

HAMILTONBAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

**ORDINANCE NO. 2019-03
MANDATORY SEWER CONNECTION**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF HAMILTONBAN TOWNSHIP REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED IN HAMILTONBAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, ACCESSIBLE TO OR BENEFITED, IMPROVED OR ACCOMMODATED BY ANY SANITARY SEWER TO CONNECT SUCH IMPROVED PROPERTY WITH SUCH SANITARY SEWER; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THE SEWER SYSTEM OWNER TO MAKE CONNECTION 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 PRIVIES, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES AND REQUIRING ABANDONMENT THEREOF WHERE A SEWER IS AVAILABLE; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Hamiltonban Township, Adams County, Pennsylvania, has found it necessary to herein and hereby ordain an ordinance requiring all owners of improved property accessible to or benefited, improved or accommodated by any sanitary sewer to connect such improved property with such sanitary sewer in accordance with 53 P.S. §67502; and

WHEREAS, the Township desires to regulate the manner of making such connections; and

WHEREAS, anyone in a sanitary sewer service area must connect to the sanitary sewer, the property owner must meet all connection requirements and fees as listed by the Third-Party Sewer System Owner for the area; and

WHEREAS, the Township desires to authorize the Sewer System Owner to make connection at the cost and expense of any owner or improved property failing to make such connection; and

WHEREAS, the Township desires to adopt certain rules and regulations and provide for the adoption of additional rules and regulations; prohibit the connection of privies, cesspools, sinkholes, septic tanks and similar receptacles and require abandonment thereof where a sewer is available,

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of Hamiltonban, Adams County, Pennsylvania, as follows:

SECTION I

DEFINITIONS

Section 1.01

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

- A. *“TOWNSHIP”* – The Township of Hamiltonban, Adams County, Pennsylvania, a political subdivision (a Township of the Second Class) of the Commonwealth of Pennsylvania (the “Commonwealth”).
- B. *“BUILDING SEWER”* – The extension from the sewage drainage system of any structure to the Lateral of a sewer. Also referred to as “service line”.
- C. *“IMPROVED PROPERTY”* – Any property located within the Township upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure or structures Sewage, wastewater or Industrial Waste shall be or may be discharged.
- D. *“INDUSTRIAL WASTES”* – shall mean any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industrial activity or from any establishment, as compared to the liquid wastes from industrial operations and/or processes, which is distinct from segregated domestic wastes or wastes from sanitary conveniences.
- E. *“LATERAL”* – means 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 by the Sewer System Owner for connection of any Building Sewer Service Line.
- F. *“OWNER”* – Any person vested with ownership, legal or equitable, sole or partial, of any Improved Property located within the Township.
- G. *“PERSON”* – Any individual, partnership, company, firm, trust, association, society, corporation or other group or part of legal entity.
- H. *“SEWAGE”* – shall mean a combination of water carried wastes from residences, commercial establishments, industrial facilities, and institutions.
- I. *“SEWER”* – Any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection and transportation purposes.

- J. “SEWER SYSTEM” – shall mean all facilities, as of any particular time, for collecting, pumping, transporting, and/or disposing of Sanitary Sewage and /or Industrial Wastes, undertaken to be constructed and/or to be acquired to be owned, to be maintained and to be operated by Third-Party Sewer System Owner for rendering sewage service.
- K. “STREET” – Includes any street, road, lane, court, alley and public square.

SECTION II

USE OF PUBLIC SEWERS REQUIRED

SECTION 2.01 – IMPROVED PROPERTIES TO BE CONNECTED

The Owner of any Improved Property located in the Township and adjoining or adjacent to the sewer system or whose principal building is within 150 feet from the Sewer System shall connect such Improved Property to the Sewer System, in such manner as the Sewer System Owner may require, within 60 days after notice to such Owner from the Sewer System Owner to make such connection, for the purpose of discharge of all 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 Sewer System Owner, from time to time. In no event shall the Township require the Owner of an Improved Property on which the principal building is located in excess of 150 feet from the Sewer System to connect such principal building to the Sewer System.

