

**TOWNSHIP OF EAST WHITELAND  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_-2022**

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**AN ORDINANCE AMENDING THE EAST WHITELAND TOWNSHIP CODE, CHAPTER 154, SEWERS AND SEWAGE DISPOSAL, TO ADD A NEW PART 5, “SEWAGE GRINDER PUMPS,” CONTAINING A NEW ARTICLE XII, “INSTALLATION, USE, AND MAINTENANCE” WHICH INCLUDES NEW SECTIONS 154-124 TO 154-132, ESTABLISHING: REQUIREMENTS FOR THE INSTALLATION AND USE OF SEWAGE GRINDER PUMPS AND ASSOCIATED LOW-PRESSURE LATERALS; RESPONSIBILITIES OF PROPERTY OWNERS FOR THE PROPER MAINTENANCE OF SEWAGE GRINDER PUMPS; AND PROCEDURES FOR ABATEMENT OR MITIGATION BY THE TOWNSHIP OF NUISANCES CAUSED BY IMPROPERLY-MAINTAINED SEWAGE GRINDER PUMPS.**

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**WHEREAS**, the East Whiteland Township Board of Supervisors (“Board of Supervisors”) has met the procedural requirements of the Second Class Township Code, 53 P.S. § 65101, *et seq.*, and the Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, for the adoption of the proposed ordinance, including holding a public hearing;

**WHEREAS**, the Second Class Township Code authorizes the Board of Supervisors to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township of East Whiteland (the “Township”) and welfare of the Township and its citizens;

**WHEREAS**, the Pennsylvania Department of Environmental Protection has informed the Township of potential issues which may arise as the result of the private, long-term operation and maintenance of grinder pumps and low-pressure laterals in the Township; and

**WHEREAS**, the Township deems it to be in the best interest and general welfare of the citizens and residents of the Township to amend Chapter 154 to establish procedures for the installation, use, and maintenance of sewage grinder pumps and any low-pressure laterals;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors for East Whiteland Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

**SECTION 1. CODE AMENDMENTS.**

- A. Chapter 154, Sewers and Sewage Disposal, is hereby amended to create a new Part 5, entitled “Sewage Grinder Pumps,” which contains a new Article XII, entitled “Installation, Use, and Maintenance” providing as follows:**

**Part 5 Sewage Grinder Pumps**

## **Article XII Installation, Use, and Maintenance**

### **§ 154-124. Purpose.**

Purpose. The purpose of this Part 5, Sewage Grinder Pumps, is to establish procedures for the installation, use, and maintenance of sewage grinder pumps and any associated 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 Township.

### **§ 154-125. Word Usage and Definitions**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part 5, shall have the meanings hereinafter designated. Words in the present tense include the future. The singular number includes the plural number. The plural number includes the singular number. “Shall” is mandatory; “may” is permissive.

#### **ACT 537 PLAN**

East Whiteland Township’s Official Plan as defined in the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§ 750.1 through 750.20a (the “Sewage Facilities Act” or “Act 537”).

#### **DEPARTMENT**

The Pennsylvania Department of Environmental Protection.

#### **GRINDER PUMP**

Any electric motor drive, submersible pump capable of macerating all material found in normal domestic sanitary sewage, including reasonable amounts of objects, such as plastics, sanitary napkins, disposable diapers, rubber and the like, to a fine slurry, and pumping this material through a small-diameter discharge pipe (i.e. “low pressure lateral”).

#### **IMPROVED PROPERTY**

Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals, and from which structure sewage shall or may be discharged.

#### **OFFICIAL PLAN REVISION**

A change in the Act 537 Plan to provide for additional or newly identified future or existing sewage facilities needs, as defined fully in Section 1 of the Sewage Facilities Act, 35 P.S. § 750.1.

#### **PROPERTY OWNER**

Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

**QUALIFIED TECHNICIAN**

A plumber, firm or other individual experienced with the operation and maintenance of Grinder Pumps and low pressure laterals and who is licensed by the Commonwealth of Pennsylvania and possesses adequate insurance as required by the Township.

**REVISION FOR NEW LAND DEVELOPMENT**

A revision to the Act 537 Plan resulting from a proposed subdivision as defined in Act 537.

**SEWAGE**

A substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substance being harmful or inimical to the public health, animal or aquatic life, or to the use of water for domestic water supply or for recreation, or any substance that constitutes pollution under the Clean Streams Law, 35 P.S. §§ 691.1 through 691.1001, as amended.

**§ 154-126. Connection to sewer via Grinder Pumps; Official Plan Revision required.**

The connection of existing properties or proposed new land development to an existing or proposed sewage system through the use of sewage Grinder Pumps and their associated low-pressure laterals shall occur only after an official plan revision to the Township’s Act 537 Plan, or exemption as approved by both the Township and the Department, which designates that the proposed properties be served by such a connection.

**§ 154-127. Powers of the Township.**

- A. The Township is hereby authorized and empowered to adopt by resolution such rules and regulations concerning sewage that it may deem necessary, from time to time, to properly operate and maintain the sewer system. Such rules and regulations shall be maintained at the Township building for inspection during normal office hours.
- B. The Township is hereby authorized and empowered to take such other actions as are necessary, including, but not limited to, entering into agreements with Property Owners that assure proper operation and maintenance of sewage facilities within the Township’s borders, including, but not limited to, sewage Grinder Pumps and any associated or low-pressure laterals.

**§ 154-128. Duties and responsibilities of the Township.**

- A. The Township shall exercise its powers and legal authority set forth herein, and under all applicable statutes, ordinances, and other laws, to effect the purpose of this article.

