

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GREEN LANE (“BOROUGH”) INTENDED TO EFFECTIVELY REGULATE THE INSTALLATION, OPERATION, MAINTENANCE, AND RETIREMENT OF GRINDER PUMPS AND ANY ASSOCIATED LOW-PRESSURE SEWER SYSTEMS AND LATERALS WITHIN THE BOROUGH NOT OTHERWISE SUBJECT TO A VALID GRINDER PUMP AGREEMENT ENFORCEABLE BY THE GREEN LANE-MARLBOROUGH JOINT AUTHORITY.**

WHEREAS, the Borough, jointly with the Township of Marlborough, organized the Green Lane Marlborough Joint Authority (the “**Authority**”) pursuant to the Municipality Authorities Act, 53 Pa. C.S.A. § 5601 *et seq.* (the “**Authorities Act**”); and,

WHEREAS, the Sewer Authority is charged with the administration, design, finance, maintenance, and operation of the public sanitary sewer system that, in part, serves the Borough;

NOW THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Borough Council of the Borough, as follows:

I. **AMENDMENT.** Article VII of Chapter 319 of the Green Lane Borough Code (relating to the regulation of grinder pumps) is hereby, effective immediately, deleted, amended and restated as follows:

**§319-34 – General Provisions.**

- A. **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.
  
- B. **Applicability.** This article does not supersede or invalidate any agreement governing the installation, operation, maintenance, or retirement of grinder pumps or any associated low pressure sewer systems and laterals to which the Authority is a party. Rather this Article applies only to properties located within the Borough that require grinder pumps and any associated low pressure sewer systems and laterals and that are not otherwise subject to a valid grinder pump agreement enforceable by the Authority and herein establishes procedures for the installation operation maintenance and retirement of those systems.

- C. **Owner Responsibility.** Each owner of a property served by a grinder pump shall bear full responsibility for providing, installing, using, operating, maintaining, servicing, repairing, and replacing the grinder pump and any associated low-pressure sewer system and lateral. The Borough and the Authority shall bear no responsibility for the purchase, installation, use, operation, maintenance, service, repair, or replacement of a grinder pump or any associated low-pressure sewer system or lateral. Every owner of a property subject to this article shall assure, at the sole cost of the landowner, the short and long-term operation, maintenance, use, service, repair, or replacement of the system.
- D. **Grinder Pump Use.** Each owner of a property served by a grinder pump is required to use the grinder pump consistent with the manufacturer's instructions and shall avoid introducing into the sewer system materials that may damage the grinder pump.
- E. **Compliance Date.** All properties subject to this article containing a grinder pump installed prior to the enactment of this article shall comply with the grinder pump documentation requirements contained in this article on or before December 31, 2025.
- F. **Severability.** If any sentence, clause, section, or part of this article is, for any reason, found to be unconstitutional, illegal, invalid, or disallowed under applicable law or regulation, then such unconstitutionality, illegality, invalidity, or disallowance shall not affect or impair any part of the remaining article provisions, sentences, clauses, or sections. It is the intent of the Green Lane Borough Council that this article would have been adopted had such unconstitutional, illegal, invalid, or disallowed provision, sentence, clause, section, or part thereof not been included herein.

### **§319-35 – Installation; Operation; Maintenance.**

- A. **Approvals.** The property owner is responsible for obtaining any required permits or approvals for the installation or modification of a grinder pump and any associated low-pressure sewer systems and laterals. The connection of a property to the Authority's Sewage Collection System through the use of a grinder pump and associated low-pressure sewer systems and laterals shall occur only after:

(1) The property owner receives the required approvals or waivers from (i) the Authority, (iii) the Pennsylvania Department of Environmental Protection, (iv) the Pennsylvania Department of Transportation (if required), and (v) any other relevant agency as required by applicable law; such approvals to include sewage facilities planning under the Sewage Facilities Act; and,

(2) The property owner pays any applicable tapping fees.

