

HAWLEY BOROUGH
WAYNE COUNTY, PENNSYLVANIA
Ordinance No. _____

An Ordinance of the Borough of Hawley, Wayne County, Pennsylvania promulgating the requirement that a Sewer Lateral and/or a Sewer Connection located on any lot or parcel of real property lying within the Borough of Hawley and connected to Hawley Area Authority's Sanitary Sewer System shall be inspected prior to the sale or transfer of said real property to any person or entity succeeding to the title and interest in and to said real property, providing for the enforcement thereof, the penalty for the violation thereof, the severability of the provisions thereof and for the effective date thereof.

WHEREAS, the Borough of Hawley hereinafter referred to as (Borough) originally generated and constructed a sewage collection and treatment system serving the Borough (the subject sewage system); and

WHEREAS, over the span of time the subject sewage system has been expanded to serve residential and commercial units in Palmyra Township, Wayne County; and

WHEREAS, by virtue of Intergovernmental Agreement and Ordinances passed the ownership, maintenance, title and control of the subject sewer system was transferred and conveyed to the Hawley Area Authority, a Pennsylvania General Municipal Authority, (hereinafter referred to as the Authority); and

WHEREAS, pursuant to the aforesaid ordinance activity relative to the transfer of the sewage system to the Authority, ownership, repair, connections, upkeep, operations, maintenance, title and control of the subject sewage system has been transferred and conveyed from the Borough to the Authority; and

WHEREAS, consistent therewith the Authority has assumed and enacted any and all such ownership, maintenance, rules, regulations, upkeep, control, cost, expenses, enforcement and any and all other aspects of the subject sewage system; and

WHEREAS, the Authority has sought and seeks from the Borough enactment of an ordinance which specifically requires the inspection and upgrade of laterals of any and all parcels located within the Borough connected to the Authority's sewage system; and

WHEREAS, the Borough of Hawley deemed it to be necessary and in the interest of the health, safety, and welfare of the residents of the Borough of Hawley to provide for the inspection of all sewer laterals and all sewer connections installed on any lot or parcel of real property lying within the Borough of Hawley which are connected to the Authority's Sanitary Sewer System, prior to the sale or transfer of such lot or parcel of real property to any person or entity succeeding to the legal title and interest in and to said property; and

WHEREAS, it is further declared by the Borough that any and all inspections, repairs, approvals, enforcement powers and penalties are best placed in and under the supervision, dominion and control of the Authority as the governing entity of the subject Sanitary Sewer System.

NOWHEREFORE by it enacted and ordained, and the same is enacted and ordained by the Borough Council of Hawley Borough, Wayne County, Pennsylvania as follows:

A. Name

1. This Ordinance is hereby named the Sewer Laterals and Sewer Connections Ordinance.

B. Inspection of Sewer Laterals and Sewer Connections

1. Prior to the sale or transfer of each lot or parcel of real property lying within the Borough of Hawley, the Sewer Laterals and Sewer Connections in and on that real property shall be inspected and/or televised at the owners' expense, to determine the condition of the Sewer Laterals and Sewer Connections.
2. Any such inspections shall be performed under the auspices, dominion and control of the Authority.
3. The owner of any parcel of real property then connected to the Authority's Sanitary Sewer System shall notify the Authority at least sixty (60) days prior to the proposed sale and transfer of the lot or parcel of real property.
4. Likewise, in conjunction with the foregoing, the subject owner shall make all areas to be inspected and/or televised available for the required inspection.

5. Notwithstanding anything herein to the contrary, any parcel or property connected to the Authority's Sewer System under inspection and approval by the Authority within ten (10) years of the proposed sale shall be and is hereby exempt from this inspection requirement.

C. Criteria of the Condition of the Lateral or Like-Connection

1. If the inspection mandated herein reveals the sewer laterals and/or sewer connections are in an unacceptable condition, the Sewer Laterals and Sewer Connections shall be repaired or replaced by the owner of the low or parcel of real property to the satisfaction of the Authority at the owner's expense prior to the sale or transfer of ownership of the low or parcel of said real property.
2. In the event that any lateral or similar connection is determined by the Authority to be unacceptable, replacement of any such lateral or similar connection shall be monitored, confirmed and approved by the Authority in a fashion or means selected by the Authority.
3. The Authority is hereby empowered to impose reasonable inspection fees and administrative costs for inspection of the sewer laterals.

D. Designation of Agent & Delegation of Power

1. The Borough of Hawley hereby designates the Hawley Area Authority as its Agent to create, implement, conduct and enforce a program for the inspection of Sewer Laterals and Sewer Connections, as provided for herein.
2. The basis of the designation of agency is that the Borough of Hawley is a constituent member of the Authority under the Articles of Incorporation of the Authority, and, further, the Authority has heretofore been designated by the Borough as its Agent and the provision of all water quality management services and with the compliance with all terms and provisions of the Pennsylvania Sewage Facilities Act (Act 537) for which the Borough has primary statutory obligation and duty.

E. Enforcement and Penalty

1. The Authority, as designated Agent of the Borough hereunder, is hereby granted all powers and is duly authorized to do all things necessary to enforce the provisions of this Ordinance on behalf of the Borough.

2. The penalty for violation of this Ordinance shall be the commencement of an action brought before a District Justice having jurisdiction over the subject's real property in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Furthermore, the Authority Solicitor is hereby empowered to assume charges of prosecution without the consent of the Borough.
3. Any necessary approval from the Wayne County District Attorney's Office as may be required under Pennsylvania Rules of Criminal Procedure shall be secured by the Authority consistent with the enforcement powers granted to the Authority herein.
4. Any person or entity convicted of the offense of violating any provision of this Ordinance shall be subject to criminal fines not to exceed one thousand and 00/100 (\$1,000.00) dollars, per violation. Each day that a violation of this Ordinance continues shall constitute a separate offense.
5. This Ordinance may also be enforced by the Authority through an action in law or in equity commenced in the Court of Common Pleas of Wayne County or by an action or civil penalties before a District Justice having jurisdiction over the subject property. In the event that said civil penalties are sought by the Authority, the penalties shall be the numeric amount as contained in paragraph E(4) of this Ordinance.

F. Savings Clause

1. These provisions of this Ordinance, so far as they are the same for those ordinances and regulations enforced immediately prior to the adoption of this Ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment except with the specific provision that the Authority has hereby granted full and complete power and authority to enforce the terms of this Ordinance.
2. The provisions of this Ordinance shall not affect any suit or prosecution instituted or to be instituted to enforce any prior ordinance or regulation except as otherwise provided by law.

G. Severability of Parts of Ordinance

1. It is hereby declared to be the intention of the Borough that the sections, paragraphs, clauses and phrases of this Ordinance are severable. If any section, paragraph, clause or phrases of this Ordinance are severable. If any section, paragraph, clause and phrase of this Ordinance is deemed or declared to be unconstitutional, illegal or otherwise invalid by a judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining sections, paragraphs, clauses or phrases of this Ordinance.

H. Enactment

1. The Ordinance shall become effective on January 1, 2027.

Hawley Borough Council

ATTEST:

Secretary

President

Approved this _____ day of _____, 2026, by Hawley Borough, Wayne County, Pennsylvania.

Borough Secretary