RESOLUTION NO. 2019-09

A RESOLUTION OF THE BOROUGH OF MANOR, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, PURSUANT TO THE PROVISIONS CHAPTER 18, ENTITLED SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF ORDINANCES OF THE BOROUGH OF MANOR, AND SECTION 301.1(c)(4) OF THE BOROUGH CODE, ADOPTING RULES AND REGULATIONS FOR THE USE, CONSTRUCTION, INSTALLATION, OPERATION, INSPECTION, AND MAINTENANCE OF SANITARY SEWER GRINDER PUMPS.

WHEREAS, the Borough of Manor, pursuant to Chapter 18, entitled Sewers and Sewage Disposal, provides, *inter alia*, for the use, construction, installation, operation, inspection and maintenance of individual building sewers connected to the Manor Borough sanitary sewer system; and

WHEREAS, the Borough Council permits grinder pumps to be used, installed, constructed, operated and maintained in building sewers under certain provisions; and

WHEREAS, Section 301.1(c) (4) of the Borough Code authorizes the Borough Council to adopt Resolutions for the approval of rules and regulations, if required, by Borough Ordinance.

NOW THEREFORE, BE IT RESOLVED and it is hereby resolved by the Borough Council of the Borough of Manor, as follows:

Section 1. The Borough Council of the Borough of Manor hereby adopts and approves the use, installation, construction, operation, inspection and maintenance of grinder pumps in building sewers, when determined to be necessary and appropriate, under and subject to the following rules and regulations:

Definitions

ACT 537 PLAN - shall mean Manor Borough'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. §750.1-750.20 a ("Sewage Facilities Act" or "Act 537").

DEPARTMENT - shall mean the Pennsylvania Department of Environmental Protection.

GRINDER PUMP - shall mean any electric motor driven, submersible pump capable of macerating all material found in normal domestic sanitary sewage, 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.

BUILDER – Any Contractor, Developer or Person constructing a structure requiring a grinder pump for sanitary sewer service.

IMPROVED PROPERTY – shall mean any property within Manor Borough or any property served by the Manor Borough sanitary sewer system upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

MUNICIPALITY – Manor Borough, Westmoreland County, Pennsylvania.

OFFICIAL PLAN REVISION – shall mean a change in the Manor Borough Act 537 Plan to provide for additional or newly identified future or existing sewage facility needs, as defined fully in Section 1 of the Sewage Facilities Act, 35 P.S. §750.1.

PROPERTY OWNER – shall mean any person vested with ownership, legal or equitable, sole, partial, joint or severally, of any property located in Manor Borough or any property served by the Manor Borough sanitary sewer system.

SEWAGE – shall mean 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 PS §691.1-691.1001, as amended.

Section 2 – Conditions of Service

Conditions of Service. – (See Chapter 18 of the Code of Ordinances and any amending or supplementing Ordinances).

Planning Requirements. The connection of existing properties or proposed new land development to an existing or proposed sewerage system, through the use of sewage grinder pump, its associated force main(s), or low-pressure laterals, shall occur only after an Official Plan Revision to Manor Borough Act 537 Plan, approved by both Manor Borough and the Department, designates that the properties be served by such a connection and facilities.

Powers of the Manor Borough Council. The Manor Borough Council is hereby authorized and empowered to adopt such rules and regulations and enter into such agreements with Builders and/or property owners concerning the use of sewage grinder pumps, associated force main(s), or low-pressure laterals, which it may deem necessary from time to time to affect the purposes herein.

Manor Borough officers, employees, agents, consultants and contractors are hereby authorized and empowered to take such other actions as are necessary, including, but not limited to, entering into agreements with Builders and/or property owners that assure proper operation and maintenance of sewage facilities within Manor Borough and on or related to property served by the Manor sanitary sewer system, including, but not limited to, sewage grinder pumps and any associated force mains or low-pressure laterals.

Duties and Responsibilities of Manor Borough.

A) Manor Borough shall exercise its powers and legal authority set forth herein, and under all applicable statutes, ordinances, and other laws to affect the purpose of these rules and regulations.

B) Manor Borough and each Builder and/or property owner shall enter into an agreement concerning the installation of a sewage grinder pump or low pressure sewage system to assure the proper use, construction, installation, operation, maintenance, inspection, service, repair and/or replacement of such systems.

C) All grinder pumps and low-pressure sewer systems (and the use, construction, installation, operation, maintenance, inspection, service, repair and replacement thereof) shall comply with the ordinances, rules and regulations of the Manor Borough in effect from time to time.

D) All grinder pumps and low-pressure sewer systems shall be connected to the sewage collection and conveyance system in full compliance with the ordinances, rules and regulations of the Manor Borough in effect from time to time.

E) The Builder and/or the property owner shall, at the time of application to the Borough for a grinder pump system, provide documentation, satisfactory to the Borough, that full service of such system is available locally on short notice in case of failure or malfunction.

F) Manor Borough shall not pay for or bear any responsibility for the purchase, installation, use, operation, maintenance, service, repair, or replacement of the grinder pump and/or its low pressure force main or lateral, except as otherwise set forth herein.

