

**DALLAS TOWNSHIP
Luzerne County, Pennsylvania**

Ordinance #2019-3

**AN ORDINANCE PROHIBITING THE DISCHARGES OF SURFACE,
STORM, GROUND AND LIKE WATERS BY PRIVATE CONNECTIONS
AND OTHER MEANS OF WATER CONVEYANCE INTO A PUBLIC
SANITARY SEWER SYSTEM; PROVIDING FOR THE INSPECTION OF
PROPERTY TO DETERMINE ILLEGAL CONNECTIONS TO A PUBLIC
SANITARY SEWER SYSTEM; VIOLATIONS AND PENALTIES
THEREFORE, AND THE SEVERABILITY AND EFFECTIVE DATE
THEREOF**

WHEREAS, the Township of Dallas is an incorporating member municipality of Dallas Area Municipal Authority ("DAMA"), a Pennsylvania general municipal authority engaged in the construction, operation, and maintenance of an intergovernmental public sanitary sewer system and as a conduit for the treatment of such public sanitary sewage; the system infrastructure of which is embedded in the public streets and roads of this municipality and to which the residential, commercial and industrial buildings and improvements situated in this municipality have been long connected as the sole means of public sanitary sewage disposal; and

WHEREAS, following extensive investigation, observation and experience, DAMA has concluded, and it has so advised this municipality that the wide-spread private installation, use and maintenance of sump pumps, and other like water connection devices and systems for the purpose of the draining and conveyance of storm water, ground water, surface water, and cooling systems directly and indirectly into the public sanitary sewer system of DAMA has caused, and continues to cause, a persistent and severe degrading and failure of the infrastructure of the public sanitary sewer system of DAMA; thus resulting in excessive infiltration and inflow into the public sanitary sewer system, excessive repair, maintenance and replacement of such infrastructure and the increased probability of the inflow of such effluent into the public waters of the Commonwealth of Pennsylvania; and

WHEREAS, it is the intent and purpose of this ordinance to protect the function and integrity of the infrastructure of the public sanitary sewer system of DAMA as it services the residents and property owners of this municipality, and, thereby, to promote the safety, health and welfare of this municipality by requiring that the residents and property owners of this municipality provide means other than the said public sanitary sewer system

for the private disposal of storm, ground, surface, roof and cooling system waters originating on or accumulating upon such private and public property; and

WHEREAS, this ordinance is enacted and ordained pursuant to the authority granted to this municipality by a statute to wit: The Second Class Township Code, 53 P.S. Section 67501 (Article XXV), Act of May 1, 1933, P.L. 103, No. 69, amended 11/9/1995, P.L. 350, No. 60, and Article IV of The Township of Kingston Home Rule Charter and its Administration Code (Part 10).

NOW, THEREFORE, the Township of Dallas, by its Board of Supervisors hereby ordains, as follows:

ARTICLE I DEFINITIONS

As used herein, the following words shall have the following meanings;

LATERAL: The part of the sanitary sewage system extending from a sewer to the curblin or, if there is no curblin, to the property line or, if no such lateral is provided, then "lateral" shall mean that portion of or place in a sewer, which is provided for connection thereto of any building sewer.

OWNER: Any person, vested with ownership, legal or equitable, sole or partial, of any improved property.

OCCUPANT: Any person, who occupies any building or premises with the right of occupancy therein vested by the owner.

PERSON: Any individual, partnership, company, association, trust, corporation or other group or entity having charge of any improved premises within the Township of Dallas.

PUBLIC SANITARY SEWER SYSTEM: All facilities as of any particular time of a system, for collecting, transporting, treating and disposing of sanitary sewage situated in or maintained by or designated by the Township of Dallas.

SANITARY SEWAGE: Normal water-carried household and toilet wastes discharged from any improved property.

SEWER: Any pipe, main, or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER AUTHORITY: Any sewer authority, acting by and through its Board of Directors, or an appropriate case acting by and through its authorized representatives or operated by a municipal designated sewer service provider.

ARTICLE II DISCHARGE OF CERTAIN WATERS INTO PUBLIC SEWERS OR A PUBLIC SANITARY SEWER SYSTEM

It shall be unlawful for any person, occupant, or owner of any building, improvement, or premises situated in the Township of Dallas to use, install or maintain or have any connection by whatever means of roof drains, downspouts, foundation drains, areaway drain, basement drains, sump pumps, or other sources of surface water runoff or ground water flows to a pipe, the building sewer, building drain, or lateral, which is connected directly or indirectly to a public sanitary sewer system for the purpose of discharging such waters therein.

ARTICLE III INSPECTION, RIGHT OF ENTRY, ENFORCEMENT, AND THE DELEGATION OF SUCH RESPONSIBILITIES HEREUNDER

(A) INSPECTION:

The Township of Dallas by its authorized officer(s), employee(s) or representative(s) or by its designated agent may inspect periodically, as necessary, any building, improvement, or premises situated in the Township of Dallas to determine compliance with the provisions of this ordinance and to determine if there exists therein any private connection or infiltration of any prohibited waters hereunder into a public sanitary sewer system.

