

**RESOLUTION NO. 2012- 006**

**SUSQUEHANNA TOWNSHIP AUTHORITY**

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**RESOLUTION AMENDING THE EXISTING RULES, RATES, AND REGULATIONS OF THE  
SUSQUEHANNA TOWNSHIP AUTHORITY REGARDING CERTAIN DEFINITIONS AND  
ESTABLISHING THE REQUIREMENT OF PREPARATION AND SUBMISSION OF A SUMP  
PUMP CERTIFICATION UPON THE SALE, TRANSFER OR CHANGE OF ANY  
IMPROVED PROPERTY CONNECTED OR TO BE CONNECTED TO THE SEWER SYSTEM  
OF THE TOWNSHIP AUTHORITY**

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**WHEREAS**, Susquehanna Township Authority (hereinafter, "Authority") has adopted certain Rules, Rates and Regulations for the operation and maintenance of the sewer system of Susquehanna Township by the Susquehanna Township Authority which Rules, Rates and Regulations (hereinafter "Rules"), do specifically contain certain definitions and also provide in Section 12.01 for a general prohibition of the discharge into the sewer system of the Authority any non-sewage materials to include liquids and for prohibit the connection of downspouts or other devices to include sump pumps into the sanitary sewer system whereby rain water or other surface waters or materials, other than sanitary sewage will be discharged; and

**WHEREAS**, the Authority believes it is appropriate to amend and supplement such provision at this time to establish a procedure and protocol for certification regarding the existence and use of sump pumps upon any type or form of transfer of residential, commercial and/or industrial real estate to include the notification of said prohibition; and

**WHEREAS**, the Board of the Authority does hereby resolve as follows:

1. The definitions as contained in the Rules for the Authority are hereby amended and supplemented as follows:
  - (a) The existing definition of Owner is replaced in its entirety by the following definition:
    - (i) "Owner – Any person or legal entity who, alone, or jointly or severally with other persons, has legal title to any premises. This includes any person who has charge, care or control over any premises as (1) an agent, officer, fiduciary, or employee of the owners; (2) the committee, conservator, or legal guardian of an owner who is incompetent, a minor or otherwise under a disability; (3) a trustee, elected or appointed, or a person required by law to act as a trustee, other than a trustee under a deed of trust to secure the payment of money; or (4) an executor, administrator, receiver, fiduciary, officer appointed by any court, attorney-in-fact, or other similar representative of the owner of his or her estate. This does not include a lessee, a sublessee or other person who merely has the right to occupy or possess a premises."
  - (b) The following definitions are added to the definitions of the Rules as follows:
    - (ii) Real Estate Salesperson – A person licensed by the Pennsylvania Real Estate Commission who earns a living regarding the sale and exchange of real property.

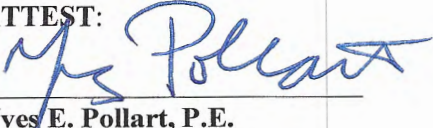
- (iii) Sump Pump – A device which has as its function the pumping of water and other liquids commonly used in the basements of residential households whether the same be portable or permanent, immersible or non-immersible.
  - (iv) Transfer by Will or Intestate Proceeding – A transfer of real property which occurs pursuant to the provisions of a Will duly admitted to probate or by virtue of intestate proceedings instituted by parties having an interest in intestate proceedings for the purpose of administering the estate of a decedent without the provisions of a Will.
2. There shall be added a new Section 12.02 titled, “Sump Pump Certification” to provide as follows:
- (a) At the time of any real estate settlement, the party responsible for the preparation of the uniform settlement statement under the provisions of the Real Estate Settlement Procedures Act (RESPA), (12 U.S.C. §2601 et. seq.) shall, in addition, prepare a Certification in the form attached to this Resolution which shall be signed by the Seller(s) and the Purchaser(s) of the property being transferred and, additionally, by the agent conducting settlement (the settlement agent). The Certification shall be executed under penalty set forth in Title 18 Purdon's Statutes, §4904 providing for penalty for Unsworn Falsification To Authorities. The Certification shall report the existence of any sump pump in the premises being transferred, the connection of the sump pump to any part or portion of the sanitary sewer system operated by the Susquehanna Township Authority and the date, if known, when the said sump pump was installed.
  - (b) The settlement agent holding settlement or any other party performing a settlement, as the case may be, shall submit the Certification to the Susquehanna Township Authority within seven (7) days following the settlement date by personal delivery to 1900 Linglestown Road, Harrisburg, PA 17110, or by United States Mail, first class, postage prepaid.
  - (c) Failure to complete the Certification or to timely mail the Certification shall be deemed a violation of the Codified Ordinances of Susquehanna Township and of these Rules of the Susquehanna Township Authority resulting in imposition and the penalties provided therein to specifically include Section 18-109 “Penalties of the Codified Ordinances of Susquehanna Township” providing for a daily monetary penalty and imprisonment for failure of payment.
  - (d) If the property is transferred pursuant to the provisions of a Will duly admitted to probate by the Register of Wills of Dauphin County or by intestacy proceedings properly filed before the said Register, the responsible party for completion of the Certificate shall be the executor or administrator of the estate . The provisions of the above regarding the completion of the Certification and the delivery or mailing of the same shall be applicable to the said executor or administrator, as the case may be.
  - (e) It shall be the duty of the Susquehanna Township Authority Manager to keep a permanent record of all sump pumps installed in all buildings and dwellings. He/she shall have continuing authority to monitor and inspect such sump pumps for compliance with the Rules, Rates and Regulations of Susquehanna Township

