

TOWNSHIP OF COOPER,
Montour County, Pennsylvania

ORDINANCE NO. 1218

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF COOPER, MONTOUR COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND WHICH IS ADJOINING AND ADJACENT TO THE SANITARY SEWER SYSTEM TO BE ACQUIRED, CONSTRUCTED, OWNED AND OPERATED BY THE COOPER TOWNSHIP MUNICIPAL AUTHORITY TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH SEWER SYSTEM; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION 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 WHEN DIRECTED TO DO SO; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Cooper Township, Montour County, Pennsylvania, in compliance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537 of 1966, as amended), plans to build a sewer system, and,

WHEREAS, said sewer system is provided for in the Township's Act 537 Plan, which has been submitted to and approved by the Pennsylvania Department of Environmental Protection, and

WHEREAS, mandatory connection to said sewer lines where practicable and legally enforceable are deemed to be in the best interests of the health and safety of Cooper Township.

NOW THEREFORE, be it ordained and enacted by the Board of Supervisors of Cooper Township, Montour County, Pennsylvania, as follows:

ARTICLE I

Definitions

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

- A. "Authority" shall mean Cooper Township Municipal Authority, a municipality authority incorporated pursuant to provisions of the Municipality Authorities Act (53 Pa.C.S. Ch. 56), as amended and supplemented, of the Commonwealth;
- 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. "Improved Property" shall mean any property within this Township and within the area served by the Authority 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 or structures Sewage, wastewater, or Industrial Wastes shall be or may be discharged;
- E. "Industrial Establishment" shall mean any Improved Property located in this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property located in this Township, from which wastes, in addition to or other than Sewage, shall be discharged;
- F. "Industrial Wastes" shall mean any liquid, gaseous, radioactive, solid or other substance, not sewage, resulting from any manufacturing or industrial activity or from any establishment, as compared to the liquid waste from industrial operations and/or processes, which is distinct from segregated domestic wastes or wastes from sanitary conveniences as defined by the USEPA Pretreatment regulations and the Borough of Danville Rules and Regulations applicable to Industrial Wastes and pretreatment;
- G. "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;
- H. "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 Township;

- I. "Person" shall mean any individual, partnership, company, firm, association, society, trust, corporation, municipality, municipality authority or other group or legal entity;
- J. "Sewage" shall mean a combination of water-carried household and toilet wastes and any wastewater discharged from residences, commercial establishments, industrial facilities, institutions and any Improved Property;
- K. "Sewer" shall mean any pipe or conduit constituting a part of the Sewer System and used or usable for sewage collection purposes;
- L. "Sewer System" shall mean all facilities, as of any particular time, and in any or all districts established by the Authority, for collecting, pumping, transporting, treating and/or disposing of sewage and/or Industrial Wastes, situate in or about this Township, and owned by the Authority;
- M. "Street" shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square;
- N. "System" shall mean a sewer system to be installed by the Authority which is wholly located within the boundaries of the Township; and
- O. "Township" shall mean the Township of Cooper, Montour County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.
- P. "Wastewater Services Agreement" shall mean the agreement between the Danville Municipal Authority and the Authority governing the conveyance and treatment of Wastewater generated by the Authority including restrictions on the character and composition of the waste and required pretreatment of said waste, if any.

ARTICLE II

Use of Public Sewers Required

SECTION 2.01. Requirement to Connect, Notice and Use. Every Owner of any Improved Property in the Township whose principal building is within 150 feet from the Sewer System shall connect such Improved Property to the Sewer System in such manner as the Authority may require, within an allotted time after notice to such Owner from the Authority to make such connection, for the purposes of discharge of all Sewage and Industrial Wastes from such Improved Property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time. Upon connection, every Owner shall be required to use the system as its only method of wastewater disposal.

The notice by the Authority to make a connection to a Sewer, shall include a reference to this Ordinance, including any amendments or supplements at the time in effect, in a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within 60 days (or such other longer period of time as may be prescribed by the Authority in its discretion) from the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place that can receive and can carry Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be given or served to the Owner by personal service or registered mail, in accordance with applicable law.

SECTION 3.01. Construction Specifications, Rules and Regulations. The construction of all Building Sewers or laterals and their connections with any lines of the sewer system shall be done in accordance with the specification, rules and regulations established by the Authority, and shall be inspected by the Authority, or its representative, before being covered.

SECTION 4.01. Each Improved Property to be Connected Separately. A separate and independent Building Sewer shall be provided for every Improved Property.

A Sewer for grouping of more than one Improved Property, or more than one structure discharging Sewage on a single Improved Property, on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Authority, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Authority.

SECTION 5.01. Certain Costs Payable by Property Owner; Liability Therefore. All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer, including testing, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless the Township and the Authority its agents, and assigns from all loss and damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to a Sewer.

SECTION 6.01. Point of Connection; Manner of Connection. A Building Sewer shall be connected to a Sewer at the place designated by the Authority and where a Lateral is provided. The invert of a Building Sewer at the point of a connection shall be at the same or a higher elevation than the invert of the Sewer, unless the connection is a pressure connection from a force main discharge as approved by the Authority. The connection of a Building Sewer to the Lateral shall be in a smooth neat joint and made absolutely watertight.

SECTION 7.01. Authority to Make Sewer Connection and Collect Costs and Expenses. If the Owner of any Improved Property accessible, benefitted, improved or accommodated by a Sewer, after sixty (60) days' notice from the Authority, as provided this Ordinance, shall fail to connect such Improved Property, upon authorization by the Authority, the Authority may make such connection and may collect from such Owner the costs and expenses thereof by the filing of a municipal claim or lien, an action in assumpsit or such other legal proceeding as may be permitted by law.

