

BOROUGH OF PINE GROVE
COUNTY OF SCHUYLKILL IN THE
COMMONWEALTH OF PENNSYLVANIA

Ordinance No. 411

AN ORDINANCE OF THE BOROUGH OF PINE GROVE, COUNTY OF SCHUYLKILL IN THE COMMONWEALTH OF PENNSYLVANIA CREATING A REQUIREMENT THAT PROPERTIES IN THE MUNICIPALITY CONNECTED TO THE PUBLIC SEWER SYSTEM HAVE THEIR SEWER SYSTEM INSPECTED PRIOR TO A TRANSFER OF OWNERSHIP IN SCHUYLKILL COUNTY, PENNSYLVANIA; ADOPTING CERTAIN RULES AND REGULATIONS; ESTABLISHING APPLICATION FEES AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; AND, PROVIDING FOR THOSE PENALTIES TO BE INCREASED OR DECREASED BY RESOLUTION ONLY AND FOR THE AMOUNT OF THE APPLICATION FEES TO BE SET BY THE PINE GROVE JOINT TREATMENT AUTHORITY AS STATED IN ITS RULES AND REGULATIONS AS AMENDED FROM TIME TO TIME.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Pine Grove, and is hereby enacted and ordained by the authority of the same as follows:

A. Introduction

Municipalities have an obligation to provide for adequate sewage treatment facilities and protection of the public health by preventing the discharge of untreated or inadequately treated sewage as mandated by municipal codes, the Clean Streams Law (35 P.S. §691.1001 and the Pennsylvania Sewage Facilities Act (35 P.S. §750.1 et seq.).

A recent study conducted by the Pine Grove Joint Treatment Authority (PGJTA) has disclosed that during periods of heavy rains the discharge into the sanitary sewer system rises dramatically in direct relation to the rainfall. This discharge increase is commonly known as Inflow and Infiltration (I&I). Inflow is ground water coming into the system by intentional means and Infiltration is ground water coming into the system by unintentional means. The study revealed that the PGJTA Sewage Treatment Plant exceeded its discharge capacity during recent heavy rain events. Further, undocumented connections and connections which permit a discharge of regulated or prohibited materials is likely to be exposed and eliminated, regulated and properly charged for in the case of certain regulated but unascertained discharge. The examination of all types of connections and all manner of disposal systems is contemplated under this ordinance, including but not limited to gravity systems, grinder pump and other assisted delivery systems including but not limited to low pressure systems and any other technology by which wastewater is delivered to the PGJTA Sewage System.

Excess treatment capacity is a valuable resource which when available can economically provide future growth in both the Township and the Borough. As I&I and other types of unregulated and undocumented connections are consuming this valuable excess

capacity, the elimination of I&I and the regulation and documentation of such discharge is a priority project of the PGJTA.

The PGJTA has considered several means of solving these problems and has determined that the most even handed and cost effective way to begin implementing its I&I reduction program and the regulation and documentation of certain connections is to have a property owner's sewer system inspected on a random basis such as when a property is transferred. It is also believed that when a property changes hands, the new property owner should be assured that the property's sewer system is in good working order. Further, when a property is transferred there is usually an accompanying transfer of value from which a fund is available to pay for necessary remedial work.

B. Purpose.

The purpose of the ordinance is therefore to minimize I&I, discover undocumented and unregulated systems, maintain the PGJTA within its discharge limitations as prescribed by its NPDES permit and to provide for the orderly and random inspection of a certain number of properties each year as properties are transferred. This ordinance will set forth the guidelines for inspection of property sewer systems and the procedure to be followed to administer the pre transfer inspection of property sewer systems.

PGJTA proposes to address Inflow, Infiltration and undocumented and unregulated systems by examining a property owner's sewer system to eliminate inflow which may be deliberately placed in the system and infiltration which often results as a consequence of a defective or improperly maintained system. The elimination of inflow and infiltration will reduce the sewage treatment burden on the PGJTA sewage treatment plant. The minimization of inflow and infiltration, in addition to reducing the burden will lessen the likelihood that the PGJTA will exceed its NPDES permitted discharge authority and will preserve valuable capacity for future users. Ultimately, the elimination of inflow and infiltration and undocumented and unregulated uses will extend the life of the plant as when the plant comes near to its capacity, the Pennsylvania Department of Environmental Protection is expected to call on the PGJTA to further expand the plant. It is therefore clearly in everyone's current and future interests to eliminate I&I as well as unregulated and undocumented connections to the PGJTA facility.

C. Applicability

This ordinance shall be applicable from its hereinafter stated effective date and shall apply to all properties in this municipality that are connected to the Pine Grove Joint Treatment Authority public sewer system. For purposes of clarity, this includes but is not limited to all residential, commercial and industrial uses.

D. Definitions

Adequate Reserve - A sum determined by multiplying by 1.5 the reasonably determined costs anticipated to be incurred for the repair of a Sewer System to bring it up to PGJTA Operating Standards and Specifications. Such costs to be estimated by PGJTA at market rates prevailing in the community at the time such repair service is required.

