

**ORDINANCE 291**

**AN ORDINANCE OF THE TOWNSHIP OF HORSHAM,  
MONTGOMERY COUNTY, PENNSYLVANIA  
REGULATING GRINDER PUMPS**

**Section 1. Purposes**

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 Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

**Section 2. Definitions**

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- A. "Act 537 Plan" shall mean Horsham 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. "Authority" shall mean the Horsham Water and Sewer Authority.
- C. "Department" shall mean the Pennsylvania Department of Environmental Protection.
- D. "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.
- E. "Improved Property" shall mean any parcel of real estate located within Horsham Township 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.
- F. "Horsham Township" shall mean Horsham Township, Montgomery County, Pennsylvania, a Second-Class Township having an address of 1025 Horsham Road, Horsham, PA 19044.
- G. "Official Plan Revision" shall mean a change in the Horsham Township 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.

(i) "Update revision" shall mean a comprehensive revision to the Act 537 Plan required when the Department or Horsham Township determines the official plan or one or more of its parts is inadequate for the existing or future sewage facilities needs of the Horsham Township or its residents or landowners.

(ii) "Special study" shall mean a study, survey, investigation, inquiry, research report or analysis which is directly related to an Update Revision. The studies provide documentation or other support necessary to solve specific problems identified in the update revision.

(iii) "Revision for new land development" shall mean a revision to the Act 537 Plan resulting from a proposed subdivision as defined in the act.

H. "Property Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in Horsham Township.

I. "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 P.S. §691.1-691.1001, as amended.

### **Section 3. Planning Requirements**

The connection of proposed new land development or a proposed new Improved Property 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 Act 537 Plan, approved by both the Horsham Township and the Department, designates that the proposed properties be served by such a connection. All existing Improved Properties containing a grinder pump prior to the passage of this Ordinance are exempt from the provisions contained herein.

### **Section 4. Powers Delegated By Horsham Township**

The Authority is hereby authorized and empowered to enforce the provisions of this Ordinance and to adopt such rules and regulations concerning sewage, which it may deem necessary for time to time to effect the purposes herein.

The Authority 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 Authority's service area, including, but not limited to, sewage grinder pumps and any associated force mains or low-pressure laterals.

**Section 5. Duties and Responsibilities of the Horsham Township and Authority**

- A. Horsham Township shall exercise its powers and legal authority set forth herein, and under all applicable statutes, ordinances, and other laws to affect the purposes of this ordinance.
- B. The Authority shall require an agreement with each Property Owner proposing to install a sewage grinder pump or low pressure sewage system to assure the short- and long-term operation and maintenance, use, service, repair or replacement of such systems.
- C. The Authority shall require that all grinder pumps and low-pressure sewer systems (and the installation, use, operation, maintenance, service, repair and replacement thereof) shall comply with the rules and regulations of the Authority in effect from time to time.
- D. The Authority shall require that all grinder pumps and low pressure sewer systems shall be connected to the Authority's sewage collection and conveyance system in full compliance with the rules and regulations of the Authority in effect from time to time.
- E. The Authority shall review the type of grinder pump used and assure that the property owner has provided documentation that full service capacity is available locally on short notice in case of malfunction.
- F. Horsham Township and/ or the Authority shall bear no 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 6. Duties and Responsibilities of Others**

- A. Each Property Owner served by a grinder pump 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. Where the low pressure force main or lateral is shared between Property Owners, they shall submit to Horsham Township a Declaration of Easements, Covenants and Restrictions in recordable form setting forth the agreement of each benefited Property Owner with respect to the installation, use, operation, maintenance, service, repair and replacement of the low pressure sewer system, which agreement shall bind all future Property Owners. Following the approval of the

low pressure system by all applicable agencies, the Authority will not issue a permit for its installation until evidence is presented that the agreement has been recorded in the Office for the Recording of Deeds, Montgomery County, Pennsylvania.

- C. Each Property Owner shall annually renew, for the life of the grinder pump and shall annually provide to the Authority a copy of a System contract with an authorized Maintenance Contractor (hereinafter the "Maintenance Contractor"). The Maintenance Contractor shall be a private independent contractor who has been given special training by the original equipment manufacturer and is authorized by the manufacturer to service the grinder pump and all appurtenances.
- D. After the first month of operation of the 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 Maintenance Contractor inspect the System and have the Maintenance Contractor provide the Property Owner and the Authority with copies of report signed by the Maintenance Contractor certifying that the grinder pump is operational in accordance with the permit. The inspection and maintenance program will include at a minimum the manufacturers' 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, an amended and revised drawing detailing the revision or modification shall be provided to the Property Owner and the Authority. The Property Owner is responsible for obtaining any required permits from Horsham Township for any revision or modification to the grinder pump and all appurtenances to it and the low pressure system.

#### **Section 7. Reimbursement of Costs**

In the event the Horsham Township or the Authority elects to perform the Property Owner's obligations contained in this Ordinance or any agreements entered into by the Property Owner and the Horsham Township or the Authority, the Horsham Township and/or the Authority shall charge the Property Owner the cost incurred by the Horsham Township or the Authority in performing Property Owner's obligations hereunder or in any subsequent agreements, and Property Owner shall reimburse the Horsham Township and/or the Authority for all such costs.

#### **Section 8. Remedies of Horsham Township**

In the event of Property Owner's failure to perform under this Ordinance or any subsequent agreements resulting herefrom, the Horsham Township and/or the Authority shall have the right to pursue whatever legal or equitable remedy they shall deem appropriate, including but not limited to, bringing an action for specific performance against the Property Owner to compel compliance with this Ordinance or any subsequent agreement resulting herefrom. The Horsham

Township and/or the Authority shall also have the right to file a lien against the property to secure to the Horsham Township and/or the Authority any reimbursement of costs due to them.

**Section 9. Abatement of Nuisances**

In addition to any other remedies provided in this Ordinance, any violation of Sections 5 and 6 above shall constitute a nuisance and shall be abated by the Horsham Township or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**Section 10. Rules and Regulations to be in Conformity with Applicable Law**

All such rules and regulations adopted by the Authority to effectuate this Ordinance shall be in conformity with the provisions herein, all other ordinances of Horsham Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**Section 11. Repeal**

All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

**Section 12. Severability**


If any sentence, clause, section or part 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 of the remaining provisions, sentences, clauses, sections, or parts of this ordinance, it being the intent that such remainder shall be and shall remain in full force and effect.

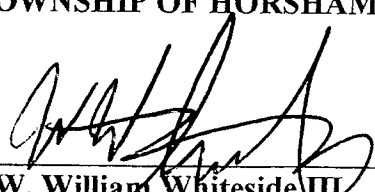
**Section 13. Effective Date**

This ordinance shall become effective immediately.

ENACTED, this 9<sup>th</sup> day of February, 2005.

ATTEST

  
Michael J. McGee  
Township Manager

TOWNSHIP COUNCIL  
TOWNSHIP OF HORSHAM  
  
BY: W. William Whiteside III  
President