(B) ENTRY OF BUILDING AND PREMISES:

(1) For the purpose of the conduct of any necessary inspection hereunder, the person, occupant or owner of a building or premises situated in the Township of Dallas shall permit the designated and authorized officer(s), employee(s) or representative(s) of the Township of Dallas or its designated agent hereunder, upon the production of proper identification and credentials, access during reasonable hours of the day and after reasonable notice to make all necessary inspections for the enforcement of this ordinance. The inspections hereunder shall be conducted for the purpose of determining the existence within any such building or any premises of any private inflow of prohibited effluent therefrom into any public sanitary sewer system.

(2) The right of entry authorized hereunder shall also include the right to inspect any and all lateral sewer lines (and any connection thereto) through dye testing, air testing, smoke testing or utilization of one or more portable television cameras or such similar testing as may be used for time to time by DAMA and, also, to inspect roof, surface drains and similar lines to determine whether or not the same are connected or intersect with any sanitary sewer lines as a prohibited effluent therefrom, which enters any public sanitary sewer system.

(C) DELEGATION OF INSPECTION AND ENFORCEMENT RESPONSIBILITIES:

(1) The Dallas Area Municipal Authority ("DAMA") through its authorized officer(s), employee(s) and representatives is hereby delegated full authority to act for and on behalf of the Township of Dallas to conduct all inspections, to issue all directives and notices necessary to enforce all provisions of this ordinance and to undertake all other actions necessary to enforce and secure compliance with this ordinance.

(2) The delegation to DAMA of enforcement responsibility hereunder shall include, but shall not be limited to, the commencement and prosecution of any civil or criminal proceeding(s) for the purpose of effecting the enforcement and compliance with and for any violation(s) of this ordinance.

ARTICLE IV REMOVAL OF PROHIBITED CONNECTIONS TO THE PUBLIC SANITARY SEWER SYSTEM

(1) Any person, occupant, or owner of any building, improvement or premises in the Township of Dallas, who installs, uses, or maintains any private devices or connections for the infiltration of waters prohibited hereunder into a public sanitary sewer system in violation of this ordinance shall remove immediately such device or connection to the public sanitary sewer system. Should such device or connection not be removed within thirty (30) calendar days following the receipt of written notice delivered personally or by USPS Certified Mail to the person, occupant or owner to cease and desist such action and to remove such device or connection, the person, occupant or owner of any such building or premises shall be in violation of this ordinance and shall be subject to the penalties for such violations, as provided herein.

(2) Should any kind, type, or manner of private device or connection system be found, upon inspection, to have been re-installed, re-maintained, or re-operated in any building(s) or premise(s) situated in this municipality

by any person, owner or occupant thereof for the purpose of the discharge of prohibited waters hereunder into any public sanitary sewer system following the previous removal of a same or similar private device or water connection system from the building(s) or the premise(s) after written notice of removal was given, such private device or water connection system shall be removed immediately therefrom upon demand and without any prior written notice of removal, and such action and conduct shall constitute a violation of this ordinance, and it shall be subject to the penalties provided herein.

ARTICLE V VIOLATIONS AND PENALTIES

(A) A violation of any provision of this ordinance shall constitute a summary offense and shall be enforced by the commencement of an action before a District Justice by the municipality of the Township of Dallas or its designated agent in a manner provided for the enforcement of summary offenses under the applicable provisions of the Pennsylvania Rules of Civil Procedure or any amendment thereof.

(B) Any person, who shall be found to have violated any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than One Thousand and 00/100 (\$1,000.00) Dollars and all costs of prosecution. Each day that a violation of this ordinance continues shall constitute a separate offense.

(C) In addition to all other remedies provided herein for violations of this ordinance, the Township of Dallas or its authorized representative(s) or designated public sewer provider shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with the provisions of this ordinance. The remedies provided herein for the enforcement of this ordinance, or any remedy provided by law, shall not be deemed mutually exclusive, rather they may be employed simultaneously or consecutively, at the option of the Township of Dallas or its authorized representative(s) or its designated public sanitary sewer system provider.

ARTICLE VI SAVINGS CLAUSE

The provisions of this ordinance of the Township of Dallas, 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 pending or to be instituted to enforce any of the prior ordinances, except as provided by law.

ARTICLE VII REPEALER

All ordinances and parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistencies and in all other respects, this ordinance shall be cumulative with the other ordinances regulating and governing the subject matter covered by this ordinance.

ARTICLE VIII EFFECTIVE DATE

This ordinance shall become effective five (5) days after enactment.

PASSED AND ENACTED this 4th day of June, 2019 at the regular meeting of the Board of Supervisors of Dallas Township.

DALLAS TOWNSHIP BOARD OF SUPERVISORS

Frank E. Wagner, Chairman

William J. Grant, Vice-Chairman

Robert J. Wager, Supervisor

ATTEST: _____
K. Gary Kirk, Secretary/Treasurer

SEAL: