opportunity to witness the tests. *[Ord. 311]*
- C. A Township-approved soil scientist shall be provided by the developer to provide consultation to the S.E.O. The S.E.O. shall be present for all test probes and trenches performed on site.
- D. The developer shall prepare a topographic survey using the contour intervals as follows:
 - (1) Two feet for land with average natural slope of 4% or less.
 - (2) Five feet for land with average natural slope exceeding 4%.

The topographic contours shall be superimposed on an accurate plan of the subdivision which shows at least lot lines, streets and significant features such as existing buildings, tree masses, water bodies, etc. The scale of the plan should meet the requirements of the Subdivision and Land Development Ordinance [Chapter 22].

- E. Sinkholes and rock outcrops shall be accurately located on the topographic plan using accurate survey techniques.
- F. The subdivision shall be staked out prior to conducting the soils testings. The stakes should locate property lines and streets so that test pits and trenching can be performed accurately for each lot.
- G. The final approved absorption area for each lot shall be clearly staked out so that construction vehicles will keep off the area and it will remain otherwise undisturbed until the disposal system is installed.

(Ord. 247, 1/11/1993, §5)

§18-406. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 247, 1/11/1993, §6)

TABLE 1

SOIL SERIES FOUND IN OLEY TOWNSHIP
THAT ARE CLASSIFIED BY
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AS GROUP II (CARBONATE) SOILS

Athol
Duffield
Fogelsville
Hagerstown
Litz
Murrill
Ryder
Washington

NOTE: Any Group II soil series that is not included in the above list but is found to exist in the Township shall also be considered carbonate for purposes of this Part.

PART 5**COMMUNITY SEWAGE DISPOSAL SYSTEMS****§18-501. Purpose.**

1. The purpose of this Part is to establish procedures for the design, installation, use and maintenance of community sewage disposal systems (hereinafter referred to as "CSDS") designed to receive, treat and dispose of sewage from sanitary sources. It is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.
2. This Part is intended to provide a method of sewage treatment and disposal under circumstances where the Township does not have the capability to convey, treat and/or dispose of sewage via a Township or Township authorized agency's publicly held conveyance, treatment and/or disposal system and where the construction, use and maintenance that are or may be associated with individual sewage disposal systems pose or may present potential health risks.

(Ord. 268, 7/8/1996, §1)

§18-502. Permit Required.

1. No person shall construct, own operate or maintain, or suffer to be constructed, owned, operated or maintained, any CSDS on his lands, nor shall any person own, operate, erect or maintain any CSDS on lands of another unless a permit therefore has been issued by the Board of Supervisors of Oley Township and Department of Environmental Protection (hereinafter referred to as "DEP") and security has been posted with the Board of Supervisors, which permit and security shall remain unexpired, unsuspended and unrevoked.
2. Any such permit or permission issued by the Board of Supervisors shall be limited to a maximum of 3 years or such other time as the Board may deem proper under the circumstances. If construction has not commenced within 3 years of any permit to construct a CSDS is issued by the Board of Supervisors, said permit shall be considered null and void, unless extended by specific action of the Board.

(Ord. 268, 7/8/1996, §2)

§18-503. Scope.

As part of any zoning and subdivision approval proposing the use of a CSDS, compliance with the terms of this Part shall be a condition of any such approval, including the condition that the system shall be subject to a continuing offer of dedication to the Township. All CSDS, as hereinafter defined, to be constructed shall have, as the official permittee, the Township of Oley, as required by the Township's Act 537 Plan. No CSDS shall be accepted for dedication except in accordance with this Part. The provisions set forth in this Section shall be memorialized in appropriate textual notes prominently set forth on the approved final subdivision and land development plan.

(Ord. 268, 7/8/1996, §3)

§18-504. Definitions.

As used herein, the following terms shall have the meanings herein described, unless otherwise provided:

BOARD - the Board of Supervisors of Oley Township.

CAPITAL RESERVE FUND - an interest-bearing revolving fund which is established for or by the Board with moneys contributed by each CSDS developer for the purpose of financing major equipment and facility repair, replacement or upgrade. A separate Capital Reserve Fund shall be established for each CSDS.

