

COPY

TOWNSHIP OF ARARAT
SUSQUEHANNA COUNTY, PENNSYLVANIA

ORDINANCE #1-99

ORDINANCE REQUIRING THAT CERTAIN OCCUPIED BUILDINGS IN THE TOWNSHIP OF ARARAT ACCESSIBLE TO SANITARY SEWERS BE CONNECTED THEREWITH; PROHIBITING PRIVIES, CESSPOOLS, SEPTIC TANKS AND OTHER DEVICES FOR DISPOSING OF SANITARY SEWAGE AND WASTE WATER ON PROPERTIES REQUIRED TO BE CONNECTED WITH SANITARY SEWERS; REQUIRING PERMITS FOR CONNECTION TO PUBLIC SANITARY SEWERS; PROVIDING FOR CONNECTION RULES AND REGULATIONS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING EXCEPTIONS FROM CONNECTIONS IN CERTAIN CASES; PROVIDING FOR THE SEVERABILITY HEREOF; REPEALING INCONSISTENT ORDINANCES AND RESOLUTIONS OR PARTS THEREOF; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT FIVE DAYS AFTER ITS ENACTMENT.

WHEREAS, Ararat Township plans to implement a sewage collection and treatment system for a portion of Ararat Township;

WHEREAS, the Second Class Township Code of Pennsylvania, 53 P.S. § 67502 provides for mandatory connections to and use of a sewer system in any Township; and

WHEREAS, to promote the health and welfare of residents of the Township, it is advisable to require owners of property, benefited, improved or accommodated by a sanitary sewer to make connections with such sanitary sewer as provided by the Code and to prohibit privies, cesspools, septic tanks and similar devices for disposing of sanitary sewage and waste water on such property;

NOW THEREFORE, the Supervisors of the Township of Ararat, Susquehanna County, Pennsylvania hereby ordain and enact that:

Section 1. Definitions. As used herein, the following terms shall have the meanings stated:

(a) "Occupied Building" means a structure designed or used for continuous or periodic human occupancy from which sanitary sewage is or may be discharged, and includes, without limiting the generality of the foregoing, dwellings, flats, apartments, stores, shops, offices and business or industrial establishments.

(b) "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any occupied building.

(c) "Sanitary Sewer" means facilities (including any part of, but not necessarily the entirety of, a system of such facilities) owned and operated by the Township for the collection of sanitary sewage and waste water within the Township.

(d) "Property Accessible" to a Sanitary Sewer means property which is benefited, improved or accommodated by a Sanitary Sewer.

(e) "Sanitary Sewage" means the normal, water-carried household and toilet wastes resulting from human occupancy.

(f) "Waste Water" means the liquid and water carried, industrial or domestic waste, from dwellings, commercial buildings, industrial facilities, and institutions whether treated or untreated, which is contributed into or permitted to enter the sanitary sewer.

Section 2. Mandatory Sewer Connection. Upon completion of the Township Sanitary Sewer, the Township of Ararat shall cause Notice to be sent to all Owners of property upon which are located any occupied building, required pursuant to this

Ordinance to make connection with the sanitary sewer system who do not voluntarily connect their properties to said system. Said Notice shall either be served by registered mail or personally served.

Section 3. Connections at Expense of Owners.

(a) The Owner of any Property Accessible to a Sanitary Sewer on which there is an Occupied Building shall, at his own expense, install and use sanitary facilities in such building and connect the same to such Sanitary Sewer within sixty days after receipt of the Notice specified in Section 2. Failure to so install, connect and use, shall subject the Owner to the provisions of Sections 4, 7, and 9 of this Ordinance.

(b) Any person owning Property Accessible to a Sanitary Sewer on which an Occupied Building is hereafter erected shall, at the time of erection and at his expense, install sanitary facilities in such building and connect the same to the Sanitary Sewer. Failure to so install, connect and use after receipt of the Notice, specified in Section 2 of this Ordinance shall subject the Owner to the provisions of Sections 4, 7, and 9 of this Ordinance.

(c) Persons owning properties not accessible to a Sanitary Sewer who are nevertheless able to arrange for connections thereto through adjoining properties may be permitted to make such connection, as long as the sewage treatment system has sufficient capacity.

Section 4. Construction and Use of Private Device for Sanitary Sewage and Waste Water Disposal Prohibited. It shall be unlawful for any person accessible to a Sanitary Sewer to construct or use on such property any privy, cesspool, septic tank or other

device for the disposal of sanitary sewage and waste water not connected to a Sanitary Sewer. Any such privy, cesspool, septic tank or other device constructed or used in violation hereof is hereby declared to be a nuisance which shall be abated as provided by law. In addition, any such construction or use shall be reported to the proper law enforcement authorities for prosecution under any other applicable law of the Commonwealth of Pennsylvania. Violations of this Section shall also be subject to the penalties set forth in Section 9 of this Ordinance.

