

AMITY TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. #346

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF AMITY TOWNSHIP AMENDING AND RESATING IN ITS ENTIRETY SECTION 303, ENTITLED "DEFINITIONS" OF PART 3 ENTITLED "PUBLIC SEWAGE DISPOSAL SYSTEM" OF CHAPTER XXIII, ENTITLED "SEWERS AND SEWAGE DISPOSAL", TO AMEND AND ESTABLISH NEW DEFINITIONS; AND RENAMING SECTION 316 OF ARTICLE D CURRENTLY ENTITLED "SEWER RENTAL CHARGES" OF PART 3 ENTITLED "PUBLIC SEWAGE DISPOSAL SYSTEM" OF CHAPTER XXIII ENTITLED "SEWERS AND SEWAGE DISPOSAL" OF THE AMITY TOWNSHIP CODE OF ORDINANCES TO "SEWER LATERAL INSPECTIONS"; AND AMENDING AND RESTATING IN ITS ENTIRETY SECTION 316 ENTITLED "SEWER LATERAL INSPECTIONS" OF ARTICLE D ENTITLED "SEWER RENTAL CHARGES" OF PART 3 ENTITLED "PUBLIC SEWAGE DISPOSAL SYSTEM" OF CHAPTER XXIII ENTITLED "SEWERS AND SEWAGE DISPOSAL" OF THE AMITY TOWNSHIP CODE OF ORDINANCES ESTABLISHING REGULATIONS AND PENALTIES CONCERNING ILLEGAL CONNECTIONS OR DAMAGED LATERALS AND ESTABLISHING PROCEDURES FOR THE SALE OF HOMES TO ENSURE COMPLIANT CONNECTIONS

WHEREAS, the Township of Amity, by and through its Board of Supervisors, owns, operates, and maintains certain municipal sewer collection, conveyance, and treatment facilities in accordance with permits issued by the Pennsylvania Department of Environmental Protection; and

WHEREAS, the Township of Amity has hereinbefore set forth regulations and penalties concerning illegal sewer connections and procedures for sellers of homes in Amity Township to follow in order to prevent illegal sewer connections; and

WHEREAS, the Township of Amity wishes to set forth regulations and penalties concerning Illegal Connections of Damaged Laterals to the Sewer System/Sanitary Sewer System and procedures for the sale of homes in the Township to ensure compliant connections.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Section 303 entitled "Definitions" of Part 3 entitled "Public Sewage Disposal System", of Chapter XXIII, entitled "Sewers and Sewage Disposal", of the Township of Amity Code of Ordinances", is hereby amended and restated in its entirety as follow:

"ACT OR THE ACT - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

APPLICANT - Any Person selling Improved Property or purchasing Improved Property located within the Township.

APPROVAL AUTHORITY - U.S. Environmental Protection Agency, Region III, Philadelphia, Pennsylvania.

AUTHORIZED REPRESENTATIVE OF THE USER

- (a) If the user is a corporation:
 - (1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production, or operation facilities, if authority to sign documents has been assigned or delegated to the manager.
- (b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (c) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
- (d) The individuals described in Subsections (a) through (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Township.

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

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD₅) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration [milligrams per liter (mg/L)].

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD - Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

CHLORINE DEMAND - The quantity of chlorine absorbed in water, sewage, or other liquids, allowing a residual of 0.1 ppm after 15 minutes of contact.

COLOR - The optical density at a visual wavelength of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to 0.0 optical density.

COMMERCIAL CONNECTION - A user who discharges domestic wastewater and wastewater generated from preparation or supplying commodities and services such as restaurants, car washes, gasoline stations, and laundromats.

COMMERCIAL WASTE DISCHARGE PERMIT - A permit to discharge liquid wastes which are not considered industrial or domestic waste to the POTW.

COMPOSITE SAMPLE - The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTRACTOR - An entity, company or individual approved by the Township to perform Inspections, as defined herein.

COOLING WATER - The water discharged from any system of condensation such as air conditioning, cooling, or refrigeration.

