

ORDINANCE # 11-08-18

THE TOWNSHIP OF SCOTT
LACKAWANNA COUNTY, PENNSYLVANIA

AN ORDINANCE REQUIRING ANY PROPERTY OR OCCUPIED BUILDINGS IN THE TOWNSHIP OF SCOTT, LACKAWANNA COUNTY, PENNSYLVANIA, WHICH ARE ACCESSIBLE TO THE SEWER SYSTEM, BE CONNECTED WITH THE PUBLIC SANITARY SEWER SYSTEM; MAKING IT UNLAWFUL TO CONSTRUCT OR MAINTAIN PRIVIES, CESSPOOLS, SEPTIC TANKS OR OTHER DEVICES, UPON OR ON PROPERTY ACCESSIBLE TO THE SEWER SYSTEM, FOR THE PURPOSES OF RECEIVING SEWAGE OR CONDUITS FOR THE DISCHARGE OF SEWAGE, EXCEPT INTO THE SANITARY SEWERS; PROVIDING FOR RULES AND REGULATIONS PRESCRIBING PENALTIES AND SETTING FORTH DEFINITIONS TO BE UTILIZED AND TO PROVIDE FOR THE RIGHT OF ENTRY BY TOWNSHIP OFFICIALS UPON PROPERTIES TO INSPECT REPAIR AND/OR MAINTAIN GRINDER PUMP SYSTEMS.

WHEREAS, the Township Supervisors of the TOWNSHIP OF SCOTT, LACKAWANNA County, Pennsylvania (the "Township") in order to promote and benefit the people of the Commonwealth of Pennsylvania and of the Township by Ordinance duly enacted pursuant to the Municipality Authorities Act of 1945, P.I. 382, as amended, caused to be organized the SCOTT TOWNSHIP SEWER AND WATER AUTHORITY (the "Authority") and has designated a sewer project to be undertaken by the Authority for the Township in a portion of the Township; and;

WHEREAS, in carrying out the project so designated, the Authority proposes to construct a public sanitary sewer collection system, together with appurtenant facilities in and for the Township and the Authority will operate and maintain such sanitary sewer system and appurtenant facilities; and

WHEREAS, the Township Supervisors in order to promote the health, safety and welfare of the people of the Township and of the Commonwealth of Pennsylvania, and the purity of its water, believing that the use thereof is unsafe and unsanitary, deems it advisable to prohibit certain use of privies, cesspools, septic tanks or similar receptacles for receiving sewage within a certain portion of the Township in that such use encourages the spread of disease and impairs public health, and to require connections to be made to such sewer system, by the owners of occupied buildings on property adjoining, abutting on or adjacent to the sewer system, in accordance with this Ordinance and with the Rules and Regulations which may, from time to time, be adopted by the Authority or the Township when construction of portions thereof have from time to time been completed by the Authority;

WHEREAS, the Township previously enacted ordinance 07-02-21A and this ordinance is intended to amend and supersede same, to the extent that any terms or conditions herein are inconsistent.

NOW, THEREFORE, the Township Supervisors of SCOTT TOWNSHIP, LACKAWANNA County, Pa., hereby ordain and enact the following:

- a) "Authority" means SCOTT TOWNSHIP SEWER AND WATER AUTHORITY as originally organized and as presently or hereafter constituted, which has been created by the Township Supervisors of SCOTT TOWNSHIP,
- b) "occupied building" means each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family unit contained within any structure and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage is, or may be, discharged.
- c) "person" means an individual, firm, company, association, society, corporation or group.
- d) "property accessible to the sewer System" means Improved property which adjoins, abuts on, or is adjacent to, the sewer System or whose principal occupied building is within one hundred and fifty feet (150) from any Sewer Line.
- e) "sanitary sewage" means the normal water carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.
- f) "Sewer System" means and refers to the public sanitary sewer collection system, together with appurtenant facilities about to be acquired and constructed for a portion of the Township and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Township of to any part or parts of any or all thereof.
- g) "Township" means SCOTT TOWNSHIP, Lackawanna County, Pennsylvania, or the duly constituted and elected municipal officials thereof.

Section 2. Required Connection

- a) All persons or entities owning any occupied building now erected upon property accessible to the sewer System shall, at their own expense, connect such building With the Sewer System within ninety (90) days after written notice to such persons from the Township.
- b) All persons or entities owning any property that is accessible to the sewer System that contains a septic system that is in use by an occupied building or buildings shall, at their own expense, connect such buildings With the Sewer System within ninety (90) days after written notice to such persons from the Township.
- c) All persons or entities owning any occupied building must decommission their existing septic systems immediately upon connection to the central sewer system. All Tanks must be pumped by an approved pumper and either removed from the ground or filled with dirt sand or stone.
- d) All persons or entities owning any property accessible to the Sewer System upon which an occupied building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the Sewer System.

e) All persons or entities owning any property or occupied building which hereafter becomes accessible to the sewer System, as defined herein, shall, at their own expense, connect such building with the Sewer System within ninety (90) days after notice to do so from the Township.

f) Where more than one occupied building, as hereinbefore defined, is contained in a separate structure, a single common connection to the lateral of the sewer System may be permitted for accommodating all units contained in such structure, except that separate connections shall be required for each semi-detached or row-type house or structure.

g) It is the intent of this Ordinance that any property which abuts, adjoins, or is adjacent to the sewer system and also contains an occupied building be required to connect to the system at the owners expense, without regard to the distance between the nearest sewer line and said occupied building. Further, where a property does not abut, adjoin or is not adjacent to the sewer system, but nevertheless has now, or at anytime in the future, an occupied building within one hundred and fifty feet (150) of the sewer System, connection shall likewise be required.

