

Upon motion by John Groh, seconded by Richard Figaski, the following Ordinance was duly enacted, 3 voting in favor of enactment, 0 voting against enactment.

ORDINANCE 2014-4

An Ordinance to amend Ordinance No. 2004-4, known as the Sewer Use Ordinance, regulating and establishing responsibility for maintenance and replacements of sanitary sewers in Millcreek, so as to amend the definition of and to clarify responsibility for maintenance and replacement of a grinder pump where one is installed in order to effect service to a particular property, including severability and repealor clauses.

WHEREAS, the Board of Supervisors by Ordinance No. 2004-4 amended and restated the Sewer Use Ordinance, which sets forth regulations pertaining to use of the Millcreek Township public sanitary sewer system; and

WHEREAS, Ordinance 2004-4 includes a definition of a “grinder pump,” this definition also addressing responsibility for maintenance, repair and replacement which generally would have been included in Section 1.11 of said Ordinance; and

WHEREAS, a grinder pump typically is not authorized by the Township or by the Millcreek Township Sewer Authority unless its installation is deemed necessary to provide sanitary sewer service to a particular property due to topographical or other physical conditions; is generally located on the lot being served and involved ongoing maintenance and other responsibilities not experienced by the public facilities for which the Township is responsible; and

WHEREAS, the Board of Supervisors determines that it is necessary and appropriate to clarify responsibilities of owners of lots served by grinder pumps.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania as follows:

Section 1. The definition of “Grinder Pump” as set forth in Section 1.01 of Ordinance 2004-4 is hereby repealed in its entirety and is amended to provide as follows:

Grinder Pump shall mean a mechanism that shreds and pressurizes sewage, consisting of motor, pump and shredder as well as housing, wiring and alarms, and is considered a part of the Building Sewer.

Section 2. Section 1.11 of Ordinance 2004-4 is hereby amended by adding a fourth subsection designated as 1.11.4, providing as follows:

1.11.4 Where a grinder pump is provided to serve a particular property in connection with a public project where such property cannot otherwise be feasibly served, the Authority or Township will include the cost and installation of the grinder pump and appurtenances of the project and its costs, but after such installation, the Owner of a property served by a grinder pump shall be solely responsible for inspections, maintenance of, repairs to and replacement or reconstruction of said grinder pump and appurtenances. In all other cases, the Owner shall be responsible for all costs of acquiring and installing a grinder pump and appurtenances, subject to approval by the Township or the Authority and shall own and be responsible for the grinder pump and all appurtenances. In all cases, the property Owner shall be responsible for payment of all charges for electrical service or other power for operation of a grinder pump.

Section 3. The amendments effected by this Ordinance shall be incorporated into the Sewer Use Ordinance upon the effective date of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

Section 5. All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed.

BE IT ENACTED this 22nd day of April, 2014.


Richard P. Figaski, Secretary