

LOWER MACUNGIE TOWNSHIP  
Lehigh County, Pennsylvania

ORDINANCE NO. 2022-01  
(Duly Adopted September 1, 2022)

AN ORDINANCE OF THE LOWER MACUNGIE TOWNSHIP BOARD OF COMMISSIONERS AMENDING CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, BY ADDING A NEW PART 21, GRINDER PUMPS, INTENDED TO EFFECTIVELY REGULATE THE INSTALLATION, OPERATION, MAINTENANCE, AND RETIREMENT OF GRINDER PUMPS AND ANY ASSOCIATED LOW-PRESSURE SEWER SYSTEMS AND LATERALS WITHIN LOWER MACUNGIE TOWNSHIP NOT OTHERWISE SUBJECT TO A VALID GRINDER PUMP AGREEMENT ENFORCEABLE BY LOWER MACUNGIE TOWNSHIP

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NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Lower Macungie Township Board of Commissioners as follows:

Section 1. The Code of Lower Macungie Township, Chapter 18, Sewers and Sewage Disposal, shall be amended by the addition of Part 21, Grinder Pumps, to provide as follows:

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Part 21 Grinder Pumps

§18-2101 Purpose and Applicability.

- A. The purpose of this Ordinance is to establish procedures for the installation, use and maintenance of sewage grinder pumps and any associated force mains or low-pressure laterals. It is hereby declared that the enactment of this Part is necessary for the

protection, benefit and preservation of the health, safety and welfare of the inhabitants of Lower Macungie Township.

- B. This Ordinance applies to properties located within Lower Macungie Township requiring grinder pumps and any associated low-pressure sewer systems and laterals not otherwise subject to a valid grinder pump agreement enforceable by Lower Macungie Township, and herein establishes the procedures for the installation, operation, inspection, maintenance, record keeping and retirement of those systems. This Ordinance does not supersede or invalidate any valid agreement governing the installation, operation, maintenance, record keeping and retirement of grinder pumps and any associated low-pressure sewer systems and laterals to which the Township is a party.

§18-2102 **Definitions.**

- A. ACT 537 PLAN – Lower Macungie 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. §§ 750.1-750.20a (“Sewage Facilities Act” or “Act 537”).
- B. DEPARTMENT – The Pennsylvania Department of Environmental Protection.
- C. GRINDER PUMP – Any electric-motor-driven, submersible, centrifugal pump capable of macerating all material found in normal domestic sanitary sludge, 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 (i.e. “low pressure lateral”). A basement grinder pump with no associated low pressure lateral is not included in the definition of grinder pump.

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- D. OFFICIAL PLAN REVISION – A change in Lower Macungie Township’s 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.
- E. PROPERTY OWNER – Any person vested with ownership, legal or equitable, sole or partial, of any property located in Lower Macungie Township.
- F. SEWAGE – Any 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, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Stream Law, 35 P.S. §§ 691.1 through 691.1001, as amended.
- G. TOWNSHIP – Lower Macungie Township, Lehigh County, Pennsylvania.

§18-2103 **Powers of the Township.**

- A. The Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to affect the purposes herein.
- 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 sewage grinder pumps and any associated force mains or low-pressure laterals.

§18-2104. **General Provisions.**

- A. The connection of existing properties or proposed new subdivisions and land developments to an existing or proposed sewerage system through the use of sewage grinder pumps, their associated force mains, or low-pressure laterals shall occur only after an official plan revision to the Township's Act 537 Plan, approved by both the Township and Department, designates that the proposed properties be served by such a connection.
- B. Each owner of an improved property served by a grinder pump shall bear full responsibility for providing, installing, using, operating, maintaining, servicing, repairing and replacing the grinder pump and any associated low-pressure sewer system and lateral to the point the low-pressure sewer system and lateral connect to the Township main sewer line.
- C. Each owner of an improved property served by a grinder pump is required to use the grinder pump consistent with the manufacturer's instructions and shall avoid introducing into the sewer system materials that may damage the grinder pump.
- D. The Township shall bear no responsibility for the purchase, installation, use, operation, maintenance, service, repair, or replacement of a grinder pump and any associated low-pressure sewer system and lateral.
- E. Every owner of an improved property subject hereto shall assure the short- and long-term operation and maintenance, use, service, repair or replacement of the system.

LIMIT



§18-2105. **Installation.**

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- A. The property owner is responsible for obtaining any required permits and approvals for the installation or modification of a grinder pump and any associated low-pressure sewer systems and laterals.
  - B. The connection of a property to an existing or proposed sanitary sewer system through the use of a grinder pump and associated low-pressure sewer systems and laterals shall occur only after the property owner (1) receives the required approvals or waivers from the Township, the Department of Environmental Protection, Department of Transportation (if needed), and other relevant agencies; such approvals to include sewage facilities planning under the Pennsylvania Sewage Facilities Act (Act 537, as amended); and (2) pays any applicable tapping fees. The Township will not issue a permit for the installation of a grinder pump until copies of all approvals are filed with the Township.
  - C. The property owner shall be responsible for the payment of all other sewer fees, rentals and other charges required by ordinances of the Township and the Lehigh County Authority.
  - D. All grinder pumps and associated low-pressure sewer systems and laterals shall be installed, used, operated, maintained, serviced, repaired and replaced in full compliance with the rules and regulations of and duly adopted by the Township and in full compliance with the rules and regulations of the Department of Environmental Protection in effect from time to time.