Authority to specifically include the current Section 12.01 and any and all relevant provisions of the Codified Ordinances of Susquehanna Township.


3. There shall be added a new Section 12.03 titled "Inspection – New Construction" to provide as follows:
  - (a) In each residential, commercial and/or industrial establishment to include individual apartments within buildings used as multiple dwellings after the issuance of a building permit, and before any occupancy permit is permitted to be issued by the Code Enforcement Officers of the Susquehanna Township, the Susquehanna Township Authority Manager, the Susquehanna Township Plumbing Inspectors or other Township or Authority designee, shall conduct such inspections as are required of each equivalent dwelling unit (EDU) in order to determine the location, if any, of sump pumps on the premises in the manner in which the said sump pump/sump pumps has/have been connected. It shall be the responsibility of the party conducting inspections to notify the Code Enforcement Officer, Building and Plumbing Inspector and other parties of the Township and of the Authority if any sump pump is illegally installed that the same is a violation of the Section 12.01 Rules, Rates and Regulations and Chapter 18 of the Codified Ordinances of the Susquehanna Township Authority. Upon notification of such an event, Susquehanna Township shall be prohibited from issuing any occupancy permit until the illegal connection is remedied to the satisfaction of the Susquehanna Township Authority Manager.
  - (b) It shall be a violation of these Rules to maintain, alter, or change any permitted (legal) sump pump connection or other such device having similar purpose such as if for drains or rain conductors allowing non-sewage materials to include liquids, rain water, or other surface water in any way to enter into the Susquehanna Township Authority Sewer System. Violators shall be subjected to the penalties provided in these Rules of the Codified Ordinances of the Susquehanna Township.
  - (c) It shall be the duty of the Susquehanna Township Authority Manager in his/her role as I/I Inspector to keep a permanent record of all sump pumps installed in all dwellings. He/she shall have the continuing authority to monitor and inspect such sump pumps for compliance with this Resolution and with the aforesaid Codified Ordinances of Susquehanna Township.
  - (d) Article 1 of the BOCA Code dealing with plumbing systems is hereby adopted by the Authority Board for the purpose of prescribing standards relating to the installation, extension, alteration, repair or maintenance of sump pump systems and related plumbing systems and for the purposes of safeguarding the Authority system from destructive and unnecessary sources of inflow which could occur from the illegal connection of sump pumps.
4. In the event any provisions, sections, sentence, clause or other part of this Resolution shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, sentence, clause or other parts of this Resolution, it being the intent of the Authority that the remainder of the Resolution shall be and shall remain in full force and effect.
5. The introductory paragraphs shall become a part of this Resolution where not inconsistent herewith.

6. All past Resolutions or parts thereof inconsistent with this Resolution are repealed.
7. This amendment to the Authority's Rules, Rates and Regulations shall be effective immediately upon approval by the Authority Board and approval of corresponding amendment by the Commissioners of Susquehanna Township of the Codified Ordinances of Susquehanna Township "Sewers and Sewage Disposal".
8. The Authority staff shall upon said approval of the Commissioners of Susquehanna Township shall take reasonable actions to advertise and communicate this Amendment to residents of Susquehanna Township.

ATTEST:

  
Yves E. Pollart, P.E.  
Secretary

SUSQUEHANNA TOWNSHIP AUTHORITY

  
Anthony W. Salomone  
Chairman

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