

**BOROUGH OF STEWARTSTOWN
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2005-11

AN ORDINANCE OF STEWARTSTOWN BOROUGH, YORK COUNTY, PENNSYLVANIA REQUIRING ALL OWNERS OF IMPROVED PROPERTY BENEFITED, IMPROVED, OR ACCOMMODATED BY A SANITARY SEWER TO CONNECT THERETO UPON NOTICE, AND TO PAY TAPPING FEES AND USER CHARGES; REGULATING THE MANNER OF MAKING CONNECTIONS TO THE SANITARY SEWER SYSTEM; AUTHORIZING THE BOROUGH OR THE STEWARTSTOWN BOROUGH AUTHORITY TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY WHO FAILS TO CONNECT; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, pursuant to the authority granted under the Borough Code, the Borough Council of Stewartstown hereby deems it to be in the interest of the public's health safety and welfare to require connections to the sewer system owned by the Stewartstown Borough Authority and operated by Stewartstown Borough as set forth in this Ordinance.

WHEREAS, the Borough of Stewartstown has previously adopted Ordinance 1994-005 amending and setting forth conditions for connection and discharge to the public sewer system, with Exhibit A being the Rules and Regulations and Rates of the Stewartstown Borough Authority, with amendments thereafter.

WHEREAS, the Borough of Stewartstown has previously adopted Ordinance 1999-002, part of which amended Ordinance 1994-005, setting forth quarterly billing cycles and imposing penalties and interest and collection measures for sewer rentals.

THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Borough Council of Stewartstown, York County, Pennsylvania, as follows:

SECTION I. DEFINITIONS.

SECTION 1.01 Unless the context specifically and clearly indicates otherwise, the meanings of terms and phrases used in this Ordinance shall be as follows:

A. "Authority" shall mean the Stewartstown Borough Authority, York County, Pennsylvania, a municipal authority organized and existing under the laws of the commonwealth of Pennsylvania.

B. "Benefited, Improved, or Accommodated" shall mean any Improved Property located adjoining or adjacent to or whose principal building is within two hundred (200) feet from the Sewer System. When more than one building intended for habitation exists on any property, all buildings intended for habitation located adjoining or adjacent to or within 200 feet from any other structure considered an improved property as herein defined shall also be considered benefited, improved, or accommodated.

B. "Borough" shall mean Stewartstown Borough, York County, Pennsylvania, a borough of the Commonwealth of Pennsylvania.

C. "Building Sewer" shall mean the extension from the sewage drainage system of any structure to the lateral of a sewer.

D. "Industrial Waste" shall mean any waste that is not Sanitary Sewage.

E. "Improved Property" means any property located within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings.

F. "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.

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" shall mean normal water-carried household and toilet wastes from any Improved Property, exclusive of storm water runoff, surface water, or ground water..

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

K. "Sewer System" shall mean all facilities for the collection, transportation, pumping, treatment or disposal of Sanitary Sewage situate in the Borough or adjacent portions of Hopewell Township, York County, that are owned or operated by the Borough or Authority.

L. "Street" shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square.

SECTION II. MANDATORY SEWER CONNECTION.

SECTION 2.01. The Owner of any Improved Property benefited, improved, or accommodated by a sanitary sewer shall connect to and use the Sewer System within sixty (60) days after written notice to such Owner to make such connection from the Borough or the Authority. Such written notice shall include a reference to this Ordinance, and shall be served upon the Owner either by personal service or by registered or certified mail, or by such other method as at the time may be provided by law. If an Owner shall fail to connect such Improved Property, as required, the Borough or the Authority, or their agents, may enter upon the Improved Property and make such connection. The Borough or the Authority shall send an itemized bill of

the cost of construction to the Owner of the Improved Property which bill shall be payable immediately. If the Owner fails to pay the bill, then the Borough or the Authority shall file a municipal lien for the cost of construction within six (6) months of the date of the completion of said connection.

SECTION 2.02. No person shall place or deposit or permit to be placed or deposited upon public or private property, or any natural outlet within the Borough, any Sanitary Sewage in violation of this Ordinance, except where suitable treatment has been provided which is satisfactory to the Township.

SECTION 2.03. 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 the Sewer System or which is required to be connected to the Sewer System under this Ordinance. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be abandoned and, at the discretion of the Borough or Authority, shall be cleansed and filled under the direction and supervision of the Borough or Authority and at the expense of the Owner. Any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned, and, if required, cleansed and filled, shall constitute a nuisance and may be abated as provided by law, at the expense of the Owner of such Improved Property. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected to the Sewer System.

SECTION 2.04. New buildings or structures to be connected to the Sewer System shall be connected prior to habitation, occupancy or use, and no certificate of occupancy shall be issued for any such Improved Property unless and until it has been connected to the Sewer System, inspected and approved by the Borough or the Authority.

SECTION III. REGULATIONS GOVERNING USE OF THE SEWER SYSTEM.

SECTION 3.01. No person shall uncover, connect with, make any opening into or use, alter, or disturb, in any manner, any part of the Sewer System without first making an application for and obtaining a permit, in writing, from the Borough or Authority, and paying all fees in connection therewith.