- E. The owner of an improved property serviced by a grinder pump shall provide an adequate supply of electrical power with the proper phase, frequency and voltage consistent with all manufacturers' recommendations.
- F. All control panels for individual grinder pump units shall have a permanently attached phenolic label stating the following: "All maintenance costs for grinder pump systems are the property owner's responsibility."
- G. All off-site low-pressure sewer mains located in the legal right-of-way and servicing more than one (1) property shall be offered for dedication to the Township.
- H. The pump shall be a E-One Extreme Series Model DH071 or an equivalent pump approved by the Township Engineer.
- I. The property owner shall bear full responsibility for providing, installing, using, operating, maintaining, servicing, repairing, and replacing his/her grinder pump and/or its low-pressure force main and lateral to the point the low-pressure force main and lateral connects to the Township main sewer line.
- J. The property owner shall provide the Township with an as-built drawing of the grinder pump and/or its low-pressure force main and lateral after the completion of installation.

**§18-2106. Operation and Maintenance.**

- A. Each owner of a grinder pump and any associated low-pressure sewer system and lateral shall implement an inspection and maintenance program for the grinder pump associated low-pressure sewer system and lateral that includes, at a minimum, the manufacturers' recommended services and inspections for each separate component.

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- B. After the first month of operation of a 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 grinder pump inspected and certified by a qualified individual to confirm that it is operating properly. The property owner shall obtain and maintain a report signed by the inspector certifying that the grinder pump is operating in accordance with the manufacturer's specifications and recommendations. The property owner shall provide the Township with a copy of the certified report upon request by the Township.
  - C. The property owner served by a grinder pump shall close the associated low-pressure sewer system or lateral and cease operations during any period when the grinder pump and/or low-pressure sewer system or lateral serving the property is inoperable.
  - D. The property owner shall maintain a contract with a licensed plumber or other qualified contractor, acceptable to the Township, to ensure a seven day per week, twenty-four hour emergency repair service for the property (the "Contract").
  - E. All existing improved properties subject to this ordinance containing a grinder pump installed prior to the enactment of this ordinance shall comply with the operations and maintenance requirements of this section within six months.
  - F. The Township shall, at reasonable times and upon notice, have access to the grinder pump and associated low-pressure sewer system and lateral for inspection.
  - G. Prior to the construction of any additional buildings on the property subject hereto or when a low-pressure sewer main is to be shared between property owners, the property owner shall submit an application for land development to the Township and a sewage

facilities planning module application mailer to the Pennsylvania Department of Environmental Protection for a planning determination and secure planning approval from both governmental entities. In conjunction with any approval, the Township may require a duplex pump or a traditional submersible pump station be constructed by property owner at the property owner's expense to handle sewage flow from multiple buildings, including the building which is being connected by use of the grinder pump subject to this ordinance, and also to remove the existing grinder pump and connect all such buildings to the new duplex grinder pump or traditional submersible pump station to be constructed by property owner in accordance with the requirements and regulations of the Township, Pennsylvania Department of Environmental Protection and other appropriate regulatory agencies. §18-2107.

§18-2107. **Documentation.**

- A. A property owner proposing to install a grinder pump and associated low-pressure sewer system or lateral shall prepare an operation and maintenance plan for the grinder pump and execute and record a declaration of covenants, easements, and restrictions with respect to the operation and maintenance of the grinder pump and associated facilities in a form satisfactory to the Township Solicitor. The declaration shall acknowledge, among other things, that the property owner is aware of and will comply with this ordinance and will assure the short- and long-term operation, maintenance, service, repair and replacement of the grinder pump and any associated low-pressure sewer system and lateral. Further, the declaration shall permit and empower the Township, at and within their sole discretion, to take any and all steps necessary to

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enforce the property owners' obligations under this ordinance and the declaration and to enter judgment and lien the subject property for reimbursement of all costs and expenses related thereto. The Township will not issue installation permits until evidence is presented that the declaration has been recorded in the Office for the Recording of Deeds, Lehigh County, Pennsylvania. The property owner shall be responsible for the cost of preparing and filing the declaration.

