

TOWNSHIP OF PENN
PERRY COUNTY, PENNSYLVANIA

ORDINANCE NO. 101

AN ORDINANCE REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THE TOWNSHIP AND ACCESSIBLE TO AND WHOSE PRINCIPAL BUILDING IS WITHIN 150 FEET FROM THE SEWER SYSTEM TO BE ACQUIRED AND CONSTRUCTED BY THE PENN TOWNSHIP MUNICIPAL AUTHORITY OF PERRY COUNTY, PENNSYLVANIA, TO CONNECT THEREWITH UPON NOTICE BY THE TOWNSHIP; REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THE TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES TO ANY SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND REQUIRING ABANDONMENT THEREOF WHERE A SEWER IS AVAILABLE; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Supervisors of the Township of Penn, Perry County, Pennsylvania enacts and ordains as follows:

ARTICLE I
DEFINITIONS

SECTION 1.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

A. "Authority" means Penn Township Municipal Authority of Perry County, Pennsylvania, a Pennsylvania municipal authority.

B. "Building Sewer" means the pipe leading from the sewage drainage system of any structure to the Service Lateral of a Collection Sewer.

C. "Collection Sewer" shall mean the Authority's collection sanitary sewers located under highways, roads, streets, and rights-of-way with branch Service Laterals that collect and convey Sanitary Sewage or Industrial Wastes or a combination of both to a pumping or treatment facility.

D. "Improved Property" means any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

E. "Industrial Establishment" means any room, group of rooms, building or other enclosure used or intended for use, in whole, or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering as assembling any product, commodity or article, or from which any Industrial Wastes, as distinct from Sanitary Sewage, shall be discharged.

F. "Industrial Wastes" means any solid, liquid or gaseous substance or water borne wastes or forms of energy rejected or escapi from any industrial, manufacturing, trade or business process or the development, recovery or processing of any natural resources, as distinct from Sanitary Sewage.

G. "Owner" means any person vested with ownership, legal or equitable, sole or partial, or any Improved Property.

H. "Person" means any individual, partnership, company, association, society, corporation or other group or entity, including a municipal authority and municipality.

I. "Sanitary Sewage" means normal water-carried household and toilet wastes from any Improved Property.

J. "Service Lateral" means that part of the Sewer System extending from a Collection Sewer to the curb line, right-of-way line or, if there is no curb or right-of-way line, to the property line.

K. "Sewer" means any pipe or conduit constituting a part of the Sewer System used or usable for collection and transportation of Sanitary Sewage and Industrial Wastes.

L. "Sewer System" means all facilities and property owned by the Authority as of any particular time, including but not limited to, facilities for collecting, pumping, conveying, and treating Sanitary Sewage and Industrial Wastes.

M. "Township" means the Township of Penn, Perry County, Pennsylvania, a municipality, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through its authorized representatives.

ARTICLE II
USE OF PUBLIC SEWERS REQUIRED

SECTION 2.01. The Owner of any Improved Property accessible to and whose principal building is within 150 feet from the Sewer System, shall connect such Improved Property therewith, in such manner as the Township or Authority may require, within 60 days after notice to such Owner from the Township to make such connection, for the purpose of discharge of 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 by the Township or Authority from time to time.

SECTION 2.02. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer as required under Section 2.01, shall be conducted into a Sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township or Authority from time to time.

SECTION 2.03. No person shall place or deposit or permit to be placed or deposited upon public or private property within the Township any Sanitary Sewage or Industrial Wastes in violation of Section 2.01. No person shall discharge or permit to be discharged to any natural outlet within this Township, any Sanitary Sewage or Industrial Wastes in violation of Section 2.01, except where suitable treatment has been provided which is approved by the Township.

SECTION 2.04. 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 Section 2.01 to be connected to a Sewer.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and filled in accordance with applicable law and the regulations of the Authority, and any such privy vault, cesspool, septic tank or similar receptacle not so abandoned 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.

SECTION 2.05. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

SECTION 2.06. The notice by the Township to make a connection to a Sewer, referred to in Section 2.01, shall consist of a copy of this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within 60 days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey Sanitary Sewage or 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 certified mail or by such other method as at the time may be provided by law.

SECTION 2.07. If the Owner of any Improved Property located in the Township and accessible to and whose principal building is within 150 feet from the Sewer System, after 60 days notice from the Township, in accordance with Section 2.01, shall fail to connect such Improved Property, the Township may make such connection and may collect from such Owner the costs and expenses thereof. In such case, the Township shall forthwith, upon completion of the work, send an itemized bill of the costs and expenses 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 within 10 days thereafter. In case of neglect or refusal by the Owner of such Improved Property to pay said bill, the Township shall file a municipal lien for said costs and expenses of constructing, within 6 months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens. Nothing in this Section shall be construed to prevent or excuse the imposition of a fine or fines for violation of this Ordinance.

