

TOWNSHIP OF MIDDLESEX  
Cumberland County, Pennsylvania

ORDINANCE NO. 12-87

AN ORDINANCE ADOPTING A PLUMBING CODE REGULATING THE INSTALLATION, REMOVAL, ALTERATION, REPAIR OR REPLACEMENT OF BUILDING SEWERS IN MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, DEFINING CERTAIN TERMS; PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY; REQUIRING A PERMIT AND INSPECTION FOR THE INSTALLATION, REMOVAL, ALTERATION, REPAIR OR REPLACEMENT OF BUILDING SEWERS; CREATING AN ADMINISTRATIVE AUTHORITY AND PRESCRIBING ITS DUTIES; ESTABLISHING REQUIREMENTS FOR PLUMBERS; ESTABLISHING MINIMUM REGULATIONS FOR THE INSTALLATION, ALTERATION OR REPAIR OF BUILDING SEWERS AND THE INSPECTION THEREOF; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING CONFLICTING ORDINANCES.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Middlesex, Cumberland County, Pennsylvania, and it is hereby ordained and enacted by authority of the same as follows:

**ARTICLE I**  
Administration

Section 1.1: Title

This Ordinance shall be known as the **Middlesex Township Plumbing Code** and will be referred to as **Code** or **Ordinance** herein.

Section 1.2: Purpose

This **Code** is an ordinance providing minimum requirements and standards for the protection of the public health, safety and welfare.

Section 1.3: Scope

The provisions of this **Code** shall apply to the installation, alteration, addition, repair, relocation, replacement, maintenance or use of any building sewer except as otherwise provided for herein.

Section 1.4: Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this **Ordinance** shall be as follows:

- a. **Authority** shall mean Middlesex Township Municipal Authority, a Pennsylvania municipality authority.
- b. **Building Sewer** shall mean the extension from the sewage drainage system of any structure to the Lateral of a Sewer including jointing materials, vents, traps, cleanouts and other appurtenances and accessories thereto required by this Ordinance.
- c. **Improved Property** shall mean any property located within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.
- d. **Industrial Wastes** shall mean any solid, liquid or gaseous substance or form of energy ejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from Sanitary Sewage.
- e. **Lateral** shall mean that part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, to the property line or, if no such Lateral shall be provided, then Lateral shall mean that portion of or place in a Sewer which is provided for connection of any Building Sewer.
- f. **Owner** shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.
- g. **Person** shall mean any individual, partnership, company, association, society, corporation or other group or entity.
- h. **Sanitary Sewage** shall mean normal watercarried household and toilet wastes from any Improved Property.
- i. **Sewer** shall mean any pipe or conduit constituting a part of the Sewer System, used or usable for sewage collection purposes.
- j. **Sewer System** shall mean all facilities, as of any particular time, for collecting, pumping, transporting, treating and/or disposing of Sanitary Sewage and/or Industrial Wastes, situate in or adjacent to this Township and owned, maintained and operated by the Authority.
- k. **Township** shall mean the Township of Middlesex, Cumberland County, Pennsylvania, a political subdivision, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

### Section 1.5: Authority To Abate

- a. Any portion of a building sewer found by the Administrative Authority to be unsanitary is hereby declared to be a nuisance.
- b. Whenever any construction or work regulated by this **Code** is dangerous, unsafe, unsanitary, a nuisance or a menace to life, health or property or otherwise in violation of this **Code**, the Administrative Authority, upon determining reasonable cause exists, shall order any person, firm or corporation using or maintaining any such condition or responsible for the use or maintenance thereof to discontinue the use or maintenance thereof or to repair, alter, change, remove or demolish the same as it may consider necessary for the proper protection of life, health or property.

Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises on which said condition exists and shall specify the date or time for compliance with such order.

- c. Refusal, failure or neglect to comply with any such notice or order shall be considered a violation of this **Code**.
- d. When any building sewer is maintained in violation of this **Code** and in violation of any notice issued pursuant to the provisions of this Section, the Township or the Township Solicitor shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct or abate the violation or nuisance.

### Section 1.6: Administrative Authority

- a. The Middlesex Township Municipal Authority shall be the Administrative Authority duly appointed to administer this **Code**.
- b. The Administrative Authority shall maintain public office hours necessary to efficiently administer the provisions of this **Code** and amendments thereto and shall perform the following duties:
  1. Require submission of, examine and check plans and specifications, drawings, descriptions, and/or diagrams when necessary to show clearly the character, kind and extent of work covered by applications for permits and, upon approval thereof, shall issue permits.

