

**BOROUGH OF GREEN LANE  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2020 – \_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF GREEN LANE, MONTGOMERY COUNTY,  
PENNSYLVANIA, REPEALING ORDINANCE NO. 2009-08 AND ORDINANCE NO. 2015-01  
AND REPLACING THEM WITH A NEW ORDINANCE ADDRESSING  
SEWERS AND SEWAGE DISPOSAL**

**ARTICLE I. DEFINITIONS AND UNDEFINED TERMS.**

**1. Definitions.**

The following words and phrases, as used in this Chapter, shall have the meanings ascribed to them in this section, unless the context indicates a different meaning.

**ACT 537 PLAN**

The Municipality's Official Plan as defined in the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§ 750.1-750.20a ("Sewage Facilities Act" or "Act 537").

**AGENT**

A person who shall have charge, care or control of real property as owner, or acting on behalf of or in the capacity of the owner, or as executor, executrix, administrator, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provision of this article to the same extent as if that person was the owner.

**AUTHORITY**

The Green Lane-Marlborough Joint Authority and the Board of the Green Lane Marlborough Joint Authority, authorized by law to adopt resolutions regarding sewage collection, conveyance, treatment and disposal in Green Lane Borough, under the provisions of the Municipality Authorities Act of 2001 (2001, June 19, P.L. 287, No. 22, and as amended thereafter, 53 Pa.C.S.A. § 5601 et seq.).

**AUTHORITY BOARD**

The Board of the Green Lane-Marlborough Joint Authority.

**AUTHORIZED AGENT**

An employee, consultant, or agent of Green Lane Borough; code enforcement officer; professional engineer; industrial pretreatment program coordinator; plumbing inspector; or other qualified or licensed person authorized to function within specified limits as an agent of Green Lane Borough to administer or enforce the provisions of this Chapter.

Specifically, this may include the Authority and any employee, consultant, or agent of the Authority.

**BOROUGH**

The Borough of Green Lane, Montgomery County, Pennsylvania, acting by and through its Borough Council or, in appropriate cases, by and through its authorized representatives.

**BUILDING SEWER**

The pipe or conduit which extends from the end of a building or structure to the curblin, right-of-way, or easement, and generally includes the clean out and sewer vent and connects to the publicly owned sanitary sewer system at a lateral.

**COUNCIL**

The Borough Council for Green Lane Borough, Montgomery County, Pennsylvania.

**COUNTY**

The Montgomery County Department of Health and Human Services, also known as the Montgomery County Health Department (MCHD).

**DEPARTMENT**

The Pennsylvania Department of Environmental Protection (PADEP)

**FATS, OIL AND GREASE (FOG)**

Cooking fats poured into the sanitary sewer that creates a coating or blockage in piping

**FOG INTERCEPTOR**

See Oil and Grease Trap/Interceptor.

**GRINDER PUMP**

Any electric motor-driven, submersible, centrifugal pump capable of macerating all material found in normal domestic sanitary sewage, including reasonable amounts of objects such as plastics, sanitary napkins, disposable diapers, rubber and the like, to a fine slurry and pumping this material through a small-diameter discharge. Grinder pumps can be used as one component of an area-wide low-pressure sewer system or to deliver wastewater from a single building to a gravity collector sewer system. In either case, the property owner's system will include the low-pressure lateral from the pump to the Authority's limit of responsibility for the publicly owned sewer system.

**IMPROVED PROPERTY**

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

**INDUSTRIAL ESTABLISHMENT**

Any improved property located in this Borough used wholly or in part for the manufacturing, processing, cleaning, laundering or assembly of any product, commodity or article or any other improved property located in this Borough from which wastes, in addition to or other than sanitary sewage, are discharged.

**INDUSTRIAL WASTES**

Any and all wastes discharged from an industrial establishment other than sanitary sewage.

**INFLOW AND INFILTRATION (I/I)**

Excess water the flows into sewer pipes from stormwater and groundwater through direct connections to the storm sewer system; sump pumps; roof drains; floor drains; surface drains; and/or through holes, cracks, joint failures, and faulty connections.

**LATERAL**

That part of the sewer system extending from a sewer to the curblin, public right-of-way, or easement, or, if no such lateral is provided, then “lateral” shall mean that portion of or place in a sewer, which is provided for connection of any building sewer.

**LOW-PRESSURE SEWER SYSTEM**

An alternative to a conventional gravity collector sewer system that relies on individual grinder pumps to deliver wastewater from buildings to a system of pressurized small-diameter pipes that serve an area of the municipality. The system is typically used where gravity sewers are not cost-effective and/or not feasible due to topography, excessive rock or other reason.

**MUNICIPALITY**

Green Lane Borough and the Borough Council for Green Lane Borough, Montgomery County, Pennsylvania.

**OFFICIAL PLAN REVISION**

A change in the municipality's Act 537 Official Plan to provide for additional, newly identified future or existing sewage facilities needs, as defined fully in Section 1 of the Sewage Facilities Act, 35 P.S. § 750.1, which may include one or more of the following:

- A. **UPDATE REVISION** — A comprehensive revision to an existing Official Plan required when the Department or municipality determines the Official Plan or one or more of its parts is inadequate for the existing or future sewage facilities needs of a municipality or its residents or landowners.
- B. **SPECIAL STUDY** — A study, survey, investigation, inquiry, research report or analysis which is directly related to an update revision. The studies provide documentation or other support necessary to solve specific problems identified in the update revision.

**C. REVISION FOR NEW LAND DEVELOPMENT** — A revision to a municipality's Official Plan resulting from a proposed subdivision as defined in the Act.

**OIL AND GREASE TRAP/INTERCEPTOR**

A plumbing device installed in a sanitary drainage system to trap or intercept non-petroleum FOG from a wastewater system.

