

Lebanon County, Pennsylvania

ORDINANCE NO. 09-29-77D

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MILLCREEK, LEBANON COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND ACCESSIBLE TO AND WHOSE PRINCIPAL BUILDING IS WITHIN 150 FEET FROM THE SEWER SYSTEM TO BE ACQUIRED AND TO BE CONSTRUCTED BY THE MILLCREEK-RICHLAND JOINT SEWER AUTHORITY TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH SEWER SYSTEM; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS 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 Board of Supervisors of the Township of Millcreek, Lebanon 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 and phrases used in this Ordinance shall be as follows:

A. "Authority" shall mean the Millcreek-Richland Joint Sewer Authority, a municipality authority of the Commonwealth;

B. "Building Sewer" shall mean the extension from the sewage drainage system of any structure to the Lateral of a Sewer;

C. "Commonwealth" shall mean the Commonwealth of Pennsylvania;

D. "Improved Property" shall mean any property 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;

E. "Industrial Establishment" shall mean any Improved Property located in this Township 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 in this Township from which wastes, in addition to or other than Sanitary Sewage, shall be discharged;

F. "Industrial Wastes" shall mean any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage;

G. "Lateral" shall mean 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;

H. "Owner" shall mean any Person vested with ownership,
legal or equitable, sole or partial, of any Improved Property;

I. "Person" shall mean any individual, partnership,
company, association, society, trust, corporation or other group
or entity;

J. "Sanitary Sewage" shall mean normal water-carried
household and toilet wastes from any Improved Property;

K. "Sewer" shall mean any pipe or conduit constituting
a part of the Sewer System used or usable for sewage collection
purposes;

L. "Sewer System" shall mean all facilities, as of
any particular time, for collecting, pumping, transporting,
and disposing of Sanitary Sewage and/or Industrial Wastes, situate
in or adjacent to this Township and owned by the Authority; and

M. "Street" shall mean and shall include any street, road,
lane, court, cul-de-sac, alley, public way or public square.

N. "Township" shall mean the Township of Millcreek,
Lebanon County, Pennsylvania, a municipal subdivision of the
Commonwealth, 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 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 as shall be established herein or otherwise shall be established by this Township, 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 shall be required under Section 2.01, shall be conducted into a Sewer; Subject, however, to such limitation and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

SECTION 2.03. 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 Section 2.01.

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 Section 2.01, except where suitable treatment has been provided which is satisfactory to this Township.

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

SECTION 3.01. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any Sewer or any part of the Sewer System without first obtaining a permit, in writing, from this Township.

SECTION 3.02. Application for a permit required under Section 3.01 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 3.03. No Person shall make or shall cause to be made a connection of any Improved Property with a Sewer until such Person shall have fulfilled each of the following conditions;

A. Such Person shall have notified the Secretary of this Township of the desire and intention to connect such Improved Property to a Sewer;

B. Such Person shall have applied for and shall have obtained a permit as required by Section 3.01;

C. Such Person shall have given the Secretary of this Township at least 24 hours' notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and

D. If applicable, such Person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee which may be charged and imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Sewer has been paid.

SECTION 3.04. Except as otherwise provided in this Section 3.04, 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, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

SECTION 3.05. 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 such Owner shall indemnify and shall 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.

SECTION 3.06. A Building Sewer shall be connected to a Sewer at the place designated by this Township or by the Authority and where, if applicable, the Lateral is provided.

The invert of a Building Sewer at the point of connection shall be at the same or higher elevation than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Building Sewer to the Lateral shall be made secure and watertight.

SECTION 3.07. If the Owner of any Improved Property abutting on or adjoining any street in which a Sewer constituting part of the Sewer System is located, after 60 days notice from this Township requiring the connection of such Improved Property with a Sewer, in accordance with Section 2.01, shall fail to connect such Improved Property, as required, this Township may make such connection and may collect from such Owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

ARTICLE IV

RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND CONNECTIONS TO SEWERS

SECTION 4.01. Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as a Building Sewer.

SECTION 4.02. No Building Sewer shall be covered until it has been inspected and approved by this Township. 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 4.03. Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

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SECTION 4.04. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Any Street, sidewalk 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.

SECTION 4.05. 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 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 and the Authority.

SECTION 4.06. This Township 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 System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

ARTICLE V

ENFORCEMENT

SECTION 5.01. 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 Fifteen Dollars (\$15.00) nor more than Twenty-Five Dollars (\$25.00), 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 5.02. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE VI

EFFECTIVE DATE

SECTION 6.01. This Ordinance shall become effective in accordance with law.

ARTICLE VII

SEVERABILITY

SECTION 7.01. 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 provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

ARTICLE VIII

DECLARATION OF PURPOSE

SECTION 8.01. 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 this Township.

ARTICLE IX

REPEALER

SECTION 9.01. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent with this Ordinance shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this 29th day of September,
1977, by the Board of Supervisors of the Township of Millcreek, Lebanon County,
Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MILLCREEK,
Lebanon County, Pennsylvania

By: Charles W. Zeller
Chairman of the Board of
Supervisors

ATTEST:

Lay M. Hollman
Secretary

(SEAL)