Section 5. The Township Supervisors are hereby authorized to prepare Rules and Regulations regarding connections, fees, permits and service charges for the Sanitary Sewage and Waste Water collection and treatment system to be constructed, and regarding the constituents, concentrations and quantities of Sanitary Sewage and Waste Water permitted to enter said system. Violation of any such Rules and Regulations shall be subject to the penalties set forth in Section 9 of this Ordinance.

Section 6. Fees and Permits. No connection shall be made to the Sanitary Sewer except upon payment to the Township of the prescribed connection fees or other fees set forth in the Rules and Regulations and upon permit issued by the Township pursuant to its Rules and Regulations regarding connections. Violations of this Section shall also be subject to the penalties set forth in Section 9 of this Ordinance.

Section 7. Enforcement of Connections. If any person required by Section 3 hereof to make a connection to a Sanitary Sewer fails to do so within sixty days after the Notice referred to in Section 2 hereof has been served upon him or her, the Township or

it's agents may enter upon the property and construct the connection. The Board of Supervisors shall send an itemized bill of the cost of construction to the Owner of the property to which connection has been made, which bills shall be payable immediately. If the Owner fails to pay the bill, the Township shall file a municipal lien for the cost of construction within six months of completion of the connection. Such persons failing to make such connection shall also be subject to the penalties set forth in Section 9 of this Ordinance.

Section 8. Notwithstanding any other provisions hereof, no Occupied Building on any Property Accessible to a Sanitary Sewer shall be required to be connected to a Sanitary Sewer if:

[a] Said Occupied Building is more than 150 feet from the Sanitary Sewer. For the purpose of determining the 150 foot distance, "Sanitary Sewer" shall include any curb lateral extending from a sewer main to a property or curb line or beyond onto private property.

[b] If such Occupied Building is not within the service area identified in the Sewage Facilities Plan under Act 537 for Ararat Township, Susquehanna County, which determines the properties intended to be served by the Township Sewer Facilities and therefore, it's intended service area, unless the Supervisors of Ararat Township shall first find that the connection of the specific Occupied Building is necessary for

the health, safety and welfare of the inhabitants of the Township.

Section 9. Violations. Any person who shall violate this Ordinance or any Rules and Regulations adopted by the Township pursuant to this Ordinance, shall be served, either by personal service or by registered mail, by the Township with written notice stating the nature of the violation and prescribing a reasonable time limit for the correction thereof. Any person continuing such violation beyond such time limit shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not 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. Each separate building or dwelling unit in respect of which a violation occurs, shall also be deemed a separate offense. Fines and costs impose under the provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

Section 10. All persons whose property is connected to the Sanitary Sewer System shall pay to the Township, in addition to the cost of connection, a monthly, quarterly, semi-annual or annual charge for service as adopted by the Township Supervisors. The charges shall constitute a lien until paid against the property connected to the Sanitary Sewer system, and the amount thereof may be recovered by due process of law.

Section 11. Severability. If any of the provisions of this Ordinance, or the application of any provision hereof, shall be held invalid, such invalidity shall not effect or

impair the remainder of this Ordinance, it being the intention of the Township Supervisors that such remainder shall continue in full force and effect.

Section 12. Repealer. All Ordinances and resolutions or parts thereof in conflict or inconsistent herewith are hereby repealed.

Section 13. Effective Date. This Ordinance shall take effect, as provided by law, five days after its enactment.

Section 14. Declaration of Purpose. It is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of the Township of Ararat.

Duly enacted and ordained this ^{5th} day of October, 1999, by the Supervisors of the Township of Ararat, Susquehanna County, Pennsylvania, in lawful session duly assembled.

SUPERVISORS OF ARARAT TOWNSHIP

By: Donald M. Stone

By: Richard L. Cottrell

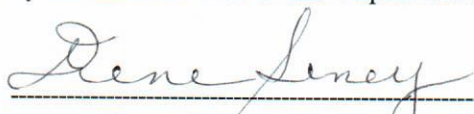
By: Gail M. Shumy

Attest:

Diane Toney
Secretary

CERTIFICATION

I, Irene Seney, hereby certify that I am the Secretary of the Ararat Township Board of Supervisors. I hereby certify that the attached document is a true and correct copy of the original ordinance for a mandatory sewer connection in Ararat Township which was enacted at a regular meeting of the **ARARAT TOWNSHIP SUPERVISORS** conducted on the 5th day of October, 1999 at 7:00 p.m. at the East Ararat Church after due public notice, a quorum being present, said Ordinance having been enacted by unanimous vote of the Supervisors.



Irene Seney, Secretary

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