DAMAGED LATERAL(S) - Laterals that allow inflow, infiltration, rainwater, groundwater or other inflow to be discharged into the Township's Sanitary Sewer System, have sags that cause water or sewer to remain or collect therein or that otherwise do not allow for proper inspection and require repairs to be made to function properly.

DIRECT DISCHARGE - The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.

DISSOLVED SOLIDS - The anhydrous residues of the dissolved constituents in water or wastewater.

DOMESTIC WASTE - The normal water carrying household and toilet wastes from residences, business buildings, institutions, and industrial establishments.

DWELLING UNIT - Any room, group of rooms, house trailer, or other enclosure occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of persons living together or by a person living alone.

ENVIRONMENTAL PROTECTION AGENCY (EPA) The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

EQUIVALENT DWELLING UNIT (EDU) - Each unit provided with a connection or connections to the public Sanitary Sewer System. For purposes of the estimation of flows each unit produces, the Township shall rely upon its most recent Act 57 tapping fee calculation which is currently fixed at 233.1 gallons per day for each unit and the next whole number above 233.1 gallons per day for any unit above each succeeding 233.1 gallons per day including larger domestic, commercial, institutional and industrial establishments or such volume per unit as amended or set by Resolution of the Township from time to time.

For purposes of initially determining the number of EDUs required, the Township shall rely upon its Resolution whereby EDUs are estimated for various uses. For connections not served by public water, the Township may require water metering to determine the number of EDUs per this definition.

EVIDENCE OF COMPLIANCE CERTIFICATE - A certificate from Amity Township confirming that it has on file a written report or statement from an Inspector certifying there is not located on a property any Illegal or Damaged Connections into the Sanitary Sewer System.

EXISTING SOURCE - Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GARBAGE - Solid waste resulting from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

GRAB SAMPLE - A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

GROUND GARBAGE - Garbage that has been shredded to such a degree that all its particles shall be carried freely under normal sewage flow conditions, with no particle greater than ½ inch in any dimension.

GROUND WATER - Water which is standing in or passing through the ground.

HOLDING TANK WASTE - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

ILLEGAL CONNECTIONS. Connections to the Sanitary Sewer System that permit rainwater, groundwater or other inflow or infiltration into the Sanitary Sewer System.

IMPROVED PROPERTY - Any property located within this Township upon which there is erected a building or 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.

INDIRECT DISCHARGE OR DISCHARGE - The introduction of pollutants into the POTW from any nondomestic source regulated under Sections 307(b), (c), or (d) of the Act.

INDUSTRIAL COST RECOVERY - A charge imposed upon industrial users of the treatment plant to recover the treatment works capital expenditure used for the treatment of industrial wastes.

INDUSTRIAL ESTABLISHMENT - Any improved property used, in whole or in part, for manufacturing, processing, cleaning, laundering, or assembling any product, commodity, or article, or from which any process waste, as distinct from domestic waste, shall be discharged.

INDUSTRIAL USER - A source of indirect discharge industrial waste which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

INDUSTRIAL WASTE - Any liquid or gaseous substance, whether or not solids are contained therein, discharged from any industrial establishment during the course of any industrial, manufacturing, trade, or business process or in the course of the development, recovery, or processing of natural resources, as distinct from sanitary sewage.

INDUSTRIAL WASTE PERMIT - A permit to deposit or discharge liquid industrial wastes into the POTW.

INFILTRATION - The water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections and/or manhole walls. Infiltration does not include, and is distinguished from, inflow.

INFILTRATION/INFLOW - The total quantity of water from both infiltration and inflow without distinguishing the source. Also known as extraneous flow.

INFLOW - The water discarded into a sewer system and service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

INSPECTION - Shall include a physical inspection, which may include dye testing (a commonly accepted plumbing test whereby a nontoxic, non-staining dye is introduced into the storm/surface/groundwater collection system of Improved Property to determine if any storm/surface/groundwater is entering the Sanitary Sewer System), smoke testing to detect roof leaders, and any other reasonable and appropriate testing methodology(ies) acceptable; and shall require televising of the Lateral from the home to the main (to be witnessed by the Township's representative and the video file to be provided to the Township) to determine if any storm/surface/groundwater is entering the Sanitary Sewer System.