SECTION 8.01. Failure to Owner to Connect. In case any Owner of Improved Property required to connect to such Sewer shall neglect or refuse to connect with and use said Sewers for such period of sixty (60) days after notice to do so has been served upon him, either by personal service or certified mail as aforesaid, the Authority or its agents may enter upon such property and construct such connection. In such case, the Authority or other authorized person on behalf of the Authority shall, forthwith upon completion of the work, send an itemized bill of the costs of construction of such connection to the Owner of the Improved 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 Improved 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 recover of municipal lines.

SECTION 9.01. Tapping Permit and Time of Payment Therefore. Any Owner, Person or entity required to connect an Improved 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 structure and use, the lot number and location, and the name of the Person who is to make the connection.

A Tapping Fee is hereby imposed against the Owner of any Improved Property to be served by the Sewer System which actually connects, or is required to be connected, to the Sewer System pursuant to the provision of Section 2 of this Ordinance. The Tapping Fee shall be set from time to time by resolution adopted by the Authority.

Owners of an Improved Property or Properties which is attributed more than one EDU, as defined by the rules, and regulations of the Authority, shall pay a corresponding additional Tapping Fee at the time of being attributed the additional EDUs (the Tapping fee shall be multiplied by the number of EDUs attributed to the Improved Property).

Any Tapping Fee established by the Authority shall be payable upon receipt of the Authority notice for the same.

Taping Fees shall be payable to the Authority or to such other officer, representative, or agent of the Authority as shall be authorized, from time to time, by the Authority, to accept payment thereof.

SECTION 10.01. User Charge and Time of Payment. The User Charge applicable to any Improved Property shall be set from time to time by resolution of the Authority.

The User Charge shall be payable by the Owner of each Improved Property commencing the earlier of: (1) the date of actual, physical connection of an Improved Property to the Sewer System; or (2) in the case of properties connected following the initial construction of the Sewer System, the date which is sixty (60) days after the date of issuance by the Authority of the written notice to connect; or (3) such other date established by the Authority for commencement of the payment of the User Charge.

Any User Charge established by the Authority shall be payable upon receipt or the Authority's invoice for the same.

User charges shall be payable to the Authority or to such other officer, representative, or agent of the Authority as shall be authorized, from time to time, by the Authority, to accept payment thereof.

SECTION 11.01. Unlawful Tap-In. It shall be unlawful for any Person, firm or corporation to tap into said Sewer System of the Authority before making payment of the charges herein established.

SECTION 12.01. Unlawful Connection to Sewer System. No privy, privy vault, cesspool, sinkhole, septic tank, holding tank, or similar receptacle shall at any time, now or hereafter, be connected with the Sewer System of the Authority. No surface or subsurface drainage facility shall at any time be connected to a Sewer.

SECTION 13.01. Unlawful Disposal Systems. It shall be unlawful for any Owner, lessee or occupier of an Improved Property, who is required to connect to the Sewer System to employ any means, either by septic tank or otherwise, for the disposal of Sewage other than into and through the Sewers of said Sewer System.

No privy, privy vault, cesspool, sinkhole, septic tank, holding tank, or similar receptacle shall be used and maintained at any time upon any Improved Property which has ben connected to a Sewer or which shall be required under to be connected to Sewer.

Every such privy, privy vault, cesspool, sinkhole, septic tank, holding tank, or similar receptacle in existence shall be abandoned, rendered inoperable and shall be pumped out by a certified hauler and contents disposed of properly and in accordance with applicable laws, and the tank must be removed or knocked down and or backfilled with suitable material according to the rules and regulations of the Authority; and any such privy, cesspool, sinkhole, septic tank, holding tank, or similar receptacle not so abandoned and 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 14.01. 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 shall be discharged into Sewer, as set forth in the rules and regulations of the Authority, subject to limitations and restrictions as shall be established herein or otherwise shall be established by the Authority from time to time.

SECTION 15.01. Unlawful Discharge or Deposit of Sewage and Industrial Wastes. No Person shall discharge or permit to be discharged into the Sewer System any storm water, roof or surface drainage; nor shall any person discharge or permit to be discharged into the Sewer System any Industrial Waste, chemicals or other matter that is not in compliance with the rules and regulations of the Authority and the Wastewater Services Agreement.

Grease, oil and sand interceptors or separators shall be furnished and installed by the Property Owners at its own expense when, in the opinion of the Authority or authorized agent, they are necessary for the proper handling of liquid wastes containing excessive amounts of grease or any flammable wastes, sand and other harmful ingredients. All interceptors and separators comply with the rules and regulations of the Authority.

SECTION 16.01. Unlawful Water Discharge. No Person shall discharge or cause to be discharged any spring water, storm water, surface water, ground water, roof runoff or sub-surface drainage, building foundation drainage, drainage from roof leader connections, cooling water or unpolluted industrial or commercial process waters into the Sewer System except with the consent and approval of the Authority. Basement floor and garage floor drains are prohibited from connection to the Building Sewer and Sewer System.

SECTION 17.01. Penalties. Any Person(s), partnership or any agents or executive officers of any corporation violating any provisions of this Ordinance shall, upon conviction, be subject to a fine of not less than \$1,000 for each violation and an equal fine amount for each 30 day period or fraction thereof, wherein the violation is not corrected to the satisfaction of the Authority. Additionally, if this matter is turned over to an attorney, fees and costs for litigation will be added to and shall not be included as a part of the fine including all court and related costs.

SECTION 18.01. 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 the legislative intent that this Ordinance would have been adopted had such unconstitutional or invalid provision not have been included therein.

SECTION 19.01. Repealer. All ordinances or parts of ordinances and all resolutions or parts of resolutions that are inconsistent with this Ordinance shall be and the same expressly are repealed.

This ordinance shall become effective five (5) days after enactment.