**OWNER**

The person(s) vested with ownership of record, or any other person with the legal authority and responsibility for the ownership and transfer of real property.

**PERSON**

Any individual, partnership, company, association, society, corporation or other group or entity.

**PROPERTY TRANSFER**

A sale, real estate settlement, deed, foreclosure, sheriff's sale, tax sale or other legal action resulting in the transfer of ownership of real property.

**REAL PROPERTY**

Any structure, building, or vacant land being privately or publicly owned which is connected to the Green Lane Marlborough Joint Authority sanitary sewer system.

**SANITARY SEWAGE**

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

**SEWAGE**

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams Law (35 P.S. §§ 691.1- 691.1001).

**SEWAGE COLLECTION SYSTEM**

All facilities, as of any particular time, for collecting, transporting, pumping and disposing of sanitary sewage and/or industrial wastes, owned, maintained and operated by or in behalf of the Authority.

**SEWER**

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

**SEWER LATERAL INSPECTION**

The video recording of the sewer lateral by closed-circuit television (CCTV) or the use of other acceptable methods, as deemed appropriate by the Green Lane-Marlborough Joint Sewer Authority, for the purpose of determining the integrity of the sewer lateral and/or building sewer.

### **SUMP PUMP INSPECTION**

Inspection of the sump pump and appurtenances by the Authorized Agent for the purpose of determining any illegal connection or harmful effect of the connection to the sewage collection system and/or sewage treatment plant.

## **2. Undefined Terms.**

For the purposes of this Chapter, where a term is not defined in this section, such term shall have the meaning set forth in any applicable standards, regulations, policies and/or procedures of the Green Lane Marlborough Joint Authority. Any term not defined therein shall have the meaning attributed to it under the Pennsylvania Sewage Facilities Act, 35 P.S. §§ 750.1–750.20a, and any regulations promulgated therefrom. Where a term is not defined by the Authority or in the Act, it shall receive its ordinarily accepted meaning as interpreted by the Authorized Agent.

## **ARTICLE II. SEWER CONNECTIONS**

### **1. Connection to public sewers required.**

- A. The owner of any improved property located in this Borough and accessible to and whose principal building is within 150 feet from the sewage collection system, shall connect such improved property to the sewage collection system, in such manner as this Borough and the Authority may require, within 60 days after notice to such owner from this Borough to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough or the Authority from time to time.
- B. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under Subsection A of this section, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough or the Authority from time to time.
- C. Restrictions on placement or discharge of sanitary sewage or industrial wastes on private property or into natural outlets.
  - (1) No person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of Subsection A of this section.

- (2) No person shall discharge or permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of Subsection A of this section, except where suitable treatment has been provided which is satisfactory to this Borough.

D. Privy vaults, cesspools, sinkholes, septic tanks and similar receptacles.

- (1) No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under Subsection A of this section to be connected to a sewer.
- (2) Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Borough and/or the County, shall be cleansed and filled under the direction and supervision of this Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if requested by this Borough, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.
- (3) No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

- E. The notice by this Borough to make a connection to a sewer, referred to in Subsection A of this section, shall consist of a written or printed document requiring such connection in accordance with the provisions of this article and specifying that such connection shall be made 60 days from the date such notice is given. Such notice may be given at any time after a sewer is in place, which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

**2. Building Sewer and connections required.**

- A. Separate connections; exceptions. Except as otherwise provided in this section, each improved property shall be connected separately and independently to a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Borough and the Authority, in writing, shall have been secured.
- B. Responsibility for costs and expenses. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.

C. Location of connection.

- (1) A building sewer shall be connected to a sewer at the place designated by the Authorized Agent and where the lateral is provided.
- (2) Whenever possible, the invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. If not possible, the design of the building sewer and the connection shall be approved by the Authorized Agent.
- (3) A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

D. Procedure upon neglect of owner to make connection. If the owner of any improved property located in this Borough and accessible to and whose principal building is within 150 feet from the sewage collection system, after 60 days' notice from this Borough, in accordance with Article II.1.A, shall fail to connect such improved property as required, this Borough may make such connection and may collect from such owner the costs and expenses thereof. In such case, this Borough shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Borough shall file a municipal lien for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

E. Permits and Fees. No person shall uncover; connect with; make any opening into; or use, alter or disturb in any manner any sewer or any part of the sewer system without first obtaining a permit, in writing, from the Authorized Agent, and paying to the Authorized Agent any tapping fee charged and imposed against any owner of each improved property who connects such improved property to a sewer. Upon receipt of an application for a permit, the Authorized Agent shall provide notice of the application to the Borough. Additional Borough permits, fees, and/or escrows may be required if the improvements will alter or disturb any public infrastructure.

**3. Rules and regulations governing buildings sewers and connection to sewers.**

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

B. Inspection of building sewer. No building sewer shall be covered until it has been inspected and approved by the Authorized Agent. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

- C. Maintenance of building sewer. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- D. Guarding of excavations; restoration of public property.
  - (1) Every excavation for a building sewer shall be guarded adequately (with barricades and lights, if necessary and appropriate) to protect all persons from damage and injury.
  - (2) Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Borough.
- E. Remedy of unsatisfactory conditions required. If any person shall fail or refuse, upon receipt of a notice from an Authorized Agent in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 60 days of receipt of such notice, the Authorized Agent may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewage collection system until such unsatisfactory condition has been remedied to the satisfaction of the Authorized Agent.
- F. Additional rules and regulations. The Borough reserves the right to adopt, from time to time, additional rules and regulations as it deems necessary and proper relating to connections to a sewer and the sewage collection system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this article.

**4. Purpose.**

It is declared that enactment of this article is necessary for the protection, benefit and preservation of the health, safety, and welfare of inhabitants of the Borough.