- B. **Planning and Permits.** The Authority will not issue a permit for the installation of a grinder pump until copies of all approvals as may be required by the Authority are provided to the Authority. 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 the Pennsylvania Department of Environmental Protection, designates that the proposed properties be served by such a connection.
- C. **Fees.** The property owner shall be responsible for the payment of all other sewer fees, rentals, and other charges required by the ordinances of the Borough related to the use of the Authority's Sewage Collection System, and as required by the regulations of the Authority.
- D. **Compliance.** All grinder pumps and associated low-pressure sewer systems and laterals shall be installed, used, operated, maintained, serviced, repaired, and replaced in full compliance with the rules and regulations adopted by the Borough, the Authority, the Pennsylvania Department of Environmental Protection, and in compliance with any other applicable law. The property owner shall bear full responsibility for providing, installing, using, operating, maintaining, servicing, repairing, and replacing his or her grinder pump and any associated low-pressure sewer systems and laterals; provided however, that the Authority shall mark the location of a lateral after completion in response to any Pennsylvania One Call request, if asked to do so.
- E. **Electrical Power.** The owner of a property serviced by a grinder pump shall provide an adequate supply of electrical power with the proper phase, frequency, and voltage consistent with all manufacturer's recommendations.

- F. **Labels.** All control panels for individual grinder pump units shall have a permanently attached phenolic label stating the following: “All maintenance costs for grinder pump systems are the property owner’s responsibility.”
- G. **Dedication.** All off-site low-pressure sewers and service connections shall be offered for dedication to the Authority. Maintenance of grinder pumps and low-pressure sewer systems not accepted for dedication by the Authority shall be performed by the property owner in accordance with this article.
- H. **Grinder Pump Model.** The property owner shall install an E-1 Extreme Series Model DH071 or an equivalent or superior pump approved by the Authority’s engineer.
- I. **Inspection and Service.** Each owner of a grinder pump and any associated low-pressure sewer system and lateral shall implement an inspection and maintenance program for the grinder pump and associated low pressure sewer system and lateral that includes, at a minimum, the manufacturers recommended services and inspections for each separate component thereof. After the first month of operation of a grinder pump, and annually thereafter or more frequently if the manufacturer of any component part recommends more frequent servicing, the property owner shall have the grinder pump inspected and certified by a qualified individual to confirm that it is operating properly. The property owner shall obtain and maintain a report signed by the inspector certifying that the grinder pump is operating in accordance with the manufacturer's specifications and recommendations. The property owner shall provide the Authority with a copy of the certified report upon request.
- J. **Contract for Service.** The property owner shall also maintain a contract with a licensed plumber or other qualified contractor, acceptable to the Authority, to ensure a seven day per week 24 hour emergency repair service for the grinder pump and any associated low pressure sewer system and lateral. The property owner shall immediately provide the Authority with a copy of the contract, and the name, address, and telephone number of the aforementioned licensed plumber or qualified contractor. The property owner shall ensure the information maintained by the Authority in this regard is accurate and current at all times thereafter.
- K. **Inoperability.** The property owner served by a grinder pump shall close the associated low pressure sewer system and lateral and cease operations during any period when the grinder pump or low pressure sewer system or lateral servicing the property is inoperable.

- L. **Authority Access.** The Authority shall, at reasonable times and with at least seventy-two (72) hours' notice and with the property owner's permission or as otherwise permitted by applicable law, have access to the grinder pump and associated low pressure sewer system and lateral for inspection; provided however, that no notice shall be required, and access to Authority shall be granted immediately upon the request of the Authority in the event of an emergency. As used in this article the term "emergency" shall be determined in the reasonable discretion of the Authority.
- M. **Additional Buildings.** Prior to (i) the construction of any additional buildings on a property subject to this article, or (ii) when a low pressure sewer system or lateral is to be shared between property owners, a property owner shall submit: (i) an application for land development to the Borough, (ii) a request for approval from the Authority, and (iii) a sewage facilities planning module application Mailer to the Pennsylvania Department of Environmental Protection for a planning determination, and further, the property owner shall secure approval from the aforementioned parties. In conjunction with any approval, the Authority may require a pump station to be constructed by the property owner, at the property owner's expense, to handle sewage flow from multiple buildings (including the building which is being connected by use of the grinder pump subject to this article), and also to remove the existing grinder pump and connect all such buildings to the pump station. Further, such pump station shall be constructed by the property owner in accordance with the requirements and regulations of the Borough, the Authority, the Pennsylvania Department of Environmental Protection, and any other appropriate regulatory agency.
- N. **Gravity Connection.** The owner of a property subject to this article shall retire the property's grinder pump, disconnect from the low-pressure system, and connect the property to a gravity sewer system at the direction of the Authority when a gravity sanitary sewer collection system is constructed in a location (i) abutting any boundary line of the property or (ii) within one hundred fifty (150) feet of any occupied structure situated on the property, and in addition to the foregoing (i) or (ii), the Authority engineer determines that it is reasonably feasible to connect the property to the aforementioned gravity sewer system.