INSPECTOR - A representative of the Township.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT - The maximum concentration (or loadings) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE - A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Township's NPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

LATERAL - The portion of the sewer line from the curb line, or in the absence of curb, the property line, which connects the house/building to the Sanitary Sewer System.

MANHOLE - A shaft or chamber leading from the surface of the ground to a sewer; large enough to enable a person to gain access to the latter.

MAY - Permissive. "Shall" is mandatory.

MEDICAL WASTE - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

MG/L - Milligrams per liter. Equivalent to parts per million (ppm) by weight.

MULTIPLE DWELLING - Any improved property in which more than one dwelling unit shall be located.

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT - A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD - Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.

NEW SOURCE -

- (a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general activity as the existing source, should be considered.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Subsection (a)(1), (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (1) Begun, or caused to begin as part of a continuous on-site construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of a new source facilities or equipment; or

- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NON-CONTACT COOLING WATER - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

NORMAL STRENGTH WASTE - Sewage when analyzed or caused to be analyzed by the Township shows a daily average of not more than 250 mg/L of total suspended solids, 300 mg/L of CBOD₅, 500 mg/L of dissolved solids, and/or 25 mg/L of ammonia nitrogen.

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

PASS THROUGH - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Township's NPDES permit (including an increase in the magnitude or duration of a violation).

PERSON - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

PH - A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater [i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor].

POLLUTION - The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

PRETREATMENT - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS OR STANDARDS - Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 23-330 of this Part.

PUBLICLY OWNED TREATMENT WORKS (POTW) - A "treatment works", as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the Township. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the Township.

PURCHASE OF IMPROVED PROPERTY - Includes any and all acquisitions of title to property with physical improvements located thereon with or without consideration.

PURCHASER - A Person acquiring title to property with physical improvements located thereon with or without consideration.

RECEIVING WATER - The Schuylkill River.

SALE OF IMPROVED PROPERTY - Includes any and all transfers or changes in ownership of property with physical improvements with or without consideration.

SANITARY SEWAGE - Normal water-carried household and toilet wastes from any improved property.

SANITARY SEWER - Any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes.

SEPTIC TANK WASTE - Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE - Human excrement and gray water (household showers, dishwashing operations, etc.)

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

SEWER SYSTEM/SANITARY SEWER SYSTEM - All facilities, as of any particular time, for collecting, pumping, transporting, conveying, treatment, and disposing of sanitary sewage and/or industrial wastes, to be owned and operated by the Township.

SHALL - Mandatory. "May" is permissive.

SIGNIFICANT INDUSTRIAL USER

- (a) A user subject to categorical pretreatment standards; or
- (b) A user that:
 - (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); or
 - (2) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) Is designated as such by the Township on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (c) Upon a finding that a user meeting the criteria in Subsection (b)(2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Township may at any time, on its own initiative or in response to a petition received from a user [and in accordance with procedures in 40 CFR 403.8(f)(6)] determine that such user should not be considered a significant industrial user.

SIGNIFICANT NONCOMPLIANCE (SNC) - This denotes that the circumstances of a particular violation are severe enough to meet the following criteria for significant noncompliance (SNC):

- (a) Violations of Wastewater Discharge Limits
 - (1) Chronic Violations: 66% or more of the measurements exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of exceedance).
 - (2) Technical Review Criteria (TRC) Violations: 33% or more of the measurements exceed the same daily maximum limit or the same average limit by more than the following TRC in a six-month period.
 - Group 1 for conventional pollutants (BOD, TSS, fats, oil and grease): TRC = 1.4.
 - Group 2 for all other pollutants, except pH: TRC = 1.2.
 - (3) Any other violation(s) of an effluent limit that Amity Township believes has caused, alone (e.g., slug loads) or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment personnel or the public.
 - (4) Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the exercise of emergency authority to halt or prevent such a discharge.
- (b) Violations of compliance schedule milestones contained in enforcement orders as well as schedules contained in the Industrial Discharge Permits, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
- (c) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, ninety-day compliance reports, and periodic reports) within 30 days from the due date.
- (d) Failure to accurately report non-compliance.

