

ORDINANCE NO. 2004-204

AN ORDINANCE OF WEST PIKELAND TOWNSHIP, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING THE REGULATIONS FOR COMMUNITY ON-LOT DISPOSAL SYSTEMS. BE IT ORDAINED AND ENACTED BY WEST PIKELAND TOWNSHIP, CHESTER COUNTY, AS FOLLOWS:

Section 1
General Provisions

1.1 Purpose

The purpose of this Ordinance is to assure the proper design, construction and operation of wastewater facilities that are not dedicated to the Township.

Section 2
Definitions

2.1 The following words and phrases shall be defined as follows:

Community On-Lot Sewage System (COLDS) -A system of piping, tanks or other domestic facilities serving two or more lots and collecting, treating and disposing of domestic sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.

Individual On-Lot Sewage System (OLDS) - An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of domestic sewage into a soil absorption area or spray field or by retention in a retaining tank.

Section 3
Management of COLDS

3.1 Ownership of COLDS

Where COLDS are proposed a Homeowner Association consisting of the residents of the community or development served by the COLDS shall be formed by the applicant and placed into operation to take the ownership of and be responsible for the operation the said COLDS. The organization of such a Homeowners Association shall be subject to the review and approval of the Township, but at a minimum shall provide for:

- a) Continuing operation and maintenance of all facilities related to the sanitary sewage system including service laterals, collection lines, trunk sewers, pumping systems, treatment plant and disposal facilities and to continue to operate and maintain in good order such facilities making such replacements as are required, and properly collecting, treating, and disposing of sanitary sewage within their service area.
- b) The establishment of an operating budget to provide sufficient funds for the proper operation of the COLDS including the accumulation of funds necessary to provide for replacement of portions of the system on a schedule to be determined by the applicant or the Homeowners Association and approved by the Township.

- c) The collection of such fees and other charges as are appropriate and sufficient to maintain the sanitary sewage system and to provide for replacement of the various elements of the collection and/or treatment system that may be required. The Homeowners Association, in its formulation, shall be given the right to lien properties to collect the appropriate fees.
- d) The inspection and proper operation of the facilities and the submission of required reports to the Township and to the Pennsylvania Department of Environmental Protection.

3.2 Operation, Maintenance, and Inspection Plan for COLDS

Before completion and dedication of COLDS by the applicant to the Homeowners Association, the applicant shall deliver to the Township a maintenance, operation and inspection plan which shall consist of and include the following:

- a) As-built plan of all facilities constructed including sewage collection lines, pumping stations, treatment and disposal facilities and elements of the system designed to provide for monitoring of the operation. Such a plan shall include the physical parts involved and a description of their function and operation, including copies of the operating manual.
- b) A list of all reports required by the Pennsylvania Department of Environmental Protection including a description of the report and a copy of the report in form and a listing of the frequencies of submission of the reports required. Upon review of this information, the Township may require the submission of such additional reports as are deemed necessary to assure the proper operation and functioning of the system.
- c) A recommended schedule of inspections and duties required by a qualified operator including a description of the purpose, extent and frequency of such inspections and duties. In preparing such a schedule, care should be exercised in defining the scope of duties of the operator to provide that the system is adequately checked to determine its proper operation and that such duties are performed as are required for the regular maintenance of all equipment and other elements of the system.
- d) A recommended budget for the operation and maintenance of the system including a schedule of replacement of the various elements of the system, their estimated costs and the amounts of money to be set aside in each operating year to provide for replacement.
- e) The name of the person, partnership, corporation or other entity designated to own and operate the facility including the name of the person or persons responsible for overseeing the daily operation of the sewage treatment plant as well as the responsible person within the owning organization. This report of names shall be updated annually. Operators shall be licensed by the Commonwealth of Pennsylvania as an operator of the class required to operate a treatment plant of the equivalent complexity.

