

TOWNSHIP OF SOUTH MIDDLETON

Cumberland County, Pennsylvania

ORDINANCE NO. 4-14-72-A

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SOUTH MIDDLETON, CUMBERLAND 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 CONSTRUCTED BY SOUTH MIDDLETON TOWNSHIP MUNICIPAL AUTHORITY AND ALL OWNERS OF PROPERTY (WITH CERTAIN EXCEPTIONS) ABUTTING THE WATER SUPPLY SYSTEM TO BE ESTABLISHED AND CONSTRUCTED BY SAID AUTHORITY, WHICH SYSTEMS ARE TO BE LEASED TO THIS TOWNSHIP FOR MAINTENANCE AND OPERATION, TO CONNECT WITH SAID SEWER SYSTEM AND/OR WATER SUPPLY SYSTEM. UPON NOTICE BY THIS TOWNSHIP; REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THIS TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY SUCH PROPERTY OWNER FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR AN OPTION 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 South Middleton,
Cumberland 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 used in this Ordinance shall be as follows:

A. "Authority" means South Middleton Township Municipal Authority, a Pennsylvania municipality authority.

B. "Building Sewer" and "Building Water Connection" means the extension from the sewage drainage system or water system of any structure to the Lateral of a Sewer or Water Line.

C. "Improved Property" means any property located 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 and a supply of water shall be or may be utilized.

D. "Industrial Establishment" means any Improved Property located in this Township used wholly or in part for the manufacturing, processing, cleaning, laundering or assembly

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, are discharged.

E. "Industrial Wastes" means any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage.

F. "Lateral" means that part of the Sewer System or Water System extending from a Sewer or Water Line to the curb line or, if no such Lateral shall be provided, then "Lateral" shall mean that portion of, or place in, a Sewer or Water Line which is provided for connection of any Building Sewer or Building Water Connection.

G. "Owner" means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

H. "Person" means any individual, partnership, company, association, society, corporation or other group or entity.

I. "Sanitary Sewage" means normal water-carried household and toilet wastes from any Improved Property.

J. "Sewer" means any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

K. "Sewer System" means all facilities, as of any particular time, for collecting, pumping, treating or disposing of Sanitary Sewage and/or Industrial Wastes within this Township, to be owned by the Authority and to be leased to this Township, for operation and use.

L. "Township" means the Township of South Middleton, Cumberland County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

M. "Water Line" means any pipe or main constituting part of the Water System used or usable for water supply purposes.

N. "Water System" means all facilities, as of any particular time, for providing a supply of water for public and private uses within this Township, to be owned by the Authority and to be leased to this Township, for operation and use.

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 of the Sewer System, shall connect such Improved Property therewith, 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 to such limitations and restrictions as shall be established herein or otherwise 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 to such limitations and restrictions as shall be established herein or otherwise by this Township, from time to time.

SECTION 2.03. No Person shall place or deposit or permit to be placed or 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 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.

SECTION 2.04. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any Improved Property which has been connected to a Sewer or which 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, shall be cleansed and filled under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, 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 to make a connection to a Sewer, referred to in Section 2.01, shall consist of a written or printed document requiring such connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made 60 days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey Sanitary Sewage and Industrial Wastes from the particular Improved Property for treatment and disposal. Such notice shall be served upon the Owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

ARTICLE III

CONNECTIONS TO WATER SUPPLY SYSTEM REQUIRED

SECTION 3.01. The Owner of any Improved Property abutting the Water System shall connect such Improved Property therewith, in such manner

as this Township may require, within 90 days after notice to such Owner from this Township to make such connection, for the purpose of procuring such Owner's supply of water for such Improved Property, subject to such limitations and restrictions as shall be established herein or otherwise by this Township, from time to time. This requirement to connect shall be subject to such exceptions as may be provided in Article XVI of The Second Class Township Code, Act of July 10, 1947, P. L. 1481, as amended and supplemented.

SECTION 3.02. The notice by this Township to make a connection to a Water Line, referred to in Section 3.01, shall consist of a written or printed document requiring such connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made 90 days from the date such notice is given. Such notice may be given at any time after a Water Line is in place which can supply water to the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

ARTICLE IV

BUILDING SEWERS AND BUILDING WATER CONNECTIONS

SECTION 4.01. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any Sewer or the Sewer System or any Water Line or the Water System without first making application for and securing a permit, in writing, from this Township.

SECTION 4.02. Application for a permit required under Section 4.01 shall be made by the Owner of the Improved Property to be served or his duly authorized agent.