- (e) Any other violation or group of violations that the Township considers to be significant because it may adversely affect the operation or implementation of the Pretreatment Program.

SLUG LOAD OR SLUG - Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 23-330 of this Part.

SPECIAL USE PERMIT - A permit to discharge liquid wastes which are not considered commercial, industrial, or domestic wastes to the POTW.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE - A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STATE - The Commonwealth of Pennsylvania.

STORM SEWER SYSTEM - A sewer system designed to accept and transport flows of storm/surface/groundwater, as distinct from sewage.

STORM WATER - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

STRONG WASTE - Any waste having a CBOD₅, suspended solids, dissolved solids, or ammonia nitrogen concentration in excess of that found in normal domestic waste, but which is otherwise acceptable into a public sewer under the terms of this Part.

STRONG WASTE SURCHARGE - A charge levied on any user of the treatment works of the POTW for the additional cost of treating strong wastes.

SUPERINTENDENT - The person designated by the Township to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Part, or a duly authorized representative.

SURFACE WATER - That portion of the precipitation which runs off over the surface of the ground.

SUSPENDED SOLIDS - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

TAPPING FEE - A fee charged for the privilege to connect a new EDU to the sanitary sewer system. The fee is established in conformance with the Commonwealth of Pennsylvania Act 203 and Act 209 of 1990 and as amended.

TEMPORARY EVIDENCE OF COMPLIANCE CERTIFICATE - A certificate from the Township issued pursuant to Article VII of this article.

TOTAL SOLIDS - Solids that either float on the surface of, or are in suspension, or dissolved in water, sewage, or other liquids, and which are determined by appropriate procedures found in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

TOWNSHIP - The Township of Amity, Berks County, Pennsylvania, a Pennsylvania municipality, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

TOXIC POLLUTANT - One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 (33 U.S.C. § 1317) of the Act.

TOXIC SUBSTANCE. - Any noxious and/or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in any sewer system or in the receiving stream of the sewage treatment plant.

TREATMENT PLANT EFFLUENT - The discharge from the POTW into waters of the United States.

USER OR INDUSTRIAL USER - A source of indirect discharge.

WASTEWATER - Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT OR TREATMENT PLANT - That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

WATERS OF THE STATE - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground,

natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.”

SECTION 2. Section 316 currently entitled “Illegal Sewer Connection” of Article D entitled “Sewer Rental Charges” of Part 3 entitled “Public Sewage Disposal System”, of Chapter XXIII, entitled “Sewers and Sewage Disposal”, of the Township of Amity Code of Ordinances”, is hereby renamed “Sewer Lateral Inspections” and is amended and restated in its entirety as follows:

“Section 316. Sewer Lateral Inspections

- (a) Objectives. The Township of Amity wishes to set forth regulations and penalties concerning Illegal Connections or Damaged Laterals to the Sewer System/Sanitary Sewer System and procedures for the sale of homes in the Township to ensure compliant connections.
- (b) Prohibitions.
 - (1) From and after the effective date of this article, it shall be unlawful for a Person to construct, install, maintain, operate, use, or allow an Illegal Connection or a Damaged Lateral to the Sanitary Sewer System on Improved Property owned by that Person. This prohibition expressly includes Illegal Connections or Damaged Laterals made prior to the effective date of this article.
 - 2) From and after the effective date of this article it shall be unlawful for any Person whose Improved Property is connected to the Sanitary Sewer System to sell Improved Property located within the Township on which a building or improvement exists without first obtaining and delivering to the Purchaser an Evidence of Compliance Certificate or a Temporary Evidence of Compliance Certificate from the Township as required under this article.
 - (3) From and after the effective date of this article it shall be unlawful for any Person (Purchaser) to purchase improved property located within the Township connected to the Sanitary Sewer System on which a building or improvement exists without first obtaining from a Seller a valid Evidence of Compliance Certificate or a Temporary Evidence of Compliance Certificate.
- (c) Disconnection of Illegal Connections.

