

BERWICK TOWNSHIP

ORDINANCE NO. 1988-16

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF BERWICK TOWNSHIP REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED IN BERWICK TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA AND ACCESSIBLE TO AND WHOSE PRINCIPAL BUILDING IS WITHIN ONE HUNDRED FIFTY (150) FEET FROM A SEWER CONSTITUTING A PART OF THE SEWER SYSTEM OWNED AND OPERATED BY ABBOTTSTOWN-PARADISE JOINT SEWER AUTHORITY TO CONNECT SUCH IMPROVED PROPERTY WITH SUCH SANITARY SEWER.

BE IT ORDAINED by the Board of Supervisors of Berwick Township as follows:

ARTICLE IDEFINITIONS

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. "Authority" shall mean Abbottstown-Paradise Joint Sewer Authority, a Pennsylvania municipality Authority.

B. "Borough" shall mean Abbottstown Borough, Adams County, Pennsylvania.

C. "Building Sewer" shall mean the extension from the sewage drainage system of any structure to the Lateral or Service Connection of a Sewer.

D. "Improved Property" shall mean any property located within Abbottstown Borough, Adams County, or the Township of Paradise, York County, or the Townships of Berwick and Hamilton, Adams County, and within the area served by this Authority 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 and/or Industrial Wastes shall be or may be discharged.

E. "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from Sewage, excluding any ground, surface or storm water.

F. "Lateral" shall mean that part of the Sewer System extending from a Sewer to a point behind the curb line or, if there shall be no curb line, to a point behind the curb line projected or property line, road right-of-way line, sewer right-of-way or easement line.

G. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any Improved Property located within the area served by the Authority.

H. "Person" shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity, public or private.

I. "Service Connection" shall mean that portion of, or place in, a Sewer, in those cases where no Lateral is provided, which is provided for connection of any Building Sewer.

J. "Sewage" shall mean normal water-carried household and toilet wastes from any Improved Property, excluding any ground, surface or storm water.

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

L. "Sewer System" shall mean all facilities, as of any particular time, for collection, pumping, treating and disposing of Sewage and Industrial Wastes.

M. "Street" shall mean and include any street, road, lane, court, alley and public square.

N. "Township" shall mean Berwick Township, Adams County, Pennsylvania.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

SECTION 2.01. Improved Properties to be Connected to Accessible Sewers. The Owner of any Improved Property situate within Berwick Township and within the area served by Abbottstown-Paradise Joint Sewer Authority, which is accessible to and whose principal building is within One Hundred Fifty (150) feet from a Sewer constituting a part of the Sewer System owned and operated by Abbottstown-Paradise Joint Sewer Authority shall connect such Improved Property with such Sewer System, in such manner as the Authority may require, within sixty (60) days after notice to such Owner from the Authority to make such connection, for the purpose of discharge of all Sewage and, to the extent permitted by the Authority, Industrial Wastes from such Improved Property, subject to such requirements, limitations, restrictions, rules and regulations, and subject to the payment of such

charges, as shall be established by said Authority, from time to time, by resolution and/or rules and regulations adopted pursuant to such resolution; provided, however, that no new connections to the Sewer System shall be required or permitted unless adequate capacity, (not legally committed to other users), exists in the Sewer System to convey and treat the wastes to be contributed by such new connection.

SECTION 2.02. Sewage and Certain Industrial Wastes to be Discharged into Sewers. All Sewage and, to the extent permitted by the Authority, Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer shall be required under Section 2.01 shall be discharged into such Sewer, subject to such limitations and restrictions as shall be established herein or by the Authority, as aforesaid, 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 Authority within the Township 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 Authority within the Township any Sewage or Industrial Wastes in violation of Section 2.02 except where suitable treatment has been provided which is satisfactory to the Authority.

SECTION 2.04. Unlawful Discharge of Storm Water, Etc. No Person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage into any Sewer.

SECTION 2.05. Certain Receptacles not to be Used on Improved Property Accessible to Sewer; Abandonment of Such Receptacles. 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, except that with the approval of the Authority such receptacle may continue to be used and maintained solely for the purpose of receiving the discharge of water other than Sewage from a basement floor drain and/or other surface of subsurface drainage facility. Under appropriate circumstances, and with the written approval of the Authority, existing septic tanks may continue to be used and maintained for the purpose of receiving the discharge of Sewage from existing basement facilities where the Sewer provided by the Authority does not permit the discharge of Sewage from such facility by gravity and so long as such septic tank is operable and has not malfunctioned.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Authority, shall be cleansed and filled under the observation of the Authority; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Authority, 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 to Sewer. No privy vault, cesspool, sinkhole, septic tank or

similar receptacle at any time shall be connected to a Sewer. No surface or subsurface drainage facility shall at any time be connected to a Sewer.

SECTION 2.07. Notice to Connect; Service. The notice by the Authority to make a connection to a Sewer, referred to in Section 2.01 shall consist of a written or printed document requiring such connection and may be given at any time after a Sewer is in place which can receive and convey Sewage and, to the extent permitted by the Authority, Industrial Wastes, for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner by the Authority, either by personal service or by certified or registered mail or by such other method as at the time may be provided by law.

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

SECTION 3.01. Permit to Connect to Sewer Required. No Person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any Sewer or any part of the Sewer System without first obtaining a sewer connection permit, in writing from the Authority.

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.

SECTION 3.03. Certain Conditions to be Met Prior to Making of Connection to Sewer. No Person shall make or 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 of the desire and intention to connect such Improved Property to a Sewer.

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/or inspection fees.

C. Such Person shall have given the Authority at least seventy-two (72) hours' notice of the time when such connection will be made so that the Authority may observe and inspect the work of connection and necessary testing.

D. Such Person shall have furnished satisfactory evidence to the Authority that any tapping fee or connection charge imposed by Resolution of the Authority and/or reserve rental charges or fees imposed by Resolution of the Authority against the owner of each Improved Property who connects such Improved Property to a Sewer has been paid, or in those cases where the developer connects the Building Sewer into the Sewer System and no tapping fee is charged, that all required permit and/or inspection fees to cover the cost of inspection of each Improved Property so connected have been paid, or that adequate bond or surety has been provided to insure payment thereof.

ARTICLE IV

ENFORCEMENT AND PENALTIES

SECTION 4.01. 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 District Justice of the Peace, be sentenced to

pay a fine of not less than Ten (\$10.00) Dollars and not more than Three Hundred (\$300.00) Dollars, 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.

SECTION 4.02. 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.

ARTICLE V

SEVERABILITY

SECTION 5.01. Severability. The provisions of this Ordinance are severable. In the event that any provision, section, sentence, clause or part of this 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 this Ordinance. It is hereby declared to be the intent of the Township that such remainder of said Ordinance shall be and shall remain in full force and effect.

ADOPTED this 24th day of October , 1988, by the Board of Supervisors of Berwick Township, in lawful session duly assembled.

Attest:

BERWICK TOWNSHIP

Barbara A. Webb
Secretary

By: Vern Nall
Chairman

CERTIFICATION

The undersigned certifies that she is the duly appointed Secretary of Berwick Township, Adams County, Pennsylvania, and that the foregoing Ordinance was duly adopted at a regular meeting of the Board of Supervisors of said Township held on October 24, 1988, at which meeting a quorum was present and acting throughout, and that no action has been taken amending or revoking said Ordinance.

Dated:

October 24, 1988

Barbara A. Webb
Secretary

(SEAL)