

ORDINANCE NO. 1998-3
TOWNSHIP OF SCHUYLKILL

AN ORDINANCE OF THE TOWNSHIP OF SCHUYLKILL REGULATING CONNECTIONS TO THE PUBLIC SEWAGE SYSTEMS; REQUIRING A PERMIT TO CONNECT TO THE PUBLIC SEWAGE SYSTEM; PROVIDING FOR SEWER RENTAL CHARGES; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania as follows:

PART 1
DEFINITIONS AND MISCELLANEOUS PROVISIONS

SECTION 101. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

AUTHORITIES ACT – the Municipal Authorities Act of 1945, Act No. 164, May 2, 1945, P.L. 382, 53 P.S. Section 301 et seq., as presently and hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

AUTHORITY – the Schuylkill Valley Sewer Authority, acting through the Board of the Schuylkill Valley Sewer Authority.

BUILDING DRAIN – part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER – the extension from the Lateral of a Sewer to the Building Drain of any structure, ending five (5) feet outside the inner face of the building wall.

COMBINED SEWER – a sewer receiving both surface runoff and sewage.

COMMUNITY SEWAGE SYSTEM – any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes serving two or more lots.

DEPARTMENT – Department of Environmental Protection of the Commonwealth of Pennsylvania.

HOLDING TANK – watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

1. Chemical Toilet – toilet using chemicals that discharge into a holding tank.
2. Retention Tank – holding tank to which sewage is conveyed by a water carrying system.
3. Privy – holding tank designed to receive sewage where water under pressure is not available.

HOLDING TANK CLEANER – municipal authority or person, including a holding tank owner, who removes the contents of a holding tank for purposes of disposing of the sewage at another site.

IMPROVED PROPERTY – any property within the 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 within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property located within this Township, from which wastes, in addition to or other than Sanitary Sewage, shall be discharged;

INDUSTRIAL WASTES – any and all wastes discharged from any Industrial Establishment, other than Sanitary Sewage;

LAND DEVELOPMENT – any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

2. A subdivision of land.

3. "Land development" does not include development which involves:

a. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

b. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or

c. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the property authorities.

LATERAL – 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;

LOT – any of the following;

1. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

2. A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single-family residential lots as determined by estimated sewage flows

OWNER – any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

PERSON – any natural person, partnership, association or corporation. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall include the members of an association and the officers of a corporation.

SANITARY SEWAGE – normal water-carried household and toilet wastes from any Improved Property;

SEWAGE – any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals, and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

SEWAGE TREATMENT PLANT – any arrangement of devices and structures used for treating sewage.

SEWER – any pipe or conduit constituting a part of Sewer System used or usable for sewage collection purposes;

SEWER SYSTEM – all facilities, as of any particular time, for collecting, pumping, transmitting, treating and disposing of Sanitary Sewage and/or Industrial Wastes, situate in or adjacent to this Township and owned or to be owned by the Authority for maintenance, operation and use;

TOWNSHIP – the Township of Schuylkill, Schuylkill County, Pennsylvania, acting through the Board of Supervisors of Schuylkill Township.

In this Ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

SECTION 102. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00), and in default of payment, to be imprisoned for a term not to exceed thirty (30) days. Every day that a violation of this ordinance continues shall constitute a separate offense.

SECTION 103. Repealer. All ordinances or resolutions or parts of Ordinances or resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

SECTION 104. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Schuylkill, that this ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION 105. Effective Date. This ordinance shall become effective upon its final adoption by the Board of Supervisors of the Township of Schuylkill.

PART 2
REQUIRED CONNECTIONS TO PUBLIC SEWAGE SYSTEM

SECTION 201. Use of Public Sewer Required. The Owner of any Improved Property accessible to and whose principle building is within 150 feet from the Sewer System shall connect such Improved Property with and shall use such Sewer System, in such manner as this Township may require, within 60 days after notice to such Owner from this Township to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property; subject, however, to such limitations and restrictions shall be established herein or otherwise shall be established by this Township, from time to time.

1. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with Sewer shall be required under this Section 201, to be conducted into a Sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township or Authority, from time to time.

2. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Township any Sanitary Sewage or Industrial Wastes in violation of this Section 201.

3. No person shall discharge or shall permit to be discharged to any natural outlet within this Township any Sanitary Sewage or Industrial Wastes in violation of this Section 201, except where suitable treatment has been provided which is satisfactory to the Authority.

SECTION 202. Authority May Make Connections and Collect Costs. If the owner of any property, after sixty (60) days' notice from the Authority to make connection of such property with the public sewage system shall fail to make such connection, the Authority may make the connection and collect the costs thereof in the manner provided by law.

SECTION 203. Owners Required to Connect upon Expansion of System. From time to time in the future, as public sewage services become available to additional properties within the Township by reason of additions to the public sewage system or improvements on abutting properties, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines, and any septic tanks, cesspools, holding tanks and similar devices connected to an individual sewage system shall be abandoned as outlined herein.

SECTION 204. Privy Vaults, Cesspools, Sinkholes, Septic Tanks, Etc. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under Section 201 to be connected to a Sewer.

1. Every privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Authority, shall be cleansed and shall be filled, at the expense of the Owner of such Improved Property, under the direction and supervision of the Authority; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Authority, not 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.

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

SECTION 205. Access to Premises by Agents. The Authority and agents of the Authority shall have access at all reasonable hours of the day to all parts of the premises to which sewage service is supplied to make necessary inspections.

SECTION 206. Notice to Owner. The notice by this Township to make a connection to a Sewer, referred to in Section 201, 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 after the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place which can receive and can convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such Notice shall be given or served upon the Owner in accordance with law.

