

TOWNSHIP OF MONROE
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-03

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MONROE, CUMBERLAND COUNTY, PENNSYLVANIA, REGULATING SANITARY SEWER CONNECTIONS FOR THE PURPOSE OF ELIMINATING THE INTRODUCTION OF PROHIBITED WATERS INTO THE MONROE TOWNSHIP MUNICIPAL SANITARY SEWER SYSTEM; REQUIRING THE CERTIFICATION OF ALL PROPERTIES AT THE TIME TITLE IS TRANSFERRED FOR COMPLIANCE WITH THE STANDARDS AND REQUIREMENTS OF THE PROVISIONS SET FORTH HEREIN; AUTHORIZING THE TOWNSHIP TO NOTIFY PROPERTY OWNERS OF POTENTIAL VIOLATIONS OF THE STANDARDS AND REQUIREMENTS OF THE PROVISIONS SET FORTH HEREIN; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

SECTION 1. Title.

This Ordinance shall be known as the "Monroe Township Property and Public Wastewater Treatment System Certification Ordinance."

SECTION 2. Applicability and Authority.

The following regulations are applicable to both parties, the buyer and seller, of a real estate transfer, both before and after the transfer of the property. This Ordinance is adopted under the authority of the Pennsylvania Sewage Facilities Act, Act No. 537 of 1966, adopted January 24, 1966, P.L. (1965) 1535, as amended.

SECTION 3. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

BUYER – A purchaser, grantee, or recipient, of real property, for any consideration, with at least one (1) dwelling unit located thereon.

DOWNSPOUT – An exterior vertical drainage pipe, or other similar device, designed to convey water from the roof or gutter drains of the premises to a point of discharge.

DWELLING UNIT – A building or portion thereof arranged or designed for occupancy by one or

more individuals living together as a housekeeping unit on a permanent, temporary, or transient basis, which may or may not include cooking and sanitary facilities. A physical separation between units is not required to constitute a dwelling unit.

OWNER – Any person or entity who, alone, or jointly or severally with other persons or entities, has legal title to the premises. This includes any person who has charge, care, or control over any premises as (1) an agent, office, fiduciary, or employee of the owners; (2) the committee, conservator, or legal guardian of an owner who is incompetent, a minor, or otherwise under a disability; (3) a trustee, elected or appointed, or a person required by law to act as a trustee, other than a trustee under a deed of trust to secure the payment of money; or (4) an executor, administrator, receiver, fiduciary, officer appointed by any court, attorney-in-fact, or other similar representative of the owner of his or her estate. This does not include a lessee, a sublessee or other person who merely has the right to occupy or possess a premises.

PREMISES – Any real property with a structure or building thereon, including a dwelling unit, for use privately or for the public, whether used for residential, commercial, or industrial purposes.

SELLER – A seller, or grantor, of real property, for any consideration, with at least one (1) dwelling unit located thereon.

SUMP PUMP – A device which has as its function the pumping of water and other liquids commonly used in the basements of residential households, typically used to remove ground water, whether the same be portable or permanent, immersible or non-immersible.

SECTION 4. Violation.

It shall be deemed a violation of the Rules, Regulations, Specifications, and Details Governing the Construction of Sanitary Systems (“Rules and Regulations”), Part II, Section F (“Prohibited Wastes”), created March 2008, last revised February 2016, to alter, change, cause, or allow, any permitted sump pump connection or downspout by allowing the flow from such sump pump connection or downspout in any way to enter into the Monroe Township Public Sewer System. Any violation shall be subject to the penalties as set forth herein, in addition to any additional penalties as allowed by law.

If the Township shall become aware of, or suspect, any additional violations of the Rules and Regulations, whether directly or indirectly, the Owner shall be notified as set forth herein. Failure to comply may subject Owner to the penalties as set forth herein, in addition to any additional penalties as allowed by law. If the Township suspects violations of the Rules and Regulations, it may perform further inspections as permitted by law.