**ARTICLE III. ON-LOT SEWAGE DISPOSAL SYSTEMS.**

**1. Purpose.**

The purpose of this article is to provide for the permitting of all on-lot sewage disposal systems within the Borough in accordance with the standards and regulations of 25 Pa. Code Chapters 72 and 73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by Section 7(a)(1) of the Act, 35 P.S. § 750.7(a)(1).

**2. Permit requirement.**

- A. From and after the effective date of this article, persons proposing to install an on-lot sewage disposal system on any lot within the Borough, including those persons proposing to install such a system on a lot 10 acres or larger and who are otherwise qualified for a permit exemption in

accordance with the provisions of Section 7(a)(1) of the Act, 35 P.S. § 750.7(a)(1), shall apply to the Borough for a permit for the installation of such system.

- B. No person shall install or commence construction of any on-lot sewage disposal system for which a permit is required until such permit has been issued by the Borough.

#### **ARTICLE IV. SEWER LATERAL AND SUMP PUMP INSPECTIONS**

##### **1. Purpose.**

The purpose of this article is to require sewer lateral and sump pump inspections for all properties in Green Lane Borough that are connected to the Green Lane Marlborough Joint Authority sanitary sewer system, and to establish uniform requirements for the same and to establish penalties for violations of this article.

##### **2. Intent and Regulations.**

- A. The Intent of this article and the policy of Green Lane Borough shall be to protect and promote the public health, safety and welfare of its citizens and to establish the rights and obligations of owners of real property with respect to the transfer of real property.
- B. No person shall discharge or cause to be discharged waters, such as from sump pumps, flow drains, storm water, surface drainage, groundwater, roof run-off, subsurface drains, HVAC condensate, foundations drainage or cooling water into the Authority's sanitary sewer system. Such water and all other unpolluted drainage shall be discharged to facilities that are specifically designed as storm sewers or to natural outlets approved by the proper political subdivision or municipal authority and in accordance with the applicable regulations of the Pennsylvania Department of Environmental Protection.

##### **3. Required inspections; application forms; scheduling.**

- A. Routine inspections.
  - (1) To insure compliance with the above described prohibitions, the Borough or the Authorized Agent shall establish a program of periodic and systematic inspections of all properties within the Borough to insure compliance with this ordinance.
  - (2) All property owners will be notified of the Authorized Agent's request to inspect their property by letter. Within twenty (20) calendar days of receipt of the aforementioned notice, the property owner shall contact the Authorized Agent as indicated in the letter to schedule an appointment for inspection. So long as the property owner cooperates with the inspection, said inspection shall be performed at no expense to the property owner (see subparagraph A(4) below) and shall be performed by the Authorized Agent. Inspections shall be primarily a visual inspection of the plumbing on and within the property, but such inspections may also

include, but not be limited to, dye testing, smoke testing and televising the interior of the piping.

- (3) The Authorized Agent shall issue a report to the property owner with respect to the conclusions of said inspection. Any repairs or modifications to the property owner's sanitary sewer lateral indicated in the report must be completed by the property owner at the property owner's sole cost and expense within sixty (60) calendar days of the date of the report; provided, however, that the Authorized Agent may in its sole discretion on a case-by-case basis grant a property owner an additional thirty (30) calendar days to complete any repairs or modifications upon a written request from the property owner should the property owner demonstrate that it reasonably requires additional time to complete the repairs or modifications.
- (4) Property owners who fail to schedule an inspection within forty-five (45) calendar days of receipt of the aforementioned notice or property owners who fail to make repairs or modifications within sixty (60) calendar days (or an extended period of time as provided herein) of the date of the report will be subject to penalties and costs as provided in this ordinance. Additional costs shall include the costs of additional notices, mailing, court filing costs and attorneys' fees as provided herein. If the property owner does not consent to an inspection as provided in Article IV.3.A, in order to conduct such an inspection an administrative warrant (or other necessary warrant) will be required.

#### B. Inspections upon transfer of property

- (1) No owner or agent shall transfer ownership of any real property without first applying for and undergoing a Sewer Lateral Inspection and Sump Pump Inspection and obtaining a sewer inspection certificate. The aforesaid Sewer Lateral Inspection and Sump Pump Inspection shall comply with all protections guaranteed by the Pennsylvania and United States Constitution(s).
- (2) The owner or agent shall complete the required application form for the Sewer Lateral Inspection and Sump Pump Inspection, which shall be made available by the Authorized Agent, and shall pay the required fee for the sewer lateral and sump pump inspection to the Authorized Agent, which shall be set by resolution of the Authorized Agent.
- (3) The application form for the sewer lateral and sump pump inspection shall require the owner or agent to provide, at a minimum, the following information with respect to the real property subject to a sewer lateral and sump pump:
  - (a) The name(s), address(es) and telephone or cell phone number(s) of any and all owners;
  - (b) Forwarding address(es) of all owners;
  - (c) The name, local address and telephone or cell phone number of the realtor or agent representing the owner;

- (d) The address of the real property;
  - (e) A description of the real property;
  - (f) The proposed use of the real property following the transfer;
  - (g) Authorization for the Green Lane Marlborough Joint Authority to perform the required sewer lateral and sump pump inspection; and
  - (h) The parcel identification number of the real property.
- (4) The application form for the sewer lateral and sump pump inspection must be submitted to the Authorized Agent at least 30 days prior to the date scheduled for the property transfer.
  - (5) Following receipt by the Authorized Agent of the completed application form for the Sewer Lateral Inspection and Sump Pump Inspection and payment of the required fees, the owner or agent shall schedule the Sewer Lateral Inspection and Sump Pump Inspection with the Authorized Agent. Sewer Lateral Inspections and Sump Pump Inspections shall be scheduled with the Authorized Agent no earlier than 48 hours from the time the request for a Sewer Lateral Inspection and Sump Pump Inspection is made to the Authorized Agent.

