

**EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS**

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 170

"Building Sewers and Connections with Public Sewers"

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF EAST COVENTRY TOWNSHIP, CHAPTER 18 (SEWERS AND SEWAGE DISPOSAL), PART 3 (PUBLIC SANITARY SEWAGE SYSTEMS) TO DELETE EXISTING SECTION 306 (BUILDING SEWERS AND CONNECTIONS WITH PUBLIC SEWERS) IN ITS ENTIRETY AND REPLACE IT WITH A NEW SECTION 306 ENTITLED "BUILDING SEWERS AND CONNECTIONS WITH PUBLIC SEWERS" TO AMEND PARAGRAPH 1 (CONNECTION PERMIT) TO CHANGE THE NAME OF THE REQUIRED PERMIT FROM "CONNECTION PERMIT" TO "SANITARY SEWER PERMIT" AND TO REQUIRE PAYMENT OF AN APPLICATION FEE IN ACCORDANCE WITH THE TOWNSHIP'S FEE SCHEDULE; TO AMEND PARAGRAPH 7 (INSPECTION AND APPROVAL OF BUILDING SEWERS) TO PROHIBIT COVERING A BUILDING SEWER CONNECTION, MAINTENANCE, REPAIR AND/OR REPLACEMENT UNTIL IT HAS BEEN INSPECTED BY THE TOWNSHIP; TO AMEND PARAGRAPH 9 (BUILDING SEWER EXCAVATIONS) TO REQUIRE ANY STREET, SIDEWALK OR OTHER PROPERTY DISTURBED IN THE COURSE OF THE CONNECTION, MAINTENANCE, REPAIR AND/OR REPLACEMENT OF A BUILDING SEWER TO BE RESTORED; AND TO AMEND PARAGRAPH 10 (UNSATISFACTORY CONDITION OF BUILDING SEWERS) TO ALLOW THE TOWNSHIP TO REFUSE TO ISSUE A SANITARY SEWER PERMIT WHERE A PERSON FAILS TO REMEDY AN UNSATISFACTORY INFLOW AND INFILTRATION CONDITION AFTER RECEIVING THE REQUIRED NOTICE.

The Board of Supervisors of East Coventry Township does hereby **ENACT** and **ORDAIN:**

SECTION I. - Amendment to Code

The Code of Ordinances of East Coventry Township, Chapter 18 (Sewers and Sewage Disposal), Part 3 (Public Sanitary Sewage Systems), Section 306 (Building Sewers and

Connections with Public Sewers) is hereby deleted in its entirety and replaced with the following new section:

§306. Building Sewers and Connections with Public Sewers.

1. Sanitary Sewer Permit.

A. No Person shall uncover, connect with, make any opening into, use, alter or disturb, in any manner, any Public Sewer / Building Sewer or any part thereof without first obtaining a Sanitary Sewer permit, in writing, from the Township.

B. Application for the Sanitary Sewer permit shall be made by the Owner of the Improved Property, or by a duly authorized agent of such Owner. The form and content of the Sanitary Sewer permit application shall be established, from time to time, by the Township.

C. Fees for application for a Sanitary Sewer Permit shall be paid in accordance with a fee schedule adopted by resolution of the Board of Supervisors from time to time. The fee schedule may be revised, as necessary, by resolution of the Board of Supervisors.

2. Prerequisites for Connection to Public Sewer. No Person shall make, or shall cause to be made, any connection of any Improved Property to a Public Sewer until such Person shall have fulfilled all of the following conditions:

A. Such Person shall have notified the Township of their intention to connect the Improved Property to a Public Sewer, such notification to be given to such official or representative of the Township as shall be designated from time to time by the Board of Supervisors to receive such notification;

B. Such Person shall have applied for and obtained a Sanitary Sewer permit as required by Section 306.1;

C. Such Person shall have paid, in full, the connection charges as provided under and by Section 309, together with any other applicable fees or charges; and

D. Such Person shall have given the Township at least forty-eight (48) hours notice prior to the time when such connection will be made so that the Township may supervise and inspect, or may cause to have supervised and inspected, the work of connection and necessary testing, such notification to be given to such official or representative of the

Township as shall be designated from time to time by the Board of Supervisors to receive such notification.