PART 3 CONNECTION PERMITS AND SPECIFICATIONS

SECTION 301. Permit Required to Open or Disturb Sewer. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any part of the public sewage system or appurtenance thereto without first obtaining a permit from the Authority. Application for said permit shall be made by the Owner of the Improved Property served or to be served or by the duly authorized agent of such Owner.

SECTION 302. Sewer Permit Fees. Before making a connection with the sewer system, each property owner shall make a written application therefor in the

manner prescribed by the Authority and pay the permit, connection, customer facilities and tapping fees established pursuant to Resolution of the Authority in accordance with the Authorities Act.

SECTION 303. Owner Responsible for Connection Costs. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the Township and the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 304. Separate Connections Required; Exceptions. A separate and independent building sewer shall be provided for every building. Exceptions to this provision shall be made where one building stands to the rear of another on an interior lot and no sewer line is available, or can be constructed to the rear building through an adjoining alley, court, yard or driveway, in which case the building sewer from the front building may be extended to the rear building only on approval by the Authority. Such connection of the two buildings to the sewer lines shall be considered as two building sewers.

SECTION 305. Status of Old Building Sewers. Old building sewers may be used in connection with a building only when such connection is approved by the Authority, and they meet the requirements of this ordinance or rules and regulations adopted pursuant hereto.

SECTION 306. Size and Slope of Building Sewer. The size and slope of the building sewer shall be subject to the approval of the Authority, but in no event shall the diameter be less than six (6) inches. The slope of such six (6) inch pipe shall be not less than one-eighth (1/8) inch per foot.

SECTION 307. Elevation, Grade and Depth of Building Sewer. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

SECTION 308. Discharge by Artificial Means when Gravity Flow Insufficient. In a building in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

SECTION 309. Excavations for Building Sewer. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and backfill shall be performed in accordance with the Authority specifications, except that no backfill shall be

placed until the work has been inspected and approved. 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.

SECTION 310. Joints and Connections. All joints and connections shall be made gastight and watertight. Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

SECTION 311. Connection of Building Sewer to Public Sewage System. The connection of the Building Sewer to the Public Sewer System shall be made at the Lateral if such is available. If the public sewer line is twelve (12) inches in diameter or less, and no properly located Lateral is available, the Authority shall at the Property Owner's expense install a Lateral in the Public Sewer at the location specified by the Authority. Where the Public Sewer is greater than twelve (12) inches in diameter, a manhole shall be first installed over the Public Sewer, then a Lateral to connect the Building Sewer, all at the Property Owner's expense.

SECTION 312. Notification Prior to Connection. The permit holder shall notify the Authority when the building sewer is ready for inspection and connection with the public sewer, and the connection shall be made under his supervision.

SECTION 313. Safety and Warning Facilities. All excavations for building sewer installation and connection shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work 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 314. Remedy of Unsatisfactory Condition. If any Person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority in writing, to remedy any unsatisfactory condition with respect to a Building Sewer within 60 days of receipt of such notice, this 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 and the Authority.

SECTION 315. Additional Rules and Regulations. The Authority reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and with the Sewer Systems, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

PART 4
SEWER RENTAL CHARGES

SECTION 401. Imposition of Sewer Rental Charges. All owners of property connected or connecting with the sewer lines and the public sewage system, and all of the owners of property who may hereafter connect with and use the same shall pay annual sewer rentals or charges in quarterly installments as hereinafter provided, for the use of such sewage facilities based upon a schedule of rates to be determined by resolution of the Authority.

SECTION 402. Payment of Charges; Penalty for Late Payment. Sewer rentals or charges shall be paid quarterly in accordance with billings for sewage services, except that during the first quarter that a residential, commercial or industrial user begins to discharge sewage into the public sewage system, said charge shall be based on a per diem amount prorated from the time such sewer connection is made until the next following quarterly billing period. All charges for sewage service shall be subject to a ten percent (10%) penalty if not paid within thirty (30) days after they are due. If not paid within sixty (60) days after due, the net bill plus penalty shall bear interest at the rate of one-half (1/2%) of one percent per month or fraction thereof until paid.

SECTION 403. Unpaid Charges Constitute Lien. Annual sewer rental charges shall be a lien on the properties charged with payment thereof, from the effective date of this ordinance, and if not paid after thirty (30) days' notice, may be collected in any manner provided by law, including without limitation the entry of a municipal lien of record in the Office of the Prothonotary of Schuylkill County, Pennsylvania. In the case where the Authority has agreed to provide sewer service to a residential dwelling unit in which the owner does not reside, the Authority shall notify the owner and the tenant within thirty (30) days after the tenant's bill for that service first becomes overdue. Such notifications shall be provided by first class mail to the address of the owner provided to the Authority by the owner and to the billing address of the tenant, respectively.

SECTION 404. Authority May Make Special Agreement or Arrangements with Industrial Concerns. No statement contained in this part shall be construed as to prevent any special agreement or arrangement between the Authority and any industrial concern whereby an industrial waste of any strength or character may be accepted by the Authority for treatment, subject to payment therefor by the industrial concern.

ENACTED AND ORDAINED this 30th day of October 1998, by the Board of Supervisors of the Township of Schuylkill, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF SCHUYLKIL

By Frank Thompson
Frank Thompson, Chairman

ATTEST:

Mary E. Bubel
Mary Bubel, Secretary

CERTIFICATE

I, the undersigned, Secretary of the Township of Schuylkill, Schuylkill County, Pennsylvania, (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on 10/28, 1998; that said Ordinance has been duly recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 20th day of October, 1998.



MARY BUBEL, Secretary/Treasurer