

ORDINANCE NO. 2017-_____
WEST VINCENT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF WEST VINCENT TOWNSHIP AMENDING THE WEST VINCENT TOWNSHIP SEWER ORDINANCE TO CLARIFY THE MAINTENANCE RESPONSIBILITIES FOR LATERAL LINES AND GRINDER PUMPS.

WHEREAS, the West Vincent 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 and welfare of the Township and its citizens; and

WHEREAS, the Board of Supervisors deems it in the best interest and general welfare of the citizens and residents of the Township to amend West Vincent Township's Sewer Ordinance, Ordinance Number 97-85.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of West Vincent Township, Chester County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. AMENDMENT. West Vincent Township Ordinance Number 97-85, regulating the public sanitary sewer system within the Township, Article XIII, "Maintenance Responsibilities/Easements", is hereby amended and shall read as follows:

ARTICLE XIII – MAINTENANCE RESPONSIBILITIES/EASEMENTS

Where a property ties-in to public sewer by way of a gravity lateral line, the property owner shall be responsible for maintaining the sewage facilities on the property, including the gravity lateral line up to the right-of-way, or in cases where said gravity lateral line connects to a dedicated sewer main located in an easement to the benefit of the Township, then the property owner shall be responsible for maintaining the sewage facilities on the property up to the easement. In such instance, the Township shall have a perpetual easement and the right, but not the obligation, to enter upon the property for emergency maintenance of an on-lot facility, including but not limited to, the gravity lateral line. In the event that the Township elects to so enter the property in order to perform emergency maintenance services, or in the event that a property owner refuses to perform maintenance services necessitating the Township's performance of same, then the cost thereof shall constitute a lien against the property.

Where a property is tied-in to a community or public sewer by use of an individual grinder pump and force main from the grinder pump to the dedicated sewer main, then the

property owner shall be responsible for the maintenance of the sewage facilities on the property, including but not limited to the line from the building to the grinder pump, the grinder pump, and the force main to the right-of-way, or in cases where said force main connects to a dedicated sewer main located in an easement to the benefit of the Township, then the property owner shall be responsible for maintaining the sewage facilities on the property up to the easement. The Township shall have a perpetual easement and the right, but not the obligation, to enter upon all properties in which a grinder pump and force main are located for the purpose of emergency maintenance of the facilities. In the event that the Township elects to so enter the property in order to perform emergency maintenance services, or in the event that a property owner refuses to perform maintenance services necessitating the Township's performance of same, then the cost thereof shall constitute a lien against the property.

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 West Vincent 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 amendment shall become effective five (5) days after date of adoption.

SECTION 6. FAILURE TO ENFORCE NOT A WAIVER. The failure of West Vincent Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED by the Board of Supervisors for West Vincent Township, Chester County, Pennsylvania, this _____ day of _____ 2017.

ATTEST:

Tammy Swavely, Secretary

**WEST VINCENT TOWNSHIP
BOARD OF SUPERVISORS**

John Jacobs, Chairman

David Brown, Vice Chairperson

Mike Schneider, Member