Illegal Connections must be disconnected from the Sanitary Sewer System and redirected, as appropriate, to either a separate Storm Sewer System, or another appropriate permitted place. Connection of the Illegal

Connection to the Township's separate Storm Sewer System is subject to the prior approval of the Township. In no event is water to be discharged from the Illegal Connection upon or across public or private sidewalks or discharged onto adjacent property. Prior to the commencement of any work on the disconnection of an Illegal Connection or repair of a Lateral, all necessary and required building permits, street opening permits, sidewalk opening permits, tap-in permits, and other approvals and permits that may be necessary to accomplish the disconnection shall be acquired, and all fees paid, and a plan of corrective action shall be presented to the Township, for the Township's approval, on a Township Corrective Action Plan form (plan form). "Disconnection" shall mean that the Illegal Connection is disconnected and removed from the Sanitary Sewer System, and that the Illegal Connection access to the Sanitary Sewer System at that location is permanently capped and sealed. The disconnection of the Illegal Connection shall be certified by an Inspector on the Township plan form.

- (d) Damaged Laterals. Damaged Laterals must be repaired to conform with the Township's Sanitary Sewer Ordinance and Specifications prior to issuance of Compliance Certificate. All Laterals, cleanouts and vented caps shall be maintained in accordance with Amity Township Ordinances, Chapter 23, Part 23-301 through 23-409, Chapter 22-110 Sewer Standards and including specifications adopted in accordance with Section 32 of Chapter 23.
- (e) Evidence of Compliance Certificate for Sale of Improved Property.
 - (1) Any Person selling Improved Property located within the Township, whose Improved Property is connected to the Sanitary Sewer System, shall have the Improved Property inspected by a Township Inspector or representative and have their Lateral televised from the home to the main by a Contractor. Said Person shall arrange for an Inspection by obtaining an application for Evidence of Compliance Certificate from the Township, submitting the completed application to the Township and paying such fee(s) and cost(s) as required by the Township. The Inspection must be scheduled in conjunction with the televising of the Lateral to allow the Township's representative to witness the televising. Upon completion of the Inspection(s), the Inspector or Contractor shall complete the appropriate section of the Inspection results form confirming that the property has been inspected and certifying the results of such Inspection.

- (i) If the Inspector determines that there are no Illegal Connections or Damaged Laterals on the improved property and the Lateral is in good working order, he shall so note on the results form and the application, and the Township shall issue the Evidence of Compliance Certificate promptly after the Township's receipt of the properly completed application and results form.
 - (ii) If the Inspector determines that there is/are Illegal Connection(s) or Damaged Lateral(s) on the improved property or the Lateral requires repair(s), he shall so note on the results form, and the Applicant shall present a plan of corrective action, for the Township's approval, on a Township plan form. The time period for the completion of the remedial work (based upon the extent of the work required and the existing conditions) shall be such as the Township will approve. After the corrective action has been taken, the Applicant shall submit a report thereof to the Township on the Township's corrective action report form (report form) and pay any additional fee(s) and cost(s) required by the Township. The Improved Property will be reinspected, and if the Inspector determines that there are then no Illegal Connections or Damaged Laterals on the Improved Property, he shall so certify on the report form, and the Township shall issue the Evidence of Compliance Certificate promptly after the Township's receipt of the completed application and the report form.
 - (iii) If the reinspection reveals the existence of any Illegal Connections or Damaged Laterals, the Inspector shall so certify on the results form, and the Township shall reject the application as per Subsection (i).
- (2) An Evidence of Compliance Certificate shall expire three (3) years following the date of its issuance.
- (f) Evidence of Compliance Certificate for Purchase of Improved Property.
 - (1) Any Purchaser of an Improved Property located within the Township connected to the Sanitary Sewer System who purchased it without first obtaining from a Seller a valid Evidence of Compliance Certificate or a Temporary Evidence of Compliance Certificate shall have said improved property inspected by a Township Inspector and have their Lateral televised from the home

to the main by a Contractor. Said Person shall arrange for an Inspection by obtaining an application for Evidence of Compliance Certificate from the Township, submitting the completed application to the Township and paying such fee(s) and cost(s) as required by the Township. The Inspection must be scheduled in conjunction with the televising of the Lateral to allow the Township's representative to witness the televising. Upon completion of the Inspection, the Inspector shall complete the appropriate section of the Inspection results form confirming that the property has been inspected and certifying the results of such Inspection.

