

**TOWNSHIP OF EAST WHITELAND
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 358-2024

**AN ORDINANCE AMENDING THE EAST WHITELAND TOWNSHIP CODE,
CHAPTER 154, SEWERS AND SEWAGE DISPOSAL, TO AMEND SECTION 154-17,
DUTY TO CONNECT TO PUBLIC SEWER**

WHEREAS, the East Whiteland Township Board of Supervisors (“Board of Supervisors”) has met the procedural requirements of the Second Class Township Code, 53 P.S. § 65101, *et seq.*, and the Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, for the adoption of the proposed ordinance, including holding a public hearing;

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors 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 of East Whiteland (the “Township”) and welfare of the Township and its citizens; and

WHEREAS, the Township deems it to be in the best interest and general welfare of the citizens and residents of the Township to amend Chapter 154, Sewers and Sewage Disposal, and specifically Section 154-17, Duty to connect to public sewer, to delete current Section 154-17.B.(4) and add a new subsection C, Exemption to Mandatory Connection.

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

SECTION 1. CODE AMENDMENTS.

A. Chapter 154, Sewers and Sewage Disposal, is hereby amended to amend Section 154-17, Duty to connect to public sewer, as follows:

1. Section 154-17.B.(4) is deleted in its entirety and Section 154-17.B.(5) shall be renumbered to Section 154-17.B.(4).

2. A new Section 154-17.C. shall be added as follows:

C. Exemption to Mandatory Connection. Any Owner who is directed to connect to the public sewer system in accordance with §154-17 may, within 30 days of receipt of the notice to connect, apply in writing to the Township Board of Supervisors for permission to delay the required connection in accordance with the following:

1. The Owner can demonstrate to the Township that the property is served by a satisfactorily functioning and operating "on-lot" sewage disposal system, as confirmed and mutually

agreed upon by the Township and the Chester County Department of Health. Such demonstration shall be based on an inspection and written certification by a PSMA certified septic contractor with experience in performing inspections of "on-lot" sewage disposal systems. The cost of the inspection and certification shall be paid by the property owners.

2. The criteria to be applied in the determination as to whether the property owner has met the requirements as set forth in this section shall be based upon the criteria set forth in the SEO Field Manual, Field Manual for Pennsylvania Sewage Enforcement Officers published by the Pennsylvania Department of Environmental Protection, 2021 edition, and also by the provisions of the Pennsylvania Sewage Facilities Act and the provisions of Chapters 71, 72 and 73 of the Pennsylvania Code.

3. The Township shall establish and maintain a list of all properties that are certified to have adequately functioning and operating "on-lot" disposal systems, and the date of such certifications. The properties so certified shall have their systems re-inspected and re-certified annually measured from the date of issuance of the notice to connect from the Township. If a system is determined to be failing, malfunctioning and/or in any other such condition determined to be unsatisfactory by the Township and Chester County Health Department, the Owner of such a property shall immediately connect to the public system, but no later than 90 days of the date of the inspection report showing the failing, malfunctioning, or unsatisfactory system.

4. Upon the sale, transfer, or conveyance, whether voluntary or involuntary, of any part or portion of or interest in the improved property that is exempted from connection to the sewer system by the Township pursuant to this section, mandatory connection to the sewer system shall be required pursuant to the provisions of §154-17, Subsection B, herein regardless of certification status of the existing "on-lot" disposal system.

(a) If the sale, transfer, or conveyance of any part or portion of or interest in the improved property that is so exempted is to the Owner's spouse by marriage; parent or child or step-child, whether by blood, legal adoption or guardianship, marriage, or otherwise by law; then the exemption shall continue uninterrupted upon said sale, transfer, or conveyance for the remainder of its term if the new property Owner makes application to the Township

within 30 days of receipt of a notice of a duty to connect, subject to the new property Owner's compliance with the conditions of this section.

5. Any property that is exempted from connection to the sewer system by the Township pursuant to this section shall nevertheless connect to the sewer system within 15 years of the date of the original notice to connect issued by the Township.

6. Any exemption from connection granted under this section shall not relieve Owners of their share of certain project costs, tapping, and/or connection fees related to the extension of the sewer system intended to serve their property, which will be imposed at the discretion of the Township regardless of whether the property makes physical connection or not.

7. The exemption provisions of this section shall not apply to:

(a) Any improved property currently using retaining or holding tanks; or

(b) Any improved property using an on-lot or other private septic system installed in connection with new construction or development.

3. Section 154-17.C., Failure to connect, shall be re-lettered to become Section 154-17.D. and Section 154-17.D., Obtaining permit to connect shall be relettered to become 154-17.E.

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 East Whiteland Township Board of Supervisors 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 Ordinance shall become effective five (5) days after date of adoption.

SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.

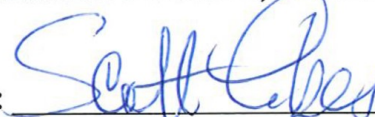
The failure of East Whiteland Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.


ENACTED AND ORDAINED this ____ day of February 2024 by the Board of Supervisors of East Whiteland Township.

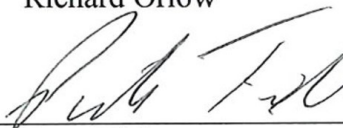
**BOARD OF SUPERVISORS
EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ATTEST:

By: 
Township Secretary

By: 
Scott Lambert

By: 
Richard Orlow

By: 
Peter Fixler