COMMUNITY SEWAGE DISPOSAL SYSTEMS (CSDS) - any sanitary sewage treatment and disposal system which treats and disposes from two or more lots, and for treatment or disposal of sewage on one or more lots or any other site, utilizing subsurface absorption, stream discharge, spray irrigation or other method specifically authorized by the Department of Environmental Protection ("DEP"), specifically excluding any treatment or disposal system that serves only one lot.

DESIGN STANDARDS - standards for CSDS established by DEP, as well as all relevant installation and locational standards established by this Part.

DEP - the bureau of office of the Department of Environmental Protection of the Commonwealth of Pennsylvania which administers the issuance of permits and enforces regulations promulgated by the Environmental Quality Board governing the issuance of permits for CSDS.

ENGINEER - the Township's duly appointed Engineer or engineering firm which provides the Board with technical and engineering consultation.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by individuals and from which structure sanitary sewage shall or may be discharged.

PERSON - any individual, partnership, company, association, corporation or other group or entity.

SANITARY SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings, and any noxious or deleterious substance being harmful or inimical to the public health or to animal or aquatic life or to the use of water from domestic water supply or for recreation. Specifically excludes wastewaters of industrial origin.

SEWAGE ENFORCEMENT OFFICER -the Sewage Enforcement Officer having jurisdiction in Oley Township and responsible for the issuance of permits and promulgation or enforcement of regulations concerning CSDS.

TOWNSHIP - Oley Township, Berks County, Pennsylvania.

(Ord. 268, 7/8/1996, §4)

§18-505. Rights and Privileges of Board.

1. The collection, treatment and disposal of all sewage from any improved property utilizing a CSDS shall be done solely by the Board or its authorized representative.
2. The Board is hereby empowered to undertake, within the Township, the control of methods of CSDS design, installation and operation.
3. The Board may enter into or acquire escrow agreements, construction and performance bonds and engineering services to ensure CSDS are designed, constructed and operated in accordance with the terms of this Part.
4. The Board, or its assignee, is empowered to take ownership of all operating CSDS within the Township. Method and manner of possession CSDS will be as dictated by the terms of this Part and the laws of the Commonwealth of Pennsylvania.
5. The Board may operate, maintain, improve and/or abandon any CSDS owned by the Board.

(Ord. 268, 7/8/1996, §5)

§18-506. Conditions Precedent to the Issuance of a CSDS Construction Permit.

Before any permit to construct a CSDS is issued to any person in Oley Township, the following conditions shall have occurred:

- A. The official sewage facilities plan of Oley Township has been revised, indicating the use of CSDS for the property, as approved by the Board and DEP.
- B. The owners has received approval from the Board and DEP of all applicable soil analysis and land planning modules.
- C. The owner has complied with all relevant Sections of this Part with regard to design specifications, applications and permitting procedures.

(Ord. 268, 7/8/1996, §6)

§18-507. Application Procedures.

1. Any person desiring to construct a CSDS on lands within Oley Township shall file a CSDS application (Part A) on a form supplied by the Board of Supervisors. The application shall include three copies of the plans and specifications of the proposed collection, treatment and disposal system sealed by a professional engineer licensed in the Commonwealth of Pennsylvania, with appropriate approved sewage planning modules and other material necessary to demonstrate compliance with the terms of this Part. The application fee shall be \$2,500 and must accompany the application. Said fee is nonrefundable.
2. The owner shall make such changes to the design of the proposed CSDS as required by the design standards contained herein and as determined by the Township's Engineer to be technically necessary for the safe, efficient and economical operation of the CSDS.
3. Upon review and approval of the application by the Board of Supervisors, a Part A Permit shall be issued, and the application shall be forwarded to DEP, who shall process the application in accordance with the regulations administered by DEP. Any review by DEP shall only be preliminary to Final (Part B) Permit approval by the Oley Township Board of Supervisors.

(Ord. 268, 7/8/1996, §7)

§18-508. CSDS Construction Permit.