- (i) If the Inspector determines that there are no Illegal Connections or Damaged Laterals on the improved property and the Lateral is in good working order, he shall so note on the results form and the application, and the Township shall issue the Evidence of Compliance Certificate promptly after the Township's receipt of the properly completed application and results form.
- (ii) If the Inspector determines that there is/are Illegal Connection(s) or Damaged Lateral(s) on the improved property or the Lateral requires repair(s), he shall so note on the results form, and the Applicant shall present a plan of corrective action, for the Township's approval, on a Township plan form. The time period for the completion of the remedial work (based upon the extent of the work required and the existing conditions) shall be such as the Township will approve. After the corrective action has been taken, the Applicant shall submit a report thereof to the Township on the Township's corrective action report form and pay any additional fee(s) and cost(s) required by the Township. The improved property will be reinspected, and if the Inspector determines that there are then no Illegal Connections or Damaged Laterals on the improved property, he shall so certify on the application and the report form, and the Township shall issue the Evidence of Compliance Certificate promptly after the Township's receipt of the properly completed application and report form.
- (iii) If the reinspection reveals the existence of any Illegal Connections or Damaged Laterals, the Inspector shall so certify on the results form, and the Township shall reject the application as per Subsection (i).

- (2) An Evidence of Compliance Certificate shall expire three (3) years following the date of its issuance.

(g) Temporary Evidence of Compliance Certificate.

- (1) In the event that an Illegal Connection or Damaged Lateral is discovered, and the Applicant believes that it would create an undue hardship to perform the necessary corrective action prior to the date of closing on the sale of the property, the Applicant may apply to the Township for a Temporary Evidence of Compliance Certificate on a Township-approved form. The Township may issue a Temporary Evidence of Compliance Certificate upon the payment of such fee(s) and cost(s) as the Township may from time to time establish, and provided there is strict compliance with all the following conditions:
 - (i) Either the Township is provided with a bona fide, executed contract between the Applicant and a Contractor requiring the Contractor to complete the necessary remedial work to correct and/or disconnect and remove the Illegal Connection or make Lateral repair(s) to the Damaged Lateral. The time period set forth in the contract for the completion of the remedial work (based upon the extent of the work required and the existing conditions) shall not exceed (1) one year. If the work required hereunder is not completed within one (1) year, the Township may revoke the Temporary Evidence of Compliance Certificate; or
 - (ii) The Township is provided with a plan for remediation of the Illegal Connection, to bring the Illegal Connection or Damaged Lateral into compliance with applicable ordinances on public Sanitary Sewer connection, or to make required Lateral repairs. The remediation plan, together with the estimated cost of the work, shall be signed by a qualified Contractor, and shall set forth a timeline of no more than one (1) year for full completion of the work.
 - (iii) A written agreement between the Purchaser and the Township under which the Purchaser agrees to be responsible for all cost overruns related to the remedial work together with a grant to the Township of a license to enter upon the property to complete the work at the expense and cost of the Purchaser should the Contractor or the Applicant default on the contract. Any cost overrun exceeding the

security posted with the Township shall remain the sole and exclusive liability of the Purchaser and constitute a recordable lien against the Improved Property.

- (2) The Temporary Evidence of Compliance Certificate shall be effective for no more than one (1) year, unless the Township determines there is an emergency jeopardizing health and safety, wherein a lesser period of time will be prescribed, and the expiration date shall be noted thereon. In the event the required remedial work necessitated by the Sale of Improved Property is not practical due to the absence of available remedies, and where the Township has adopted a plan of corrective action applicable to the Sanitary Sewers serving such improved property, then the Temporary Evidence of Compliance Certificate shall be extended until the planned corrective action is completed.
- (3) If, upon expiration of the Temporary Evidence of Compliance Certificate, all remedial work has not been completed and the Evidence of Compliance Certificate has not been issued, the security deposited with the Township shall be forfeited and the Township may use said security to have the required remedial work completed.