#### C. Inspection Procedures

- (1) The Authorized Agent shall not enter upon any real property for the purpose of conducting a Sewer Lateral Inspection and Sump Pump Inspection unless accompanied by the owner or the agent of the owner.
- (2) All interior and exterior areas of the property shall be inspected for conformance with this chapter and any regulations, policies, and/or procedures adopted by the Authority.
- (3) Sump pumps shall also be inspected by the Authorized Agent. Any necessary repairs or alterations shall be completed to the satisfaction of the Authorized Agent.
- (4) The owner of the property shall be required to have the building sewer lateral leading from the building to the sewer main televised, at the owner's expense, by a plumber, licensed to do business in the Borough. The recording produced during the televising of the building sewer and lateral (in the format currently required by the Authorized Agent) shall be supplied by the owner of the property to the Authorized Agent for review. If the Authorized Agent determines that repairs are necessary, the property owner shall take the appropriate actions to see that the repairs are completed to the satisfaction of the Authorized Agent, in accordance with applicable codes and regulations of the Authority and/or the Borough.

#### 4. Identified inspection violations.

Upon completion of the Sewer Lateral Inspection and Sump Pump Inspection, the Authorized Agent shall record the identified violations, if any, on a form designated for such a purpose, and provide a copy of the form to the owner or agent. Regulation violations shall be corrected within the time frame set by the Authorized Agent.

**5. Identified building sewer and sewer lateral deficiencies; building sewer and sewer lateral certification.**

- A. Upon completion of the Sewer Lateral Inspection and Sump Pump Inspection, the Authorized Agent shall review the results and note any deficiencies, defects, or improper connections with the sewer lateral and/or sewage collection system that could permit inflow and infiltration, or any other prohibited substance, from entering into the sanitary sewer, in violation of any of the Authority's policies, procedures, rules, regulations, requirements, or specifications. Any deficiencies or defects will be recorded on a form designated for such a purpose and a copy of the form will be provided to the owner or agent.
- B. It will be the responsibility of the property owner to repair, modify, and/or replace all or a portion of the building sewer and/or sewer lateral that is found to be deficient or defective, in compliance with the requirements and specifications, within the time required frame, and in compliance with the sewer regulations of the Borough and/or the Authority.
- C. If repairs to the building sewer and/or sewer lateral are required, the Authorized Agent will perform a subsequent Sewer Lateral Inspection and Sump Pump Inspection to determine if the building sewer and/or sewer lateral are in compliance with the requirements and specifications of the Authorized Agent and the ordinances of the Borough. Reinspection of the building sewer and/or sewer lateral shall be at the discretion of the Authorized Agent.
- D. A building sewer and sewer lateral certification will be issued by the Authorized Agent after the building sewer and/or sewer lateral has passed inspection.

**6. Exceptions to the required inspections.**

- A. The routine inspection outlined in Article IV.3.A shall not be required if a building sewer and sewer lateral certification has been issued in the two-year period immediately preceding the proposed date for the property transfer, unless the Authorized Agent has reasonable cause to require an inspection.
- B. Unless the Authorized Agent has reasonable cause to require an inspection, the Sewer Lateral Inspection and Sump Pump Inspection shall not be required of real property, subject to transfer if:
  - (1) A building sewer and sewer lateral certification has been issued in the two-year period immediately preceding the proposed date for the property transfer;

- (2) The real property subject to a transfer is a condominium unit which is situated in a building with other condominium units and not directly connected to the sewer lateral; or
- (3) The property transfer is a transfer as a result of the death of an owner to the owner's heirs or a surviving joint owner.

**7. Issuance of final and temporary sewer inspection certificate.**

- A. No property transfer subject to this article shall proceed to settlement or otherwise be effectuated, nor shall a use and occupancy permit be issued in connection with a property transfer, unless a sewer inspection certificate has been issued to the owner or agent by the Authorized Agent.
- B. A final building sewer and sewer lateral certification shall be issued, provided the following conditions have been met:
  - (1) The real property is free and clear of any and all sewer violations, if any, noted on the inspection form by the Authorized Agent.
  - (2) The building sewer and sewer lateral connected to the real property is found to be in conformity with the specifications of the Borough and Authorized Agent, and not in violation of Borough ordinances, and a building sewer and sewer lateral certification has been provided by the Authorized Agent.
- C. A temporary building sewer and sewer lateral permit may be issued, at the sole discretion of the Authorized Agent, as appropriate, in circumstances in which curing the Sewer Lateral Inspection and Sump Pump Inspection violations cannot be accomplished prior to the date of the property transfer. The temporary building sewer and sewer lateral permit shall indicate the party (buyer or seller of the real property) who shall take responsibility (the "responsible party") for curing the violations and provide for a time frame for remediation, not to exceed 180 days. In the case of a temporary use and occupancy certificate issued due to a Sewer Lateral Inspection and Sump Pump Inspection violation, the Authorized Agent, at its sole discretion, may require the responsible party to retain in an escrow account sufficient funds to cover the cost of any repair or replacement of the sewer lateral or building sewer, as identified by the Authorized Agent, plus an additional amount equal to 25% of such cost as estimated by the Authorized Agent for said repair or replacement. The responsible party shall schedule a follow-up Sewer Lateral Inspection and Sump Pump Inspection with the Authorized Agent, as appropriate, to confirm that the necessary repairs have been made.
- D. In no circumstances shall a building sewer and sewer lateral certificate be issued if any of the sewer regulation violations render the property unfit for habitation.

**ARTICLE V. DISCHARGE RESTRICTIONS**

**1. Discharge of injurious substances prohibited.**

The discharge into the sanitary sewer system of the Authority through any drain, public or private, of any substance or substances which may injure the said sewer system or any part thereof or which impairs or may impair the treatment of sewerage in the treatment plant is hereby prohibited.