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2. Keep a permanent and accurate account of the fees, if any, for permits issued and other monies collected and received as provided by this **Code**, including the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location or premises to which they relate.
  3. Administer and enforce the provisions of this **Code** in a manner consistent with the intent thereof and inspect building sewers authorized by any permit to assure compliance with provisions of this **Code** or amendments thereto, approving or disapproving said work in whole or in part as conditions require.
  4. Issue, upon request, a Certificate of Approval for any work approved.
  5. Disapprove and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of this **Code** and amendments thereto.
  6. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this **Code**.
  7. Investigate any construction or work regulated by this **Code** and issue such notices and orders as provided in Section 1.5.
  8. Keep a complete record of all the essential transactions of its office.
  9. Transfer all fees collected to the proper authority provided by law to receive such funds.

Section 1.7: Duties And Powers Of The Administrative Authority

- a. The Administrative Authority may appoint such assistants, deputies, inspectors or other employees as are authorized to carry out the functions of the Administrative Authority and this **Code**.

- b. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Administrative Authority or its authorized representative has reasonable cause (as that term has been applied by the courts to governmental inspections) to believe that there exists in any building or upon any premises any condition as set forth in Section 1.5b of this Code, the Administrative Authority or its authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Administrative Authority by this Code; provided that if such building or premises be occupied, the Administrative Authority or its authorized representative shall first present proper credentials and request entry. If such building or premises be unoccupied, it shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry of either an occupied or unoccupied building is refused, the Administrative Authority or its authorized representative shall have recourse to every remedy provided by law to secure entry including obtaining a search warrant. **Authorized Representative** shall include the persons named in Section 1.7a of this Code.

#### Section 1.8: Permit Required

- a. It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any building sewer without first obtaining a permit to do such work from the Administrative Authority.
- b. A separate permit shall be obtained for each building or structure.
- c. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorized is lawful.
- d. The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other ordinance or from revoking any Certificate of Approval when issued in error.

2. Keep a permanent and accurate account of the fees, if any, for permits issued and other monies collected and received as provided by this **Code**, including the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location or premises to which they relate.
3. Administer and enforce the provisions of this **Code** in a manner consistent with the intent thereof and inspect building sewers authorized by any permit to assure compliance with provisions of this **Code** or amendments thereto, approving or disapproving said work in whole or in part as conditions require.
4. Issue, upon request, a Certificate of Approval for any work approved.
5. Disapprove and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of this **Code** and amendments thereto.
6. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this **Code**.
7. Investigate any construction or work regulated by this **Code** and issue such notices and orders as provided in Section 1.5.
8. Keep a complete record of all the essential transactions of its office.
9. Transfer all fees collected to the proper authority provided by law to receive such funds.

#### Section 1.7: Duties And Powers Of The Administrative Authority

- a. The Administrative Authority may appoint such assistants, deputies, inspectors or other employees as are authorized to carry out the functions of the Administrative Authority and this **Code**.

- e. Before a permit is granted for work involving excavation and work in the streets or alleys in the Township, compliance with any State or Township road occupancy requirements shall be required including compliance with Ordinance No.        of the Township of Middlesex and any amendments thereto.

#### Section 1.9: Work Not Requiring A Permit

- a. No permit shall be required in the case of any repair work as follows: The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any trap, drainpipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered as new work and a permit shall be procured and inspection made as hereinbefore provided. No permit shall be required for cleaning or stoppages or the repairing of leaks in pipes, valves or fixtures when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- b. No permit shall be required to perform any plumbing work which has a cost (fair market value) not exceeding One Hundred Fifty Dollars (\$150.00). The cost (fair market value) of said work shall be determined by the Administrative Authority.

#### Section 1.10: Application For Permit

- a. Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The Administrative Authority may require plans, specifications or drawings and such other information as it may deem necessary.

If the Administrative Authority determines that the plans, specifications, drawings, descriptions or information furnished by the Applicant are in compliance with this Code, it shall issue the permit for which application has been made.

- b. Every permit issued by the Administrative Authority under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred twenty (120) days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be resumed, a new permit shall be first obtained.

#### Section 1.11: Cost Of Permit

- a. There shall be no fee for the initial permit issued under this Ordinance; provided, however, that if a permit is allowed to expire as provided in Section 1.10b, a fee of Ten Dollars (\$10.00) will be charged for each renewal permit and, provided further, that if more than one inspection of a building sewer is required under this Ordinance because of defective workmanship and/or materials, a Ten Dollar (\$10.00) inspection fee will be charged for each additional inspection.