(h) Rejection of Application.

The Township may reject an application for an Evidence of Compliance Certificate or for a Temporary Evidence of Compliance Certificate whenever the requirements of this article have not been met. In the event of such a rejection, the Applicant may, within fifteen (15) days of the rejection, file an appeal with the International Property Maintenance Code Board of Appeals for Amity Township.

(i) Township Resolutions.

The Township may, by resolution, adopt any or all of the following in order to accomplish the purposes of this article:

- (1) Establish and promulgate any and all forms, fees, procedures, regulations and/or guidelines necessary to implement and effectuate the objectives and purposes of this article.
- (2) Establish the procedures and guidelines for the retention, release, and/or payment of any security held by the Township under and pursuant to Subsection (h) above.

(j) Access and Inspection.

- (1) Property owners shall allow Persons working on behalf of the Township ready access to all parts of the premises for the purposes of determining compliance with this article.
- (2) If a property has security measures in force which require proper identification and clearance before entry into its premises, the owner and/or possessor shall, upon reasonable notice by the Township, make the necessary arrangements to allow access by representatives of the Township.
- (3) The owner and/or possessor of the property shall allow the Township reasonable access to all parts of a property necessary for the Inspections. The Township shall have the right to set up on any property such devices as are necessary in the opinion of the Township to conduct Inspections.
- (4) Any temporary or permanent obstruction to safe and easy access to the property to be inspected shall be promptly removed by the owner and/or possessor of the property at the oral or written request of the Township and shall not be replaced until such Inspection is completed and/or any violations of this article are corrected, and such corrections are certified by an Inspector.
- (5) The Township may provide notice of the Inspections orally or by written notice or publication. Notice is required if the owner and/or possessor specifically refuses access.
- (6) If the Township has been refused access to any part of a property on which an Illegal Connection or Damaged Lateral is suspected, and the Township is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine program of Inspection and sampling designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Township may seek issuance of a search warrant from any court of competent jurisdiction.

(k) Violations and Penalties.

Notice of noncompliance/violation. Whenever the Township finds that a noncompliance or violation of this article has occurred, the Township may order compliance by written notice of noncompliance/violation. Said notice may be served personally on the owner and/or possessor of the property, by leaving the same at the principal building on the property, by posting the same conspicuously on the property or by certified mail sent to the address of the property or at such other address for the owner and/or possessor as maintained in the Township or County of Berks records.

(1) The notice of noncompliance/violation shall contain:

- (i) The name and address of the alleged noncomplier/violator;
- (ii) The address, when available, or a description of the building, structure, or land upon which the noncompliance/violation is occurring, or has occurred;
- (iii) To the extent known, a statement specifying the nature of the noncompliance/violation;
- (iv) To the extent known, a description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;
- (v) A statement of the penalty or penalties that shall or may be assessed against the Person to whom the notice of noncompliance/violation is directed; and
- (vi) A statement that the determination of violation may be appealed by filing a written notice of appeal with the International Property Maintenance Code Board of Appeals for Amity Township within fifteen (15) days of the service of notice of noncompliance/violation.

(2) Such notice of noncompliance/violation may require without limitation:

- (a) The performance of Inspections, monitoring, analyses, and reporting; and

- (b) The elimination, disconnection, repair or removal of the Illegal Connection(s) or Damaged Lateral(s) in accordance with Subsection (d) of this article; and
- (c) That the Person whose discharges, practices, or operations are in noncompliance/violation of this article shall cease and desist from such noncompliance/violations.