#### **§319-36 – Documentation and Disclosure.**

- A. **Plan and Declaration.** A property owner proposing to install a grinder pump and associated low-pressure sewer system or lateral shall: (i) prepare an operation and maintenance plan for the grinder pump to the satisfaction of the

Authority engineer and (ii) execute and record a declaration of covenants easements and restrictions with respect to the operation and maintenance of the grinder pump and associated facilities to the satisfaction of the Authority solicitor. The declaration shall acknowledge, among other things, that the property owner is aware of and will comply with this article and will assure the short and long term operation, maintenance, service, repair and replacement of the grinder pump and any associated low-pressure sewer system and lateral. Further, the declaration shall permit and empower the Authority to take any and all steps necessary to enforce the property owner's obligations under this article. The declaration shall also permit the Authority to enter judgment against and lien the subject property for reimbursement of all costs and expenses related the Authority's enforcement of the property owner's obligations under this article. Where a low-pressure sewer system or lateral is to be shared between property owners, the aforementioned declaration shall contain terms and conditions to delineate the obligations of each property owner with respect to the installation, use, operation, maintenance, service, repair, and replacement of the low pressure sewer system or lateral.

- B. **Recordation.** The Authority shall not issue installation permits until (i) the low-pressure system has been approved by every relevant agency and (ii) the declaration has been recorded with the Office of the Recorder of Deeds in Montgomery County, Pennsylvania. The property owner(s) shall be responsible for the cost of preparing, filing and recording the declaration.
- C. **Information.** The owner of a property served by a grinder pump shall obtain and maintain, at the property, and make available to the Authority, as requested, the following information with respect to the grinder pump: (i) written operation and maintenance instructions, (ii) annual inspection reports for the past five (5) years, (iii) a detailed drawing showing the location, size, material type, and depth of all components of the grinder pump and any associated low pressure sewer system and lateral, including provision of a caution notice regarding disturbance near and within the grinder pump and associated facilities, (iv) a written description of any automatic alarm system with the grinder pump and any associated low pressure system, and who to contact in the event that the alarm would be activated. Additionally, the property owner shall maintain a copy of the aforementioned contract with a licensed plumber or qualified contractor, along with the address and telephone number for the licensed plumber or qualified contractor.

- D. **Sale of Property.** Upon the sale or transfer of a property served by a grinder pump or low pressure sewer system or lateral, the seller/grantor shall provide to the buyer/grantee all of the aforementioned information regarding the grinder pump system, prior to the settlement. The information provided shall include (i) all information and documents required to be maintained at the property, (ii) a copy of any recorded declaration, (iii) grinder pump manufacturer and distributor identity, if available, (iv) contact information for the aforementioned licensed plumber or qualified contractor, (v) system operating instructions, (vi) warranties, if available, and (vii) a maintenance/service schedule. Seller/grantor shall inform Buyer of the requirements of this article.

**§319-37 – Enforcement and Penalties.**

- A. **Penalties.** Each violation of a section or subsection of this article shall constitute a separate violation and each day that a violation persists shall constitute a separate summary offense for which the maximum criminal fine of one thousand dollars (\$1,000.00) and/or a maximum term of imprisonment of ninety (90) days may be imposed upon conviction. Additionally, the Authority or Borough may institute appropriate action or proceeding at law or in equity, in which case, the offender shall be assessed all court costs and expenses and shall pay for attorneys' fees reasonably incurred by the party bringing the enforcement action.
- B. **Enforcement. Enforcement.** The Borough hereby designates the Authority to enforce the provisions of this article, and the Authority hereby agrees to enforce the provision of this article.
- C. **No Limitations.** The penalties and enforcement mechanisms in this article are in addition to any penalties or enforcement mechanisms that may otherwise be available to the Borough or the Authority.

**II. REPEALER AND RATIFICATION.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed. The remainder of the Chapter 319 of the Borough Code, which is unaffected by the present ordinance, shall remain in full force and effect, and the same is hereby ratified and affirmed.

**III. SEVERABILITY.** Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

**IV. ENACTMENT AND EFFECTIVE DATE.** This Ordinance shall be effective in five days and shall remain in force until modified, amended or rescinded by the Borough of Green Lane, Montgomery County, Pennsylvania.

**ENACTED** and **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**GREEN LANE BOROUGH COUNCIL**

By: \_\_\_\_\_  
Brian Carpenter, President

Attest: \_\_\_\_\_  
Marty T. Garber, Secretary

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Lynn Bergey, Mayor