Antrim Township Municipal Authority

Decentralized Water Treatment Systems
Or
Private Community Water Systems

SECTION 1 - GENERAL

Section 1.0 - Intent and purpose.

1.0.0 The Authority provides public water services within designated service areas. DEP's Safe Drinking Water Regulations define a public water system as, "A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year." (PaDEP Public Water Supply Manual 383-2128-108, Page IV-2) Those areas outside the public water service area are designated as Decentralized Water Treatment Service areas. These areas are generally served by individual systems, usually private wells. However, in certain cases, in order to accommodate clustering of development and to preserve significant agricultural areas or open space areas, privately owned and operated decentralized water treatment systems may be necessary. The purpose of this Resolution for Decentralized Water Treatment Systems (DWTS) is to provide for the design, operation, management, maintenance, repair, and control of these systems and provide enforcement to ensure these systems meet PaDEP requirements of a public water system.

2.0.0 Pursuant to Pennsylvania Safe Drinking Water Act, 35 P.S. § 721.1 – 721.17, a public drinking water system must provide drinking water that complies with primary and secondary Maximum Contaminant Levels (MCLs) for regulated contaminants, as well as applicable treatment techniques. Section 109.202 of the Safe Drinking Water regulations (Title 25 Pa. Code Chapter 109) states that a public water system shall provide adequate treatment to reliably protect users from the adverse health effects of microbial contaminants, including pathogenic bacteria, viruses, and protozoan cysts. Treatment technologies must provide for 99.9 percent removal and inactivation of Giaridia lamblia cysts, and at least 99.99 percent removal and inactivation of enteric viruses. While the Authority recognizes that a Decentralized Water Treatment System may be in the best interests of the health, safety, and welfare of the Township and its residents in some limited circumstances, the Authority requires assurance that, should residential development dependant on a DWTS occur, the Authority shall be indemnified by the owner and operator of the DWTS from any costs or liability in connection with the design, construction, operation, maintenance, repair and/or replacement of that DWTS and protect the health and welfare of the citizens using the DWTS.

3.0.0 The Authority also recognizes that should the owner or operator of the Decentralized Water Treatment System fail or be unable to continue to operate the DWTS in accordance with its permits and applicable laws and regulations, the extension of public water systems to the development and/or provision of a publicly owned treatment works may not be possible. In such event an adequate replacement reserve for the DWTS is essential to insure continued operation of the DWTS and the protection of the health, welfare and safety of residents of the Township and nearby areas. Further, in certain circumstances, the Authority may make a determination, at its sole discretion, to take over the operation of the DWTS in order to protect the health, welfare and safety of residents of the Township. For these purposes, this Resolution is intended to regulate DWTS within the Township.

4.0.0 The activities of a DWTS are subject to the provisions of local zoning and other Resolutions as well as the Pa DEP Public Water Supply Manual 383-2125-108 (Part II for Community System Design Standards and Part IV for Noncommunity System Design Standards), Pa DEP Drinking Water Treatment Technologies For Groundwater Under Direct Influence Of Surface Water (DEP Document # 3800-BK-DEP2118), and the PA DEP Public Water Supply Permit and PA DEP Operations Permit requirements for drinking water treatment plants.

5.0 0 This Resolution is adopted pursuant to the specific statutory authority described above and general authority granted to the Authority to regulate land uses within the Township and to protect the public health, safety and welfare.

SECTION 2 - DEFINITIONS

Section 1.0 - Definitions.

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

APPLICANT— A person or entity having an ownership or other interest in land who proposes to construct a DWTS or expand a DWTS on the land. The Applicant may also be the DWTS Owner.

ASSOCIATION — An Association for a condominium development shall have the same meaning as "association of co-owners" and for a subdivision or other development, Association shall mean an association of homeowners or property owners organized as a non-profit entity which is authorized pursuant to deed restrictions and/or restrictive covenants to govern the affairs of the Development. An Association may be the DWTS owner.

AUTHORITY — Antrim Township Municipal Authority, a municipality authority incorporated, organized and existing under provisions of the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, Editor's Note: See 53 P S § 301 et seq. acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives. **[Amended 7-8-1997 by Ord. No. 246]**

AUTHORITY'S SERVICE LINE — The water service pipe and appurtenances extending from the main, including: the tee or tap in the main, the lateral pipe to a point at or near the property line, the curb stop or service valve, and the curb box or valve box.

CENTRALIZED WATER TREATMENT SYSTEM — A managed system consisting of distribution lines and a single treatment plant used to treat and distribute water for an entire service area. Also known as public water system.

CLUSTERED SYSTEM — A water distribution and treatment system under some form of common ownership that distributes water for two or more dwellings or buildings from a treatment and dispersal system located on a suitable site near the dwellings or buildings.

CONSTRUCTION PERMIT — A permit issued by the designated local regulatory authority that allows the installation of a water treatment system in accordance with approved plans and applicable codes.

COMMONWEALTH — The Commonwealth of Pennsylvania

COMMUNITY WATER SYSTEM — All facilities, as of any particular time, owned and operated by the Authority for supply, transmission and distribution of water to supply residents of the Township. A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Also, referred to as a public water system. Community systems serve year around residents.

CUSTOMER'S SERVICE LINE — That part of the water service pipe extending from the Authority's service line to the premises, except the water meter.

DECENTRALIZED WATER SYSTEM — An onsite or clustered system used to treat, and disperse water to a small community or service area.

DEVELOPER — Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development.

DEVELOPMENT — A development shall include subdivisions, condominiums, or any group of dwellings or structures that are proposed to be served by a Decentralized Water Treatment System (DWTS).

DWTS OWNER — A legal entity of perpetual duration that owns the facilities and assets of the DWTS. The DWTS Owner may also be the DWTS Operator if it meets all of the requirements of a DWTS Operator.

DWTS OPERATOR — A legal entity of perpetual duration that is responsible for the day-to-day operation and maintenance of the DWTS and insuring compliance with all permits and applicable laws and regulations.

DWTS PERMIT — The permit issued by the Authority/Township pursuant to this Resolution following approval of all state and federal permits regulating public water supply treatment systems.

ENGINEERED DESIGN — An onsite or clustered water treatment system that is designed and certified by a licensed/ certified designer to meet specific performance criteria for a particular site.

ENGINEER, REGISTERED — A person duly registered as a professional engineer by the Commonwealth of Pennsylvania.

