**CHAPTER 18**

**SEWERS AND SEWAGE DISPOSAL**

**Part 3**

**Connection to Sewer System**

 **§301. Definitions.** Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

 AUTHORITY – The Municipal Authority of White Deer Township, Union County, Pennsylvania, a Pennsylvania municipality authority.

 BUILDING SEWER – The extension from the sewage drainage system of any structure to the Lateral of a Sewer.

 IMPROVED PROPERTY – 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.

 INDUSTRIAL ESTABLISHMENT – Any Improved Property located in this Township used wholly or in part for the manufacturing, processing, cleaning, laundering or assembly of any product, commodity or article, or any other Improved Property located in this Township from which wastes, in addition to or other than Sanitary Sewage, are discharged.

 INDUSTRIAL WASTES – Any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage.

 LATERAL – That part of the Sewer System extending from a Sewer to the curb 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.

 OWNER – Any Person vested with ownership, legal or equitable, sole or partial, of an Improved Property.

 PERSON – Any individual, partnership, company, association, society, corporation or other group or entity.

 SANITARY SEWAGE – Normal water-carried household and toilet wastes from any Improved Property.

 SEWER – Any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

 SEWER SYSTEM – All facilities, as of any particular time, for collecting, transporting, pumping, treating, and disposing of Sanitary Sewage and/or Industrial Wastes, owned, maintained and operated by or on behalf of the Authority.

 TOWNSHIP – The Township of White Deer, Union County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

 **§302. Use of Public Sewer Required.** The Owner of any Improved Property located in this Township and whose property adjoins or is adjacent to the Sewer System or whose principal building is within 150 feet of the Sewer System, shall connect such Improved Property to the Sewer System, in such manner as this Township and the Authority may require, within 60 days after notice to such Owner from this Township or the Authority to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established, from time to time, by this Township or the Authority.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§303. Discharge to Sewer System.** All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer as required under §302 hereof, shall be conducted into a Sewer, subject to such limitations and restrictions as shall be established herein or otherwise, from time to time, by this Township or the Authority.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§304. Prohibition Against Discharge.** No person shall place or deposit or permit to be placed or deposited upon public or private property or into any natural culvert within this Township any Sanitary Sewage or Industrial Wastes in violation of this Part.

 (Ordinance No. 01-01, adopted March 27, 2001)

 §305. No Septic System Where Sewer System Available. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under §302 to be connected to a Sewer.

 Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and filled under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the Owner of such Improved Property.

 **§306. No Septic System Attached to Sewer System.** No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

 **§307. Notice.** The notice by this Township or the Authority, to make a connection to a Sewer, referred to in §302, shall consist of a written or printed document requiring such connection in accordance with the provisions of this Part, which shall specify that such connection shall be made within 60 days from the date such notice is served. Such notice may be given at any time after a Sewer is in place which can receive and convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§308. Separate Connection.** Except as otherwise provided in this Part, each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after written permission of the Authority, shall have been secured.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§309. Costs of Construction.** All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer shall be borne by the Owner of the Improved Property to be connected; and which Owner shall indemnify and save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to a Sewer.

 **§310. Connection Regulated by Authority.** A Building Sewer shall be connected to a Sewer at the place and in such manner as designated by the Authority.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§311. Accessible to Sewer System.** If the Owner of any Improved Property located in this Township and whose property adjoins or is adjacent to the Sewer System or whose principal building is within 150 feet from the Sewer System, shall fail to connect such Improved Property within sixty (60) days of notice from the Township or the Authority to do so as provided in §302, this Township or its agent or the Authority or its Agent may make such connection and may collect from such Owner the costs and expenses thereof. In such case, this Township or its Agent or the Authority or its Agent shall, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the Owner of the Improved Property to which connection has been so made, which bill shall be payable immediately. In case of neglect or refusal by the Owner of such Improved Property to pay said bill, this Township or its Agent of the Authority or its Agent shall file a municipal lien for said construction within six (6) months of the date of the completion of the construction of said connection, the same to be subject in all respects to the law providing for the filing and recovery of municipal liens.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§312. Disconnection from Septic System.** Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own sewage disposal system or device, the existing sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such sewer line, as a Building Sewer in accordance with and subject to the existing or future rules, regulations and approval of the Authority.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§313. Inspection of Connection to Sewer System.** No Building Sewer shall be covered until it has been inspected and approved by the Authority. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to a Sewer.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§314. Condition of Improved Property.** Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

 **§315. Safety.** Every excavation for a Building Sewer shall be done in such manner as to protect all persons and property from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to this Township or the Authority.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§316. Failure to Maintain Improved Property.** If any Person shall fail or refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy an unsatisfactory condition with respect to a Building Sewer, within the time specified in the notice, this Township or the Authority may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of this Township or the Authority.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§317. Additional Rules and Regulations.** This Township, from time to time, has and may adopt, by resolution, such additional rules and regulations as it shall deem necessary and proper to carry out the terms of this Part and to protect and promote the health, safety and well being of its citizens and residents and does hereby authorize the Authority to adopt such rules and regulations which, to the extent appropriate, shall be construed as part of this Part. Township does hereby approve all rules and regulations heretofore adopted by the Authority which also shall be construed to be a part of this Part.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§318. Enforcement.** In the event a Person shall violate any of the provisions of this Part or any of the Rules and Regulations heretofore or hereafter adopted by either this Township or the Authority (with the exception of Rules and Regulations relating solely to user fees) it shall be considered to be in violation of this Part and subject to the following penalties.