- B.** The Township may enter into an agreement with each Property Owner, or representative homeowner association representing multiple Property Owners located within a development, proposing to install or who has installed a sewage Grinder Pump or low-pressure lateral to assure the short- and long-term operation, maintenance, use, service, repair or replacement of such systems.
- C.** The Township shall require that all Grinder Pumps and low-pressure sewer laterals (including the installation, use, operation, maintenance, service, repair and replacement thereof) shall comply with the rules and regulations of the Township and the Commonwealth of Pennsylvania.
- D.** The Township shall require that all Grinder Pumps and low-pressure laterals be connected to the Township's sewage collection and conveyance system, pursuant to a permit obtained from the Township. The Township shall also be responsible for the permitting and inspection of any replacement, repair, or modification of the Grinder Pumps and low-pressure laterals located on a Property Owner's land.
- E.** The Township shall review the type of Grinder Pump used by a Property Owner and ensure that the Property Owner has provided documentation that a Qualified Technician is available locally on short notice in case of malfunction.
- F.** The Township shall bear no responsibility for the purchase, installation, use, operation, maintenance, service, repair, or replacement of the Grinder Pump and/or low-pressure lateral.

**§154-129. Duties and responsibilities of Property Owners and Maintenance Contractors.**

- A.** Each Property Owner whose property is served by a Grinder Pump shall bear full responsibility for obtaining, installing, using, operating, maintaining, servicing, repairing and replacing the Grinder Pump and/or its low-pressure lateral within the property to the public right-of-way, unless otherwise set forth herein.
- B.** Each Property Owner whose property is served by a Grinder Pump shall have responsibility for using and maintaining the Grinder Pump in a manner consistent with the manufacturer's instructions and the rules and regulations promulgated by the Township, and shall avoid introducing any material that could damage the impellers on the pump, including, but not limited to, items designated as biodegradable in septic tanks.
- C.** Each Property Owner whose property is served by a Grinder Pump shall close the sewage system and cease operations during any period when the Grinder Pump and/or low-pressure lateral serving the property is inoperable for more than ninety (90) days.
- D.** Where the low-pressure lateral is permitted by the Department and the Township to be shared between Property Owners, such Property Owners shall submit to the

Township a declaration of easements, covenants and restrictions, in recordable form, setting forth the agreement of each benefited Property Owner with respect to the installation, use, operation, maintenance, service, repair and replacement of the shared lateral, which agreement shall bind all future Property Owners. Following approval by all applicable agencies, the Township will not issue a permit for its installation, until evidence is presented that the agreement has been recorded in the Office for the Recording of Deeds, Chester County, Pennsylvania.

- E.** Each Property Owner shall annually renew, for the life of the Grinder Pump system, a contract with a maintenance contractor who employs at least one Qualified Technician (hereinafter the "Maintenance Contractor"), and shall annually provide a copy of such contract to the Township. The Maintenance Contractor shall be a Qualified Technician who has been given special training by the original equipment manufacturer and is authorized by the manufacturer to service the Grinder Pump and all appurtenances.
- F.** After the first month of operation of the Grinder Pump and annually thereafter, or more frequently if the manufacturer of any component parts recommends more frequent servicing, the Property Owner shall have the Maintenance Contractor provide the Property Owner and the Township with copies of a report signed by the Maintenance Contractor certifying that the Grinder Pump is operational in accordance with the permit. The inspection and maintenance program will include, at a minimum, the manufacturers' recommended services and inspections for each separate component of the system. The Maintenance Contractor's report shall include the average daily flow from water meter readings, if available. The report shall also indicate resolution of any deficiencies noted in the Maintenance Contractor's inspection or any service or alarm call during the past year. If a revision or modification is made to the system, an amended and revised drawing detailing the revision or modification shall be provided to the Property Owner and the Township. The Property Owner is responsible for obtaining any required permits from the Township for any revision or modification to the Grinder Pump, associated appurtenances, and the low-pressure lateral.

**§ 154-130. Remedies of Township and reimbursement of costs.**

- A.** Remedies of the Township. In the event of a Property Owner's failure to perform any obligation imposed under this article or under any subsequent agreements resulting herefrom, the Township shall have the right, but not the obligation, to perform such obligation or obligations of the Property Owner and/or to pursue whatever legal or equitable remedy it shall deem appropriate, including, but not limited to, bringing an action for specific performance against the Property Owner to compel compliance with this article or any subsequent agreement resulting herefrom. The Property Owner shall reimburse the Township for all costs incurred by the Township in doing so, including legal fees. The Township shall also have the right to file a lien against the property to secure to the Township any reimbursement of costs due to the Township.

- B.** Reimbursement of costs. In the event the Township elects to perform a Property Owner's obligations pursuant to this Article XII, the Township shall charge the Property Owner the cost incurred by the Township in performing such obligations, and the Property Owner shall reimburse the Township for all such costs.

**§ 154-131. Abatement of nuisances.**

In addition to any remedies provided in this article, any violation of §§ 154-128 and 154-129 above shall constitute a nuisance and may be abated by the Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**§ 154-132. Rules and regulations to be in conformity with applicable law.**

All such rules and regulations adopted by the Township to effectuate this article shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**SECTION 2. REPEALER.**

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.

**SECTION 3. REVISIONS.**

The East Whiteland Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**SECTION 4. SEVERABILITY.**

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall become effective five (5) days after date of adoption.

**SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.**

The failure of East Whiteland Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**ENACTED AND ORDAINED** this \_\_\_\_ day of July, 2022 by the Board of Supervisors of East Whiteland Township.

**BOARD OF SUPERVISORS  
EAST WHITELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ATTEST:**

By: \_\_\_\_\_  
Township Secretary

By: \_\_\_\_\_  
Scott Lambert

By: \_\_\_\_\_  
Richard Orlow

By: \_\_\_\_\_  
Peter Fixler