The Homeowners Association designated to own and operate a COLDS will be required to enter into an agreement with the Township guaranteeing the proper operation and maintenance of such systems and providing that the Township may inspect such systems on a monthly or quarterly basis. Upon discovering a malfunction in the operation of such systems and after notice of the property owners and the failure of the said property owners to make the necessary repairs or replacement, the Township may enter the property, perform the necessary steps to restore the system to proper operation. If, in the opinion of the Township or Township Engineer a malfunction within the collection, treatment, or disposal system of any COLDS represents a hazard to the public health, the Township may proceed without notice to take immediate action to remedy such malfunction, subject to such notice to the Homeowners Association or property involved as is practical under the circumstances. The Homeowners Association shall reimburse the Township for any and all costs associated with the repairs.

The following shall not be discharged into the system:

- a) Industrial waste
- b) Automobile oil and other non-domestic oil
- c) Toxic and hazardous substances or chemicals, including but not limited to, pesticides, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- d) Clean surface or ground water including water from roof or cellar drains, springs, sump pumps and French drains.

3.3 Inspection of COLDS

The Township shall have the right to conduct such regular and re-occurring inspections of COLDS as may be required to assure that the system is being properly operated and maintained. The scope of such inspections shall be established for each sanitary sewage system depending upon the type and complexity of the proposed system. For this purpose, the Township shall appoint an inspector, which may be a person or company or firm skilled and, where appropriate, licensed in the construction and operation of sanitary sewer systems and treatment plants.

The cost of such inspection shall be borne by the party owning and operating the sanitary sewage system.

3.4 Submission of Budgets and Reports

The Homeowners Association owning and operating COLDS shall upon formulation of its annual budget submit a copy of such budget to the Township for approval by the Board of Supervisors. The budget shall include among other things:

- a) The anticipated fees per household or other connection, to be collected by the Homeowners Association.
- b) The total income anticipated
- c) A breakdown of estimated operating and maintenance costs
- d) The payments anticipated from, and balances in-accounts set aside for, replacement of the various elements of the sewage collection and treatment system.

3.5 Assurance

The property owner shall post a financial surety for the construction of the system in accordance with the Subdivision & Land Development Ordinance. In addition, the property owner and/or the developer responsible for construction of a COLDS shall provide financial surety to the Township in the amount of (15) percent of the cost of the system, as verified by the Township Engineer, to ensure the performance of all acquirements of these Rules and Regulations. Such financial surety shall be in the form of cash, securities, surety bond, or letter of credit as approved by the Township and shall be deposited in escrow with the Township. All interest or dividends accruing on the security shall be made part of the escrow. The surety shall be provided for a period of five(5) years, at which time it shall be replaced by a cash fund provided by the property owner, the developer and/or the Homeowners Association of the project being constructed equivalent to (15) percent of the cost of the permitted sewage facilities. The fund shall be held in escrow by the Township and shall be available to the Township for performance of any and all maintenance and repairs to the COLDS not being performed by the property owner, the developer and/or the Homeowner Association. The fund shall be supplemented as necessary by the property owner, the developer and/or the Homeowners Association to the extent it is reduced by authorized expenditures there from by the Township.

3.6 Acceptance of Community on Lot Sewage Disposal Systems

The Township may act to accept any COLDS or authorize the acceptance and dedication to another private entity at any time that the Board of Supervisors deems it to be in the public interest to do so; in which case, the operation and maintenance responsibilities of the owners shall cease. In such case, the Township or private entity will establish an independent sanitary sewage district and establish sewer rates. Said rates to be sufficient to provide for all operating, maintenance and replacement requirements of the system.

This Ordinance shall become effective 5 days after its adoption.

This Ordinance is enhanced and ordained on the 19th day of July, 2004.

**West Pikeland Township
Board of Supervisors**

Attest:

By:

Norman J. Long
Township Manager

Harold Hallman III, Chairman

Linda Glaum, Vice Chair

William Cracas, Member