

HOWE TOWNSHIP
Perry County, Pennsylvania

ORDINANCE NO. 2016 - 03

AN ORDINANCE OF HOWE TOWNSHIP, PERRY COUNTY, PENNSYLVANIA ESTABLISHING MANDATORY SEWER CONNECTION AND USE, DELEGATING THE HOWE TOWNSHIP MUNICIPAL AUTHORITY AS AGENT FOR PURPOSES OF IMPLEMENTATION OF THE ORDINANCE AND SETTING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Board of Supervisors of Howe Township, Perry County, Pennsylvania, in compliance with the requirements of the Municipality Authorities Act of 1945, P.L. 382, as amended, created a sewer authority known as the Howe Township Municipal Authority; and,

WHEREAS, mandatory connection to said sewer lines where practicable and legally enforceable are deemed to be in the best interests of the health, safety, and welfare of Howe Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Howe Township, Perry County, Pennsylvania, by virtue of the power and authority vested in said Supervisors of Howe Township as follows:

Section 1. MANDATORY CONNECTION

1. **Requirement to Connect and Use.** Every owner of property in Howe Township, Perry County, Pennsylvania (hereinafter the "Township"), whose property abuts upon any line of sanitary sewers of the Howe Township Municipal Authority (hereinafter the "Authority") and upon which a building or other structure has been erected or shall be erected in the future, and which generates or is expected to generate sanitary waste shall connect such building or structure at such property owner's own cost and expense to such sanitary sewer system unless such building or structure is located more than two hundred fifty (250') feet from the nearest sanitary sewer line. Upon connection, every property owner shall be required to use the system as its only method of sewage disposal.

2. **Unlawful Disposal Systems.** It shall be unlawful for any owner, lessee, or occupier of any property, who is required to connect to the sanitary sewer system of the Authority to employ any means, either by septic tank or otherwise, for the disposal of sanitary sewage other than into and through the sanitary sewers of said Authority.

3. **Notification of Requirement to Connect.** Where any structure is now or hereafter may be connected to any septic tank or using any method by which sanitary sewage is disposed of or eliminated other than through the sanitary sewer system of the Authority, it shall be the duty of the Authority secretary, or other authorized person, to notify the owner, lessee, or occupier of such structure, in writing, either by personal service

or certified mail, to disconnect the same and make proper connections for the discharge and disposal of sewage through the sanitary sewer system of the Authority as hereinafter provided within sixty (60) days after receipt of such notice.

4. **Failure of Owner to Connect.** In the event any property owner required to connect to such sewer shall neglect or refuse to connect with and use said sewers for such period of sixty (60) days after notice to so connect has been served upon said property owner, either by personal service or certified mail, the Authority or its agents may enter upon such property and construct said connection. In such case, the Authority secretary or other authorized person on behalf of the Authority shall, forthwith upon completion of the work, send an itemized invoice with costs of construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable immediately. In case of neglect or refusal by the property owner to pay such invoice within sixty (60) days of the date the Authority provides the invoice to the property owner, a municipal lien for said construction shall be filed within six (6) months of the date of completion of the construction of the connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens, including, without limitation, the Municipal Claim and Tax Lien Law, act of May 16, 1923, P.L. 207, No. 153, as amended.

5. **Tapping Permit and Fee.** Any person or entity required to connect a property with the Authority's sewer system shall make application for a tapping permit with the Authority on forms furnished by the Authority, shall pay the tapping fee, as well as any other fee that may be imposed by the Authority, in the amount set by the Authority, and shall set forth in the application the character of structure and use, the lot number, and location, and the name of the person who is to make the connection. The application must be signed by the property owner or his duly authorized representative.

6. **Unlawful Connection to Sewer System.** No privy vault, cesspool, septic tank, or similar receptacle for human excrement shall at any time, now or hereafter, be connected with the sanitary sewers of the Authority. No owner or tenant of a property connected with the sewer system shall permit another person or persons to use or connect with his or her service line, except upon the prior, written permission from the Authority.

7. **Restricted Discharge.** No person shall discharge or permit to be discharged into the sewage system any storm water, roof, or surface drainage. Nor shall any person discharge or permit to be discharged into the sewage system any industrial waste, chemicals, or other matter (a) having a temperature higher than 150° F; (b) containing more than 100 parts per million by weight of fat, oil, or grease; (c) containing any gasoline, benzene, naphtha, fuel oil, or other inflammable or explosive liquid, solid, or gas; (d) containing any underground garbage; (e) containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or other solid or viscous substance capable of causing obstruction or other interference with the proper operation of the Authority's treatment plant; (f) having a "ph" lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to the structures, equipment, or personnel of the Authority's treatment plant; (g) containing a toxic or poisonous substance (including waste containing cyanide, copper, and/or chromium ions in sufficient quantity to injure or interfere with any sewage treatment

process, constituting a hazard to humans or animals or to create any hazard in the receiving waters of the Authority's treatment plant; (h) containing total solids of such character and/or in such quantity that unusual attention or expense is required to handle such materials at the Authority's treatment plant; or (i) containing noxious or malodorous gas or substance capable of creating a public nuisance, unless otherwise permitted, authorized, or approved by the Authority and the Commonwealth of Pennsylvania, or by any duly constituted Board, Commission, or Department thereof.

