

BOROUGH OF DARBY,
COUNTY OF DELAWARE,
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 747

AN ORDINANCE OF THE BOROUGH OF DARBY, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA PROHIBITING THE DISCHARGE OF STORM WATER, SURFACE WATER, GROUNDWATER, ROOF RUN-OFF OR SUB-SURFACE DRAINAGE IN THE PUBLIC SANITARY SEWER SYSTEM

WHEREAS, the Borough of Darby is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

WHEREAS, the Legislature of the Commonwealth vests the Borough of Darby with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Borough's finances, the maintenance of peace, good government, safety and

welfare of the Borough, its trade, commerce and manufacturers; and,

WHEREAS, the Borough owns, operates and maintains a Sanitary Sewer System that serves, *inter alia*, the residents and businesses of the Borough; and

WHEREAS, the laws of the Commonwealth of Pennsylvania authorize the Borough to enact, and enforce by penalties, rules and regulations for the use maintenance of the sanitary sewer system; and,

NOW, therefore be it **ORDAINED** by the Council of the Borough of Darby as follows:

SECTION I. STATEMENT OF FINDINGS.

A. The Borough finds that the discharge of storm water, surface water, groundwater, roof run-off or sub-surface drainage into the public sanitary sewer system that is owned/maintained by the Borough causes excessive flows which are detrimental to the operation of the Borough's Sanitary Sewer System; and

B. The Borough intends to take necessary measures to reduce the volume of inflow and infiltration of these waters into the Borough's Sanitary Sewer System; and,

C. The purposes of this Ordinance is to prohibit the discharge of said waters into the Borough's Sanitary Sewer System as well as establish a program of investigations, inspections and measures for corrective action so as to minimize or eliminate the introduction of said waters into the Borough's Sanitary Sewer System by means of infiltration and inflow.

SECTION II. INTRODUCTION OF CERTAIN WATERS INTO THE SANITARY SEWER SYSTEM IS PROHIBITED.

No person or user shall discharge or cause to be discharged waters such as water from sump pumps, flow drains, storm water, surface drainage, groundwater, roof run-off, subsurface drainage, foundation drainage, or cooling water into the Borough's sanitary sewer system. Such water and all other unpolluted drainage shall be discharged to facilities that are specifically

designed as storm sewers or to natural outlets approved by the Borough and in accordance with the applicable regulations of the Pennsylvania Department of Environmental Protection.

SECTION III. INSPECTION, COMPLIANCE.

A. To ensure compliance with the above-described prohibitions, as part of its inspection of a property for issuance of a certificate of occupancy, non-residential occupancy permit, apartment license, or any other license or permit that it issues, the Borough shall inspect such property to insure compliance with this Ordinance.

B. The Borough shall issue a notice to the property owner if any repairs or modifications are required because of the inspection. Any repairs or modifications shall be completed within sixty (60) calendar days of said notice.

C. Property owners who fail to make repairs or modifications within the appropriate period as above

outlined will be subject to a \$50.00 surcharge. For each quarter or part thereof thereafter that the property owner does not make repairs or modifications, said surcharge shall increase by \$25.00 per quarter. Said surcharge will continue from quarter to quarter until work performed.

D. In the event that a property owner does not cooperate with corrective measures within a maximum of ninety (90) calendar days, the Borough may take all appropriate measures necessary to insure compliance including seeking injunctive action or other appropriate relief from the Court of Common Pleas. In the event the Borough incurs any costs to ensure compliance with this Ordinance, the property owner shall be responsible for all costs of said proceedings, including the Borough's attorneys and engineering fees. As well, any costs incurred by the Borough may be liened against any property owned by the property owner within the Borough.

SECTION IV. REPEALER.

All Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

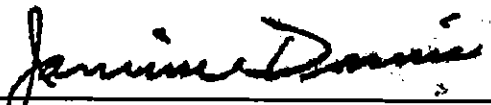
SECTION V. SEVERABILITY.

The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION VI. EFFECTIVE DATE.

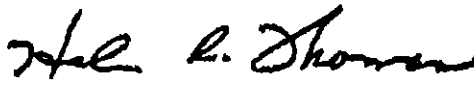
This Amendment is effective immediately upon final adoption and publication thereof according to law.

ENACTED this 15th day of April, 2009, after publication in a newspaper of general circulation according to law and a motion to approve passed by the Council of the Borough of Darby.



Council President; Borough of Darby.

APPROVED this 15th day of April, 2009



Mayor, Borough of Darby.

ATTEST:



Secretary, Borough of Darby.