Section 3. Prohibited Activities

It shall be unlawful for any person to erect, construct or use or maintain or cause to be erected, constructed, used or maintained, any privy, cesspool sinkhole, septic tank or other receptacle on any property accessible to the sewer system, for the purpose of receiving sanitary sewage after the expiration of the particular period specified in section 2 hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Township the storm sewers of the Township, or upon public or private property or otherwise, except into the Sewer System.

Section 4. Nuisance

Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any property accessible to the Sewer System, or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of sanitary sewage in violation of this Ordinance, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Township or the Authority are hereby authorized and directed to abate in any manner provided by law.

Section 5. Connection

No connection shall be made to the sewer System, except in compliance with the ordinances and resolutions, as well as such Rules and Regulations as may, from time to time, be enacted, adopted, approved or promulgated by the Township and/or the Authority, including, but not limited to, the prior payment of any applicable fees and costs and the obtaining of a proper permit.

Section 6. Right of Entry.

(a). Authorized persons acting on behalf of the Township shall, upon presentation of the proper credentials and identification, be permitted to enter upon the property that is or should be connected to the central sewer system for the purpose of inspecting, observing, testing, replacing , repairing or maintaining the grinder pump system and all related components in accordance with the provisions of this Ordinance.

(b) In the event entry is denied by the property owner, the township shall be authorized to take such steps as are appropriate to secure access to the property for the purpose of determining compliance

with the terms and conditions of this Ordinance. Said steps shall include, but not be limited to, the seeking of an administrative search warrant from the appropriate judicial official. All cost and fees relating to same, including reasonable attorney's fees shall be borne by the property owner.

Section 7. Notice of Violation

After the expiration of the particular periods specified in Section 2 of this Ordinance, if any owner of an occupied building on property in the Township accessible to the sewer System shall have failed to connect such property with the sewer System as required by said Section 2, the Township shall cause to be served on the owner of such property , and also upon the occupants of the building in question, a written or printed notice requiring such connection to be made, and such notice shall further state that its requirements shall be complied with within thirty (30) days from the date thereof.

Section 8 Fines, Penalties, Enforcement

The provisions of this Ordinance are declared to be for the health, safety and welfare of the citizens Of the Township and persons violating any provisions of this Ordinance, upon conviction before any District Justice of LACKAWANNA County, shall be fined up to a maximum of One Thousand Dollars (\$1,000.00) plus costs.

(a) This Ordinance may be enforced pursuant to 52 P.S. §66601 (c.1X2). Any person continuing such a violation beyond the time limit imposed by sec. 2 hereof, shall, in addition to any other remedies allowed by law, be charged with a summary offense and upon conviction shall be subject to a fine in amount not exceeding one thousand (\$1,000.00) dollars plus costs for each offense. Each separate building or dwelling unit With respect to which a violation occurs and each thirty (30) day period during which a violation continues, shall be deemed a separate offense for which separate fines and costs shall be imposed.

(b) This Ordinance may also be enforced as an action in equity pursuant to 53 P.S. §66601 (c.1) (4).

(c) The Township of Scott hereby empowers, delegates, authorizes, and appoints the Scott Township sewer and Water Authority as enforcement agency with respect to this Ordinance, jointly and severally with the Township, with the power to use all legal powers granted to the Authority and/or the Township under the laws of the Commonwealth of Pennsylvania, as well as any applicable Federal and/or Local ordinances, policies and regulations.

a)
Section 9. Grant of Right of Way

The Township Supervisors of the Township do hereby grant to the Authority all easements, rights-or-way and other rights on, under and over the public streets and alleys of the Township necessary or desirable to facilitate the construction of the sewer System, subject to all applicable Township ordinances.

Section 10. Severability


If any provision, sentence, clause, section or part of this Ordinance, or the application of any provision hereof, is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

Section 11. Inconsistent Ordinances Repealed

All ordinances or parts of ordinances in conflict, or inconsistent herewith, be and the same are hereby repealed absolutely., including but not limited to Ordinance 07-02-21A, Provided however, that the Pretreatment Ordinance of the Township and The Pretreatment Resolution of the Sewer Authority shall be incorporated herein by reference and readopted herewith and continue to be enforceable along with this ordinance.

Section 12. This Ordinance is hereby declared to be urgently needed for the preservation of the peace, health and comfort of the people of the Township and shall take effect and be in force immediately after its passage.

DULY PRESENTED AND ENACTED at a duly advertised meeting of the Township Supervisors of SCOTT Township, LACKAWANNA County, Pennsylvania, on this 18th day
Of AUGUST 2011


David Makala- Chairman
Scott Township Board of Supervisors

Attest:

 Secretary