Application to Transfer - The form prescribed by the PGJTA, as amended from time to time, notifying the PGJTA that a Serviced Property is intended to be transferred and a Sewer System Inspection is requested.

Certificate of Sewer Status (CSS) - The certificate given by the PGJTA evidencing the status of the Sewer System on a Serviced Property.

Deemed Approval - The situation that occurs, resulting in a Serviced Property being Exempt from Compliance with this Ordinance when the PGJTA is unable to or declines to inspect a Property within 15 days after an Application to Transfer is delivered to the PGJTA.

Delivered to the PGJTA - Hand delivery, Delivery by first class mail addressed to the PGJTA at its current street address of record or hand delivered to an officer or employee of the PGJTA at Mifflin Street, Pine Grove, PA.

Exempt from Compliance - Exemption due to death of a co-owner, or a Deemed Approval for failure of PGJTA to timely inspect a Serviced Property.

Lateral - The portion of the sewer line connecting a Serviced Property to the PSS.

Notice of Failure - Notice by PGJTA that a Sewer System to a Serviced Property does not meet PGJTA Operating Standards and Specifications.

NPDES Permit - the permit issued by the Pennsylvania Department of Environmental Resources authorizing the PGJTA to discharge treated waste water in to streams of the Commonwealth. National Pollutant Discharge Elimination System

PGJTA Operating Standards and Specifications - Those standards and specifications setting forth the minimum requirements of the condition of a Sewage System of a Serviced Property, as amended from time to time, and made part of the Rules and Regulations of the PGJTA.

Pine Grove Borough (Borough) - The Borough of Pine Grove, Schuylkill County.

Pine Grove Joint Treatment Authority (PGJTA) - The municipal authority with its principal office located in Pine Grove Borough, Schuylkill County, responsible under various acts, ordinances and statutes for the collection and treatment of waste water in Pine Grove Township, Washington Township and Pine Grove Borough.

Pine Grove Township (Township) - The Township of Pine Grove, Schuylkill County.

Property Owner/Responsible Party - The responsible person(s) or entity having authority to Transfer a Serviced Property, including but not limited to current property owners, sellers of property, executors, trustees, personal representatives and any agent servant or employee acting in such capacity.

Public Sewer System (PSS) - The portion of the public sewer transmission line that is owned and operated by the PGJTA.

Remediation - The requirements imposed under a CSS by the PGJTA setting forth the necessary repairs that must be made to a Sewer System on a Serviced Property in order for the Sewer System to meet then current PGJTA Sewer System Operating Standards and Specifications.

Rules and Regulations of PGJTA - Those rules and regulations, as amended from time to time, as adopted by the PGJTA.

Serviced Property - Any property, including a home, business, structure, trailer or other improvements located in the Borough, Pine Grove Township or Washington Township that is connected to the PSS.

Sewage System - For the purpose of this ordinance: All aspects of a Serviced Property related to the removal of waste or storm water which could likely enter the Public Sewage System. This specially defined term includes rain gutters and down spouts, internal and external plumbing fixtures and devices, sump pumps, french drains, and all other aspects of a Serviced Property dealing with transporting and eliminating sewage and storm water from a Serviced Property.

Sewer System Inspection - The act performed by PGJTA, or its authorized agents, to determine if the Sewer System of a Serviced Property is in conformity with current PGJTA Operating Standards and Specifications.

Transfer of Property (Transfer) - Any act under which a Serviced Property is sold, given, donated, transferred or otherwise has a change of titled ownership of real property or personal property.

Washington Township (Washington Township) - The Township of Washington, Schuylkill County.

E. Inspection Requirements/Exemption

It shall be unlawful for any Property Owner/Responsible Party to sell, give, donate, transfer or otherwise change titled ownership of Serviced Property (Transfer) in the municipality without first having secured a certificate of sewer system status (CSS) from the PGJTA. In the event of the death of a Property Owner and a direct inheritance of real estate or personal property to a new owner, it shall be unlawful for a deed to be placed on record to a new owner or a title to be transferred without the Property Owner/Responsible Party having first secured a CSS. In the event of the death of a co-owner, such as husband and wife, joint tenant and the like, no CSS shall be required and this Transfer shall be exempt from the requirements of this ordinance.

F. Method of application

The Property Owner or Responsible Party shall notify the PGJTA of an intention to Transfer a Serviced Property in the Municipality as soon as practical. The Property Owner/Responsible Party shall do so in writing on a form prescribed by the PGJTA designated as an Application to Transfer. The form shall notify the PGJTA of the intended transfer and the anticipated time and date of transfer. The PGJTA shall also provide the

Property Owner or Responsible Party with the requirements that need to be met in order for the sewer system to be considered in good repair by then current standards in place in the Rules and Regulations of the PGJTA. With the application the applicant shall pay an inspection fee in accordance with the PGJTA rules and regulations in effect at the time of the application.