Any person who shall commence any work for which a permit is required by this Code without first having obtained a permit therefor shall, if subsequently issued a permit, pay a fee of Twenty Dollars (\$20.00) for such permit; provided, however, that this provision shall not apply to emergency work when it shall be proven to the satisfaction of the Administrative Authority that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all emergency cases, a permit must be obtained as soon as it is practical to do so and, if there be an unreasonable delay in obtaining such permit, a fee of Twenty Dollars (\$20.00) as herein provided shall be charged. The payment of such fee shall not preclude the Township from exercising any other remedies which may be available to it at law, in equity or otherwise as a result of violation of this Code.

#### Section 1.12: All Work To Be Inspected

All building sewer work requiring a permit hereunder shall be inspected by the Administrative Authority to insure compliance with all the requirements of this Code.

#### Section 1.13: Notification

It shall be the duty of the person completing the work authorized by the permit to notify the Administrative Authority that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected.

#### Section 1.14: Stop Orders

Whenever any work is being completed contrary to the provisions of this Code, the Administrative Authority or its authorized representative may order the work stopped by notice in writing, served personally or by certified mail on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Administrative Authority to proceed with such work.



#### Section 1.15: Suspension Or Revocation

The Administrative Authority may, in writing, suspend or revoke a permit issued under provisions of this **Code** whenever the permit is issued in error on the basis of incorrect information supplied, or in violation of any local, state or federal law or regulation.

#### Section 1.16: Appeals To Board Of Supervisors

Appeals to the Board of Supervisors may be made by any person or by any Township official or agency aggrieved or affected by a decision of the Administrative Authority. Such appeals shall be taken within thirty (30) days of such determination by the Administrative Authority by filing a Notice of Appeal with the Board of Supervisors specifying the grounds therefor. Hearing on such appeals shall be had and decision rendered thereon by the Board within sixty (60) days from date of filing of the appeal. Any further appeals shall be governed by the applicable laws of the Commonwealth of Pennsylvania.

#### Section 1.17: Removal Of Administrative Authority

The Township reserves the right at any time, with or without cause, by resolution of the Board of Supervisors to remove the Middlesex Township Municipal Authority as the Administrative Authority under this **Code** and to appoint a successor including the Township itself to administer and enforce this **Code**.

### **ARTICLE II**

#### Plumber Requirements

#### Section 2.1: General Requirements

Every plumber and sewer contractor performing work covered by this **Ordinance** for a fee or any other form of compensation must provide evidence of adequate insurance coverage for himself and/or his subcontractors and register with the Administrative Authority providing the data required by the Administrative Authority on the plumber's application as hereinafter provided.

## Section 2.2: Insurance Requirements

Every plumber and sewer contractor performing work covered by this **Ordinance** for a fee or any other form of compensation must execute and deliver to the Administrative Authority an effective street bond in the sum of Ten Thousand Dollars (\$10,000.00), with corporate surety to be approved by the Administrative Authority. Such plumber or sewer contractor shall also keep and maintain a general liability insurance policy with limits of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury, Fifty Thousand Dollars (\$50,000.00) for property damage and Fifty Thousand Dollars (\$50,000.00) completed operations liability insurance. In addition to the above, such plumber or sewer contractor shall carry Pennsylvania Worker's Compensation Insurance as required by law. Certificates of such insurance shall be supplied to the Administrative Authority.

## Section 2.3: Plumber's Application

Prior to beginning work in the Township, every plumber and sewer contractor performing work covered by this **Ordinance** for a fee or any other form of compensation must register with the Administrative Authority providing data relative to experience, equipment available, business location and similar matters on the plumber's application as provided by the Administrative Authority. The plumber or sewer contractor will also be required to acknowledge awareness of the Township's and Authority's Rules and Regulations governing construction of building sewers. Any changes in the data supplied on the original plumber's application must be supplied, in writing, to the Administrative Authority.

# **ARTICLE III**

## Requirements For Building Sewer Installation

### Section 3.1: Connections

- a. Every improved property required by Ordinance No. 8-81 of the Township to be connected to the Sewer System and all other properties connecting to the Sewer System shall have a connection to said Sewer System in the manner provided herein.
- b. All connections to the Sewer System and all building sewer work shall be subject to inspection and approval by representatives of the Administrative Authority.