Section 3 – Duties and Responsibilities of Others

A) Each Builder and/or Property Owner whose property is served by a grinder 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 or lateral, unless otherwise set forth herein.

B) Each Builder and/or Property Owner whose property is served by a grinder pump shall have full responsibility for using, inspecting, maintaining and repairing the pump consistent with the installer's and/or manufacturer's instructions and shall avoid introducing into the sewerage system materials that may damage the impellers on the "pump," including, but not limited to, items designated as biodegradable in septic tanks.

C) Each Builder and/or Property Owner whose property is served by a grinder pump shall close the grinder pump sewage system and cease operations of the same during any period when the grinder pump and/or low-pressure system serving a property is inoperable.

D) Where the low pressure force main or lateral is shared between Property Owners, The Builder and/or Property Owner shall submit to Manor Borough a Declaration of Easements, Covenants and Restrictions in recordable form setting forth the responsibilities and agreements of each Property and Property Owners served, obligated, encumbered and benefited with respect to the installation, use, construction, installation, operation, maintenance, service, repair and replacement of the low pressure sewer system, which Declaration shall be recorded in the Recorder of Deeds Office; shall, be a covenant running with the land; and bind all future Property Owners. Following the approval of the low pressure system by all applicable agencies, Manor Borough and prior to issuance of a building permit for its installation or construction of

any structure designed to use such system, the Builder and/or Property Owners shall enter into an agreement with Manor Borough, a memorandum of the agreement shall be recorded in the Office for the Recorder of Deeds. After recording a certified copy of the memorandum shall be provided to the Borough.

E) The Property Owner shall enter into, maintain and renew, for the life of the grinder pump and its system a Grinder Pump System contract with an authorized Maintenance Contractor (hereinafter the "Maintenance Contractor"). A copy of such contract shall be delivered to the Borough. The Maintenance Contractor shall be a private independent contractor who is trained to repair, replace, maintain and service the particular equipment manufacturer's pump and system and is authorized by the manufacturer to service the equipment and system.

F) Each Property Owner is obligated to become informed and knowledgeable of the Grinder Pump System installed, the Property Owners responsibilities with regard to operation and maintenance of the Grinder Pump System and the Maintenance Contractors responsibilities and to that end should meet with and discuss with the Maintenance Contractor and review the operation and maintenance of the Grinder Pump System and obtain the following:

1. Detailed written operation and maintenance instructions.

2. A detailed drawing showing the location, size, material, type, and depth of all components of the System. A copy of the detailed drawing shall also be delivered to the Borough.

3) A complete review of the System indicating the location of all buried or underground components of the System. An appropriate notice regarding the location of such underground components should be displayed.

4) If the System is fitted with automatic alarm system, the actions of the Property Owner to be taken upon the activation of the alarm.

G) After the first month of operation of the Grinder Pump System, and annually thereafter, or more frequently if the manufacturer of any component parts recommends, the Property Owner shall have the Maintenance Contractor inspect the System and the Maintenance Contractor provide the Property Owner and Borough with copies of a report signed by the Maintenance Contractor certifying that the grinder pump is operating in accordance with the permit. The inspection and maintenance program will include at a minimum the manufacturer's

recommended services and inspections for each separate component of the System. The Maintenance Contractor's report shall include the average daily flow from water meter readings, if available. The report shall also indicate resolution of any deficiencies noted in the Maintenance Contractor's inspection or any service or alarm call during the past year. If a revision or modification is made to the System, amended and revised drawing detailing the revision or modification shall be provided to the property owner and the Borough. The Property Owner shall obtain a permit from the Borough for any revision or modification to the System.

H) If an inspection indicates the need for repair, replacement and/or additional maintenance that is not covered under the Maintenance Contract, the Property Owner further agrees to pay all costs and expenses of such repair, replacement and/or additional maintenance.

I) The Builder and/or Property Owner shall provide, at time of installation and continuously during operation of the System, an adequate supply of electrical power with the proper phase, frequency and voltage as recommended by the equipment manufacturers of the various components of the System.

J) Builders shall, at time of sale of a property with a Grinder Pump System, provide the Property Owner with all information regarding the Grinder Pump System installed. The information provided shall include manufacturer, distributor, operating instructions, warranties and authorized maintenance contractors.

RESOLVED at a regularly scheduled meeting of the Borough of Manor on the 21st day of August, 2019, a quorum being present.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

THE BOROUGH OF MANOR

By: _____
President of Council

ATTEST: (SEAL)

_____
Secretary-Treasurer

CERTIFICATION

I, Joseph Lapia, duly qualified Secretary-Treasurer of the Borough Council of the Borough of Manor, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Resolution No. 2019-09 is a true and correct copy of the original Resolution No. 2019-09 duly passed and adopted by a majority vote of the Borough Council of the Borough of Manor at a duly advertised and convened regular meeting held on the 21st day of August, 2019, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Borough and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Borough of Manor, this 21st day of August, 2019.

Certified to by:

Joseph Lapia, Secretary-Treasurer