**2. Authority to examine discharges.**

The Authority is hereby given the authority and is directed, in its discretion, to examine the content and character of all waste, commercial, industrial and other waste, prior to the discharge thereof into the Authority's sewer system.

**3. Prohibited discharges.**

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial or commercial process water into any sanitary sewer.
- B. The discharge of cooling water or condensation from air conditioning units with cooling towers or recirculating systems or from air-conditioning units using flow-through or unrecirculating systems is prohibited. The sanitary sewers are not designed to handle the cooling water volumes produced by air-conditioning units. Cooling water free from bacteria and harmful chemicals may be drained into stormwater drains or other disposal areas.
- C. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described wastes or waters to any sanitary sewer:
  - (1) Any liquid or vapor having a temperature higher than 160° F.
  - (2) Any water or waste containing more than 100 ppm (parts per million) by weight of fats, oils or greases.
  - (3) Any liquids, solids or gases which, by reason of their nature or quality, may cause fire or explosion, or be in any other way injurious to persons, to the sewage works structures or to the operation of these works.
  - (4) Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair.
  - (5) Any garbage that has not been comminuted or shredded by a garbage-disposal unit, installed with the approval of the Authority.
  - (6) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tars, plastic, wood, paunch manure, butchers' offal or any other solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system or the sewage treatment works.

- (7) Any water or waste having a pH lower than 6.0 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewage works.
  - (8) Any water or waste containing any toxic substances in quantities sufficient to interfere with the biochemical processes of the sewage treatment works or that will pass through the sewage treatment works and exceed the state or interstate requirements for the receiving stream.
  - (9) Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
  - (10) Any toxic radioactive isotopes, without special permit.
  - (11) Any water or waste that contains fluoride in excess of a concentration determined by multiplying 1.2 ppm by the ratio of the average flow in the receiving stream to the design flow of the sewage treatment works.
- D. No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the Authority and any person whereby an industrial waste of unusual strength or character may be admitted into the sanitary sewers for treatment by the Authority either before or after pretreatment.

#### **4. Discharges subject to Authority approval.**

In order to control the admission of industrial wastes, the approval of the Authority must first be obtained prior to the discharge into the public sewers of any waters or wastes having:

- A. A five-day twenty-degree-Celsius BOD greater than 300 ppm, or 0.573 pounds per EDU.
- B. A suspended solids content greater than 350 ppm, or 0.67 pounds per EDU.
- C. A chlorine demand greater than 15 ppm.
- D. An average daily flow greater than 2% of the average daily sewage flow at the sewage treatment works.
- E. Any toxic substance.
- F. Any wastes which are considered by the Sewer Authority to offer possibilities of harm to structures, processes or operation of the plant.

#### **5. Rules, regulations and conditions for other than domestic wastes.**

No factory effluents or industrial wastes, comprising wastes other than domestic, shall be discharged into the sewerage system, except upon compliance with the following rules, regulations and conditions:

- A. Each industry making application for permission to discharge industrial wastes into the sanitary sewer system shall furnish all the information necessary to determine the quantity of such waste and the nature or quality of the materials therein and other characteristics of such waste. The industry shall agree in such application to bear the cost of the original and any subsequent chemical analysis and laboratory tests.
- B. Adequate means shall be provided at each industry's connection with the sewerage system, for periodic determination of all characteristics and concentrations of wastes. Samples shall be collected in such manner as to be truly representative of the actual quality of the wastes, and standard methods of analysis as published by the American Public Health Association, shall be used.
- C. Industrial waste discharged or proposed to be discharged into the sanitary sewer system shall be subject to analysis by the Authority.
- D. Industries shall cooperate by adopting such schedules of discharge as will minimize peak concentrations when necessary.
- E. In the event that the materials and wastes discharged or proposed to be discharged from any industry or the chemicals in or characteristics of such wastes cause or threaten injury to the sanitary sewer system or impair the sewage treatment process or unduly increase the cost of operation thereof, said industry shall produce wastes of acceptable quality before discharge thereof into the sanitary sewer system by reducing its peak discharges by construction of equalizing tanks, by pretreatment, by partial pretreatment, by elimination of troublesome wastes or by other approved means.
- F. Industries applying for permits to discharge industrial wastes into the sanitary sewer system from new or existing treatment facilities are required to furnish, in quadruplicate, complete engineering reports, plans and specifications covering connection to the sanitary sewer system, industrial waste treatment facilities and measuring devices. This applies also to alteration and additions to such connections or treatment facilities. Reports and supporting data herein referred to must be prepared by an engineer registered in Pennsylvania.
- G. Industries will not connect to the sanitary sewer system or proceed with any construction of industrial wastes treatment facilities or changes to existing waste treatment facilities unless plans and specifications covering same have been approved by the Authority.
- H. The industry shall indemnify the Authority for any damages caused by its industrial wastes to the sanitary sewer system, its function and for its treatment processes. Such indemnification shall be in strict conformance with the applicable local and state laws and shall be in effect during the life of agreements between industries and the Authority.

- I. The Authority reserves the right to cancel any agreement between any industry and the Authority after one year. However, whenever it shall be found that a service installation or industrial waste treatment facility has been made contrary to these rules and regulations and constructed and operated in any other manner than that approved by the Authority, the service shall be disconnected and removed within 30 days. The services shall not again be supplied until the service installation and industrial waste treatment facilities are constructed and operated according to these rules and regulations and all expenses and damages shall be paid by the industry or its successors.

## **6. Meters and measuring devices.**

Each industry discharging factory effluents or industrial wastes into the sanitary sewer system shall install a suitable device for continuously indicating recording and totalizing the flow discharged by it into the sanitary sewer system and shall submit for approval by the Authority plans for complete metering installation. All meters or the measuring devices installed or required to be used shall be under the control of the Authority. The industry by which any such measuring device is installed at its own expense, shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made at the industry's cost, whether such repairs are made necessary by ordinary wear and tear or other cause. Bills for such repairs, if made by the Authority, shall be due and payable within 30 days after the date of issuance by the Authority.