3. Separate Connections.

A. Each Improved Property and each structure on an Improved Property discharging Sanitary Sewage and/or Industrial Wastes, to be connected to a Public Sewer, shall be connected separately and independently with the Public Sewer by and through a separate Building Sewer. The connection of more than one Improved Property, or more than one structure discharging Sanitary Sewage and/or Industrial Wastes on a single Improved Property, to one Building Sewer shall not be permitted.

B. Notwithstanding Paragraph A above, the connection of more than one structure discharging Sanitary Sewage and/or Industrial Wastes on a single Improved Property to one Building Sewer (the "Common Building Sewer") may be permitted by special permission of the Township, in writing, but only for good cause shown, and subject to the following conditions and such other conditions as may be prescribed by the Township:

(1) The minimum nominal diameter of the Common Building Sewer shall be eight (8) inches, the Common Building Sewer shall extend to and connect to the Public Sewer via a sanitary sewer manhole (as opposed to a tee, wye or saddle connection), and the Common Building Sewer shall be located within an easement, which shall in turn be offered for dedication to the Township along with the Common Building Sewer. Upon acceptance of such dedication, the Common Building Sewer and easement shall become a Public Sewer, and until such time as the Township accepts dedication thereof, the Common Building Sewer and easement shall be considered an Extension of Public Sewer as provided in Section 307. For purposes of the remaining provisions of Paragraph B, all requirements applicable to a Public Sewer shall apply to the Common Building Sewer.

(2) The width of the easement in which the Common Building Sewer is located shall comply with the requirements set forth in the Township Technical Specifications.

(3) The upper reach of the Common Building Sewer shall terminate at a sanitary sewer manhole.

(4) Each individual structure on the Improved Property shall connect to the Common Building Sewer via a Building Sewer and Lateral, each as defined in Section 302.

(5) Common Building Sewer design, materials and methods of construction and installation, including but not limited to sanitary sewer

manholes, shall comply with the requirements for Gravity Sewers as set forth in the Township Technical Specifications.

4. Costs of Construction and Connection of Building Sewers. All costs and expenses of construction of a Building Sewer, and all costs and expenses of connection of a Building Sewer to a Public Sewer, shall be borne by the Owner of the Improved Property to be connected. The Owner shall indemnify and shall save harmless the Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the construction of the Building Sewer and/or the connection of the Building Sewer to the Public Sewer.

5. Location of Connection of Building Sewers. A Building Sewer shall be connected to a Public Sewer at the place designated by the Township and where, if applicable, the Lateral is provided, subject to and in accordance with the Township Technical Specifications and other Applicable Rules, Regulations and Requirements.

6. Existing House Sewer Line as a Building Sewer. Where an Improved Property, at the time its connection to a Public Sewer is to be made, is served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be disconnected on the structure side of such sewage disposal system or sewage disposal device and connection shall be made, with proper fittings, to continue such house sewer line as a Building Sewer, subject to and in accordance with the Township Technical Specifications and other Applicable Rules, Regulations and Requirements.

7. Inspection and Approval of Building Sewers.

A. No Building Sewer connection, maintenance, repair and/or replacement shall be covered until it has been inspected and approved by the Township, as provided in and by the Township Technical Specifications and other Applicable Rules, Regulations and Requirements. If any part of a Building Sewer is covered before being so inspected and approved, it shall be uncovered, at the cost and expense of the Owner of the Improved Property, for such inspection and approval.

B. All such inspections and approval by the Township shall be at the cost and expense of the Owner of the Improved Property.