SECTION 4.03. No Person shall make or cause to be made a connection of any Improved Property with a Sewer or Water Line 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 or Water Line.

B. Such Person shall have applied for and obtained a permit as required by Section 4.01.

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 the work of connection and necessary testing.

D. Such Person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping fee charged and imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Sewer or Water Line has been paid.

SECTION 4.04. Except as otherwise provided in this Section, each Improved Property shall be connected separately and independently with a Sewer or Water Line through a Building Sewer or Building Water Connection. Grouping of more than one Improved Property on one Building Sewer or Building Water Connection shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Township, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Township.

SECTION 4.05. All costs and expenses of construction of a Building Sewer and a Building Water Connection and all costs and expenses of connection thereof to a Sewer or Water Line shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and 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 and/or connection of a Building Sewer or Building Water Connection.

SECTION 4.06. A Building Sewer or Building Water Connection shall be connected to a Sewer or Water Line at the place designated by this Township or the Authority and where the Lateral is provided.

ARTICLE V

FAILURE TO MAKE REQUIRED CONNECTIONS

SECTION 5.01. If the Owner of any Improved Property located in this Township after 60 or 90 days' notice, as appropriate, from this Township,

In accordance with Sections 2.01 and 3.01, 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. In such case, this Township shall forthwith, upon completion of the work, send an Itemized bill of the cost of the construction of such connection to the Owner of the Improved Property to which connection has been made, which bill shall be payable forthwith. In case of neglect or refusal by the Owner of such Improved Property to pay said bill, this Township shall file a municipal lien for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to general law providing for the filing and recovery of municipal liens.

ARTICLE VI

RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND BUILDING WATER CONNECTIONS AND CONNECTIONS

SECTION 6.01. 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 house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a Building Sewer.

SECTION 6.02. No Building Sewer or Building Water Connection shall be covered until it has been inspected and approved by this Township and if any part thereof is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner involved.

SECTION 6.03. Every Building Sewer and/or Building Water Connection of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner thereof.

SECTION 6.04. Every excavation for a Building Sewer or Building Water Connection shall be guarded adequately with barricades and lights to protect all Persons from damage and injury; and streets, sidewalks and other public property disturbed in the course of installation thereof shall be restored, at the cost of the Owner of the Improved Property being connected, in a manner satisfactory to this Township.

SECTION 6.05. If any Person shall fail or refuse, upon receipt of a notice of this Township, in writing, to remedy any unsatisfactory condition with respect to a Building Sewer or Building Water Connection, within 60 days of receipt of such notice, this Township may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System or to receive water from the Water System until such unsatisfactory condition shall have been remedied to the satisfaction of this Township.

SECTION 6.06. 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 the Sewer System and with a Water Line and the Water System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

ARTICLE VII
ENFORCEMENT

SECTION 7.01. 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 \$15.00 nor more than \$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 7.02. Fines and costs imposed under this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE VIII
SEVERABILITY

SECTION 8.01. If 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 that such remainder shall remain in full force and effect.

ARTICLE IX
DECLARATION OF PURPOSE

SECTION 9.01. 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 X

REPEALER

SECTION 10.01. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same expressly are repealed.

ARTICLE XI

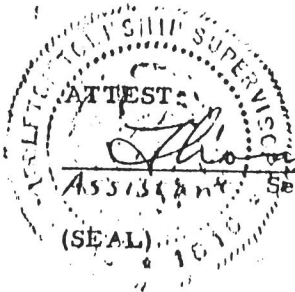
EFFECTIVE DATE

SECTION 11.01. This Ordinance shall become effective five days after enactment, as provided by law.

DULY ENACTED AND ORIGINATED this 14th day of April, 1972, by the Board of Supervisors of the Township of South Middleton, Cumberland County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF SOUTH MIDDLETON,
Cumberland County, Pennsylvania

By: Howard E. King
Chairman of Board of Supervisors



ATTEST:
Thomas A. Zopf
Assistant Secretary

CERTIFICATE

I, the undersigned, Assistant Secretary of the Township of South Middleton, Cumberland County, Pennsylvania, (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Supervisors"), which duly was enacted by affirmative vote of a majority of the Supervisors at a meeting duly held on April 14, 1972; said Ordinance and the aye and nay vote thereon duly has been recorded in the Ordinance Book of the Township; said Ordinance duly was published prior to enactment, as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 20th day of April, 1972.



Theresa A. [Signature]
Assistant Secretary