ENGINEER [TOWNSHIP/AUTHORITY] — The Township Engineer or Authority Engineer or any consultant designated by the Board of Supervisors and Authority who is qualified to perform the duties of engineer required by this Resolution.

IMPROVED PROPERTY — Any property within the Township upon which there is erected a principal building or structure intended for continuous or periodic habitation, occupancy or use by human beings.

LAND DEVELOPMENT — Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
   (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
   (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with this chapter.

D. Paving for commercial or industrial use.

E. Paving of more than 12,000 square feet for residential use. Paving over concrete or bituminous surfaces which are already existing shall be excluded from Subsection C and

D above and this Subsection E.

F. "Land development" does not include development which involves:

(1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.

(2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LATERAL — That part of the water system extending from a main 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 main which is provided for connection of any customer service line.

MAIN — Any pipe or conduit constituting a part of the water system used or usable for water distribution purposes.

NONCOMMUNITY WATER SYSTEM — Is a public water system which includes the following:

A. Noncommunity systems serve transient and nontransient public.

(1) A transient Noncommunity water system (TNCWS) is a Noncommunity water system which serves a transient population. i.e.-shopping centers, highway rest areas, motels, hotels, resorts, swimming pools/beaches, airports, campgrounds, churches, parks and restaurants.

(2) A nontransient Noncommunity water system (NTNCWS) is a Noncommunity water system that regularly serves at least 25 of the same persons over six months of the year. i.e. – schools, industries, workplaces, hospitals and day care centers.

OPEN SPACE — Defined as the land area that shall remain perpetually in an undeveloped stat by means of a conservation easement, plat dedication, restrictive covenants, or other legal means that runs with the land. It shall not include land that is already prevented from development such as, but not limited to wetlands. It shall not include other land encumbered by other rights or easements such as, but not limited to utility easements.

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

PaDEP — Pennsylvania Department of Environmental Protection or its successors.

PA DEP Public Water Supply Permit — Issued prior to construction and includes the General Information Form, Module 1 Completeness Report, Module 2 General Design Data, Module 3 Groundwater Sources, and Modules 4 thru 15 as required.

PA DEP Operations Permit — Issued after DEP inspection and following approval of the Public Water Supply Permit.

PERSON — Any individual, partnership, company, association, society, corporation, school district, municipality, municipality authority or other group or entity. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

PREMISES — The property, building or other site to which water service is furnished,

including:

A. A building under one roof, owned or leased by one person, occupied as one residence or business;

B. Each combination of buildings owned or leased by one person, served by one service line, and occupied by one family or business;

C. Each side of a double unit or each housing unit;

D. Each apartment, condominium, manufactured housing, mobile home, office or suite of offices located in a building having several such apartments, offices or suites of offices and using in common one or more means of entrance; or

E. Such other situations as the Authority shall deem proper and advisable.

PUBLIC WATER SYSTEM — All facilities, as of any particular time, owned and operated by the Authority for supply, transmission and distribution of water to supply residents of the Township A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Also, referred to as a community water system.

SERVICE CONNECTION — The introduction or alteration of a service line or lines from the Authority main or lateral to the owner's premises.

STREET — Any street, road, lane, cul-de-sac, alley, public way or public square.

SUBDIVIDER — The owner, developer or the authorized agent of the owner of a subdivision or land development.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

TOWNSHIP — The Township of Antrim, Franklin 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.

WATER DISTRIBUTION SYSTEM —Consists of the water mains and appurtenances used to move water from the Water Supply System to the Service Connection.

WATER SERVICE — The provision by the Authority of water as a commodity, of readiness to serve water for any purposes, and of any services related thereto.

WATER SUPPLY CONNECTION FEE — A fee to be put in the Capital Account used for purpose of capital improvements, system expansion, and water supply improvements

WATER SUPPLY SYSTEM — The complete system that consists of wells, pumps, and treatment system and storage tanks.

SECTION 3 - REGULATIONS

Section 1.0 - Regulations

1.0.0 PERMIT REQUIRED — No DWTS shall be constructed, installed or operated in Antrim Township without an approved DWTS Permit issued in accordance with this Resolution, approval of the DWTS by all other applicable governmental authorities, and any necessary rezoning or other land use approvals required for the proposed use and construction of the Development to be served by the DWTS

2.0.0 AUTHORITY ACTION — The Municipal Authority shall review and approve or deny the DWTS Permit application pursuant to this Resolution and authorize issuance of a DWTS Permit only after the Applicant has provided all information and met all the standards contained in this Resolution and Zoning Ordinance pertaining to conditional land uses. The DWTS Permit shall be effective only after the date on which the PA DEP Public Water Supply Permit and PA DEP Operations Permit for the DWTS becomes effective. The DWTS Permit shall be deemed rescinded and canceled without further action of the Township in the event that the PA DEP Public Water Supply Permit and/or PA DEP Operations Permit lapses, expires without renewal, is revoked by PaDEP or otherwise ceases to be in effect, or in the event of noncompliance with the terms and provisions of this Resolution.

3.0.0 OUTSIDE PUBLIC WATER SERVICE AREA — A DWTS shall only be allowed in areas of the Township outside of the Public Water Service Area.

4.0.0 PRESERVATION OF OPEN SPACE — The primary purpose for and use of a DWTS in the Township shall be to enhance and enable significant clustering of residences and other developmental alteration to land and to preserve significant wetlands, natural features, open spaces or agricultural lands.

Section 2.0 - Qualifications for a DWTS Owner

1.0.0 The DWTS Owner shall be the Association, the Applicant or other entity of perpetual duration approved by the Authority/Township with the capacity to (a) own the DWTS, and (b) to operate the DWTS (or to contract with a DWTS Operator for operation of the DWTS) for the benefit of the Association and the Residential Owners and who meets the requirements stated in this Resolution. The DWTS Owner shall have the capacity to and shall perform all obligations of the DWTS Owner under the DWTS Permit, the PA DEP Public Water Supply Permit and PA DEP Operations Permit, the Development Agreement, the agreement with the DWTS Operator, and the Development Documents, including the ability to meet financial obligations and make reserve fund deposits required by this Resolution and Applicable Sewerage Laws.

Section 3.0 - Qualifications for a DWTS Operator

1.0.0 The DWTS Operator shall employ or contract with a sufficient number of personnel who have all qualifications and certifications required under Applicable Drinking Water Laws to operate the DWTS to ensure availability of both regular and emergency service to the DWTS.