Upon approval of DEP, the owner shall file a CSDS Construction Permit (Part B) Application on a form supplied by the Board. Said application shall include a Pennsylvania DEP sewerage permit (if applicable), plans and specifications of the CSDS and an application fee. The fee for the Part B Permit shall be \$1,500 and must accompany the application. Said fee is nonrefundable. Before any permit to construct a CSDS is issued to any person in the Township, all of the following conditions shall have occurred:

- A. The owner has provided the Board of Supervisors with an adequate escrow for the total construction cost, including inspection by the Township's Engineer or Sewage Enforcement Officer (as applicable) and start-up costs. The amount of the escrow shall be determined by the Township's Engineer.
- B. Any person desiring to construct a CSDS on lands within Oley Township shall establish a capital reserve fund in the name of Oley Township Board of Supervisors. Said fund shall be dedicated to the use of the Board, at its sole discretion, for the repair, replacement or upgrade of CSDS equipment and facilities. Said fund shall be initially established upon the first connection to the CSDS, at an amount equal to, but no less than, 5% of the value or as determined by the Township's Engineer of the CSDS as installed. If the fund is diminished due to expenditures for the repair, replacement or upgrade of facilities, it shall be replenished by the users of the CSDS through the Board's rental billing in the year subsequent to the expense.
- C. The owner agrees to provide the Board with a maintenance bond equal to 15% of the construction cost and valid for a period of 18 months from the date of acceptance of dedication to the Township.
- D. The owner has provided the Board of Supervisors with all financial documents and the proper documents for transfer of the CSDS to the Township. Transfer of ownership shall not occur until conditions specified in this Part has been met.
- E. The owner has established compliance with any applicable conditions of any approved plan, or the terms and conditions of any approval issue, pursuant to the Township Zoning Ordinance [Chapter 27] or Subdivision and Land Development Ordinance [Chapter 22].
- F. The construction permit shall be issued after approval by the Township Board of Supervisors.
- G. The owner shall have offered, subject to the favorable review of the Township, a declaration binding all lot owners to use, operate and contribute to the system.

(Ord. 268, 7/8/1996, §8)

§18-509. Revocation of Permit.

A CSDS construction permit will be null and void at such time as any of the following occur:

- A. The DEP permit expires or is revoked.
- B. The expiration date specified by the permit occurs.
- C. The Board of Supervisors revokes the permit.
- D. The holder of the permit violates any of the conditions of the DEP permit or Board of Supervisors' permit or violates any DEP or Township regulations for CSDS as established by this Part.

(Ord. 268, 7/8/1996, §9)

§18-510. Specifications for Design and Construction of CSDS.

1. Design of a CSDS shall be in accordance with specifications presented herein and standard specifications as may be adopted by the Board prior to or during design of the CSDS. Design criteria for onlot systems shall be based upon the results of subsurface soil investigations as required by 25 Pa. Code, Chapter 73. Conformance with aforementioned standards shall be so noted on the design drawings and specifications. The Board shall have final control over design standards.
2. Design and installation of CSDS shall be subject to the approval of the Oley Township Board of Supervisors. All drawings and specifications shall be to the level of detail required for construction prior to application for a Township Part B Permit.
3. In the case of onlot sewage disposal, a sufficient back-up absorption area shall be provided adjacent to the primary absorption area to accommodate 100% of the design flow of the treatment facility. Said back-up area shall be completely tested at the same time as the primary absorption area. Said back-up area shall be provided in property to be dedicated to the Board of Supervisors.
4. Except upon the approval and recommendation of the Township's Engineer, an anaerobic treatment system with a tank volume greater than 1,200 gallons, or which is designed to accommodate other than two dwellings, commercial or industrial units, is not permitted unless approved by the Board of Supervisors.
5. Except where disposal conditions would warrant the use of a normal septic system, a minimum level of aerobic secondary treatment shall be provided. Specific site environmental conditions, such as soil characteristics, groundwater, proximity of water supplies to discharge, proximity of dwellings to treatment facility and discharge, etc., may require more stringent treatment.