ARTICLE III
RULES AND REGULATIONS GOVERNING
BUILDING SEWERS AND CONNECTIONS TO SEWERS

SECTION 3.01. 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 house 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 house sewer line, as a Building Sewer.

SECTION 3.02. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all persons 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 the Township and the Authority.

SECTION 3.03. If any person shall fail or refuse, upon receipt of a notice of the Township, in writing, to remedy any unsatisfactory condition with respect to a Building Sewer, within 60 days of receipt of such notice, the Township may treat such refusal in the same manner as though the owner had failed to connect to the Sewer System, and may proceed to remedy the condition and collect the costs and expenses thereof as provided in Section 2.07.

SECTION 3.04. Notwithstanding any of the terms of this Ordinance, connection to the Sewer System of the Authority shall at all times be subject to such rules and regulations relating thereto as shall be adopted by the Authority, and failure to observe and comply with such rules and regulations shall constitute a violation of this Ordinance.

ARTICLE IV ENFORCEMENT

SECTION 4.01. Any person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than \$100.00, nor more than \$1,000.00, together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

SECTION 4.02. Fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE V SEVERABILITY

SECTION 5.01. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this

Ordinance, it being the intent of this Township that such remainder shall be and remain in full force and effect.

ARTICLE VI
DECLARATION OF PURPOSE

SECTION 6.01. 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 the Township.

ARTICLE VII
REPEALER

SECTION 7.01. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same are expressly repealed.

ARTICLE VIII
EFFECTIVE DATE

SECTION 8.01. This Ordinance shall become effective 5 days after adoption, as provided by law.

DULY ENACTED AND ORDAINED, this 5th day of August, 1992, by the Board of Supervisors of the Township of Penn, Perry County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF PENN

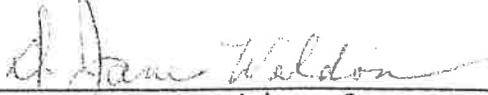
By: [Signature]
Chairman of the Board of
Township Supervisors

ATTEST:

[Signature]
Secretary

CERTIFICATION

The undersigned, being the Secretary of the Township of Penn, hereby certifies that the foregoing is a true and correct copy of the ordinance adopted by the Board of Supervisors of the Township of Penn at a meeting duly and legally held the 5th day of August, 1992, and that said ordinance has been duly recorded upon the official record books of said municipality.


Secretary, Township of Penn

(SEAL)

PENN TOWNSHIP
PERRY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2008 -04

**AN ORDINANCE AMENDING ORDINANCE 101,
COMMONLY KNOWN AS THE SEWER CONNECTION
ORDINANCE OF PENN TOWNSHIP, PERRY COUNTY.**

BE IT ENACTED AND ORDAINED BY the Board of Supervisors of Penn Township, Perry County, Pennsylvania that Ordinance No. 101 (The Sewer Connection Ordinance) originally enacted on August 5, 1992, amends ARTICLE IV – ENFORCEMENT as follows:

Section 1 - Section 4.01 is amended to read:

Any person who shall violate this Ordinance shall be liable, upon a summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine not to exceed \$1,000.00, together with costs of prosecution, or to imprisonment in the county jail for a term not to exceed ninety (90) days, or both. Each day that violation continues shall be deemed to be a separate offense. Any person who defaults in payment of a fine shall be subject to imprisonment in the county jail for a term not to exceed ninety (90) days.

Section 2 - SECTION 4.02 is amended to read:

Fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner then provided by applicable law.

Section 3 - SECTION 4.03 is added:

The Township hereby authorizes the Penn Township Municipal Authority of Perry County, Pennsylvania, to enforce this Ordinance through proceedings filed by its Chairman, Vice-Chairman or Solicitor.

Section 4 - Effective Date

Upon enactment by the Township Board of Supervisors, this Ordinance shall be effective as provided by law.

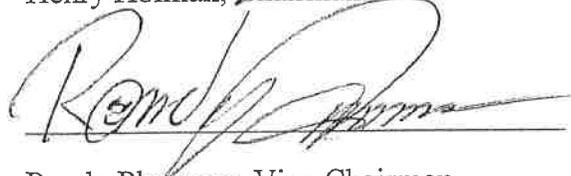
Section 5 – Enactment

ENACTED, ORDAINED, AND ADOPTED THIS 26th DAY OF November, 2008
by the Supervisors of the Township of Penn, Perry County, Pennsylvania in a lawful session duly
assembled.

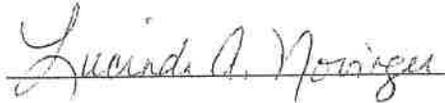
Penn Township Board of Supervisors



Henry Holman, Chairman



Randy Plummer, Vice-Chairman



Lucinda "CeCe" Novinger

CERTIFICATE OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance 2008-04 adopted by
the Supervisors of the Township of Penn, Perry County, Pennsylvania, at a regular meeting of
the Board of Supervisors on November 26, 2008.



Secretary