Section 4.0 - Requirements for approval of a DWTS

To meet requirements for approval of a Decentralized Water Treatment System, the developer has two (2) options and must agree to the following conditions and terms:

OPTION 1 THE DEVELOPER OWNS AND OPERATES

A. The Authority/Township requires design review and approval prior to construction. All systems must meet township code (existing water code, Chapter 143: Water Supply) and comply with all applicable federal and state regulations. The proposed DWTS will be reviewed by the ENGINEER and must meet PaDEP guidelines for design.

B. The ENGINEER will have oversight and review of all designs, and can disapprove during design any DWTS. The ENGINEER has oversight during construction of the DWTS and can stop construction if there is a problem.

C. The Developer will pay up front two (2) years operations and maintenance costs, as calculated by the ENGINEER, which will be held in escrow for the Authority/Township in case the Developer defaults, etc. The Developer will also pay for 10% capital improvements and the Authority/Township will hold this in an escrow account for the life of the plant. This will be turned over to the Developer or to the residents' maintenance association when the plant is taken off line and the development connected to public water It can be used by the Authority/Township if they have to take over the DWTS

D. Under this option, the Developer will sign an agreement with the Authority/Township related to operations and maintenance, in which the Authority/Township has primacy to inspect the DWTS at any time. The Authority/Township will be able to review and approve: all operations staff for the DWTS, copies of all DMR's sent to Authority/Township DWTS staff for review, and be able to require improvements to the DWTS when in concurrence with the PaDEP.

OPTION 2 THE DEVELOPER DESIGNS AND CONSTRUCTS AND TURNS OVER TO AUTHORITY/TOWNSHIP FOR OPERATIONS

A. The Authority/Township requires design review and approval prior to construction. All systems must meet Authority/Township code (existing water code, Chapter 143: Water Supply) and comply with all applicable federal and state regulations. The proposed DWTS will be reviewed by ENGINEER and must meet PaDEP guidelines for design.

B. The ENGINEER will have oversight and review of all designs, and can disapprove during design. The ENGINEER has oversight during construction and can stop construction if there is a problem.

C. The Developer will be charged an escrow account for a minimum of two (2) years of operations for the DWTS. This is held in account for the Authority/Township.

D. The Developer will pay the Authority/Township for operations of the DWTS (one year advance payment).

E. The Developer will turn over the permit to the Authority/Township and pay the Authority/Township for all operations and maintenance costs (electrical, sludge disposal, labor, chemical, etc.).

F. The Authority/Township will hold a minimum of 20% capital costs in escrow for DWTS in case of future improvements are needed etc. if the Developer defaults.

G. The Developer will sign an agreement with the Authority/Township related to the operation and maintenance, agreeing to have the Authority/Township recommend all upgrades and have the Developer pay for the upgrades.

1.0.0 COMPLIANCE WITH LAWS AND ORDINANCES — The design, construction and operation of the proposed DWTS shall comply with the terms of this Resolution and all Applicable Drinking Water Laws.

2.0.0 PLANS. — No new DWTS or expansion of an existing DWTS shall be constructed, installed or operated within the Township unless the plans for the construction, installation and operation of the DWTS (Plans) have been approved by the Authority/Township, and all other governmental authorities having jurisdiction over the construction and maintenance of Water Treatment Systems. The Plans shall include sufficient detail to ensure compliance with this Resolution, other applicable Township ordinances and general engineering practices and standards.

3.0.0 INFORMATION AND DOCUMENTS REQUIRED — The Applicant shall provide the following to the Authority/Township before approval of a DWTS may be granted:

1.0.0.0 ARTICLES AND BYLAWS — A copy of the Articles of Incorporation and Bylaws of the Association.

2.0.0.0 RESTRICTIONS AND MASTER DEED — A copy of the form of the restrictive covenant/deed restriction/or master deed imposing upon Residential Owners the obligation to pay for all capital and operating costs and reserves associated with the DWTS.

3.0.0.0 DEVELOPMENT AGREEMENT — An executed Development Agreement among the Applicant, DWTS Owner (if different from the Applicant), the Association, and the Authority/Township in a form acceptable to the Authority/Township that:

A. Responsibility; Assignment— Provides that the Applicant, DWTS Owner (if different from the Applicant), and Association are jointly and severally responsible for inspection, monitoring, repairing, replacing, operating and maintaining the DWTS and retaining a DWTS Operator. The Applicant shall have the right to assign such obligations to the DWTS Owner and the Association after final approval of the DWTS Permit, establishment of the reserve funds described below and successful operation of the DWTS for a period of 12 months after transfer of control of the Association to the Residential Owners;

B. Standards— Specifies standards for inspection, monitoring, operation, maintenance, repair and replacement of the DWTS in accordance with Applicable Water Treatment Laws and operating guidelines recommended by the manufacturer of all components of the DWTS, and the DWTS Operator. The Applicant will provide the proposed standards to the Authority/Township for review and approval and such standards shall be included in the Development Documents;

C. Authority/Township Rights; Jurisdiction; Injunction — Grants the Authority/Township the right to inspect any part of the DWTS for compliance with this Resolution, the Development Agreement and all Applicable Drinking Water Laws, consenting to personal jurisdiction and venue in Franklin County or U.S. District Court for the State of Pennsylvania agreeing that money damages cannot make the Authority/Township whole for damages arising out of the breach of the Development Agreement, and agreeing to injunctive remedies in any action brought by the Authority/Township to enforce the Development Agreement or enforce compliance with Applicable Water Treatment Laws;

D. Indemnification— Requires indemnification of the Authority/Township by the Applicant, DWTS Owner and Association, jointly and severally, from any and all loss, liability, costs and expense incurred by the Authority/Township with respect to inspection, monitoring, operation, maintenance, repair and replacement of part or all of the DWTS and requires payment of such costs within 30 days of receipt of the Authority/Townships invoice for same;

E. Insurance— Requires the Applicant, DWTS Owner, DWTS Operator and Association to maintain during the life of then DWTS policies of casualty insurance for the replacement value of the insurable components of the DWTS, comprehensive general liability insurance and **risk indemnification and protection insurance (insurance to protect Township/Authority in case water is improperly treated or in case of any type of terrorist action)**, each with limits acceptable to the Authority/Township, naming the Authority/Township as an additional insured, which policies shall be issued by an insurer registered/licensed to issue insurance in Pennsylvania and with an A.M. Best Rating, or similar rating, acceptable to the Authority/Township. No policy of such insurance shall be cancelled or permitted to lapse without 30 days advance written notice to the Authority/Township and without securing similar coverage;