## **7. Charges for treatment of industrial wastes.**

Charges for the treatment of industrial wastes shall be made in accordance with the rates as noted on the permit when issued by the Authority.

## **8. Connection permits; procedure upon finding discharge to be harmful; right of Borough to inspect.**

- A. Before any permits shall be issued by the Authority for the connection to and use of the sanitary sewer system by any person or corporation for use other than domestic sewerage and household wastes, such person or corporation shall enter into a written agreement with the Authority wherein the connection charge shall be fixed and the character, quantity and rate of discharge of such waste into said sanitary sewer system from the property shall be particularly set forth.
- B. All connection permits for industrial or commercial waste shall be provisional in nature and conditional upon the character and quantity of the waste proposed to be discharged, and said Authority reserves unto itself the right to refuse to permit industrial, commercial or other waste to be discharged into said sanitary sewer system if, in the opinion of the Authority, such industrial, commercial or other waste would be injurious to or destructive of the physical property of said sewage disposal system, including also unusual burdens on the process of disposal.
- C. If, after permission to connect and discharge into the Authority sewer system, in the opinion of the Authority, the waste should prove to be injurious to or destructive of the physical property of said system or the processes of disposal, the Authority reserves the right for the immediate refusal

to permit further discharge of said sanitary sewer system, and to require the industry to make whatever preliminary or further treatment is necessary before again allowing such industrial waste to be discharged into the system.

- D. The Authority shall have the right to inspect treatment plants and require reports on operation of such plants and analyses of effluent from time to time as may be deemed necessary.

**9. Special permit not required for normal domestic sewage from nondomestic uses.**

Notwithstanding any of the above requirements, any industrial, manufacturing or commercial plant may discharge normal domestic sewage from the above plants into the sanitary sewer system without the issuance of a special permit as herein provided.

**ARTICLE VI. FATS, OIL AND GREASE TRAPS/ INTERCEPTORS**

**1. Introduction; purpose.**

- A. This article shall apply to both new and existing facilities generating FOGs as a result of food manufacturing, processing, preparation, or food service. Such facilities shall install, use, and maintain appropriate grease interceptors as required by this article. These facilities include but are not limited to restaurants, food manufacturers, food processors, hospitals, hotels and motels, schools, prisons, nursing homes, and any other facility preparing, serving, or otherwise making any foodstuff available for consumption other than kitchens intended for private residential purpose.
- B. The purpose of this article is to provide for the regulation, inspection, maintenance and rehabilitation of FOG interceptor systems; to further permit intervention in situations that may constitute a public nuisance or hazard to the public health, safety and welfare; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

**2. Applicability.**

FOG interceptor systems shall be provided when required by the Borough plumbing code or industrial pretreatment regulations, or when determined necessary by the Authorized Agent for the proper handling of sewage containing excessive amounts of FOG.

**3. Permit requirements.**

- A. No person shall install, construct, or alter a FOG interceptor system, or occupy any building or structure for which a FOG interceptor system is to be installed without first obtaining a permit from the Authorized Agent, as appropriate, which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of this article.

- B. No system or structure designed to provide FOG interceptor shall be covered from view until approval to cover the same has been given by the Authorized Agent.
- C. Applicants for permits shall notify the Authorized Agent of the schedule for construction of the permitted FOG interceptor system and shall notify the Authorized Agent at least 48 hours in advance of any required inspections.
- D. No building or occupancy permit shall be issued for a new building that will generate sewage containing FOG until a valid permit has been obtained from the Authorized Agent.
- E. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage containing FOG from the structure, until the structure's owner receives a permit for alteration or replacement of the existing FOG interceptor system.
- F. Permits may be issued only by the Borough.

#### **4. Design.**

All FOG interceptor systems shall be of type and capacity approved by the owner's design professional and shall be located to be easily accessible for cleaning and inspection.

#### **5. Inspections.**

- A. The owner of any improved property connected to the sewage system shall allow the Authorized Agent bearing proper credentials and identification to:
  - (1) Enter all properties and facilities for the purpose of inspection, observation, measurement, sampling, and testing to determine compliance with the provisions of these regulations and for the performance of other functions relating to service rendered by the Borough and/or Authority in regard to the sewage system.
  - (2) Examine and copy any and all records required to be maintained by the owner for the purpose of determining compliance with the provisions of these regulations and any and all state or federal pretreatment standards and regulations.
- B. Any FOG interceptor system may be inspected by an authorized agent at any reasonable time as of the effective date of this article.
- C. Such inspection may include a physical tour of the property, the sampling of the contents of the FOG interceptor itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

- D. An Authorized Agent shall have the right to enter upon land for the purposes of inspections described in this section.
- E. An initial inspection shall be conducted by an Authorized Agent within three months of the effective date of this article for the purpose of determining the type and functional status of each FOG interceptor system in the Borough. A written report shall be furnished to the owner of each property inspected, and a copy of said report shall be maintained in the Borough records.
- F. A schedule of routine inspections may be established to assure the proper functioning of the FOG interceptor systems in the Borough.
- G. An Authorized Agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the Authorized Agent shall order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of the Borough and/or the Department or is not technically or financially feasible in the opinion of the authorized agent, then action by the property owner to mitigate the malfunction shall be required.

**6. Operation.**

- A. Only normal domestic wastes shall be discharged into any FOG interceptor system. The following shall not be discharged into the system:
  - (1) Industrial waste.
  - (2) Automobile oil and other nondomestic oil.
  - (3) Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
  - (4) Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.
- B. The wastes described in the first three items in the preceding tabulation shall be properly pretreated and/or discharged to a holding tank and disposed by a contractor approved by the Department.

