

**TOWNSHIP OF HATFIELD
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 696**

**AN ORDINANCE AMENDING CHAPTER 224 OF THE TOWNSHIP OF
HATFIELD CODE, ENTITLED “SEWERS AND SEWAGE DISPOSAL”,
TO ADD REQUIREMENTS FOR PRIVATE SEWER LATERAL
INSPECTIONS UPON THE SALE OR TRANSFER OF PROPERTIES
WITHIN THE TOWNSHIP.**

RECITALS:

A. The First Class Township Code authorizes the Board of Commissioners to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens.

B. The Pennsylvania Department of Environmental Protection has informed the Township and the Hatfield Township Municipal Authority of identified Inflow and Infiltration issues within the public sanitary sewer system in Hatfield Township.

C. Inflow and Infiltration can damage public sanitary sewer systems and poses a threat to the health, safety, and welfare of the residents served by such public sanitary sewer system by events such as sanitary sewer overflows.

D. The First Class Township Code authorizes the Board of Commissioners to adopt rules and regulations governing the connections and use of public sanitary sewer systems within the Township.

E. The Township of Hatfield desires to amend Chapter 224 of the Township of Hatfield Code, entitled “Sewers and Sewage Disposal”, to establish requirements for the inspection of private sewer laterals upon the sale or transfer of properties located within the Township.

F. The inspection of such private laterals will identify issues with the laterals, including inflow and infiltration, connected to the public sanitary sewer system.

G. The Board of Commissioners of the Township of Hatfield, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of the Township of Hatfield will be served by adopting this ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Hatfield, and it is hereby ordained and enacted, by the authority of the same, to wit:

SECTION 1. CODE AMENDMENTS.

The Township of Hatfield Code is hereby amended as follows:

Chapter 224, Article VI entitled "Lateral Inspection Program" of the Hatfield Township Code is hereby added as follows:

224-48 Definitions.

AUTHORITY

Hatfield Township Municipal Authority

PRIVATE SEWER SERVICE LATERAL

The private sewer pipe extending from a building to the public service lateral. Such private sewer pipe shall include the private 4" (or other) sewer pipe to its transition to the public 6" service lateral. Where no such transition exists, the private sewer pipe shall include the sewer pipe from the building to the curb line, where a curb line exists, and to the easement demarcation line when the private line remains on private property through an easement. If a property contains a different set-up for the Private Sewer Service Lateral, this ordinance shall remain applicable and such Private Sewer Service Lateral shall be inspected in accordance with this ordinance. All Private Sewer Service Laterals shall comply with the Authority's then current adopted specifications.

SYSTEM

All facilities for collecting, pumping, and disposing of sanitary sewage, which are owned by the Township of Hatfield and/ or the Hatfield Township Municipal Authority within the sanitary sewer service area of the Township of Hatfield.

TRANSFER

The transfer of title to real estate by an arm's length sale which requires a use and occupancy permit from the Township.

224- 49 Inspection required upon transfer of properties.

(1) The seller of any property located in the Township, which is connected to the System shall be required to retain the services of a master plumber or utility contractor for the purposes of conducting an inspection of the Private Sewer Service Lateral. The inspection shall require a video inspection of the Private Sanitary Sewer Lateral from the residence or other

connected structure to the connection to the System and contain a report of the inspection result. Such video shall be given to the Township and/or Authority for review.

(2) Should the Private Sewer Service Lateral be found to be defective, based upon the Township's or Authority's rules, regulations, and resolutions and/or sound engineering practice, the lateral pipe shall be replaced, realigned or otherwise corrected. In the sole discretion of the Township or Authority, limited permission for spot and/or minor repairs and maintenance may be granted. The pipe replacement/realigning/spot repair shall be performed by a master plumber or utility contractor in accordance Township Code of Ordinances requirements; as well as the Township's and Authority's rules, regulations, and resolutions and in accordance with industry standards. Any defect in the Private Sewer Service Lateral is hereby deemed a substantial violation of the Municipal Code and Ordinance Compliance Act, 68 P.S. § 1081 et seq., as inadequate sanitary facilities and the health risks posed to adjoining properties.

(3) In the event that any Transfer occurs without an inspection having been conducted and without the seller obtaining a certified report, the buyer or purchaser of the property shall be responsible for having the aforementioned inspection conducted and for the submission of the certified result to the Township and/or Authority.

(4) This section shall not apply to a transfer of newly constructed properties where the deed is from a builder to the first owner.

(5) The Township, upon payment of any application and inspection fee and, upon the Township's receipt and approval of the inspection report required above, including a copy of the televised video inspection, the report specifically certifying that there is no inflow and/or infiltration into the private sewer service lateral, nor any illegal connections and that the clean-out vent is capped and not damaged; the Township and/ or Authority shall issue a private sewer service lateral inspection permit to the seller who shall deliver said permit to the buyer or lessee of the property at the time of the Transfer.

(6) In the event that the property owner fails to repair or replace the Private Sewer Service Lateral as required, the Township and/ or Authority shall be authorized as permitted by law to go onto the property and repair or replace the Private Sewer Service Lateral and charge the property owner for the cost and expenses incurred by the Township and/ or Authority to repair or replace the Private Sewer Service Lateral. In the event that satisfactory payment arrangements are not agreed upon between the Township and/ or Authority and the property owner, the Township and/ or Authority may file a municipal lien against the property pursuant to Pennsylvania's Municipal Claims Act and/or pursue other legal remedies for the collection of same. In addition thereto, the Township can refuse the issuance of a use and occupancy permit if the necessary repairs or replacement are not completed.

(7) During the inspection of the Private Sewer Service Lateral, the property owner shall permit the designated employees or agents of the Township and/ or Authority access to the property to make necessary inspections and observations.

(8) The master plumber or utility contractor utilized by the property owner must be registered with the Township, own its equipment, and have appropriate insurance, in compliance with industry standards, to perform such work.

(9) If the subject property has been Transferred within the previous twelve (12) months, and a Private Sewer Service Lateral was inspected as part of that Transfer, or the Township and/ or Authority has received or performed an inspection of the Private Sewer Service Lateral within the previous twelve (12) months, the property shall be exempt from the inspection requirements detailed herein.

(10) For a Transfer of a structure built within five (5) years from the adoption of this Ordinance, the initial Transfer from the first property owner occupying the structure shall be required to be inspected, unless such transfer meets the conditions of section 9 hereof. Thereafter, an inspection of the Private Sewer Service Lateral for such property shall not be required for any Transfer of the property for which the Township and/ or Authority has received or performed an inspection of the Private Sewer Service Lateral within the previous sixty (60) months.

(11) After the installation of a lateral made of PVC, the initial Transfer from the owner who had the PVC pipe installed shall require inspection. Thereafter, an inspection of the Private Sewer Service Lateral for such property shall not be required for any Transfer of the property for which the Township and/ or Authority has received or performed an inspection of the Private Sewer Service Lateral within the previous sixty (60) months.

SECTION 2. REPEALER.

All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 3. REVISIONS.

The Hatfield Township Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION 4. SEVERABILITY.

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This amendment shall become effective five (5) days after date of adoption.

SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.

The failure of Hatfield Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, this 24th day of March, 2021.

ATTEST:

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS:**



By: Thomas C. Zylstra