### Section 3.2: Building Sewer Materials

- a. All building sewer lines shall be made of the following materials:
  1. Medium weight cast iron soil pipe coated or uncoated joined by lead and oakum, or neoprene rubber typton type gasket. No-hub with stainless steel band shall be used only when all of the above methods of joints will not work. (For instance, when the connection of two solid ends are to be jointed.) Also, all joints in the building sewer shall be watertight and solid.
  2. ABS or PVC Schedule 40 or Schedule 35 plastic pipe. Schedule 40 pipe shall have cement seal joints. Schedule 35 pipe shall have slip seal joints with O-ring.
- b. Cleanouts shall be made of cast iron or Schedule 40 PVC type, with cast iron or Schedule 40 PVC riser pipes to be terminated at ground level or higher.
- c. Where a trench is over twelve feet (12') deep, extra heavy cast iron pipe must be used with aforementioned approved joints.
- d. When a building sewer is laid in a driveway, riser pipes shall be terminated by the use of adjustable "vent-stratt box units."
- e. Sewer lateral joints shall be made by the use of "Ferco Donut" or equal made to join PVC gravity sewer pipe six inches (6") by four inches (4"). The donut shall be O-ring #FR64 by Ferco or equal.

### Section 3.3: Installation Methods

- a. All pipe used for building sewer hookup shall be required to be laid in a trench that has a base of stone dust, 2B or 2RC with a minimum thickness of two inches (2") under the pipe. It shall then be backfilled with a minimum of eight inches (8") over the pipe with the same material used for the base.
- b. For trenches less than four feet (4') deep in a traveled roadway or driveway, special bedding 2B or 2RC shall be used as an underlayment and backfill to the top of the trench.
- c. Any future hookups that require cutting of a new lateral to the trunk line shall require the same backfill as described in Section 3.3b.

- d. Where ground conditions are poor due to ground water or subsurface materials, a base of 2B or 2RC crushed stone with a base of at least six inches (6") in depth shall be applied.
- e. Where rock is encountered, it shall be excavated to a depth of four inches (4") below the bottom of the pipe and the trench refilled to grade line with clean and tamped earth or crushed stone.
- f. When the building sewer shall continue through the existing septic tank, it shall be pumped empty by a qualified tank cleaner. It shall then be backfilled with crushed stone 2B or 2RC. If any other part of the septic system is encountered, the trench shall be constructed in accordance with Section 3.3d.
- g. Cleanouts are required at a maximum of seventy-five feet (75') intervals and shall be brought level or above grade. Termination shall be made by the use of solid covered outlets. Sanitary tees shall be used as a cleanout fitting which will enable the sewer line to be cleaned both ways.
- h. Under no circumstances shall surface or rainwater sump pumps, rain downspouts or cellar drains be entered into the Sewer System. If anyone permits such entry, the person or persons shall be subject to the penalties provided for the violation of this **Ordinance**.

#### **ARTICLE IV** **Enforcement**

For each and every violation of any of the provisions of this **Code**, the owner, lessee, general agent or contractor of a building or land where such violation has been committed or shall exist, and the owner, lessee, general agent, contractor or any person, including the members of a partnership or the officers of a corporation, who commits, takes part in or assists in any such violation or who maintains any such building or land in which any such violation shall exist, shall upon conviction by summary proceeding before a district magistrate or district judge having jurisdiction be fined not less than Twenty-Five Dollars (\$25.00) and not more than Three Hundred Dollars (\$300.00) together with costs of prosecution. If a defendant, sentenced to pay a fine or costs after a finding of guilt in a summary case, defaults in such payments, the defendant may be sentenced and committed to the Cumberland County Prison for a period not exceeding thirty (30) days. Such fine and costs shall be in addition to the remedies provided in Article I of this **Ordinance** and shall be enforceable and recoverable in the manner provided by applicable law. All fines collected for the violation of this **Code** shall be paid to the Treasurer of the Township for the general use of the Township. Each day that a violation is continued shall constitute a separate offense.

The Board of Supervisors may also institute proceedings in equity to enjoin violations of this Ordinance.

**ARTICLE V**  
**Severability**

In the event any provision, section, sentence, clause or part of this Code shall be held to be invalid for any reason, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Code, it being the intent of the Township that such remainder of this Code shall be and shall remain in full force and effect.

**ARTICLE VI**  
**Construction Of Ordinance**

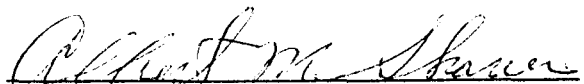
This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, regulations, resolutions or ordinances; provided, however, where this Ordinance imposes a greater restriction upon persons, premises or personal property than is imposed or required by such existing provisions of other laws, regulations, resolutions or ordinances, the provisions of this Ordinance shall control.

**ARTICLE VII**  
**Effective Date**

This Ordinance shall become effective five (5) days after enactment in accordance with the law.

DULY ORDAINED AND ENACTED this 2nd day of December 1987 by the Board of Supervisors of the Township of Middlesex, Cumberland County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS  
OF MIDDLESEX TOWNSHIP

  
Chairman, Board of Supervisors

Attest   
Secretary

(SEAL)