

RESOLUTION NO. 116-09

A RESOLUTION OF THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING REGULATIONS REGARDING THE EXISTENCE OF TREES, SHRUBS OR GROWING PLANTS WITHIN THE SANITARY SEWER LINE RIGHTS-OF-WAY OF THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY.

WHEREAS, the West Mifflin Sanitary Sewer Municipal Authority (WMSSMA) maintains a system of sanitary sewer lines within its rights-of-way to provide sanitary sewer service to properties owned or leased by its customers;

WHEREAS, the Pennsylvania Municipality Authorities Act (PMAA), P.L. 287, No. 22, § 1 (June 19, 2001) and as thereafter amended, grants power to the WMSSMA to adopt reasonable rules and regulations that apply to water and sewer lines located on a property owned or leased by a customer;

WHEREAS, the PMAA grants power to the WMSSMA to refer for prosecution as a summary offense any violation dealing with said reasonable rules and regulations relating to water and sewer lines on a property owned or leased by a customer; and,

WHEREAS, the WMSSMA seeks to adequately protect its sanitary sewer lines from the planting of trees, shrubs and growing plants and the roots of trees, shrubs and growing plants.

NOW THEREFORE, be it resolved and it is hereby resolved as follows:

1. Hereafter, it shall be prohibited to plant, maintain, or permit the growth or existence of trees, shrubs, or growing plants within the sanitary sewer line rights-of-way of the WMSSMA, whether across public or private property, where the same send, or may send roots into, clog, or obstruct any part of the flow of the said sanitary sewer line, or in any way interfere with, harm, or destroy the same or any part thereof.

2. Any person, group, firm, association, corporation, trust, partnership, or other entity who plants, maintains, suffers, or permits the growth or continued existence of trees, shrubs, or plants, in violation hereof, shall be given written notice by the WMSSMA to have the same abated, removed, or destroyed immediately.

3. Failure or refusal to abate, remove or destroy the subject trees, shrubs, or plants within seventy-two (72) hours after written notice shall constitute a violation, and the party in violation shall be referred for prosecution of a summary offense.

4. In addition to the penal provisions set forth herein, the WMSSMA may, of its own motion, cause the removal of such trees, shrubs, or plants within its sanitary sewer line rights-of-way.

5. If any provision of this Resolution is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

RESOLVED, this 2nd day of April, 2009.

WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY: Richard Babjak,
Chairman

ATTEST: Glenn Labosco, Secretary