 Whenever is appears to this Township or to the Authority that there has been a violation of any provision of this Part, the Sewer Inspector, on behalf of and as Agent for the Township, and/or the Authority shall give notice of such alleged violation as hereinafter provided. Such enforcement shall:

 (1) Be in writing;

 (2) Be served upon the owner of record of the parcel upon which the violation has occurred or be sent to said owner by certified mail (return receipt requested), and be sent to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record;

 (3) State the name of the owner of record and any other person against whom the Township or the Authority intends to take action;

 (4) Indicate the location of the property in violation;

 (5) Identify the specific violation(s) with a description of the requirements which have not been met, citing in each instance the applicable provision(s) of the Ordinance or Rules and Regulations;

 (6) Contain an outline of remedial action which, if taken, will affect compliance;

 (7) Specify the date before which the steps for compliance must be commenced and the date before which the steps must be completed, all such dates shall be reasonable taking into consideration the nature and extent of the violations and its effect on health and safety;

 (8) Notify the recipient of its right to appeal to the Authority Board prior to the expiration of the time period provided in the enforcement notice; and

 (9) Indicate that failure to comply with the notice within the time specified, unless extended by appeal to the Authority Board, shall constitute a violation and will be prosecuted or remedied as provided herein.

 In any appeal of an enforcement notice to the Sewer Authority Board, the Sewer Inspector shall have the responsibility of presenting its evidence first.

 (Ordinance No. 01-01, adopted March 27, 2001)

 **§319. Enforcement of Penalties.**

 (1) Any person, partnership, corporation, firm, entity or joint venture who or which has violated or shall violate or permitted or permits the violation of the provisions of this Part shall upon being found liable therefor in a civil enforcement proceeding pay a judgment of not more than ONE THOUSAND AND 00/100 DOLLARS ($1,000.00), plus all court costs and reasonable attorney fees incurred by the Township as a result thereof.

 Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Township. Nothing in this section shall be construed or interpreted to grant to any person, firm, partnership, entity, corporation or joint venture other than the Board of Supervisors or its duly designated agent the authority to commence or prosecute any action pursuant to this section.

 (Ordinance No. 96-4, adopted June 25, 1996)

 (2) Enforcement of this Part or the Rules and Regulations heretofore or hereafter adopted pursuant hereto may be made through an Action in Equity in the Court of Common Pleas of Union County, which shall include the payment of this Township’s and the Authority’s costs including but not limited to court costs, attorney fees, witness fees, expert fees and the Sewer Inspector’s Fees.

 (3) Where there is an immediate threat to the health and safety of the citizens or residents of this Township or public, this Township and/or Authority, upon the failure of the Owner to correct the same, after reasonable notice under the circumstances, may enter upon the property and take such steps as are necessary to eliminate the immediate threat to the health and safety of this Township’s citizens or residents or the public. The costs of said work shall be billed to the Owner and upon non-payment of the same may be entered as a Municipal Lien as herein above provided or added as costs in any Action in Equity brought against the Owner as provided herein.

 (4) For purposes of this Part and any Rules and Regulations adopted pursuant hereto by either this Township or the Authority, this Township does hereby constitute and appoint the Authority and its employees as the Township’s Agent and does further authorize the Authority’s solicitor to enforce the provisions of the Part and said Rules and Regulations for and on behalf of this Township.

 (Ordinance No. 01-01, adopted March 27, 2001)

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

 **§321. Purpose.** It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

 **§322. Easement.** This Township does grant to the Authority, its successors and assigns, all easements, rights of way and other rights necessary and desirable in, along, over and under streets, roads, lanes, courts, cul-de-sacs, alleys, public ways, public ingress, egress and regress therein and thereto, along with other persons having interests or rights therein, for use in connection with constructing, replacing, repairing, altering and maintaining the Sewer System to be acquired and constructed by the Authority, as the same shall exist, from time to time.

 **§323. Additional Rights and Privileges.** The rights and privileges granted to the Authority hereunder shall be exercised by the Authority under and subject to such reasonable rules, regulations and conditions as shall be adopted and specified, from time to time, by resolution or ordinance of this Township; and this Township does hereby reserve the right to adopt and specify, from time to time, such reasonable rules, regulations and conditions in connection with exercise by the Authority of such rights and privileges.

(Ordinance No. , adopted August 28, 1973; Ordinance No. 01-01, adopted March 27, 2001)