(3) Fines. Any person violating any of the provisions of this Part or any resolutions or regulations made in pursuance thereof shall, upon conviction thereof by a Magisterial District Judge, be subject to a fine of not more than \$1,000, together with the costs of prosecution, for any single violation and, in default of such fine and costs, shall be imprisoned for a period of not more than 30 days. Every violator of the provisions of this Part shall be deemed guilty of a separate offense for each and every day such a violation shall continue and shall be subject to penalties imposed by this Part for each and every such separate offense. The Township may take any other action permitted by law to achieve compliance, including any civil action or use of a collection agency to collect any unpaid fees.

(l) Appeal of notice of noncompliance/violation.

Any Person receiving a notice of noncompliance/violation may appeal the determination of violation by filing a written notice of appeal with the International Property Maintenance Code Board of Appeals for Amity Township within fifteen (15) days of the service of the notice of noncompliance/violation.

(m) Enforcement Measures.

- (1) If the noncompliance/violation(s) has/have not been corrected in accordance with the provisions and/or times established pursuant to this article, the Township is authorized to take any and all measures necessary to abate the noncompliance/violation, disconnect and remove the Illegal Connection(s) or Damaged Lateral(s), and/or restore the property. The costs of the enforcement measures taken by the Township shall constitute a recordable lien against the property.
- (2) Where correction of the noncompliance/violation cannot be made in accordance with the provisions and/or times established pursuant to this article, upon proof to the Township of a contract for performance of the correction work, or other document

satisfactory to the Township showing good faith commencement of correction of the noncompliance/violation, abatement by the Township may be delayed up to a maximum of sixty (60) days after the notice of noncompliance/violation or, in the case of appeal, for a maximum of sixty (60) days after the decision of the International Property Maintenance Code Board of Appeals for Amity Township.

(n) Danger to Public Health or Safety.

In the event a noncompliance/violation of this article constitutes an immediate danger to public health or public safety, the Township is authorized to take any and all measures necessary to abate the noncompliance/violations, disconnect and remove the Illegal Connection(s) or Damaged Lateral(s), and/or restore the property. The costs of the measures taken by the Township shall constitute a recordable lien against the property.

(o) Nuisance; Injunctive or Other Relief.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of the provisions of this article is a threat to public health, safety, welfare, and the environment and is declared and deemed to be a nuisance, and the Township may seek abatement thereof by injunctive or other equitable relief as provided by law.

(p) Cumulative Remedies; Recovery of Fees and Costs.

- (1) The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state, or local law, and the Township may seek cumulative remedies.
- (2) The Township may recover attorney fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

(q) Contractor List.

The Township shall maintain a list of Contractors approved to perform Inspections set forth herein. Residents shall use a Contractor from the Township's approved list who has obtained a certificate of fitness from Amity Township. Residents may use a Contractor not on the approved

list provided the Contractor is first approved by the Township prior to performing the Inspection.”

SECTION 3. Any and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective immediately after enactment in accordance with the Pennsylvania Second Class Township Code.

SECTION 5. The Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, shall be and remain unchanged and in full effect except as amended, supplemented and/or modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances, as amended, of the Township of Amity, Berks County, Pennsylvania, upon adoption.

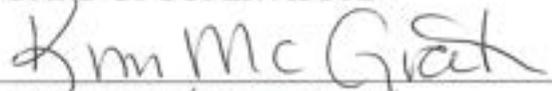
DULY ENACTED AND ORDAINED into law this 20th day of August, 2025 by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

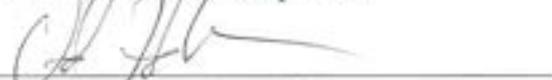
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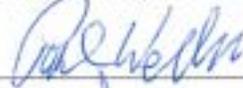

Pamela L. Kisch, Secretary

(SEAL)

TOWNSHIP OF AMITY
BOARD OF SUPERVISORS


Kim McGrath, Chairperson


David Hackett, Vice Chairperson


Paul Weller


Terry Jones


Kevin Keifrider

MUNICIPAL CERTIFICATION

I, Pam Kisch, Secretary of the TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance No. 346 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Amity, on August 6, 2025, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on August 20, 2025.



Pam Kisch
Pam Kisch, Secretary

Date: August 20, 2025