6. All hydraulic process design criteria shall be based on peak hourly flow.
7. Grinder pumps shall be permitted. Design and construction specifications, as well as inspection and monitoring standards, shall be approved by the Township's Engineer.
8. Sewage lift stations shall be provided with a comminutor approved by the Township's Engineer and a bypass manual bar screen. All wastewater entering the treatment plant shall pass through a screening device or comminutor prior to entering the wastewater treatment process.
9. Grease interceptors shall be provided in restaurants, delis or other similar establishments. Such regulations shall be enforced by withholding issuance of occupancy permits until compliance with these regulations has been established.
10. Emergency power transfer equipment shall be provided for smaller facilities to allow hookup of a portable generator. Where facilities are deemed sufficiently large by the Board, an emergency generator and automatic transfer switch shall be provided as back-up power. In all cases, emergency standby power shall be in conformance with DEP permits.
11. Sufficient redundancy of all necessary systems and subsystems shall be provided to eliminate downtime of facility.
12. Except when a lagoon treatment is utilized, a separate aerated tank for wasting sludge shall be provided.
13. Failure of any equipment necessary for basic operation of the CSDS shall be telemetered by an autodialer warning system. The autodialer shall send the signal to a central monitoring location at a location approved by the Township.
14. Disposal of sludge shall be arranged with a licensed sludge hauler/disposer. Said hauler shall be subject to approval by the Board and/or DEP.
15. Sufficient laboratory space and testing equipment shall be provided to efficiently operate the CSDS.
16. Control and operation of CSDS shall be as automated as practical.
17. All equipment specified in the plans and specifications submitted for the Township Part A or Part B Permits shall be subject to the approval of the Township's Engineer.
18. The owner shall have the parcel for the proposed CSDS surveyed and provide a legal description and a continuing offer to dedicate, without cost to the Township, all lands on which the sewage treatment system is located, together with any alternate absorption area and any necessary easements in relation thereto, including, without limitation, those easements for the sewage collection system and the disposal beds or

areas and the easements for the provision of utilities and access to, as well as repair and maintenance of, the treatment and collection systems.

19. The owner shall provide a written agreement to furnish the Township with record plans (as-built) of the completed CSDS and any ancillary equipment or components. Also, a complete O&M Manual shall be provided prior to start-up of the facility.
20. Easy access shall be provided for repairs and maintenance of the system. This would include a paved driveway and parking areas, as required. Proper safety enclosures (i.e., fencing) for the system's structures (i.e., pumps, aeration tanks, etc.) shall be required.
21. Permanent pins and concrete monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property on which the sewage treatment system is located. All pins and monuments shall be placed by a registered surveyor.

(Ord. 268, 7/8/1996, §10)

§18-511. Construction Inspection.

1. All CSDS shall be subject to inspection during construction by the Board of Supervisors or its authorized agent. Any noncompliance with the terms of this Part, approved plans and specifications, safety standards or other agreements, shall be grounds for suspension of permit and suspension of escrow fund releases.
2. The Board of Supervisors or its authorized agent may inspect, as deemed necessary, any component of any sewage system to determine its compliance with the terms of this part.
3. The Board of Supervisors or its authorized agent may sample any sewage (treated or untreated), soils, surface and/or groundwaters in the disposal and/or treatment areas in all areas in and contiguous to any CSDS.
4. The Township's Engineer shall receive and approve submittals (shop drawings) approved by the owner's engineer prior to installation of any equipment.

(Ord. 268, 7/8/1996, §11)

§18-512. Release of Escrow.

1. The owner may request a draw down of CSDS construction escrow account according to a payment schedule agreed upon with the Township. Draw down or release from said escrow account shall, at all times, leave remaining in the said account a fund equal to not less than 110% of the installation cost of all uncompleted items designated in the escrow agreement.
2. Prior to dedication, the owner shall allow the Board of Supervisors or its authorized agent access for inspection of CSDS operation at any reasonable time.

(Ord. 268, 7/8/1996, §12)

§18-513. CSDS Start-Up and Operation.

