

**WEST POTTS GROVE TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024-__

**AN ORDINANCE OF WEST POTTS GROVE TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE
DEFINITION OF “PUBLICLY OWNED SANITARY SEWER
SYSTEM”, “PRIVATELY OWNED SANITARY SEWER SYSTEM”,
AND “PRIVATE SANITARY SEWER LATER” CONTAINED
WITHIN ARTICLE II OF ORDINANCE NO. 2024-02.**

WHEREAS, the Board of Commissioners of West Pottsgrove Township may regulate for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of West Pottsgrove Township and the inhabitants thereof pursuant to Section 1502.XLIV of The First Class Township Code; and

WHEREAS, the Board of Commissioners of West Pottsgrove Township may further regulate for the proper management, care and control of West Pottsgrove Township, and the maintenance of peace, good government and welfare of West Pottsgrove Township pursuant to Section 1502.LII of The First Class Township Code; and

WHEREAS, the Board of Commissioners of West Pottsgrove Township enacted Ordinance No. 2024-02 on March 20, 2024 thereby establishing, inter alia, certain requirements for the inspection and repair of private sanitary sewer laterals and privately owned sanitary sewer systems; and

WHEREAS, the Board of Commissioners of West Pottsgrove Township desires to amend certain definitions contained within Article II of Ordinance No. 2024-02; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the West Pottsgrove Township Board of Commissioners, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION 1. AMENDMENT TO THE DEFINITION “PUBLICLY OWNED SANITARY SEWER SYSTEM”. The definition “Publicly Owned Sanitary Sewer System” contained within Article II of Ordinance 2024-02 is amended by deleting such in its entirety and replacing it with the following:

“PUBLICLY OWNED SANITARY SEWER SYSTEM” means the public sanitary sewer service system located in West Pottsgrove

Township. This includes all of the sanitary sewer mains, manholes, pumps stations and related sanitary sewer facilities.

SECTION 2. AMENDMENT TO THE DEFINITION “PRIVATELY OWNED SANITARY SEWER SYSTEM”. The definition “Privately Owned Sanitary Sewer System” contained within Article II of Ordinance 2024-02 is amended by deleting such in its entirety and replacing it with the following:

“PRIVATELY OWNED SANITARY SEWER SYSTEM” means the private sanitary sewer service system located in West Pottsgrove Township. This includes all of the sanitary sewer mains, manholes, laterals, pumps stations and related sanitary sewer facilities that are neither a part of a PUBLICLY OWNED SANITARY SEWER SYSTEM nor part of a PRIVATE SANITARY SEWER LATERAL.

SECTION 3. AMENDMENT TO THE DEFINITION “PRIVATE SANITARY SEWER LATERAL”. The definition “Private Sanitary Sewer Lateral” contained within Article II of Ordinance 2024-02 is amended by deleting such in its entirety and replacing it with the following:

“PRIVATELY OWNED SANITARY SEWER SYSTEM” means that part of the building sanitary drainage system owned, operated and/or constructed by the building owner, used to convey wastewater from the building to the Township's sanitary sewer main. The lateral includes all piping, vents, traps, cleanouts and connection points to the Township sanitary sewer main from public or private premises and shall exclude stormwater, and groundwater. For defining repair, the lateral shall mean the exterior portion of the building sanitary drainage system from the building wall to the Township sanitary sewer main.

SECTION 4. AUTHORIZATION. This Ordinance is authorized by the general powers vested in the Township by the First Class Township Code and the authority and procedures of the Municipalities Planning Code, as amended, as well as other laws of the Commonwealth of Pennsylvania, including the Municipal Code and Ordinance Compliance Act.

SECTION 5. SEVERABILITY. If a Court of competent jurisdiction declares any provisions of this Ordinance to be invalid, in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions

of the Code of Ordinances of the Township of West Pottsgrove shall continue to be separately and fully effective.

SECTION 6. RE-ENACTMENT, INTERPRETATION, AND REPEALER. The remaining provisions of the Code of Ordinances of West Pottsgrove Township, and as in force immediately before the enactment of this Ordinance, are intended to be continued and, to the extent not inconsistent herewith, are hereby re-enacted and re-ordained. This Ordinance is intended to be consistent with, shall be interpreted, and construed, in accordance with the Municipal Code and Ordinance Compliance Act, 68 P.S. § 1081 *et seq.*, and as amended from time to time. In the event conflict between this Ordinance and the Municipal Code and Ordinance Compliance Act, or any other applicable Commonwealth statute, such Commonwealth statute shall govern. All prior Ordinances, Resolutions, or parts thereof in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 7. EFFECTIVE DATE. This Ordinance, and all of its terms and provisions, shall become effective as provided by law.

ENACTED AND ORDAINED into law this 17th day of April, 2024, by the Board of Commissioners of West Pottsgrove Township, Montgomery County, Pennsylvania.

Stephen Miller, President

ATTEST:

Courtney Harris, Secretary