

THE TOWNSHIP OF KINGSTON,

OF LUZERNE COUNTY,

PENNSYLVANIA

ORDINANCE NO. 7 OF 2017

AN ORDINANCE OF THE TOWNSHIP OF KINGSTON, LUZERNE COUNTY, PENNSYLVANIA IMPOSING A REQUIREMENT THAT A SEWER LATERAL AND A SEWER CONNECTION LOCATED ON EACH LOT OR PARCEL OF REAL PROPERTY LYING WITHIN THE TOWNSHIP OF KINGSTON BE INSPECTED PRIOR TO THE SALE OR TRANSFER OF SAID REAL PROPERTY TO ANY PERSON OR ENTITY SUCCEEDING TO THE TITLE AND INTEREST IN AND TO SAID REAL PROPERTY, PROVIDING FOR THE ENFORCEMENT THEREOF, THE PENALTY FOR THE VIOLATION THEREOF, THE SEVERABILITY OF THE PROVISIONS THEREOF, AND FOR THE EFFECTIVE DATE THEREOF

WHEREAS, the Township of Kingston has deemed it to be necessary to the interest of the health, safety and welfare of the residents of the Township of Kingston to provide for the inspection of all sewer laterals and all sewer connections installed on any lot or parcel of real property lying within the Township of Kingston prior to the sale or transfer of such lot or parcel of real property to any person or entity succeeding to the legal title and interest in and to said real property.

BY VIRTUE, AND UNDER THE AUTHORITY GRANTED BY THE HOME RULE CHARTER OF KINGSTON TOWNSHIP, THE TOWNSHIP OF KINGSTON, LUZERNE COUNTY, PENNSYLVANIA HEREBY ENACTS AND ORDAINS:

Section 1. INSPECTION OF SEWER LATERALS AND SEWER CONNECTIONS

Prior to the sale or transfer of each lot or parcel of real property lying within the Township of Kingston, the sewer laterals and sewer connections in and on that real property shall be inspected and/or televised by the Township of Kingston, or its designated agent, at the owner's expense, to determine the condition of the sewer laterals and sewer connections. The owner of the real property subject to such sale shall notify the Township of Kingston, or its designated agent, at least thirty (30) days prior to the proposed sale and transfer of the lot or parcel of real property and shall make all areas to be inspected and/or televised available to the Township of Kingston, or its designated agent, upon demand. If the Township of Kingston or its designated agent determines that the sewer laterals and/or

sewer connections are in an unacceptable condition, the sewer laterals and sewer connections shall be repaired or replaced by the owner of the lot or parcel of real property at the owner's expense prior to the sale or transfer of ownership of the lot or parcel of said real property. The Township of Kingston, or by its designated agent, shall confirm by inspection and/or televising that the sewer laterals and sewer connections has/have been satisfactorily repaired or replaced.

Section 2. DESIGNATION OF AGENT AND DELEGATION OF POWERS

The Township of Kingston hereby designates DALLAS AREA MUNICIPAL AUTHORITY ("DAMA"), a Pennsylvania general municipal authority, as its agent to create, implement conduct, and enforce a program for the inspection of sewer laterals and sewer connections, as provided herein. The basis of this designation of agency is that the Township of Kingston is a constituent member of DAMA, under the Articles of Incorporation of DAMA, and, further, DAMA has heretofore been designated by the Township of Kingston as its agent in the provision of all water quality management services and with the compliance with all terms and provisions of the Pennsylvania Sewage Facilities Act (Act 537) for which the Township of Kingston has primary statutory obligation and duty.

Section 3. ENFORCEMENT AND PENALTY

(a) DAMA, the designated agent of the Township of Kingston hereunder is hereby granted all powers and is duly authorized to do all things necessary to enforce the provisions of this Ordinance on behalf of the Township of Kingston.

(b) The penalty for a violation of any provision of this Ordinance shall be the commencement of an action brought before a district justice having jurisdiction over the subject real property in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The solicitor of the municipality or its agent may assume charge of the prosecution without the consent of the Luzerne County District Attorney as required under Pennsylvania Rules of Criminal Procedure No. 83(c) in relation to the trial of summary offense cases in the enforcement of this Ordinance.

(c) Any person or entity convicted of the offense of violating any provision of this Ordinance shall be subject to criminal fines not to exceed One Thousand (\$1,000.00) Dollars per violation.

(d) This Ordinance may be enforced by the Township of Kingston, or by its designated agent, through an action in equity or law commenced in the Court of Common Pleas of Luzerne County.

Section 4. SAVINGS CLAUSE

These provisions of the Township of Kingston this Ordinance, so far as they are the same as those ordinances and regulations enforced immediately prior to the adoption of this Ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of this Ordinance shall not affect any suit or prosecution instituted or to be instituted to enforce any prior ordinance or regulation, except as otherwise provided by law.

Section 5. SEVERABILITY OF PARTS OF ORDINANCE

It is hereby declared to be the intention of the Township of Kingston that the sections, paragraphs, clauses and phrases of this Ordinance are severable. If any section, paragraph, clause or phrase of this Ordinance is deemed or declared to be unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court competent jurisdiction, that invalidity shall not affect any of the remaining sections, paragraphs, clauses or phrases of this Ordinance.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective as provided by law.

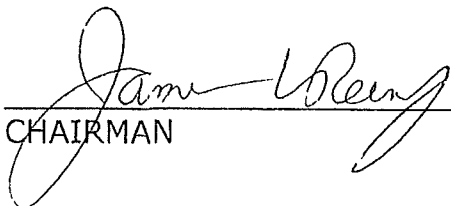
ENACTED AND ORDAINED this 13th day of September
2017.

ATTEST:

THE TOWNSHIP OF KINGSTON


BOARD SECRETARY

(SEAL)

By: 
CHAIRMAN