

**TOWNSHIP OF CONEWAGO,
Dauphin County, Pennsylvania**

ORDINANCE NO. 2003-2

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CONEWAGO, DAUPHIN COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND WHICH IS ADJOINING AND ADJACENT TO THE SANITARY SEWER SYSTEM TO BE ACQUIRED, CONSTRUCTED, AND OWNED BY SAID TOWNSHIP OR DERRY TOWNSHIP MUNICIPAL 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 WHEN DIRECTED TO DO SO BY THIS TOWNSHIP; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of the Township of Conewago, Dauphin 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 Derry Township Municipal Authority, a municipality authority existing under and governed by provisions of the Municipality Authorities Act (53 Pa.C.S. Ch. 56) 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 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 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 that 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, municipality, municipality authority, or other group or entity;

J. “Sanitary Sewage” shall mean normal water-carried household or toilet wastes from any Improved Property;

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

L. “Sewer System” shall mean all facilities, as of any particular time, for collecting, transmitting, treating or disposing of Sanitary Sewage or Industrial Wastes, situate in or about this Township and owned by this Township or Derry Township Municipal Authority;

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

N. “Township” shall mean the Township of Conewago, Dauphin County, Pennsylvania, a political 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 which is located in this Township and which is adjoining and adjacent to any part of the Sewer System shall connect such Improved Property with such Sewer System, in such manner as this Township may require, within 60 days after notice to such Owner from this Township, or from the Authority on its behalf, to make such connection, for the purpose of discharging all Sanitary Sewage and Industrial Wastes from such Improved Property, in accordance with the rules and regulations and subject, to such rates, limitations, and restrictions, as shall be established herein or otherwise shall be established by this Township or the Authority, 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 such Sewer in accordance with the rules and regulations and subject, to such rates, limitations, and restrictions, as shall be established herein or otherwise shall be established by this Township or the Authority, 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 that is satisfactory to this Township.

No Person shall place, deposit, or discharge or permit to be placed, deposited, or discharged to the Sewer System any Sanitary Sewage, Industrial Wastes, or any other material or thing except through a connection to the Sewer System made pursuant to, and in accordance with all requirements of, this Ordinance.

SECTION 2.04. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or shall be maintained at any time upon any Improved Property that has been connected to a Sewer or that shall be required under Section 2.01 to be connected to a Sewer.

Every such privy vault, cesspool, sinkhole, septic tank, or similar receptacle in existence shall be abandoned and, at the discretion of this Township or the Authority on its behalf,, shall be cleansed and shall be filled, at the expense of the Owner of such Improved Property, unless otherwise provided for by the Authority, 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 so required, 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.

SECTION 2.05. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle at any time shall be connected with a Sewer.

SECTION 2.06. The notice by this Township, or by the Authority on this Township's behalf, to make a connection to a Sewer, referred to in Section 2.01, shall include a reference to this Ordinance, including any amendments or supplements at the time in effect, in 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 from the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place that 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 to the Owner by personal service or registered mail, in accordance with applicable law.

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 or the Authority on its behalf.

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 Authority or other designated representative 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 connection permit as required by Section 3.01;

C. Such Person shall have given such designated representative at least 48 hours' notice of the time when such connection will be made so that the Authority may inspect or may cause to be inspected the work of connection and necessary testing;
and

D. If applicable, such Person shall have furnished satisfactory evidence to such designated representative that any fee charged and imposed by this Township or 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, or more than one structure discharging sewage on a single 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 the Authority, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Authority.

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 the Authority on its behalf and where, if applicable, the Lateral is provided and in accordance.

The invert of a Building Sewer at the point of connection shall be at the same or a 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 which is located within this Township and which is adjoining or adjacent to the Sewer System, or whose principal building is within 150 feet from a Sewer, after 60 days notice, in accordance with Section 2.01, shall fail to connect such Improved Property and use the Sewer System, as required, this Township, or the Authority on its behalf, may make such connection and may collect from such Owner the costs and expenses thereof in the manner 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 or the Authority on its behalf. 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.

SECTION 4.04. Every excavation for a Building Sewer shall be guarded adequately, including with barricades and lights to the extent necessary or appropriate, to protect all Persons from damage and injury. Any excavation that exposes the tee of a Lateral must be shored to the extent necessary to prevent the undermining of curbs, streets, and roads at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to this Township or the Authority on its behalf. Any Street, sidewalk and other property (other than the Owner's 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 or the Authority on its behalf.

SECTION 4.05. If any Person shall fail or shall refuse, upon receipt of a written notice of this Township or the Authority on its behalf, to remedy any unsatisfactory condition with respect to a Building Sewer within 60 days of receipt of such notice, this

Township or the Authority on its behalf may treat such refusal in the same manner as though the Owner had failed to connect such Improved Property to the Sewer System and may proceed to remedy the condition and collect the cost thereof as provided in Section 3.07.

SECTION 4.06. This Township and the Authority reserve the right to adopt, from time to time, additional rules and regulations as shall be 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 subject, upon being found liable therefor in an appropriate legal enforcement proceeding commenced by this Township, or the Authority on its behalf, to a penalty of not more than One Thousand Dollars (\$1,000), together with all court and related costs, and reasonable attorney fees, incurred by this Township and the Authority. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and the violating party shall be liable as such.

SECTION 5.02. All connection to and use of the Sewer System shall be subject to the rules and regulations appertaining thereto adopted by this Township or the Authority from time to time, as applicable, which rules and regulations are incorporated herein by this reference and made a part hereof and failure to observe and comply with such rules and regulations shall constitute a violation of this Ordinance for purposes of the Section 5.01 hereof

SECTION 5.03. Penalties, 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 that are inconsistent with this Ordinance shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this 12th day of November, 2003, by the
Board of Supervisors of the Township of Conewago, Dauphin County, Pennsylvania, in lawful
session duly assembled.

TOWNSHIP OF CONEWAGO,
Dauphin County, Pennsylvania

By: John J. Graybill
Chairman of the
Board of Supervisors

ATTEST:

Shirley A. Bretz
(Assistant) Secretary

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Conewago, Dauphin County, Pennsylvania (the “Township”), certify that: the foregoing is a true and correct copy of Ordinance No. 2003-2 of the Board of Supervisors of the Township (the “Board of Supervisors”) which duly was enacted by affirmative vote of a majority of all members of the Board of Supervisors at a meeting of the Board of Supervisors duly convened and held according to law on November 12, 2003, at which meeting a quorum was present; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this certificate.

I further certify that the Board of Supervisors of the Township met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 4th day of December, 2003.

Shirley A. Bretz
Secretary

(SEAL)

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