G. Inspection/Failure to Timely Inspect/Deemed Approval

The PGJTA shall cause the inspection to occur within 15 days after the fully completed Application to Transfer form is delivered together with the Application Fee to the PGJTA. Delivery shall be by any of the following methods:

Regular mail
Hand delivery

If the PGJTA fails to inspect the sewer system within 15 days and fails to provide the Property Owner/Responsible Party with either a notice of Failure or a CSS, then the property shall be deemed to pass the inspection. This event shall be designated a Deemed Approval.

Nothing in this provision or this entire ordinance shall however, in any way limit or restrict the rights of the PGJTA to cause the inspection of a sewer system at any time, this right being expressly stated in PGJTA Rules and Regulations. A Deemed Approval under this provision shall only excuse the responsible party from the fines and penalties associated with this ordinance. The acquisition of a property without first complying with the inspection requirements of this ordinance does not prevent or in any way limit the PGJTA's rights to inspect a sewer system at any time.

If the property receives a Notice of Failure, the steps prescribed under remediation shall apply.

H. Methodology of Testing

The testing procedures utilized by PGJTA under the direction of the Operations Manager shall include all proper and legal inspections and testing methods required to determine whether the property involved in the test is in compliance with the provisions of the rules and regulations of the Authority and the Municipal Ordinances applicable to public sanitary sewage in general. The permitted inspections and tests shall include but not be limited to (a) the inspection of inside plumbing, french drains, sump pumps, floor and other miscellaneous types of drains to determine whether or not the same are constructed in such a manner as to permit the discharge of any substance into the public sanitary sewer system; (b) the inspection of outside area drains, driveway drains and roof leaders to determine whether or not any of the same are constructed in such a manner as to permit the discharge of any substance into the public sanitary sewer system; (c) the determination of whether inspection stacks, building traps and clean outs are in existence and in proper working order and otherwise comply with existing PGJTA rules and regulations and (d) the inspection of all lateral sewers to determine whether or not the same have any inflow or infiltration resulting from any cause whatsoever which is not permitted under the applicable PGJTA rules and regulations or applicable Municipal Ordinance. The inspection and testing procedures shall utilize all appropriate means, including but not limited to (i) low pressure air testing, (ii)

smoke testing, (iii) dye testing, (iv) dye flooding and (v) internal television video inspection of the inside plumbing (building side of the trap), any drains and all lateral sewers located on the property being tested.

I. Remediation/Re-inspection

If after inspection the PGJTA or its Agent determines that the property has failed to meet the PGJTA Sewer System Standards, a report designated Notice of Failure shall be issued and the Serviced Property shall not be Transferred until either the status of the sewer system has been corrected to the satisfaction of the PGJTA or the Designated Inspector and a CSS is issued, or an Adequate Reserve has been set aside in an escrow account naming the PGJTA and the Responsible Party as joint owners on the account and which account is designated for sewer system repairs to the Serviced Property.

J. Transfer without Inspection - Penalty

It shall be a violation of this ordinance for a property owner to fail to first secure a CSS or Deemed Approval before a transfer occurs. The penalty for a violation of this section shall be a fine of \$500 for the initial failure to comply with the ordinance and a continuing violation punishable by a fine of \$25.00 per day for each day after the Transfer that the Serviced Property goes without a valid CSS or Deemed Approval. The penalties imposed by this ordinance shall be reduced to a lien and placed against the current property owner by action of PGJTA or the Municipality.

K. Relief from Lien/ Lien satisfaction

Upon satisfactory compliance with this Ordinance and payment of all fines, penalties and associated costs, the PGJTA shall promptly satisfy the lien. If the remedial work necessary to bring the property into compliance cannot be immediately accomplished, a CSS may be issued provided an amount equal to 1.5 times the estimated costs of repairs plus reasonable compliance costs are escrowed in an account naming the PGJTA and the property owner as co-owners of the escrowed account and all fines, penalties and costs are paid.

L. Fees

The cost for the sewer system inspection shall be paid by the Responsible Party and be based upon the number of EDUs providing service to the subject property. The fee shall be paid with the application to transfer a property. The amount of the fee shall be set by the Pine Grove Joint Treatment Authority and shall be clearly stated in its Rules and Regulations as amended from time to time.

M. Repealer

All ordinances or resolutions or parts of ordinance or resolutions which are inconsistent herewith are hereby repealed to the extent that the same are inconsistent with the terms of this Ordinance.

N. Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included.

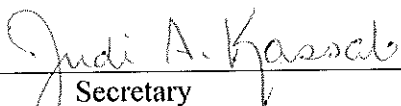
The Code of Ordinances, as amended, of the Borough of Pine Grove, Schuylkill County, Pennsylvania shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances upon adoption.

ORDAINED AND ENACTED this 15th day of March, 2011.

BOROUGH OF PINE GROVE
Schuylkill County, Pennsylvania

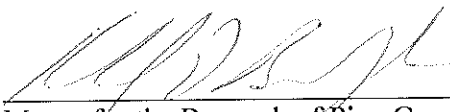
BY: 
President of Council

ATTEST:


Secretary

(SEAL)

Examined and approved this
15th day
of March, 2011.


Mayor for the Borough of Pine Grove
Schuylkill County, Pennsylvania