SECTION 2.02 – SEWAGE AND CERTAIN INDUSTRIAL WASTES TO BE DISCHARGED INTO SEWERS

All Sewage and, to the extent permitted by the Sewer System Owner, Industrial Wastes from any Improved Property shall be discharged into the Sewer System, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Sewer System Owner from time to time.

SECTION 2.03 – UNLAWFUL DISCHARGE OR DEPOSIT OF SEWAGE AND INDUSTRIAL WASTES

No person shall place or deposit or permit to be placed or deposited upon public or private property within the area served by the Sewer System any Sewage or Industrial Wastes in violation of Section 2.02.

No person shall discharge or permit to be discharged to any natural outlet within the area served by the Sewer System any Sewage or Industrial Wastes in violation of Section 2.02 except where suitable treatment has been provided which is satisfactory to the Township.

SECTION 2.04 – UNLAWFUL WATER DISCHARGE

No person shall discharge or cause to be discharged any spring water, storm water, surface water, ground water, roof runoff or sub-surface drainage, building foundation drainage, sump pump drains, drainage from roof leader connections, cooling water or unpolluted industrial or commercial process waters into the Sewer System, except with the consent and approval of the Sewer System Owner. Basement floor and garage floor drains shall not be connected in any manner whatsoever to the Sewer System.

SECTION 2.05 – CERTAIN RECEPTACLES NOT TO BE USED

No privy, privy vault, cesspool, sinkhole, septic tank, holding tank, or similar receptacle shall be used and maintained at any time upon any Improved Property which has been connected to the Sewer System or which shall be required under Section 2.01 to be connected to the Sewer System.

Every such privy, privy vault, cesspool, sinkhole, septic tank, holding tank, or similar receptacle in existence shall be abandoned, rendered inoperable and shall be pumped out by a certified hauler and contents disposed of properly and in accordance with applicable laws, and the tank must be removed or knocked down and or back filled with suitable material under the observation and approval of the Township; and any such privy, cesspool, sinkhole, septic tank, holding tank, or similar receptacle not so abandoned and not so 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.

SECTION 2.06 – CERTAIN RECEPTACLES AND DRAINAGE FACILITIES NOT TO BE CONNECTED

No privy, privy vault, cesspool, sinkhole, septic tank, holding tank, or similar receptacle at any time shall be connected to the Sewer System. No surface or subsurface drainage facility shall at any time be connected to the Sewer System.

SECTION 2.07 – NOTICE TO CONNECT

The notice by the Sewer System Owner to make a connection to the Sewer System, referred to in Section 2.01, shall consist of a written or printed document requiring the connection and referring to this Ordinance and may be given at any time after the Sewer System is in place which can receive and convey Sewage and, to the extent permitted by the Sewer System Owner, 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 or registered mail or by such other method as at any time may be provided by law.

SECTION III

BUILDING SEWERS AND CONNECTIONS

SECTION 3.01 – PERMIT TO CONNECT

No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner the Sewer System or any part of the Sewer System without first obtaining a Sewer Connection Permit from the Sewer System Owner, which Sewer Connection Permit shall be in a form established by the Sewer System Owner from time to time.

SECTION 3.02 – APPLICATION BY OWNER

Application for a permit required under Section 3.01 shall be made by the Owner of the Improved Property served or to be served by the Sewer System.