**7. Maintenance.**

- A. Each person owning a building served by a FOG interceptor system shall have the FOG interceptor pumped by a qualified pumper/hauler within one month of the effective date of this article. Thereafter, that person shall have the tank pumped at least once every quarter or whenever an inspection reveals that the FOG interceptor is filled with grease and floatables on the top or with solids at the bottom in excess of 1/3 of the liquid depth of the tank or four inches. Receipts from the pumper/hauler shall be submitted to the Borough within two weeks after the pumping.

- B. The required pumping frequency may be increased or decreased at the discretion of an authorized agent if the FOG interceptor is undersized/oversized, if solids buildup in the tank is above/below average, if the hydraulic load on the system increases significantly above/below average, if the system malfunctions, or for other good cause shown. If any person can prove that such person's FOG interceptor had been pumped within three months of the effective date of this article, then that person's initial required pumping may be delayed to conform to the general three-month frequency requirement, except where an inspection reveals a need for more frequent pumping intervals. All approvals to modify the required frequency of required pumping shall be approved in writing by the Authorized Agent.
- C. Any person owning a property served by a FOG interceptor shall submit, with each required pumping receipt, a written statement from the pumper/hauler or from any other qualified individual acceptable to the Borough that the baffles in the FOG interceptor have been inspected and found to be in good working order. Any person whose FOG interceptor baffles are determined to require repair or replacement shall first contact an Authorized Agent for approval of the necessary repair.
- D. Any person owning a building served by a FOG interceptor system shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Borough within two months of the effective date of this article. Thereafter, service receipts shall be submitted to the Borough at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for the FOG interceptor exceed those recommended by the manufacturer.
- E. Additional maintenance activity may be required as needed, including but not necessarily limited to cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, etc.

## **8. System rehabilitation.**

- A. FOG interceptor systems shall be operated and maintained in a responsible manner so as not to allow malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank.
- B. A written notice of violation shall be issued to any person who is the owner of any property which is found to be served by a malfunctioning FOG interceptor system or which is discharging FOG without a permit.
- C. Within seven days of notification by the Authorized Agent that a malfunction has been identified, the property owner shall make application to the Authorized Agent for a permit to repair or replace the malfunctioning system. Within 30 days of initial notification by the Authorized Agent, construction of the permitted repair or replacement shall commence. Within 60 days of the original notification by the Authorized Agent, the construction shall be

completed unless seasonal or unique conditions mandate a longer period, in which case the Authorized Agent shall set an extended completion date.

- D. An Authorized Agent shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, the addition of bacterial cultures specifically designed to decompose FOG, replacing the system with a holding tank, or any other alternative appropriate for the specific site.
- E. In lieu of or in combination with the remedies described in Subsection D above, an Authorized Agent may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving appurtenances or they may be required to be replaced by water-conserving devices.
- F. Should none of the remedies described in this section be totally effective in eliminating the malfunction of an existing FOG interceptor system, the property owner is not absolved of responsibility for that malfunction. The Authorized Agent may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary.

**9. Disposal of FOG.**

- A. All FOG originating within the Borough shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 et seq.) and all other applicable laws and at sites or facilities approved by the Department.
- B. Pumper/haulers of FOG operating within the Borough shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101-6018.1003) and all other applicable laws.

**ARTICLE VII. SEWAGE GRINDER PUMPS**

**1. Purpose.**

The purpose of this article is to establish procedures for the installation, use and maintenance of sewage grinder pumps and any associated force mains or low-pressure laterals. It is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Borough.

**2. Planning requirements.**

The connection of existing properties or proposed land development to an existing or proposed sewerage system through the use of sewage grinder pumps, their associated low-pressure laterals, and/or force mains shall only occur after an Official Plan revision to the Municipality's Act 537 Plan, approved by

both the Borough and Department, designates that the proposed properties be served by such a connection.

**3. Duties and responsibilities of property owner.**

- A. Each property owner served by a grinder pump shall have full responsibility for providing, installing, using, operating, maintaining, servicing, repairing and replacing his/her grinder pump and/or its low-pressure force main or lateral, unless otherwise set forth herein.
- B. Each property owner served by a grinder pump shall have full responsibility for using the pump consistent with the manufacturer's instructions and shall avoid introducing into the sewerage system materials that may damage the impellers on the pump, including, but not limited to, plastic items or bulky paper, even though they may be designated as biodegradable in septic tanks.
- C. The property owner shall be responsible for entering into a service contract with a private contractor for twenty-four-hour emergency repair or replacement service for grinder pump and low-pressure sewer system at the property owner's sole expense. In the event that the private contractor does not respond in a reasonable time period, the Authorized Agent, shall have the right to make any necessary repairs at the property owner's sole expense.
- D. Each nonresidential property owner served by a grinder pump shall either provide other means of wastewater disposal or close the structure and cease operations during any period when the grinder pump and low-pressure system serving that structure is inoperable.
- E. Where the low-pressure force main or lateral is shared between property owners, they shall submit to the Authorized Agent a declaration of easements, covenants and restrictions in recordable form setting forth the agreement of each benefited property owner with respect to the installation, use, operation, maintenance, service, repair, and replacement of the low-pressure sewer system, which agreement shall bind all future property owners. Following the approval of the low-pressure system by all applicable agencies, the Authorized Agent will not issue a permit for its installation until evidence is presented that the agreement has been recorded in the office of the Recorder of Deeds, Montgomery County, Pennsylvania.
- F. Property owners are required to disclose to prospective buyers the existence and condition of the grinder pump, in accordance with Article VII.4 hereinafter.