- B. Where a low-pressure sewer system or lateral is to be shared between property owners, they shall submit to the Township a declaration of covenants, easements, and restrictions in recordable form setting forth the agreement of each benefitted property owner with respect to the installation, use, operation, maintenance, service, repair and replacement of the low-pressure sewer system or lateral, which agreement shall bind all future property owners. Following the approval of the low-pressure system by all applicable agencies, the Township will issue installation permits after evidence is presented that the declaration has been recorded in the Office for the Recording of Deeds, Lehigh County, Pennsylvania.
- C. The owner of a property served by a grinder pump shall obtain and maintain at the property, and make available to the Township as requested, the following information with respect to the grinder pump:
1. Written operation and maintenance instructions.
  2. Annual inspection reports for the past five years.
  3. A detailed drawing showing the location, size, material type, and depth of all components of the grinder pump and any associated low-pressure

sewer system and lateral, including provision of a caution notice regarding disturbance near and within the grinder pump and associated facilities.

4. A written description of any automatic alarm system with the grinder pump and any associated low-pressure system, and who to contact in the event the alarm would be activated.

- D. The Contract and contact number and address of the associated plumber or contractor must be provided to Township upon installation. The property owner shall ensure the information maintained by Township is accurate and current at all times thereafter.
- E. Upon the sale or transfer of a property served by a grinder pump or low-pressure sewer system or lateral, the seller/grantor shall provide the buyer/grantee prior to settlement all information regarding the grinder pump system installed. The information provided shall include all information and documents required to be maintained at the property, recording information for all recorded documents, manufacture and distributor identity and contact information, operating instructions, warranties, and maintenance schedule.
- F. The seller/grantor shall inform the buyer/grantee about the requirements of this ordinance and any recorded document with respect to the grinder pump and associated facilities.
- G. All existing improved properties subject to this ordinance containing a grinder pump installed prior to the enactment of this ordinance shall comply with the grinder pump documentation requirements contained herein within six months, including the execution and recording of a declaration of covenants, easements, and restrictions with

respect to the operation and maintenance of the grinder pump and associated facilities in a form satisfactory to the Township Solicitor.

§18-2108. **Gravity Connection.**

The owner of a property subject to this ordinance shall retire the grinder pump, disconnect from the low-pressure system, and connect the property to a gravity sanitary sewer system at the direction of the Township when a gravity sanitary sewer collection system is constructed in a location abutting any boundary line of the property or within 150 feet of any occupied structured situated on the property, and the Township Engineer determines that it is reasonably feasible to connect the property to the gravity system.

§18-2109. **Enforcement.**

- A. <https://ecode360.com/31154478> - 31154478 Each violation of a section or subsection of this ordinance shall constitute a separate violation. Each day the violation persists shall then constitute a separate summary offense for which the maximum criminal fine of \$1,000 and/or a maximum term of imprisonment of ninety (90) days may be imposed upon conviction. For the enforcement of this ordinance or to correct any violation thereof, the Township may also, or in the alternative, institute appropriate action or proceeding at law or equity. The offender shall also be assessed all court costs and be required to reimburse all attorneys' fees reasonably incurred by the Township in association with securing a conviction and/or related to any other proceedings instituted pursuant hereto.
- B. In addition to remedies available under this Chapter and the First Class Township Code, the Township may assess civil penalties under the Pennsylvania Sewage Facilities

Act as it relates to nuisances or interference with any officer, agent or the Township itself. The Township may assess the cost of damages caused by violations of this Part or the Pennsylvania Sewage Facilities Act, applicable fines and penalties, the cost of correcting such violation(s), as well as legal fees, costs of enforcement and fees incurred to hold hearings. The Sewage Enforcement Officer shall provide notice of violations of this Part or the Sewage Facilities Act and the proposed assessment of penalties.

- C. In the event the Township elects to perform the property owner's obligations contained in this Part, or in any declaration or agreement entered into by the property owner, because the property owner has failed to do so, the Township may charge the property owner the cost incurred by the Township in performing any of the property owner's obligations, and the property owner shall reimburse the Township for all such costs within 30 days after such costs are billed. The Township and the operator shall have the right to file a lien against the property to secure to the Township any reimbursement of costs due it.

**Section 2.** Nothing in this Ordinance or in Chapter 18 of the Code of the Township of Lower Macungie, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 18 prior to the adoption of this amendment.

**Section 3.** . If any sentence, clause, section, part or provision of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any part of the remaining ordinance provisions, sentences, clauses, sections. It is the intent of the Lower Macungie Township Board of



Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

Section 4. This ordinance is effective immediately upon enactment.

ENACTED and ORDAINED this 1<sup>st</sup> day of September, 2022.

**BOARD OF COMMISSIONERS OF  
LOWER MACUNGIE TOWNSHIP**

BY: *Richard V. Ward*  
Richard V. Ward, Vice President

ATTEST: *Renee M. Flexer*  
Renee Flexer, Secretary

	Motion	2nd	Yes	No	Abstain
R. Beitler	-	-	-	-	-
B. Higgins	-	-	-	-	-
M. Robert	✓		✓		
B. Shoemaker		✓	✓		
R. Ward			✓		

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