SECTION 3.03 – CERTAIN CONDITIONS TO BE MET PRIOR TO MAKING A SEWER CONNECTION

No person shall make or cause to be made a connection of any Improved Property with the Sewer System until such person has fulfilled each of the following conditions:

- A. Such person shall have notified the Sewer System Owner of the desire and intention to connect such Improved Property to the Sewer System at least one week before service is required.
- B. Such Person shall have applied for and obtained a permit as required by Section 3.01 of this Ordinance and shall have paid all required Permit and Inspection Fees and applicable connection and/or tapping fees.
- C. All sewer service lines must be inspected by the Sewer System Owner's designated inspector. Trenches must be left open. The Sewer System Owner is to be notified no less than 48 hours in advance of installation and an appointment made for inspection and an additional 24 hour notice for inspection of the building sewer/service line will be required. All pipes and pipe joints must be visible and accessible to the designated Inspector. If the work is satisfactory, the permit, which must be on hand at the time of inspection, will be endorsed and returned to the Owner.
- D. Such Person shall have furnished satisfactory evidence to the Sewer System Owner that any Tapping Fee or Connection Fee established by the Sewer System Owner which must be remitted by the Owner of the Improved Property who connects such Improved Property to a Sewer has been paid, or in those cases where the Owner connects the Building Sewer into the Sewer System constructed

by the Owner and no Connection Fee is charged, all required impact, permit, and inspection fees have been paid, or adequate bond or surety has been provided to ensure payment thereof.

SECTION 3.04 – EACH IMPROVED PROPERTY TO BE CONNECTED SEPARATELY

A separate and independent Building Sewer shall be provided for every improved property. A separate and independent Building Sewer/service line shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one Building Sewer, only upon approval of the Sewer System Owner, in its reasonable discretion, but the Sewer System Owner does not and shall not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

SECTION 3.05 – CERTAIN COSTS PAYABLE BY PROPERTY OWNER; LIABILITY THEREFORE

All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to the Sewer System, including testing, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless the Township, The Sewer System Owner, and its Agents from all loss and 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 the Sewer System.

SECTION 3.06 – POINT OF CONNECTION; MANNER OF CONNECTION

A Building Sewer shall be connected to the Sewer System at the place designated by the Sewer System Owner and where the Lateral is provided.

The invert of a Building Sewer at the point of a gravity connection shall be at the same or a higher elevation than the invert for the Sewer System, unless the connection is a pressure connection from a force main discharge, as approved by this Sewer System Owner. The connection of a Building Sewer to the Lateral shall be made secure and watertight.

SECTION 3.07 – SEWER SYSTEM OWNER TO MAKE SEWER CONNECTION AND COLLECT COSTS AND EXPENSES

If the Owner of any Improved Property accessible, benefited, improved or accommodated by a Sewer, after sixty (60) days notice from the Sewer System Owner, in accordance with Section 2.01, shall fail to connect such Improved Property, the Sewer System Owner may make such connection and may collect from such Owner the costs and expenses

thereof by the filing of a municipal claim or lien, an action in assumpsit or such other legal proceeding as may be permitted by law.

SECTION IV

RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND CONNECTIONS TO SEWERS

SECTION 4.01 – CONDITIONS FOR USE OF EXISTING STRUCTURE SEWER

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 sewer line may be broken at the building line or at such other location approved by the Sewer System Owner and attachment may be made, with proper fittings, approved by the Sewer System Owner, to continue such structure sewer line as a Building Sewer.

SECTION 4.02 – BUILDING SEWER TO BE INSPECTED BEFORE COVERING

No Building Sewer shall be covered until it has been inspected and approved by the Sewer System Owner. 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 the Sewer.

SECTION 4.03 – RESPONSIBILITY FOR MAINTENANCE OF BUILDING SEWERS

Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition at the cost and expense of the Owner of such Improved Property.

SECTION 4.04 – GUARDING OF EXCAVATION; RESTORATION OF STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY DISTURBED

Every excavation for a Building Sewer shall be guarded adequately to protect all Persons and property 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 Sewer System Owner. In paved areas and roadways, the surface shall be restored to meet or exceed the original condition of the road, shoulder or parking area. Roadway and berm restoration must meet all Pennsylvania Department of Transportation (PA DOT) requirements as well as applicable local requirements. Prior to digging, PA One Call System shall be notified for utility location. All design plans submitted to the Township and Sewer System Owner for review shall include PA One Call Notification requirements.