**4. Disclosure of grinder pumps.**

From and after the enactment of this article, it shall be the responsibility of any property owner whose property is served in whole or in part by a grinder pump who shall convey his, her, or its property to another, to disclose to the new owner, prior to the sale of the property, that the property is served by such grinder pump equipment and that the said grinder pump is in good operating condition. Any property owner or owners who violates this article by failing to disclose this information and/or fails to certify to the Authorized Agent that proper notification has occurred shall be subject to a penalty of up to \$1000.00 for each such violation.

## **ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT.**

### **1. Administration.**

- A. The Council shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this chapter.
- B. The Council shall employ or engage qualified individuals to carry out the provisions of this chapter as its Authorized Agent as it deems necessary. This may include the Authority or a designated agent of the Authority, a code enforcement officer, an administrator, and/or any such other person or firm as the Council deems necessary. Any authority or duty expressly delegated to an Authorized Agent in this Chapter may be performed by the Borough directly at the Council's discretion.
- C. The Council, or the Authority when such authority has been delegated to it, shall establish all administrative procedures necessary to properly carry out the provisions of this chapter.
- D. The Council, by resolution, shall establish a fee schedule, and authorize the collection of fees, to cover the cost to the Borough of administering this chapter. The Authority may also establish a separate fee schedule and collect separate fees to cover its costs in administering this chapter.

### **2. Appeals.**

- A. Appeals from final decisions of the Authorized Agent under this chapter shall be made to the Authority Board in writing within 30 days from the date of written notification of the decision in question.
- B. The appellant shall be entitled to a hearing before the Authority Board at its next regularly scheduled meeting, if a written appeal is received at least 14 days prior to that meeting. If the appeal is received within 14 days of the next regularly scheduled meeting, the appeal shall be heard at the next regularly scheduled meeting. The Authority shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown by the appellant, the Authority, or the Borough. The Borough shall have the right to intervene become a party to any such appeal to the Authority Board.
- C. A decision by the Authority Board shall be rendered in writing within 45 days of the date of the hearing.
- D. Failure of the Authority Board to commence a hearing or render a decision in the time periods established by this section shall render the appeal deemed denied, and may be appealed to the Court of Common Pleas of Montgomery County.

### **3. Power, duties, and responsibilities of the Authority.**

- A. The Authority shall exercise its powers and legal authority set forth herein, as delegated to it by the Borough, in compliance with all applicable statutes, ordinances, and other laws to affect the purposes of this chapter.
- B. The Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage that it deems necessary from time to time to effect the purposes herein. All such rules and regulations shall be in conformity with the provisions herein, all other ordinances of the Borough, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.
- C. The Authority is hereby authorized and empowered to take such other actions as are necessary, including, but not limited to, entering into agreements with property owners that assure proper operation and maintenance of sewage collection facilities within the Borough's borders, including, but not limited to, sewage grinder pumps and any associated force mains or low-pressure laterals.
- D. The Authority may specify the type of components to be used in a sewage collection facility so that full service capability is available locally and on short notice.
- E. Neither the Authority nor the Borough shall bear responsibility for the purchase, installation, use, operation, maintenance, service, repair, or replacement of such components, except as otherwise set forth herein.

**4. Enforcement, Violations and penalties.**

- A. Any person violating any of the provisions of this chapter shall be subject to the civil and criminal penalties and remedies authorized pursuant to Sections 12–15 of the Pennsylvania Sewage Facilities Act, 35 P.S. §§ 750.12–750.15, as amended.
- B. This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000.00 per violation plus all court costs, including reasonable attorney's and consultant's fees incurred by the Borough and/or the Authority; or by imprisonment for a term not exceeding 90 days
- C. Each section of this chapter that is violated shall constitute a separate offense.
- D. Each day that a violation hereunder continues shall constitute a separate offense.
- E. Fines and costs imposed under the provisions of this chapter shall be enforceable and recoverable in the manner at the time provided by applicable law.
- F. Nothing contained herein shall be deemed to waive any and all other remedies available to the Borough or the Authority, at law or in equity, relating to violations of the ordinances, resolutions,

regulations, policies, and procedures of the Borough and/or the Authority, all of which remedies are expressly retained by the Borough and the Authority.

- G. No judgment shall be imposed until the date of the determination of violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough and/or the Authority may enforce the judgment pursuant to the applicable Pennsylvania Rules of Civil Procedure.
- H. The fines herein fixed may be imposed in addition to the disconnection privileges wherever the same have been provided.

**5. Liens.**

The Borough, upon written notice from its Authorized Agent that an imminent public health or safety hazard exists due to failure of a property owner to maintain, repair, or replace a sewage collection system as provided under the terms of this chapter, shall have the authority to perform, or contract to have performed, the work required by the designated representative. The owner shall be charged for the work performed and, if necessary, a lien may be entered therefor in accordance with law.

**6. Abatement of nuisances.**

In addition to any other remedies provided in this article, any violation of this chapter shall constitute a nuisance and shall be abated by the Borough by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**ARTICLE IX. EFFECTIVE DATE.**

**1. Effective Date.**

This chapter shall become effective within the time period provided by law.

**ARTICLE X. SEVERABILITY.**

**1. Severability.**

In the event any section, sentence, clause, phrase or word of this chapter shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this chapter.

**ARTICLE XI. REPEALER.**

**1. Repealer.**

All ordinances or parts of ordinances inconsistent herewith, including, without limitation, Ordinance No. 2009-08 and Ordinance No. 2015-01, or in conflict with any of the specific terms of this chapter, to the extent of said inconsistencies or conflicts, are hereby repealed.

ENACTED and ORDAINED by the BOROUGH COUNCIL of THE BOROUGH OF GREEN LANE this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**BOROUGH OF GREEN LANE**

By: \_\_\_\_\_  
Brian L. Carpenter, Borough Council President

By: \_\_\_\_\_  
Lynn Wolfe, Borough Mayor

**ATTEST:**

\_\_\_\_\_  
Mary T. Garber, Borough Secretary

(Borough of Green Lane seal)