C. All such inspections by the Township shall be undertaken by the Township Engineer, and shall be completed not less than forty-eight (48) to seventy-two (72) hours after the Township is given notice by the Owner of the Improved Property that the uncovered Building Sewer is ready for inspection.

D. Unless otherwise directed by the Board of Supervisors, all such approvals by the Township shall be given by the Township Engineer.

8. Maintenance, Repair and/or Replacement of Building Sewers. It shall be the responsibility of the Owner of Improved Property, at the expense of the Property Owner, to maintain every Building Sewer on the Improved Property at all times in a sanitary and safe operating condition, and to repair and replace the same as shall be necessary. Such maintenance, repair and replacement shall be in accordance with and comply with all Township Technical Specifications and other Applicable Rules, Regulations and Requirements.

9. Building Sewer Excavations. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury, and any street, sidewalk and other property disturbed in the course of the connection, maintenance, repair and/or replacement of a Building Sewer shall be restored. Such guarding, excavation and restoration shall be at the cost and expense of the Owner of the Improved Property, and in a manner satisfactory to the Township and otherwise subject to and in accordance with the Township Technical Specifications and other Applicable Rules, Regulations and Requirements.

10. Unsatisfactory Condition of Building Sewers. If any Person shall fail or refuse, upon being served with a written notice from the Township, to remedy any unsatisfactory condition, including but not limited to inflow and infiltration, with respect to a Building Sewer within thirty (30) days, or such additional time as may be determined appropriate by the Township, of service of the notice, the Township, at its discretion, may refuse to permit such Person to discharge, or to continue to discharge, Sanitary Sewage and/or Industrial Wastes into the Public Sewer until such unsatisfactory condition shall have been remedied in a manner satisfactory to the Township and otherwise subject to and in accordance with the Township Technical Specifications and other Applicable Rules, Regulations and Requirements. Such right of refusal shall be in addition to such other or further remedies as may be available to the Township to correct the unsatisfactory condition.

SECTION II. - Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of

the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION III. - Failure to Enforce not a Waiver

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 IV. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION V. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 9th day of August, 2010.

EAST COVENTRY TOWNSHIP

By: _____
Timothy J. Roland, Chairman

By: _____
Ray A. Kolb, Vice Chairman

By: _____
W. Atlee Rinehart, Supervisor

By: _____
Marica Geho, Supervisor

Attest: _____
Bernard A. Rodgers, Secretary

By: _____
Michael Albert Moyer, Supervisor

NOTICE

NOTICE is hereby given that the Board of Supervisors of East Coventry, at its public meeting on August 9, 2010 in the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, could vote to adopt an ordinance entitled “Building Sewers and Connections with Public Sewers amending the Code of Ordinances of East Coventry Township, Chapter 18 (Sewers and Sewage Disposal), Part 3 (Public Sanitary Sewage Systems) to delete existing Section 306 (Building Sewers and Connections with Public Sewers) in its entirety and replace it with a new Section 306 entitled “Building Sewers and Connections with Public Sewers” to amend Paragraph 1 (Connection Permit) to change the name of the required permit from “connection permit” to “sanitary sewer permit” and to require payment of an application fee in accordance with the Township’s fee schedule; to amend Paragraph 7 (Inspection and Approval of Building Sewers) to prohibit covering a Building Sewer connection, maintenance, repair and/or replacement until it has been inspected by the Township; to amend Paragraph 9 (Building Sewer Excavations) to require any street, sidewalk or other property disturbed in the course of the connection, maintenance, repair and/or replacement of a Building Sewer to be restored; and to amend Paragraph 10 (Unsatisfactory Condition of Building Sewers) to allow the Township to refuse to issue a Sanitary Sewer Permit where a person fails to remedy an unsatisfactory inflow and infiltration condition after receiving the required notice.

Copies of the full text of the proposed ordinance are available for examination during normal business hours at the offices of *The Pottstown Mercury*, 24 North Hanover Street, Pottstown, Pennsylvania 19464, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, PA 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465 where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**

Solicitor for East Coventry Township