The owner shall, from the date of system start-up and until acceptance of dedication by the Township:

- A. Contract with a licensed sewage treatment plant operator acceptable to the Board of Supervisors for the day-to-day operation of its system. The day-to-day operation of the system shall be governed by a Board document detailing specific operational activities for the system.
- B. Contract with an acceptable sewage treatment plant contractor for required maintenance.
- C. Provide the Board with copies of operation and maintenance contracts and records of all operation and maintenance activities performed.
- D. Provide the Board with copies of all reports with regard to plant operation and testing on a timely basis.
- E. Prior to start-up, provide the record (as-built) drawings, as specified in §18-510(19).
- F. Prior to dedication, provide all financial records pertaining to construction, operation and maintenance of CSDS to the Board of Supervisors.

(Ord. 268, 7/8/1996, §13)

§18-514. Dedication to Township.

1. After CSDS has been operating successfully, within permit parameters, for two successive quarters, with operating costs having been completely offset by revenues derived from customers being serviced or at such earlier time as the Township deems appropriate, owner shall offer said system for dedication to Township, or its assignee, for the sum of \$1.
2. Immediately prior to such time as the Township or its assignee, accepts ownership of the CSDS, a facility audit shall be conducted by the Township's Engineer. Any faulty equipment or processes shall be corrected at this time by the owner at no additional cost to the Township. If the owner fails to complete these corrective actions the Board may, at its discretion, draw moneys from the escrow account to pay for the cost of such corrections including administrative, legal and engineering costs.
3. Prior to acceptance by the Township or its assignee, of ownership of the CSDS, the owner shall provide adequate training, including O&M Manuals, to the Board or the Board's authorized representatives.
4. Prior to acceptance by the Township or its assignee, the capital reserve fund shall be shown to have been established and adequately funded.
5. Prior to acceptance by the Township or its assignee, of ownership of the CSDS, the owner shall provide the Board or its assignee with the maintenance bond, as set forth in §18-508(C).

(Ord. 268, 7/8/1996, §14)

§18-515. Applicability.

1. Any person who is the owner or any existing or proposed CSDS serving as means of sewage disposal within the Township is subject to all requirements of this Part.
2. The owner of any proposed CSDS shall be responsible for obtaining all required permits from the Township and DEP and any other agencies requiring permits for such an installation. The owner of any proposed CSDS shall be responsible for its construction and start-up in accordance with the requirements of this Part.

(Ord. 268, 7/8/1996, §15)

§18-516. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 268, 7/8/1996, §16; as amended by Ord. 311, 6/14/2004, §1)

§18-517. Appeals.

Any person who considers himself aggrieved by any action of the Board with respect to such permit application, whether the same is based upon alleged noncompliance with the terms of this Part, may appeal the denial of such permit in accordance with the rules and regulations established by the Board. The appeal shall be subject to the Local Agency Law.

(Ord. 268, 7/8/1996, §17)

§18-518. Remedies.

In addition to the penalties provided in §15-516, the Board is authorized to file appropriate actions, at law or in equity, in the Court of Common Pleas in and for Berks County or before any other body having jurisdiction over the persons and activities herein regulated, to abate any violation and remove any CSDS not owned, operated, maintained or constructed in accordance with the provisions of this part. Violations of this Part are declared to be public nuisances, abatable as such.

(Ord. 268, 7/8/1996, §18)

§18-519. Rights of Entry and Inspection.

The Township and its agents and employees shall have the right of access to and may enter any building, property, lands, premises or places as may be necessary to carry out the provisions of this Part. In connection with such inspection or investigation, samples may be taken of any solid, semisolid, liquid or contained gaseous material for analysis.

(Ord. 268, 7/8/1996, §19)

PART 6**INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEMS
AND SMALL FLOW TREATMENT FACILITIES****§18-601. Purpose.**

1. The purpose of this part is to establish Township regulations for individual residential spray irrigation systems and small flow treatment facilities (which shall include, but not be limited to, dry stream channel discharge and overland flow systems and spray irrigation systems for other than single-family dwelling). It is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.
2. Furthermore, this Part is intended to satisfy the additional requirements imposed upon a municipality in the amendments to the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 et seq., which require a municipality to assure compliance of the on-site treatment system with the regulations of said Act, as amended, that establish standards for the operation and maintenance of these systems.

