

ORDINANCE NO. 106

ORDINANCE OF HANOVER TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

MANDATORY SEWER CONNECTION AND USE ORDINANCE

WHEREAS, Hanover Township recognizes the importance of protecting the public health, safety, and general welfare through the construction and installation of a Sewer System within its Township.

WHEREAS, Hanover Township recognizes that the public and Hanover Township will benefit both economically and environmentally, by increasing its infrastructure in constructing said Sewer System.

WHEREAS, Hanover Township, in compliance with the requirements of the Municipality Authorities Act of 1945, P.L. 382, as amended, Hanover Township, Washington County, Pennsylvania, created a sewer authority known as the Hanover Township Sewer Authority, which has been charged with coordinating and constructing said Sewer System.

NOW THEREFORE, BE IT RESOLVED THE FOLLOWING IS HEREBY
ORDAINED AND ENACTED:

1. Definitions. Unless the context specifically and clearly declares otherwise, the meaning of the terms and phrases used in this Ordinance shall be as follows:

- a. "Authority" shall mean the Hanover Township Sewer Authority;
- 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. "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 a point designated by the Authority, or if no such Lateral shall be provided, then "Lateral" shall mean that portion of, or place in, a Sewer which is provided for connection of any Building Sewer;
- e. "Municipality" shall mean the Township of Hanover, Washington County, Pennsylvania, a Municipal subdivision of the Commonwealth, acting by and through its governing body, or, in appropriate cases, acting by and through its authorized representatives;

f. "Owner" shall mean any Person vested with ownership, legal or equitable title, sole or partial, to any Property within the Municipality;

g. "Person" shall mean any individual, partnership, company, corporation, association, society, trust, or other group or entity;

h. "Property" or "Premises" shall mean any property within Hanover Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings and from which structure Sanitary Sewage may be discharged;

i. "Sanitary Sewage" shall mean normal water flowing from household and toilet wastes from any Property;

j. "Sewer" shall mean any pipe or conduit constituting part of the Sewer System used or usable for sewage collection purposes;

k. "Sewer System" shall mean all facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of Sanitary Sewage wastes, situate in or adjacent to this Municipality and owned by the Authority ;

l. "Street" shall mean and include any publicly owned street, road, lane, court, cul-de-sac, alley, public way, or public square, whether improved or unimproved.

2. Requirement to Connect. Every Owner of Property in Hanover Township whose Property abuts upon any line of the Sewer shall connect, at his or her own cost, the building, buildings or other structures located on said Property that are within one hundred fifty (150) feet of said Sewer with said Sewer System for the purpose disposing of all Sanitary Sewage as is customarily disposed of in a Sewer System.

3. Unlawful Disposal Systems. It shall be unlawful for any Owner, lessee or occupier of any Property, who is required to connect to the Sewer System of said Authority to employ any means, either by septic tank or otherwise, for the disposal of Sanitary Sewage other than into and through the Sewer System of said Authority .

4. 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 Sewer System of said 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 Sewer System of the Authority as hereinafter provided, within sixty (60) days after receipt of such notice.

5. Failure of Owner to Connect. In case any Owner of Property required to connect to such Sewer System shall neglect or refuse to connect with and use said Sewer System for a

period of sixty (60) days after notice to do so has been served upon him or her, either by personal service or by certified mail as aforesaid, the Authority or its agents may enter upon such Property and construct such 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 bill for the cost of construction of such connection to the Owner of the Property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the Owner of such Property to pay said bill a municipal lien for said construction shall be filed within six (6) months of the date of completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

6. Tapping Permit. Any Persons required to connect a Property with the Sewer System of the Authority shall make application for a tapping permit therefore to the Authority on forms furnished by the Authority and shall set forth, in said application, the character of the structure and its use, the parcel identification number and location, and the name of the Person who is to make the connection. Furthermore, such Persons required to connect shall pay any and all applicable tapping fees as determined by the Authority.

7. 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 Sewer System of the Authority.

8. Discontinuance and Abatement of Unlawful Disposal Systems. No privy vault, cesspool, septic tank or similar receptacle for human excrement shall hereafter be maintained upon any premises to which connection with the Sewer System of the Authority has been made. Every such privy vault, cesspool, septic tank or other receptacle shall, within thirty (30) days after such connection, be abandoned, cleansed and filled under the direction and supervision of the Authority, or its agents at the expense of the Owner. Any such privy vault, cesspool, septic tank or other receptacle not abandoned, cleansed, or filled as required by this section shall constitute a nuisance and may be abated on order of the Hanover Township Board of Supervisors, as provided by law, at the expense of the Owner of such Property.

9. Construction Specifications. The construction of all private Sewer Systems or Laterals and their connections with any lines of the Sewer System shall be done in accordance with the rules and regulations established by the Authority, and shall be inspected by the Authority engineer, or his or her representative, before being covered. All costs and expenses for connection to the Building Sewer shall be borne by the Owner of the Property to be connected; and such Owner shall indemnify and shall save harmless Hanover Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the connection of a Building Sewer to the Sewer System, or the abandonment of a privy vault, cesspool, sinkhole, septic tank or similar receptacle as required by this Ordinance.

10. Sanitary Authority to Set Charges. The Hanover Township Board of Supervisors hereby delegates to the Authority the sole and exclusive authority and responsibility to set all charges and fees for tapping permits.

11. Time of Payment. The tap charge herein fixed and established shall be payable at the time the application shall be made for a permit to tap into said Sewer System.

12. Unlawful Tap-In. It shall be unlawful for any Person, firm, or corporation to tap into said Sewer System before making payment of the charges herein established.

13. Penalties. Any Person, Persons, partnership or any agents or executive officers of any corporation violating any provision of this section, upon conviction, shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than six hundred dollars (\$600.00) and costs of prosecution, and in default of the payment of said fine and costs, the defendant may be committed to the county jail 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.

14. Rules and Regulations.

a. Where a 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.

b. No Building Sewer shall be covered until it has been inspected and approved by the Authority. 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 Property to be connected to a Sewer.

c. Every Building Sewer of any Property shall be maintained in a sanitary and safe operating condition by the Owner of such Property.

d. Every excavation for a Building Sewer shall be adequately guarded with barricades and lights to protect all Persons from damage and injury. Any Street, sidewalk, 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 Property being connected, in a manner satisfactory to Hanover Township. Any crossing of township Streets shall be made only after issuance of a Street opening permit by Hanover Township, and in conformance with the rules and regulations of Hanover Township pertaining thereto.

e. Hanover 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 with the Sewer System, which additional rules and regulations, to the extent appropriate, shall be construed as part of this Ordinance.

14. Severability. The provisions of this Ordinance shall be severable, and, if any of the provisions shall be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared

as legislative intent that this Ordinance would have been adopted had such unconstitutional or invalid provision not have been included therein.

15. Declaration of Purpose. 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 Hanover Township.

Ordained and Enacted this 17 day of March 2005.

ATTEST:

Charlitta Cahler
Secretary

Herb A. Dubs
Supervisor

John Caldwell
Supervisor

James R. Bonham
Supervisor