SECTION 3.02. No person shall make or shall cause to be made a connection of any Improved Property into the Sewer System until such person shall have fulfilled each of the following conditions:

1. Such person shall have notified the designated representative of the Borough or Authority of the desire and intention to connect such Improved Property to the Sewer System;
2. Such person shall have applied for and shall have obtained a connection permit;
3. Such person shall have given such designated representative of the Borough or Authority at least 48 hours notice of the time when such connection will be made so that the Borough or Authority may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and
4. Such person shall have furnished satisfactory evidence to such designated representative of the Borough or Authority that any fee charged and imposed by the Borough or the Authority against the owner of each Improved Property who connects to the Sewer System has been paid.

SECTION 3.03. All costs and expenses of the connection of an Improved Property to the Sewer System shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall save harmless the Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the connection of the Improved Property to the Sewer System.

SECTION 3.04. An Improved Property shall be connected to the Sewer System at the place designated by the Borough or the Authority. 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 sound and watertight.

SECTION 3.05. All connections to and use of the Sewer System shall be made in conformance with the Rules and Regulations of the Borough or the Authority, as may be amended from time to time, which Rules and Regulations and any amendments thereto are hereby incorporated by reference thereto.

SECTION 3.06. Each Improved Property shall be connected separately and independently to the Sewer System through a Building Sewer. A grouping of more than one structure on an Improved Property or a grouping of more than one Improved Property on one Building Sewer is prohibited, except under special circumstances and for good sanitary reasons or other good cause shown. Such grouping is subject to special permission of the Borough or the Authority and will be subject to such rules, regulations and conditions as prescribed by the Borough or the Authority.

SECTION 3.07. If any person shall fail or shall refuse, upon receipt of a written notice from the Borough or the Authority, to remedy any unsatisfactory condition with respect to connection to or use of the Sewer System within thirty (30) days of receipt of such notice, the

Borough or the Authority may refuse to permit such person to discharge sanitary sewage into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of the Borough or the Authority.

SECTION 3.08. The Borough or the Authority reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections to and use of the Sewer System, which additional rules and regulations shall be construed as part of this Ordinance.

SECTION 3.09. 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 3.10. No Building Sewer shall be covered until it has been inspected and approved by the Borough or 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 Improved Property to be connected to a Sewer.

SECTION 3.11. 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 3.12. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other 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 the Borough or the Authority.

SECTION IV. TAPPING FEES AND RATES.

SECTION 4.01. Every person required to connect to the Sewer System shall pay to the Borough or the Authority, in such manner and at such time as established by the Borough or the Authority, a tapping fee, a connection fee and any other fees established from time to time by the Borough or the Authority for connection to the Sewer System.

SECTION 4.02. The Borough or the Authority is authorized to charge the owners, occupiers or users of Improved Property connected to the Sewer System or required to be connected to the Sewer System user charges at such rates as the Borough or the Authority may from time to time establish for sewer service.

SECTION 4.03. The sewer service provided by the Borough or the Authority shall be billed and collected by the Borough or the Authority according to its normal operating procedures and in accordance with its rules, regulations and procedures as established from time to time. Any user charges that are delinquent may be collected by the Borough or the Authority by any means provided by law, including the filing of a lien in the manner provided by law for the filing of municipal liens. The Borough reserves the right to collect any delinquent accounts on behalf of the Authority by any means provided by law in the event that the Borough deems it necessary to do so.

SECTION V. INDUSTRIAL USE.

SECTION 5.01. To the extent that a person or industrial establishment uses the Sewer System for industrial waste, then such industrial use shall be subject to the laws, rules and regulations established by federal state or local authority for the discharge of industrial waste, and the Rules and Regulations of the Authority.

SECTION VI. ENFORCEMENT.

SECTION 6.01. Any person who shall violate this Ordinance or the Rules and Regulations incorporated by reference herein shall be subject, upon being found guilty thereof in a legal enforcement proceeding commenced by the Borough or the Authority, to a penalty of not more than Six Hundred Dollars (\$600.00), together with all court and related costs, and reasonable attorney fees, incurred by the Borough or the Authority. Each day that a violation shall continue shall be deemed to be a separate offense.

SECTION 6.02. Any penalty, fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner provided by applicable law.

SECTION 6.03. Nothing in this section shall prohibit either the Borough or the Authority from enforcing the provisions of this Ordinance by any other remedy available at law or in equity, and the remedies provided herein shall be cumulative and concurrent.

SECTION VII. MISCELLANEOUS.

SECTION 7.01. The Borough does hereby grant to the Authority all easements, rights-of-way and other rights on, under and over the public streets and alleys of the Borough necessary or desirable to facilitate the acquisition, construction, or use and operation of the Sewer System, subject to all applicable Borough ordinances.

SECTION 7.02. 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 the Borough that such remainder shall remain in full force and effect.

SECTION 7.03. It is declared that enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of the Borough.

SECTION 7.04. This Ordinance shall become effective immediately upon its passage.

SECTION 7.05. All ordinances or parts of ordinances inconsistent herewith expressly are repealed. In addition, Ordinance 1994-005 and the following portions of Ordinance 1999-002 are of no further effect with the passage of this Ordinance: Section 3 and that portion of Section 5 that establish the quarterly billing cycle for sewer rentals.

ENACTED AND ORDAINED, this 6th day of September, 2005.

ATTEST:

STEWARTSTOWN BOROUGH

Susany Graw
Secretary

By: Killeretta Gibbs
President, Borough Council

Approved this 6th day of September 2005.

Richard R. Hall
Mayor