

SALFORD TOWNSHIP

Montgomery County, Pennsylvania

ORDINANCE #150

AN ORDINANCE ESTABLISHING SANITARY SEWER DISTRICTS WITHIN SALFORD TOWNSHIP, AND PROVIDING PROVISIONS FOR CONNECTION REQUIREMENT, CONNECTION EXEMPTION, FAILURE TO CONNECT AFTER NOTICE, BUILDING SEWER, PLUMBING PERMIT, CONSTRUCTION COSTS AND EXPENSES, BUILDING SEWER INSPECTION, SEWER ASSESSMENT, INSTALLMENT PAYMENT OPTION, ABANDONMENT OF SEWAGE DISPOSAL RECEPTACLES, VIOLATIONS AND PENALTIES, REPEAL AND RATIFICATION, SEVERABILITY, AND EFFECTIVE DATE

ENACTED:

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NOW, THEREFORE, the Board of Supervisors of Salford Township pursuant to authority conferred by Article XXV of the Pennsylvania Second Class Township Code, hereby ENACT and ORDAIN the following:

SECTION 1. CREATION OF SEWER DISTRICTS. Two Sanitary Sewer Districts are hereby established as follows:

Sewer District "A": Sewer District "A" shall be comprised of the properties along Allentown Road from 1500 feet south of the Ridge Road/Allentown Road intersection to 1700 feet north of the Ridge Road/Allentown Road intersection and the properties along Ridge Road from 2030 feet west of the Ridge Road/Allentown Road intersection to the Ridge Road/County Line Road intersection and the properties along the west side of County Line Road for a distance of 150 feet south of the Ridge Road/County Line Road intersection.

Sewer District "B": Sewer District "B" shall be comprised of the properties within the Country View at Salford and Country Crossing at Salford subdivisions in Salford Township.

These two Sanitary Sewer Districts will be collectively referred to in this Ordinance, as "the Sewer Districts," unless otherwise stated.

SECTION 2. CONNECTION REQUIREMENT. Upon notice from Salford Township to connect, the owners of all improved properties in the Sewer District "A", shall connect to the sewer lines within 90 days. Notices to connect will be triggered on an improved property in Sewer District "A" if (1) the Montgomery County Health Department determines that the on-lot system failed; (2) the improved (unconnected) property is sold;

or (3) improvement is made to property putting an unreasonable demand on the on-lot system, as determined by the Township, or its designee. The notice to connect shall be in writing directed by regular mail to the owner or owners of the properties in the Sewer Districts to be connected as their names and addresses appear on the Salford Township tax duplicate. All other connections by the owners of all improved properties in the Sewer District "A" shall be voluntary. For the purposes of this Ordinance, the term "improved property" shall mean any real property having a principle building within 250 feet of the sanitary sewer lines to be installed in the Sewer Districts.

SECTION 3. CONNECTION EXEMPTION. Owners of properties in Sewer District "A" shall be exempt from the requirement to connect to the sewer lines if the existing on-site sewer system is properly functioning, as certified by a sewage enforcement officer certified by the State Board for the Certification of Sewage Enforcement Officers of the Department of Environmental Protection. To be exempt from the requirement to connect to the sewer lines, the owner of properties in the Sewer Districts, within 30 days after receipt of the notice to connect provided for in the above Section 2, shall present to the Township a written certification signed by a Sewage Enforcement Officer certifying that the property is serviced by a functioning on-site sewage system.

SECTION 4. FAILURE TO CONNECT AFTER NOTICE. If an owner of property in the Sewer Districts is required to connect to the sewer lines, fails to do so within 90 days after notice to connect, the Township, or its authorized agent, may enter upon the property and construct the connection. The Township shall send an itemized bill for the cost of construction of the connection to the owner or owners of the properties in the Sewer Districts, to which the connection has been made, such bill shall be payable immediately. If the owner or owners fail to pay the bill, a municipal lien for the amount thereof shall be filed within six months of the date of completion of the construction of the connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

SECTION 5. BUILDING SEWER. A Building Sewer shall be connected to the Sewer Line at the place designated by the Township or, where the Lateral is provided. For the purposes of this ordinance, the term "Building Sewer" means the extension from the sewage drainage system of any structure to the Lateral of the Sewer Line. "Lateral" means that part of the Sewer Line extending from the Sewer Line to the curb line, or if there shall be no curb line, to the property line, or if no such Lateral shall be provided, then "Lateral" shall mean that portion of or place in the Sewer Line which is provided for connection of any Building Sewer.

SECTION 6. PLUMBING PERMIT. Owners of properties in the Sewer Districts shall obtain a plumbing permit issued by the Township prior to connection to the Sewer Line. The sewage plumbing on the interior of the dwelling, as well as the connection of the Building Sewer to the Sewer Line shall comply with the requirements of the Township Plumbing Code and shall be inspected and approved by the Township, or its designee. The owner shall make the interior plumbing available to the Township for the purpose of

the inspection and shall notify the Township at least 24 hours prior to the time when such connection is to be made.

SECTION 7. CONSTRUCTION COSTS AND EXPENSES. All costs and expenses of the construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to the Sewer Line shall be borne by the owner of the property to be connected; and such owner shall indemnify and save harmless the Township from all loss or damage that may be occasioned, directly or indirectly, as the result of construction of a Building Sewer or of the connection of a Building Sewer to the Sewer Line.

SECTION 8. BUILDING SEWER INSPECTION. No Building Sewer shall be covered until it has been inspected and approved by the Township. If any part of a Building Sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the Improved Property.