8. **Grease, Oil, and Sand Interceptors.** Grease, oil, and sand interceptors or traps shall be provided by the property owner, at the property owner's sole expense, when, in the opinion of the Authority or authorized agent, such interceptors or traps are necessary for the proper handling of liquid wastes containing excessive amounts of grease or any flammable wastes, sand, and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Authority or authorized agent, and located so as to be readily and easily accessible for cleaning and inspection. Each interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, be equipped with easily removable covers, which when bolted in place shall be gastight and watertight, and be maintained continuously by the owner, at the owner's sole expenses, in a manner that is satisfactory to the Authority. The owner or operator of any premise containing an interceptor shall be responsible for cleaning the interceptor twice a year and properly disposing of the residue at a sanitary landfill.

9. **Construction Specifications.** The construction of all laterals and their connections with any lines of the Authority's sewer system shall be done in accordance with rules and regulations as established by the Authority. The Authority and/or the Township shall have the right of access at all reasonable times to all parts of any premises connected with the sewer system to examine and inspect the connections thereto and the plumbing fixtures and appliances and use thereof and to compel the discontinuance of any improper connection, installation, maintenance, or use. The Authority and/or the Township may impose reasonable charges for such inspections to users of the sewer system.

10. **Release of Liability.** Neither the Authority, the Township, nor any treating municipality shall be liable for any damage or expense resulting from leaks, stoppages, or defective plumbing, or from any other cause occurring to any premises or within any house or building; and it is hereby expressly stipulated by all persons that no claims shall be made against either the Authority, the Township, or the treating municipality on account of the breaking or stoppage of or any damage or expense to any lateral, house sewer, or house drain when the cause thereof is found to be in such lateral, house sewer, or house drain. The Authority, the Township, and the treating municipality, if any, shall not be liable for any deficiency or failure of service when occasioned by an emergency, required repairs, or failure for any cause beyond control.

11. **Authority to Set Charges.** The Board of Supervisors of the Township hereby delegates to the Authority the sole and exclusive authority for the administration of this ordinance, as well as responsibility to set all charges and fees associated therewith, which charges and fees may be changed, from time to time, by Resolution of the Authority.

12. **Payment.** Any charge established by the Authority shall be payable upon receipt of the Authority's invoice for the same by the property owner or his/her authorized agent or representative.

13. **Maintenance.** The owner of any sewer lines which are discharging sewage into the public sewer system shall keep such lines free of roots, grit, soil, stones, building materials, built-up solids, and all other objects not limited to the foregoing which are not intended for disposal in a sewer line or which are likely to impede the flow of sewage in a sewer line. Such lines shall be maintained by the owner free of deflection, cracks, or other openings which contribute to or are likely to contribute to infiltration and inflow.

14. **Changing Rules and Regulations.** The Township reserves the right, and hereby authorizes the Authority, to change or amend, from time to time, the rules and regulations in accordance with law and subject to any required consent of the treating municipality, if any. Such changes and/or amendments may be accomplished by Resolution of the Authority.

15. **Violations and Penalties.** Any person who shall violate the provisions of this ordinance shall, upon conviction proceedings commenced by the Township or Authority before any District Judge, be subject to a fine of no less than \$50.00 and no more than \$1,000.00. Upon judgment against any person by conviction or by proceedings by summons or default of the fine imposed and costs, said person may be sentenced to Perry County Prison for a period not exceeding 30 days. If such person violating the provisions of this article shall be a partnership, corporation, or association, then the members or officers thereof, shall, in default of payment of any fine levied hereunder, be imprisoned. Each day of continued violation of any provision of this ordinance shall constitute a separate offense.

Section 2. REPEALER AND SEVERABILITY

The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or of Code of Ordinances of Howe Township, Perry County, Pennsylvania.

Section 3. EFFECTIVE DATE

This Ordinance shall become effective in accordance with applicable law on

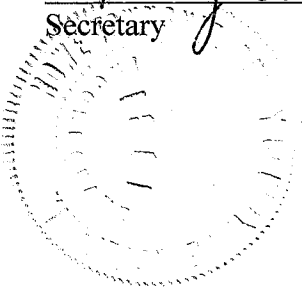
August 4, 2016.

ENACTED AND ORDAINED this 4th day of August, 2016,
by the Board of Supervisors at a meeting duly convened.

ATTEST:

BOARD OF SUPERVISORS OF
HOWE TOWNSHIP

Nancy Cangjoli
Secretary



By Dale M. Beaver
Chairman, Board of Supervisors

[Signature]
Vice-Chairman, Board of Supervisors

[Signature]
Supervisor