F. Connection to Public Water— Grants the Authority/Township the authority in its sole discretion to require that the DWTS be abandoned and all properties in the Development be connected, at the expense of the Association and Residential Owners, to any public water treatment system or publicly-owned community water system which may be constructed in the future and accessible to the Development;

G. Purchase by Authority/Township— Grants the Authority/Township at any time, the right and option to be exercised by the Authority/Township in its sole discretion, to purchase for the sum of $1.00 (i) marketable title to the DWTS and any related lands, equipment, fixtures, appurtenances and easements, and (ii) all DWTS warranties, all as reasonably deemed by the Authority/Township to be necessary in conjunction with the DWTS or future publicly owned community water system. In the event the Authority/Township exercises the foregoing option, the Authority/Township shall hold and operate the DWTS as a public utility providing service to the Residential Owners. The Authority/Township may thereafter transfer the facilities, assets and reserves of the DWTS to a new DWTS Owner on the condition that such facilities, assets or reserves be used solely for providing water services to the Residential Owners;

H. Special Assessment District— Provides consent by the DWTS Owner, the Association and Residential Owners to the establishment of a special assessment district as described in this Resolution;

I. Authority/Township Option to Assume Ownership— Grants the Authority/Township the right, but not the obligation, to take over ownership and operation of the DWTS in the event that the DWTS Owner (i) becomes insolvent or goes into bankruptcy or receivership, (ii) fails to maintain the operating, maintenance and capital reserves required by this Resolution within 6 months after written notice from the Authority/Township that the reserves do not meet Resolution requirements, (iii) is unable, unwilling or fails for any reason to operate the DWTS in full compliance with Applicable Drinking Water Laws and Regulations where failure to meet such requirements in 6 successive months or in more than 8 months in a 12 month period shall be conclusively determined to be an inability to comply with Applicable Drinking Water Laws and Regulations. In the event the Authority/Township exercises its option in the Authority/Township s sole discretion to assume ownership of the DWTS, the Authority/Township shall hold and operate the DWTS as a public utility providing service to the Residential Owners. The Authority/Township may thereafter transfer the facilities, assets and reserves of the DWTS to a new DWTS Owner on the condition that such facilities, assets or reserves be used solely for providing water services to the Residential Owners;

J. Rejection of Assumption of Liability — Acknowledges that the Authority/Township has rejected assumption of liability for the DWTS except in the event the Authority/Township, in its sole discretion, determines to take over ownership of the DWTS.

K. Secure water system — Requires the DWTS owner to comply with any applicable federal, state, and local laws and regulations, pertaining to protection of drinking water supplies, which have been promulgated because of 9/11/01.

L. Permits — The following state and regulatory permits are required for the DWTS: PA DEP Public Water Supply Permit, which is issued prior to construction and includes the General Information Form, Module 1 Completeness Report, Module 2 General Design Data, Module 3 Groundwater Sources, and Modules 4 thru 15 as required; and after construction is complete, the PA DEP Operations Permit is issued after DEP inspection and approval of the public water supply system.

4.0.0.0 DWTS OPERATING AGREEMENT— An executed DWTS Operating Agreement among the Applicant, DWTS Owner (if different from the Applicant), the Association, and the DWTS Operator governing (i) inspection, monitoring, operation, maintenance, repair and replacement of equipment and facilities of the DWTS; (ii) the imposition and collection of user charges and assessments for connection to, and use of the DWTS; (iii) establishment and maintenance of financial reserves for operation, maintenance and capital expenses; and (iv) compliance with all Applicable Drinking Water Laws and Regulations and agreements regarding the DWTS, including this Resolution. The proposed form of the DWTS Operating Agreement shall be submitted for approval to the Township/Authority as part of the application for a DWTS Permit to construct and operate the DWTS. The DWTS Operating Agreement shall expressly provide that it may not be terminated without Township/Authority approval so long as the DWTS serves the Development. Provided, the DWTS Operating Agreement may be assigned to another DWTS Operator in accordance with the Applicable Drinking Water Laws and Regulations and upon prior written approval of the Authority/Township. The language of the DWTS Operating Agreement shall be reviewed and approved by the Township/Authority attorney and Township/Authority engineer prior to granting of approval of the DWTS by the Authority/Township Board. Any amendments, renewals, revisions or substitutions of the DWTS Operating Agreement shall require prior written approval of the Authority/Township Board, including review by the Authority engineer/representative.

5.0.0.0 TOWNSHIP/AUTHORITY REQUIREMENTS FOR WATER SYSTEM ANALYSIS/REVIEW — The following information is required to be submitted to the ENGINEER for approval of the DWTS: Detailed Lot Layout Plans showing the point of connection to the existing water system, Number of Lots, Types of Uses and whether there is any industrial or commercial usage, and elevation information for the development. All plans submitted shall meet criteria outlined in the DEP Public Water Supply Manual, 383-2125-108, Part II, Community System Design Standards.

6.0.0.0 ENGINEER'S CERTIFICATION — A certification from an ENGINEER licensed in the process of water treatment as required by and in conformance and compliance with all Applicable Drinking Water Laws. The ENGINEER shall review and make a recommendation to the Township Board and Authority regarding the adequacy of such certification. The Authority/Township s engineer's review shall include review of plans and documents for compliance with Township Ordinances, engineering standards and general engineering practices.

7.0.0.0 QUALIFICATIONS OF DWTS OPERATOR— Evidence satisfactory to the Township Board or its designee (Authority) (in accordance with standards described in this Resolution) that the DWTS Operator employs or contracts with a sufficient number of individuals who have all qualifications and certifications required under Applicable Drinking Water Laws to operate the DWTS.

8.0.0.0 QUALIFICATIONS OF DWTS OWNER— Evidence satisfactory to the Township Board or its designee (Authority) in accordance with standards described in this Resolution that the DWTS Owner has the qualifications to own the DWTS.