SECTION 9. SEWER ASSESSMENT. There is hereby assessed upon all properties in the Sewer Districts, served by the Sewer Line an equal assessment in proportion to the total of the expenditure of funds by the Township toward payment of the cost of construction of the Sewer Line, regardless of whether the property connects to the Sewer Line. This assessment, as well tapping/capacity fees, shall be determined by separate resolution of the Township's Board of Supervisors, in accordance with applicable law. All such assessments are payable to the Township Treasurer to defray the cost of the construction of the Sewer Line. The Township shall make out bills for the amounts charged against each property, and the bills shall be sent to the owners of each property in the Sewer Districts, which are benefited by the Sewer Line. If the assessment is not paid within 90 days after mailing the bill therefore, the Township shall collect the amount thereof by action of assumpsit or under the law for the filing and recovery of municipal claims. For purposes of this Ordinance, the term assessment shall be comprised of the connection fee and distribution/collection part of the tapping fee.

SECTION 10. INSTALLMENT PAYMENT OPTION. The connection charges, if any, imposed pursuant to Section 4 of this Ordinance, and the assessments imposed pursuant to Section 9, may be authorized to be paid in installments at the request of the owner of any property within the Sewer Districts, subject to such charges and assessments, in accordance with applicable law. Application for approval to make installment payments shall be made to the Township pursuant to a separate resolution of the Township's Board of Supervisors and the guidelines and procedures established thereby.

SECTION 11. ABANDONMENT OF SEWAGE DISPOSAL RECEPTACLE. Every privy vault, cesspool, septic tank or similar receptacle used for sewage disposal at an Improved Property shall, after connection to the Sewer Line, be abandoned and shall be pumped out and filled under the direction and supervision of the Township and/or the Montgomery County Health Department. Any such privy vault, cesspool, septic tank or similar receptacle not so abandoned, pumped out, and tilled shall constitute a nuisance

and such nuisance may be abated as provided by law at the expense of the owner of such Improved Property.

SECTION 12. VIOLATIONS AND PENALTIES. Anyone violating any of the provisions of this Ordinance shall be subject to a penalty not to exceed six hundred dollars (\$600) per violation. If the fine for violating the Ordinance is not voluntarily paid to the Township, enforcement shall be by a civil enforcement proceeding before a district justice, in accordance with the Second Class Township Code, as amended. The Township shall initiate the civil enforcement proceeding by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. In addition to or in lieu of civil actions before a district justice, the Township may also enforce this Ordinance in equity. In such an enforcement proceeding, any person, firm or corporation determined by the district justice to have violated this Ordinance, shall be liable for the initial fine imposed, as well as additional daily fines for continuing violations, including failure to timely pay, all court-costs and reasonable Township fees, including attorney fees, incurred by the Township in the enforcement proceeding. A separate violation shall arise for each day or portion thereof in which a violation is found to exist or for each section of the ordinance which is found to have been violated. All fines and penalties collected for the violation this Ordinance shall be paid to the Township treasurer. The Board of Supervisors may delegate the initial determination of ordinance violation and the service of notice of violation, to such officers or agents as the Township shall deem qualified for that purpose. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION 13. REPEAL AND RATIFICATION. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of Salford Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 14. 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 affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 15. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of March 2011, by the Board of Supervisors of Salford Township.

**SALFORD TOWNSHIP
BOARD OF SUPERVISORS**

TOM NEFF, *Chairman*

[SEAL]

Attested by:

KAREN LANDIS, *Secretary*

DRAFT

LEGAL NOTICE

Notice is hereby given under with Article XXV [Sanitary Sewer], Section 2503 [Notice of Contemplated Sewer Construction] that by Resolution 06-1350, Salford Township authorized the construction of a low pressure sewer collection system to serve the properties along Allentown Road from 1500 feet south of the Ridge Road/Allentown Road intersection to 1700 feet north of the Ridge Road/Allentown Road intersection and the properties along Ridge Road from 2030 feet west of the Ridge Road/Allentown Road intersection to the Ridge Road/County Line Road intersection and the properties along the west side of County Line Road for a distance of 150 feet south of the Ridge Road/County Line Road intersection. This system will connect with the Country View/Country Crossing Developments' pumping station; sewage will be pumped south on Allentown road to discharge into Franconia's new pumping station. Thereafter, combined sewage from Franconia and Salford will be conveyed through new and existing facilities to the Telford WWTP for treatment and disposal.

SALFORD TOWNSHIP BOARD OF SUPERVISORS

TO BE INSERTED in THE REPORTER on Friday, March 25; Friday, April 1; and Friday, April 8, 2011. Please send Proof of Publication to the Salford Township, 139 Ridge Road, Tylersport, PA 18971.

LEGAL NOTICE

Notice is given that at its regularly scheduling meeting on April 6, 2011, at 7:30 PM, at the Tylersport Volunteer Fire House, located at 125 Ridge Road, Tylersport, PA 18971, the Salford Township Sewer/Water Advisory Board will be presenting an update to the Board of Supervisors on the Tylersport Sewer Project, as well as providing an overview of the proposed Sewer District Ordinance. The public is invited to attend and will be given an opportunity to provide comments. Persons with disabilities, wishing to attend the Public Meeting and requiring auxiliary aid, service or other accommodations to participate, should contact the Salford Township at 215-257-5664.

SALFORD TOWNSHIP BOARD OF SUPERVISORS

TO BE INSERTED in THE REPORTER on Monday, March 28, 2011. Please send Proof of Publication to the Salford Township, 139 Ridge Road, Tylersport, PA 18971.