SECTION 5. Sump Pump and Downspout Certification.

Upon transfer of any premises, or any part of any premises, served by the Monroe Township public sewer system, Seller, Buyer, and any realtors representing Seller or Buyer, shall execute a Sump Pump and Downspout Certification at or in advance of settlement. The Sump Pump and Downspout Certification shall be in the form attached hereto as Exhibit “A”, and shall be executed by all applicable parties under penalty of perjury. Within five (5) business days after the

date of settlement, the settlement agent shall submit the Sump Pump and Downspout Certification to the Township.

SECTION 6. Notification of Violation.

In the event that Township becomes aware of the existence of a violation of the Rules and Regulations, or of this Ordinance, it may take the following steps:

- a. Provide a Notification of Violation to Owner via regular mail advising Owner of specific violation. Owner shall be provided a minimum of forty-five (45) days to cause the premises to come into compliance with the Rules and Regulations, and this Ordinance.
- b. Should the Owner fail to bring the premises into compliance within the time period allotted by the Township, or should the Owner fail to make satisfactory progress toward bringing the premises into compliance, the Township shall direct its solicitor to take the appropriate legal action to ensure compliance.

SECTION 7. Penalties.

Any person who violates any of the provisions of this Ordinance shall be subject to a penalty in a summary proceeding or civil collection proceeding in an amount not exceeding \$500 for each violation and/or a period of incarceration not to exceed thirty (30) days. Every day that a violation continues after notice thereof has been provided to the violator shall be considered a separate violation. The penalties provided herein are not exclusive.

SECTION 8. Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be 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 of Supervisors of the Township that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

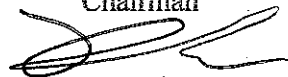
SECTION 9. Interpretation.

Paragraph headings are for conveniences only.


ORDAINED AND ENACTED, this 12 day of September, 2019 by
the Board of Supervisors of Monroe Township, Cumberland County, Pennsylvania

MONROE TOWNSHIP
BOARD OF SUPERVISORS

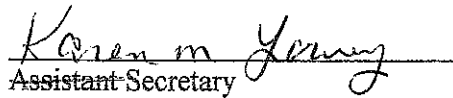

Chairman



Vice-Chairman


Supervisor

ATTEST:


Assistant Secretary

(SEAL)

Monroe Township
Sump Pump and Downspout Certification

Premises: _____

On this _____ day of _____, 20____, the undersigned person(s) caused this Certification to be made, under penalty of unsworn falsification to authorities (18 P.S. Section 4904) and state the following to be true and correct to the best of their knowledge and belief:

The undersigned person(s) acknowledge that they are in receipt of Ordinance 2019-_____ of Monroe Township, dated _____, entitled "Monroe Township Property and Public Wastewater Treatment System Certification Ordinance."

Sump Pump – The undersigned person(s) certify that there (circle one) is / is not a sump pump located on the Premises

If there is a sump pump present upon the property it is hereby certified that the sump pump (circle one) is / is not connected to the sanitary sewer system of Monroe Township.

Downspouts – The undersigned person(s) certify that any downspouts on the property (circle one) are / are not connected to the sanitary sewer system of Monroe Township.

Personal Knowledge – The undersigned person(s) certify that they have made a personal inspection of Premises being transferred

The purchaser of the premises acknowledges and agrees that if this certification indicates that a sump pump exists and it is connected to the sanitary sewer system of the Township, or if a downspout is connected to the sanitary sewer system of the Township, purchaser shall take such steps within 45 days of closing to provide certification to the Township that said sump pump and/or downspout(s) have been disconnected from the sanitary sewer system of Monroe Township.

This Certification has been completed by the undersigned person(s), with knowledge and authority to enter said Agreement

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BUYER:

Signature

Print

REALTOR FOR BUYER:

Signature

Print

SELLER:

Signature

Print

LISTING AGENT:

Signature

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