9.0.0.0 DISCLOSURE DOCUMENT —The provisions of the Development Agreement described above and other obligations of the Association and Residential Owners set forth in this Resolution, including a copy of this Resolution, shall be included in a separate disclosure document and referred to in the deed conveying any portion of the Development to a Residential Owner and in the Development

Documents, which shall run with the land, in the form approved by the Authority/Township attorney and shall be delivered to the prospective purchaser of a unit, lot or parcel of the Development served by a DWTS prior to the execution of a purchase agreement

10.0.0.0 LOCATION OF CENTRAL DWTS FACILITIES —The central treatment system and reserve field portions of the DWTS shall be located upon a separate common area, lot or unit dedicated exclusively to operation of the DWTS which shall be initially owned by the Applicant and transferred to the Association or a qualified DWTS Owner in the manner described in this Resolution. The DWTS shall be inspected, monitored, operated, maintained, repaired and replaced by the DWTS Owner or Association with the right of the DWTS Owner or Association to assess Residential Owners for all such costs.

11.0.0.0 OPERATION AND MAINTENANCE RESERVE; ASSESSMENTS; ESCROW AGREEMENT— The DWTS Owner shall maintain an operation and maintenance reserve sufficient for five (5) years of monitoring, inspection, operation, maintenance and repair of the DWTS and a DWTS system and equipment replacement reserve sufficient to fund replacement of the DWTS system and equipment after the end of its anticipated useful life unless a larger amount is required under Applicable Drinking Water Laws with amounts certified by qualified engineers and approved by the ENGINEER. The Development Documents and the DWTS Operator shall provide for user fees and assessments of Residential Owners to ensure perpetual funding of the operation and maintenance reserve. The reserves shall be established pursuant to an escrow agreement which shall be submitted to the Authority/Township for review and approval prior to issuance of the DWTS Permit. In the event of non performance by the DWTS Owner or the DWTS Operator of proper maintenance and operation of the DWTS, the Association or the Residential Owners shall have the right and obligation to draw on such escrow reserve fund for the purpose of undertaking proper maintenance, inspection, operation and replacement of the DWTS, and payment of fees, costs and expenses of same.

12.0.0.0 ACCESS EASEMENTS — Permanent and irrevocable easements, in recordable form, shall be granted by the Applicant, DWTS Owner and Association to the Authority/Township and its employees, contractors, consultants, agents, and assigns authorizing the Authority/Township to enter on the Development and the property upon which the DWTS is located for the purpose of inspections and other purposes set forth in this Resolution, and the DWTS shall be maintained so as to be accessible at all times by the Authority/Township. No structures or landscaping within the access area shall be allowed that would unreasonably interfere with such access.

13.0.0.0 OPERATIONS AND MAINTENANCE MANUAL; RATES — The DWTS Operations and Maintenance (O/M) Manual which shall include worksheets for replacement costs and five (5) year O/M costs prepared in a format similar to worksheets required for those purposes by the PADEP, The Applicant shall provide proposed rates, fees and assessments for the first five (5) years of operation of the DWTS, including a projected cash flow analysis showing the assumption of number of connections, and anticipated escrow replenishments needed to balance the expenses and revenues from the Development and to maintain the required maintenance and replacement escrows.

14.0.0.0 WARRANTIES — The DWTS application shall include copies of all manufacturers and contractors warranties for the DWTS which shall be assignable to the DWTS Owner, the Association, the Residential Owners and the Authority/Township (in the event the Authority/Township, in its sole discretion assumes ownership of the DWTS).

4.0 0 BUILDING PERMITS — No building permit shall be issued for any structure or dwelling unit proposed to be served by a DWTS until the Authority/Township Board has approved the DWTS Permit application in accordance with terms and provision of this Resolution.

5.0.0. INSPECTION DURING CONSTRUCTION; CERTIFICATION — The DWTS shall be inspected during construction by an independent engineer or consultant hired by the Township or its designee (Authority) at the expense of the Applicant or DWTS Owner, to ensure proper system construction and installation. All underground installations must be inspected prior to covering with as-built measurements provided to the Authority/Township. Full scale operation of the DWTS (excluding pilot testing and similar preliminary operations) shall not commence until an independent engineer or consultant hired by the Township or its designee (Authority), at the expense of the Applicant or DWTS Owner, has certified that the DWTS has been constructed according to the approved plans and specifications.

6.0.0. NON-RESPONSIBILITY OF AUTHORITY/TOWNSHIP — Anything in this Resolution to contrary notwithstanding, the Authority/Township shall not be responsible for or obligated to perform any needed or desired repairs, maintenance, improvement, and/or replacement of the DWTS or any portion thereof except in the event the Authority/Township, in its sole discretion, determines to take over ownership of the DWTS. The Applicant shall acknowledge and the Development Documents shall provide an acknowledgment that the Authority/Township has rejected assumption of liability for the DWTS.

7.0.0. CONDITIONS OF APPROVAL; ANNUAL REPORTS — At any time approval for a DWTS is granted, the Authority/Township may condition such approval upon the Applicant, the DWTS Owner and current and future Residential Owners and the Association agreeing to adhere to the operational and maintenance requirements of this Resolution. The DWTS Operator, DWTS Owner, and the Association shall furnish annual operating and maintenance reports in accordance with the applicable DWTS operation and maintenance requirements. All such requirements shall be made a part of the Development Agreement and Development Documents.

8.0.0. RECORDING DEVELOPMENT AGREEMENT AND DEVELOPMENT DOCUMENTS; AMENDMENTS — The Development Agreement and the Development Documents shall be recorded at the office of the Franklin County Register of Deeds, after approval by the Authority/Township and prior to first sale of a unit, lot or parcel of a Development. The Development Documents, as they pertain to the DWTS, shall not be amended without Authority/Township approval, and shall contain language to that effect.