(Ord. 269, 8/12/1996, §1)

§18-602. Scope.

As part of any zoning and subdivision approval proposing the use of an individual residential spray irrigation system or small flow treatment facility, compliance with the requirements hereinafter set forth shall be a condition of any such approval. All individual residential spray irrigation systems or small flow treatment facilities to be constructed in Oley Township must be issued a permit by either the Sewage Enforcement Officer for Oley Township pursuant to the amendments to the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1, et seq., or DEP. In addition, the property owner and/or developer must execute an approved maintenance agreement with the Township which, along with the issuance of the permit, must be memorialized in appropriate textural notes permanently set forth on any approved final subdivision and land development plan.

(Ord. 269, 8/12/1996, §2)

§18-603. Definitions.

As used herein, the following terms shall have the meanings herein described, unless otherwise provided:

BOARD - the Board of Supervisors of Oley Township.

DEP - the Bureau or Office of the Department of Environmental Protection of the Commonwealth of Pennsylvania.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM - an individual onlot sewage system which serves a single-family dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

SANITARY SEWAGE - a substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances begin harmful or inimical to the public health, or to animal or aquatic life, or the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams Law.

SMALL FLOW TREATMENT FACILITY - an individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 gallons per day for final disposal using a stream discharge or discharge to the surface of the ground.

SPRAY IRRIGATION SYSTEM - any sanitary sewage treatment and disposal system which treats and disposes of sewage utilizing a spray irrigation and surface absorption or land application.

TOWNSHIP - Oley Township, Berks County, Pennsylvania.

(Ord. 269, 8/12/1996, §3)

§18-604. Township Regulation.

All subdivision and land development plans utilizing an individual residential spray irrigation system or small flow treatment facility hereafter installed in Oley Township shall not be approved within the Township unless and until the property owner and/or developer executes a maintenance agreement approved by the Township for purposes of providing security in a form acceptable to the Township sufficient to cover the costs of future operation and maintenance of a system over its design life. For individual residential spray irrigation systems, the security shall be up to a maximum of 50% of the construction costs for each of the first 2 years of operation and no more than 10% each year thereafter, of the equipment and installation costs of the system, establishment of properly chartered associations, trusts or other private legal entities to manage the systems, municipal ownership of the systems, establishment of a sewage management agency to manage the systems or any combination of the above. The security for small flow treatment facilities shall be as determined by the Township based on the recommendation of the Township Engineer. In addition, prior to plan approval, the Township must receive the permit issued by the Sewage Enforcement Officer for Oley Township for the construction and use of the individual residential spray irrigation system or from DEP for the use of a small flow treatment facility, and must receive any and all escrows required by the approved maintenance agreement.

(Ord. 269, 8/12/1996, §4)

§18-605. Fees.

All fees for the Township's review, approval, use and maintenance of a spray irrigation system or small flow treatment facility shall be established and set forth in the maintenance agreement approved by the Township.

(Ord. 269, 8/12/1996, §5)

§18-606. Plan Review Process.

All subdivision and land development plans utilizing an individual residential spray irrigation system or small flow treatment facility within Oley Township shall be reviewed by the Oley Township Engineer to determine compatibility with the intent and requirements of the Building and/or Plumbing Codes [Chapter 5] adopted in Oley Township.

(Ord. 269, 8/12/1996, §6)

§18-607. Permit.

Once it has been determined by the certified Sewage Enforcement Officer for Oley Township that the site, sewer conditions and system design meet the standards established by the Department of Environmental Protection for such systems, and the applicant has submitted documentation to the Sewage Enforcement Officer reflecting that the proposed use of the individual residential spray irrigation system will not adversely impact existing and proposed drinking water supplies and will not create a nuisance or public health hazard, the Oley Township Sewage Enforcement Officer may issue a permit for the construction of such individual residential spray irrigation system. In the case of a small flow treatment facility, the applicant is responsible for obtaining the necessary permit from DEP.

(Ord. 269, 8/12/1996, §7)