

**TOWNSHIP OF LEHMAN  
LUZERNE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 12162024**

**AN ORDINANCE OF THE TOWNSHIP OF LEHMAN, LUZERNE COUNTY, PENNSYLVANIA, IMPOSING A REQUIREMENT THAT A SEWER LATERAL AND/OR A SEWER CONNECTION LOCATED ON EACH LOT OR PARCEL OF REAL PROPERTY LYING WITHIN LEHMAN TOWNSHIP AND SERVED BY THE PUBLIC SEWER SYSTEM OWNED, OPERATED AND MAINTAINED BY THE DALLAS AREA MUNICIPAL AUTHORITY ("DAMA") BE INSPECTED PRIOR TO THE SALE OR TRANSFER OF SAID REAL PROPERTY TO ANY PERSON OR ENTITY SUCCEEDING IN THE TITLE AND INTEREST IN AND TO THE SAID REAL PROPERTY, PROVIDING FOR THE ENFORCEMENT THEREOF, THE PENALTY FOR THE VIOLATION THEREOF, THE SEVERABILITY OF THE PROVISIONS HEREOF, AND FOR THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, In light of concerns and issues it has encountered with its sanitary sewage collection and conveyance system in other Back Mountain communities that it serves, the Board of Directors of the Dallas Area Municipal Authority (hereinafter "DAMA") has requested that the Board of Supervisors of Lehman Township enact an ordinance requiring inspections of sewer laterals and sewer connections prior to the sale or transfer of real properties served by DAMA which are located in Lehman Township; and

**WHEREAS**, The Lehman Township Board of Supervisors believes that the same or similar concerns and issues may, upon inspection, be found to exist regarding Lehman Township sited real properties served by DAMA; and

**WHEREAS**, The Lehman Township Board of Supervisors believes it to be necessary in the interest of the health, safety and welfare of the residents of Lehman Township to provide for the inspection of all sewer laterals and sewer connections installed on any lot or parcel of real property lying within Lehman Township served by DAMA and its sanitary sewage collection and conveyance system 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.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, and it is hereby Ordained and Enacted, by the Board of Supervisors of the Township of Lehman, County of Luzerne and Commonwealth of Pennsylvania, as follows:

**Section 1: INSPECTION OF SEWER LATERALS AND SEWAGE CONNECTIONS**

Prior to the sale or transfer of each lot or parcel of real property lying within Lehman Township and served by the sanitary sewage collection and conveyance system owned, operated and maintained by DAMA, the sewer laterals and sewer connections in and on that real property shall be inspected and/or televised by Lehman Township 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 or transfer shall notify

Lehman Township, or its designated agent, at least thirty (30) days prior to the proposed sale or transfer of the lot or parcel of real property and shall make all areas to be inspected and/or televised available to Lehman Township, or its designated agent, upon demand. If Lehman Township or its designated agent determines that the sewer laterals and/or sewer connections are in an unacceptable condition, the sewer laterals and/or 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. Lehman Township, or its designated agent, shall confirm by inspection and/or televising that the sewer laterals and/or sewer connections has/have been satisfactorily repaired or replaced.

## **Section 2: DESIGNATION OF AGENT AND DELEGATION OF POWERS**

Lehman Township hereby designates Dallas Area Municipal Authority (DAMA), a Pennsylvania municipal authority, as its agent to create, implement, conduct and enforce a program for the inspection of sewer laterals and sewer connections, as provided for herein. Only to the extent that such matters directly involve DAMA's ownership, operation and maintenance of the portions of its sanitary sewage collection and conveyance system that lie within Lehman Township, the said Lehman Township hereby designates DAMA 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 Lehman Township has primary obligation and duty.

## **Section 3: ENFORCEMENT AND PENALTY**

- (a) DAMA, the designated agent of Lehman Township 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 Lehman Township.
- (b) The penalty for a violation of any provision of this Ordinance shall be the commencement of an action before a district justice having jurisdiction over the subject real property in the same manner as 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 Rule of Civil 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) per violation.
- (d) This Ordinance may be enforced by Lehman Township, 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 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 Lehman Township 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 of 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 16th day of December 2024, by the  
Board of Supervisors of the Township of Lehman, Luzerne County, Pennsylvania.

BOARD OF SUPERVISORS  
OF LEHMAN TOWNSHIP

By: \_\_\_\_\_

  
DAVID H. SUTTON, CHAIRMAN

  
RAYMOND J. IWANOWSKI, VICE CHAIRMAN

  
DOUGLAS W. IDE, SUPERVISOR

ATTEST: \_\_\_\_\_

  
LAURA ELDERKIN, SECRETARY