9.0.0. SPECIAL ASSESSMENT DISTRICT — Prior to recording the Development Documents and sale of any unit, lot or parcel served by a DWTS, Applicant shall establish a special assessment district, if approved by the Authority/Township Board, whose boundaries coincide with the Development, for the purpose of funding the operating, maintenance and capital costs of the DWTS and reasonable reserves for such costs, in the event that the DWTS Owner is unable, unwilling or fails for any reason to do so. The Authority/Township, in the event that a special assessment district is established, may impose assessments sufficient to meet the operating, maintenance and capital needs of the DWTS together with such reserves as prudent practice dictates in the event that (i) the Authority/Township (in its sole discretion) takes over ownership and operation of the DWTS, (ii) the DWTS Owner fails to impose or collect user charges or assessments sufficient to meet the normal operating, maintenance and capital needs of the DWTS and/or fails to maintain the reserves required by this Resolution or Applicable Drinking Water Laws

10 0.0. RESPONSIBILITY FOR COSTS — The DWTS Owner, the Applicant, the Association and the Residential Owners shall be responsible for all costs of the installation, operation, monitoring, inspection, maintenance, repair, and replacement of equipment and facilities of the DWTS and all liability associated with the DWTS. The Authority/Township may, at its option, elect to collect all costs it may incur in connection with the DWTS pursuant to the provisions of this Resolution by a special assessment described above, and by direct court action against the Applicant, the DWTS Owner, the DWTS Operator, the Association, and/or Residential Owners.

Section 5.0 – Transfer of Ownership of the DWTS

1.0 0. LIMITATIONS — The DWTS Owner shall not transfer, convey or assign any facilities or assets of the DWTS required for the ongoing operation of the DWTS in compliance with this Resolution and Applicable Drinking Water Laws, except as provided in this Resolution.

2.0 0. CONDITIONS — The DWTS Owner shall not transfer, convey or assign the facilities and assets of the DWTS without approval of the Authority/Township Board based on (i) a demonstration that the entity seeking to become the new DWTS Owner meets all requirements of a DWTS Owner under this Resolution and can fulfill all duties and obligations of a DWTS Owner under the DWTS Permit, the PA DEP Public Water Supply Permit, PA DEP Operations Permit, the Development Agreement, the Development Documents, and the agreement with the DWTS Operator; (ii) a demonstration that the new DWTS Owner has established or has the right to receive a transfer of all required operating, maintenance and capital reserves and (iii) the agreement of the new DWTS Owner to undertake all obligations imposed on a DWTS Owner under this Resolution, the agreement with the DWTS Operator, the Development Agreement and the Development Documents.

3.0 0. CONTINUING LIABILITY — Transfer of ownership of the DWTS by a DWTS Owner shall not relieve the prior DWTS owner from civil or criminal liabilities arising under this Resolution or any Applicable Drinking Water Law nor from the obligation to comply with any court-ordered injunctive relief related to obtaining or enforcing compliance with this Resolution or Applicable Drinking Water Laws that accrue or arise prior to the date of Authority/Township Board approval of the transfer.

Section 6.0 – Permit to Operate a DWTS; Annual Reports

1.0.0. PERMIT — No DWTS may be constructed, installed or operated within the Township without a DWTS Permit.

2.0.0. INITIAL APPROVAL — Township Board approval of the DWTS Permit pursuant to this Resolution and Township Zoning Ordinance shall serve as the initial permit to construct, install and operate the DWTS, which permit shall be effective only after the PA DEP Public Water Supply Permit and PA DEP Operations Permit has been issued, and thereafter for an initial period of no longer than the PA DEP Public Water Supply Permit and PA DEP Operations Permit, and shall remain in effect only so long as a valid DEP Permit is in effect, and compliance by the DWTS and the DWTS Owner and DWTS Operator with the requirements of this Resolution and other applicable laws and ordinances.

3.0.0. ANNUAL REPORTS; INFORMATION REQUIRED — In order to keep the DWTS permit in effect, the DWTS Owner or DWTS Operator shall submit to the Authority/Township annual reports containing the following:

A. The name of the DWTS Operator and a copy of the current contract between the DWTS Owner and DWTS Operator, and current copies of all required certifications for individual operating the DWTS.

B. Proof that the DWTS Owner and DWTS Operator meet the insurance and other requirements under this Resolution.

C. A certification with supporting documentation from a financial institution that the required operating, maintenance and capital reserves are maintained.

D. The operating budget for the DWTS for the most recently completed fiscal year together with a schedule of all user fees and charges.

E. A certification from a professional engineer licensed in Pennsylvania with expertise in water treatment systems that (i) sets forth the maintenance, repair and replacement needs or recommendations for the DWTS for the 12-month period coinciding with the upcoming permit year together with an estimate of likely associated expenses, and (ii) states without exception or reservation that the condition of the DWTS, together with the operating budget and the satisfaction of the maintenance, repair and replacements needs, is such that the DWTS is capable of meeting all applicable requirements for operation of the DWTS.

4.0.0. ANNUAL INSPECTION — The DWTS shall be inspected annually by an independent engineer or consultant hired by the Authority/Township at the expense of the DWTS Owner to certify system condition, capacity and function.

5.0.0. AUDIT — The Authority/Township, in its sole discretion, may require an audit of the books and records of the DWTS at the expense of the DWTS Owner as part of the process of annual review of the DWTS Permit.

SECTION 4 – SITE PLAN STANDARDS

In connection with the review of the DWTS and the conditional use permit approval pursuant to Antrim Township Zoning Ordinance, SALDO, or planned unit development approval under the Zoning Ordinance, the Applicant shall include in the site plan (for a conditional use permit) or the area plan (for a planned unit development) for the Development or in separate documents the following:

1.0 BUFFERING — Adequate buffering space from residential uses and adjacent properties to minimize process machinery noise level and to ensure adequate isolation distances so that drinking water wells are not adversely affected by the DWTS.

2.0 FENCING; LANDSCAPING — Adequate fencing and landscaping to protect and screen the treatment system from adjacent uses.

3.0 LOCATION OF DWTS — Location of the DWTS in a manner to generally discourage foot traffic, park use, future illegal landscaping, fill or other uses. The location shall also minimize the impact of the DWTS on existing and future homes.

4.0 PROHIBITED USES — Development Documents that clearly state the DWTS shall not be used for any purpose other than water treatment. Prohibited uses include active or passive uses, park uses, storm water runoff, collection or storage, easements, maintenance activities, structures or any other uses that might be detrimental to the DWTS or water supply. The surface of the DWTS area shall be suitably landscaped and maintained in a manner designed to preserve the function of the fields and to prevent erosion.

5.0 LOCATION MAP — A general location map showing the proposed treatment system and the Development in relationship to prominent geographical features such as roads, rivers, lakes, and towns.

6.0 LEGAL DESCRIPTION — An accurate legal description of the boundaries of the Development and the central treatment system. The plan shall have the layout of the individual lots. The entire Development and treatment system site must be topographically mapped with a maximum contour interval of two feet. The legal description and topographic map must be prepared under the direction of a professional surveyor licensed in Pennsylvania. The drawing must be accurate and to a scale of no more than 100 feet to one inch.

7.0 SOIL BORINGS — The location of soil borings or test pits with attached soil boring logs and indicating the general nature of subsurface soils in the Development and treatment system areas, including depth to groundwater, permeable strata, and confining layers.

8.0 DWTS COMPONENTS — The major components of the proposed DWTS on the drawing, including booster pumping stations, tanks, treatment units, buildings and other significant items.

9.0 ACCESS — The means of vehicle access to the DWTS with at least one paved access drive at least 10 feet wide for year round access, and paved parking and turnaround area adequate for maintenance vehicles, and buried utilities at a minimum of 10 feet from the edge of pavement.

10.0 STORMWATER MANAGEMENT — Sufficient details on the drawing to illustrate the method of storm water management, including general flow arrows for the direction of storm water runoff, and the points of discharge from the Development.

11.0 CROWNING OF FIELDS — The drainfield and reserve field which shall be crowned and which shall receive no drainage runoff for collection use.

12.0 ISOLATION DISTANCES —Isolation of the proposed DWTS from surrounding utilities and structures. The plan shall show the locations of and distances from nearby wells, existing and future structures, drains, water mains, or other utilities. In general, the preferred buffer from any dwelling to the DWTS is 100 feet. The DWTS shall be located on a parcel of land not counted as developable area or encumbered by easements, except easements necessary for operation of the DWTS. If the development includes a Decentralized Wastewater System (DWS), the isolation distance between the DWS and DWTS shall be 300 feet.

13.0 WATER COURSES; WETLANDS; FLOOD PLAINS — The locations of and distances to nearby water course, surface water, wetlands, or floodplains, including a minimum isolation distance of 100 feet from any drainage area, surface water, wetland or flood plain.

14.0 SCREENING — Details of the screening to be provided around the DWTS, such as berming, trees, shrubs and fencing.

15.0 FEASIBILITY OF CONNECTION TO PUBLIC WATER — A depiction or description of the proximity of the proposed DWTS to the nearest public water system and plans and specifications demonstrating feasibility or lack of feasibility of connection.

16.0 ADJACENT USES — Adjacent land use and zoning.

17.0 COMPATIBILITY WITH GENERAL DEVELOPMENT PLAN — A description of the compatibility of the proposed Development with local planning, including a discussion of the impact of the Development on the Township General Development Plan.

18.0 WATER SUPPLY— The source of water supply and its location from the proposed treatment system of the DWTS, and the general direction of groundwater flow.

19.0 DESIGN CRITERIA — Site Plans shall meet all criteria outlined in the DEP Public Water Supply Manual, 383-2125-108, Part II, Community System Design Standards.

SECTION 5 - SELECTION OF TREATMENT SYSTEM

1.0 STANDARDS — The DWTS treatment system must meet or exceed PaDEP standards as outlined in the DEP Public Water Supply Manual, 383-2125-108, Part II, Community System Design Standards.

2.0 DESIGN — The DWTS shall be designed with ease of maintenance and operation in mind. The Authority/Township reserves the right to retain a qualified water treatment system engineer, at the Applicant's expense, to review the plans and suggest modifications to the design, layout, or operation of the system.

3.0 WATER TREATMENT TECHNOLOGIES — The DWTS Treatment Technologies include those outlined in Drinking Water Treatment Technologies for Groundwater Systems Under the Direct Influence of Surface Water (DEP # 3800-BK-DEP2118); PaDEP Public Water Supply Manual Part II, Community System Design Standards (383-2125-108); PaDEP Public Water Supply Manual Part IV, Non-Community System Design Standards (383-2125-108). Treatment methods include but are not limited to the following:

A. Disinfection – Chlorination, Ultraviolet Irradiation (UV)

B. Granular Filtration Technologies – Conventional, Direct, Inline, Pressure, Diatomaceous Earth, Slow Sand

C. Membrane Filtration Technologies – Microfiltration, Ultrafiltration, Nanofiltration, Reverse Osmosis, Bag or Cartridge

SECTION 6 - BASIC DESIGN CRITERIA

1.0 QUALIFIED ENGINEER — The DWTS shall be designed by a qualified professional engineer licensed to practice in the State of Pennsylvania with experience in the design of a DWTS. The design engineer shall provide to the Authority/Township a list of similar projects designed by the engineer with location, size, construction cost, contact names and telephone numbers.

2.0 PERMITS/PERMIT REQUIREMENTS — The following are required:

A. Hydrogeologic Study to determine suitable well location.

B. Drill and construct well per PA DEP Standards and determine well yield and drawdown.

C. Conduct PA DEP New Source Parameter Testing

D. Complete PA DEP Public Water Supply Permit Application and submit the following along with detailed design drawings to PA DEP for review and, if approved, issuance of the Public Water Supply Permit for construction of the treatment plant:

- General Information Form
- Module 1 – Completeness Report
- Module 2 – General Design Data
- Module 3 – Groundwater Sources
- Modules 4 thru 15 as necessary.

E. Complete construction and request PA DEP Operations Permit after inspection and approval

3.0 RESIDENTIAL USE — A DWTS designed under this Resolution shall meet or exceed PaDEP standards and Health Department standards.

4.0 FLOW — In the absence of actual flow data, the design shall be based upon the definition of one Residential Equivalent Unit (REU) equaling a minimum of 300 gallons per day.

5.0 MAXIMUM CAPACITY — The DWTS shall be limited to a maximum capacity of 20,000 gallons per day.

6.0 COMPONENTS — The design of a DWTS must take into consideration the quality of the raw water and the desired quality of the finished water. The information in the DEP Public Water Supply Manual, 383-2125-108, Part II, Community System Design Standards, sets forth generally accepted design criteria for treatment processes which, when properly sequenced and utilized, can be expected to meet DEP's drinking water standards. The ability to respond to more stringent water quality requirements should also be considered when designing a treatment plant.

7.0 SERVICE LIFE — The DWTS shall be designed for a service life of at least 20 years.

8.0 EXPANSION; CONNECTION TO PUBLIC SYSTEM. The DWTS shall be designed to permit ease of expansion and ultimate connection to a public water system with a minimum of interruption of normal operation. Measures to accomplish the foregoing may include blind tees, plugs, stubs, and sleeves placed strategically to allow for future connection to an Authority/Township Public Water System.

9.0 COMPARTMENTALIZATION — In order to keep the DWTS operational during times of routine maintenance and/or repair, whenever possible, the treatment components shall be compartmentalized so as to allow for manual alternation of the components.

10.0 REQUIRED CONNECTIONS — All developable sites within the proposed Development shall be connected to the DWTS.

11.0 MINIMUM NUMBER OF CONNECTIONS — The minimum number of homes connected to a DWTS shall be 20, unless Applicant demonstrates that a lesser number of homes can support the costs associated with ongoing operation, maintenance, repair and replacement of the DWTS without placing an undue burden on the homeowners.

12.0 DESIGN CALCULATIONS; RESPONSE TIME — The Applicant shall prepare a basis of design showing flow calculations, dosing rates, pump and tank sizing, timer settings, and other key parameters. Include an estimate of the time available for operator response under high water alarm conditions.

13.0 MAINTENANCE — The DWTS piping design shall allow for flushing, draining, repairing, and other maintenance activities.

14.0 HANDLING DEVICES — The DWTS design shall provide adequate lifting and handling devices for heavy or awkward components of the system.

15.0 PAVED AND LANDSCAPED SLOPES — The DWTS design shall provide for paved slope surfaces of a minimum of 1 % and a maximum of 6%. Landscaped or grassed areas that require routine mowing may be sloped up to a maximum of 1 vertical to 4 horizontal.

16.0 GRADING — All elevations within the area of any component of the DWTS shall be graded so as to promote runoff away from the system to a designated drainage area.

17.0 SOIL EROSION —The DWTS design shall provide for installation, inspection and maintenance of adequate soil erosion and sedimentation control measures.

18.0 SALT; CHEMICALS— Sources of salt or other chemical compounds such as pavement de-icing runoff are to be directed away from the surface or subsurface of the DWTS system components.

19.0 COMPATIBLE DESIGN — The DWTS shall be designed with consistent and compatible system components.

20.0 SLUDGES/SOLIDS;TREATMENT PLANT WASTE — The wastes generated during the operation of water treatment plants (DWTS) constitute industrial wastes, and the storage and handling of such waste is subject to DEP's rules and regulations.

SECTION 7 - FEES, PENALTIES AND ENFORCEMENT

Section 1.0 – Fees

1.0.0. Administrative and Escrow Fees. Applications for DWTS under this Resolution shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the Authority/Township Board. In addition, an Applicant shall pay an additional escrow fee in an amount determined by resolution of the Authority/Township Board for the estimated cost of outside consultants retained by the Authority/Township in connection with the review of the application. In the event the cost of the services of the consultants is less than the escrow fee, the Applicant shall be refunded the balance. In the event the cost of the services of the consultants exceeds the amount of the escrow fee, the Applicant shall pay the deficiency to the Authority/Township prior to the issuance of the DWTS Permit. A denial of an application for a DWTS Permit shall not affect the Applicant's obligation to pay the application or escrow fee provided for in this Section. In addition, all fees associated with the conditional use permit application or the planned unit development under the Zoning Ordinance shall apply.

Section 2.0 - Penalties and Enforcement

1.0.0 Enforcement. The Township Enforcement Officer, Township Zoning Official, the Township engineer, and other Township officers, or their agents, contractors and employees shall have authority under this Resolution to enter upon privately owned land for the purpose of administering this Resolution and performing Township rights and duties under this Resolution, and may make or cause to be made such examinations, surveys or samplings as necessary for proper enforcement of this Resolution.

2.0 0. Civil remedies. The provisions of this Resolution shall be enforceable through any and all remedies at law or in equity in any court of competent jurisdiction.

A. Penalties. In addition to the rights and remedies herein provided to the Authority/Township, and except as set forth below in this Resolution, a violation of this Resolution shall be a civil infraction and subject to the following fines:

a. First violation of this Resolution within any 36 month period: minimum fine $50; maximum fine $500.00.

b. Second violation of this Resolution within any 36 month period: minimum fine $150; maximum fine $1,000.00.

c. Third violation of this Resolution within any 36 month period: minimum fine $2,500.00.

d. Fourth or subsequent violation of this Resolution within any 36 month period: minimum fine $400, maximum fine $5,000 00. In addition, the person or entity violating this Resolution shall be responsible for payment of all direct and indirect costs and expenses incurred by the Authority/Township in connection with such violation, including reasonable attorney s fees. Each day such violation is continued or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

B Injunction; Nuisance. Any activity conducted in violation of this Resolution is declared to be a nuisance per se, and the Authority/Township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation, and/or requiring restoration of the property as nearly as possible to the condition existing before the violation.

C. Stop-Work Order. The Authority/Township may also issue a stop-work order or withhold issuance of a Certificate of Occupancy, permits or inspection until the provisions of this Resolution, including any conditions attached to a DWTS Permit, have been fully met. Failure to obey a stop work order shall constitute a violation of this Resolution.

3.0.0. CRIMINAL REMEDIES. A person who knowingly makes any false statements, representations or certifications in any application, records, report, plan or other document, filed or required to be maintained pursuant to this Resolution, shall, upon conviction be punished by a fine of not more than $500.00 or imprisonment in the county jail for a period of time not to exceed 90 days, or both such fine and imprisonment, in the discretion of the court, together with costs of prosecution.

SECTION 8 - RESOLUTION CONFLICT

Nothing in this Resolution shall be interpreted to conflict with present or future state or federal statutes concerning the same subject matter; conflicting provisions of this Resolution shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Resolution shall be construed, if possible, to be consistent with relevant state and federal regulations and statutes. If any part of this Resolution is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such holding shall not affect the validity of the remaining portions thereof, and the remainder of the Resolution shall remain in force. Rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Resolution are not affected or abated by this Resolution.

SECTION 9 - EFFECTIVE DATE

This Resolution shall take full force and effect upon JUNE 25, 2007, following final approval of said Resolution.

SECTION 10 – CERTIFICATION

I, EDWIN R. SMITH, Secretary of Antrim Township Municipal Authority, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Antrim Township Municipal Authority at a regular meeting on 6/25, 2007.

ATTEST:

Edwin R. Smith

ATMA Secretary

ANTRIM TOWNSHIP
MUNICIPAL AUTHORITY

By: Scott A. Duffenderfer

Chairman