SECTION 4.05 – EFFECTS OF FAILURE TO REMEDY UNSATISFACTORY CONDITIONS

If any Person shall fail or refuse, upon receipt of a notice from the Sewer System Owner, in writing, to remedy any unsatisfactory condition with respect to a Building Sewer within thirty (30) days of receipt of such notice, the Sewer System Owner may refuse to permit such Person to discharge Sewage or Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of the Sewer System Owner.

SECTION 4.06 – INSTALLATION OF BUILDING SEWERS

The installation of a Building Sewer shall be the responsibility of the Owner and shall be installed at the cost and expense of the Owner. Building Sewers shall be installed in accordance with the Technical Specifications and Standard Regulations of the Sewer System Owner regarding the installation of Sewers, which Technical Specifications and Standard Regulations shall be established by Sewer System Owner from time to time.

SECTION 4.07 – OTHER RULES AND REGULATIONS

The Sewer System Owner shall establish from time to time such other rules and regulations governing building sewers and connections as may be required.

SECTION V

ENFORCEMENT AND PENALTIES

SECTION 5.01 – PENALTY FOR VIOLATION

Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before a magisterial district judge, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00), together with costs of prosecution and, in default thereof, to undergo imprisonment for a period not exceeding thirty (30) days. 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. The Township may also enforce this Ordinance through an action in equity. Charges of construction of sewer mains shall be a lien against the property and enforced in the manner provided by law.

SECTION 5.02 – ENFORCEMENT AND RECOVERY OF FINES AND COSTS

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

SECTION VI
SEVERABILITY

SECTION 6.01

The provisions of this Ordinance are severable. In the event that any provision, section, sentence, clause, or part of the Ordinance shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance. It is hereby declared to be the intent of the Township that such remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION VII
DECLARATION OF PURPOSES

SECTION 7.01

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 Hamiltonban Township, Adams County, Pennsylvania.

SECTION VIII
REPEALER

SECTION 8.01

All Ordinances or parts of Ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

SECTION IX
EFFECTIVE DATE

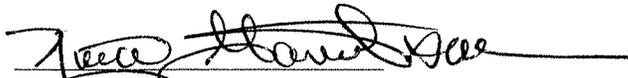
SECTION 9.01

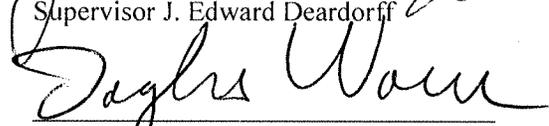
This Ordinance shall take effect five (5) days after adoption.

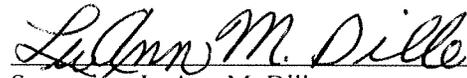
DULY ADOPTED this 6 day of August, 2019, by the Board of Supervisors of Hamiltonban Township, in lawful session duly assembled.

ATTESTED BY:

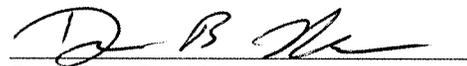
HAMILTONBAN TOWNSHIP
BOARD OF SUPERVISORS


Nina Garretson
Secretary/Treasurer


Supervisor J. Edward Deardorff

Supervisor Douglas W. Woerner


Supervisor LuAnn M. Dille

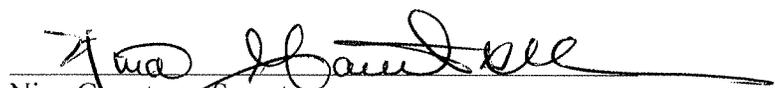
Supervisor Robert L. Gordon


Supervisor David B. Martin

CERTIFICATION

As Secretary of the Hamiltonban Township Board of Supervisors, the undersigned hereby certifies that the foregoing Ordinance was adopted by the Hamiltonban Township Board of Supervisors at its regular meeting held on August 6, 2019, which meeting was called and at which meeting a quorum was present and acting throughout, and that said Ordinance has not been revoked or amended.

Dated: 8/6/2019


Nina Garretson, Secretary