

TOWNSHIP OF SHAMOKIN  
NORTHUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 95-2

AN ORDINANCE REQUIRING MANDATORY CONNECTION OF ALL IMPROVED PROPERTIES IN THE TOWNSHIP OF SHAMOKIN, NORTHUMBERLAND COUNTY, PENNSYLVANIA, TO BE CONNECTED WITH THE SANITARY SEWAGE SYSTEM OF THE SHAMOKIN TOWNSHIP MUNICIPAL AUTHORITY; MAKING IT UNLAWFUL TO CONSTRUCT OR MAINTAIN PRIVIES, CESSPOOLS, SEPTIC TANKS OR OTHER DEVICES FOR RECEIVING SEWAGE OR CONDUITS FOR THE DISCHARGE OF SEWAGE, EXCEPT INTO SAID SANITARY SEWAGE SYSTEM, PROVIDING FOR THE MANDATORY CONNECTION OF PROPERTIES TO BE DEVELOPED AND IMPROVED IN THE FUTURE IN THE TOWNSHIP OF SHAMOKIN, NORTHUMBERLAND COUNTY, PENNSYLVANIA TO THE SANITARY SEWAGE SYSTEM OF THE SHAMOKIN TOWNSHIP MUNICIPAL AUTHORITY PROVIDED SAID IMPROVED PROPERTIES ARE LOCATED WITHIN ONE HUNDRED FIFTY (150) FEET OF AN EXISTING LATERAL OF THE AUTHORITY; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Board of Supervisors of the Township of Shamokin, Northumberland County, Pennsylvania ("Township"), by ordinance duly enacted, caused the organization and incorporation of The Shamokin Township Municipal Authority, said organization and incorporation occurring under and by virtue of the Pennsylvania Municipality Authorities Act of 1945, P.L. 382, as amended and supplemented; and

WHEREAS, in furtherance of its statutory purposes, the Authority proposes to acquire and construct a sanitary sewage collection and treatment system ("Sewer System") to serve all existing residents of the Township of Shamokin; and

WHEREAS, the Board of Supervisors of the Township, in order to promote the health, safety and welfare of the people of the Township

and of the Commonwealth of Pennsylvania, and to preserve the purity of the water of the Township, as well as to comply with applicable law, deems it necessary and advisable (a) to prohibit the use of privies, cesspools, septic tanks, or similar receptacles for receiving sewage within the Township in that such use may cause the spread of disease and impair public health, and (b) to require connections to be made to the Sewer System by the owners of all existing improved properties within the boundaries of the Township and benefited by the Sewer System, and all properties improved or developed in the future, provided the principal building on said improved properties are located within One Hundred Fifty (150) Feet of an existing lateral of the Sewer System, all in accordance with this Ordinance and with such rules and regulations which may, from time to time, be adopted by the Township or the Authority.

BE IT ORDAINED by the Board of Supervisors of the Township of Shamokin, Northumberland County, Pennsylvania, and it is hereby ORDAINED and ENACTED by and with the authority of the same as follows:

**Section 1 - Title.**

This Ordinance shall be known and may be cited as the "Mandatory Connection Ordinance".

**Section 2 - Purpose.**

In that The Shamokin Township Municipal Authority is currently in the process of purchasing, constructing and renovating the

existing sewer lines and sewage treatment place servicing the residents of the Township of Shamokin, Northumberland County, Pennsylvania, and in that the Board of Supervisors of Shamokin Township, Northumberland County, Pennsylvania, has found that such construction and renovation is in furtherance of the health and safety needs of the residents thereof, and necessary to bring the Township of Shamokin, Northumberland County, Pennsylvania, in compliance with existing law, and that the mandatory connection to said system by residents to whom said system is available is also in furtherance of said health and safety interest, the Board of Supervisors of Shamokin Township has, by enactment of this Ordinance, required that all improved properties currently located in the Township of Shamokin be connected to the said Sewer System and serviced by the said System, and that properties improved and developed in the future be connected to and serviced by said System, provided that an existing lateral be located within One Hundred Fifty (150) Feet of the principal building on said improved property.

Section 3 - Definitions.

As used in this Ordinance, the following words and terms shall have the following respective meanings, unless the context otherwise clearly requires:

- (a) "Authority" means The Shamokin Township Municipal Authority.
- (b) "Township" means the Township of Shamokin,

Northumberland County, Pennsylvania, or the duly constituted or elected municipal authorities thereof.

- (c) "Connection" means the hook-up and servicing of a dwelling or other structure by the sanitary sewage system currently owned and operated by The Shamokin Township Municipal Authority.
- (d) "Improved Property" means any property located within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use, by human beings or animals, and from which structures, sanitary sewage and/or industrial waste shall be or may be discharged.
- (e) "Industrial Waste" means any and all waste, other than sanitary sewage, discharged from any industrial establishment.
- (f) "Person" means any individual, individuals, corporations, partnership, trust, unincorporated association, joint venture, joint stock company, municipal corporation or authority, or any other entity.
- (g) "Property Owner" means any person who is the title owner of real estate utilized as a dwelling within the Township of Shamokin, Northumberland County, Pennsylvania.
- (h) "Sanitary Sewage" means the normal water-carried

household and toilet waste from all improved properties.

- (i) "Sewer System" means the sanitary sewage collection and treatment system to be acquired, constructed and operated by the Authority.

#### Section 4 - Mandatory Connection To A Sewer System.

All persons owning improved property within the Township of Shamokin shall connect such improved property to the Sewer System (a) in the case of all structures in existence at the time of this Ordinance, within sixty (60) days after adoption of this Ordinance, and (b) in the case of all structures being erected during the construction of the sewage treatment plant to service the Sewer System, within sixty (60) days after written notice from the Authority to make such connection has been given to such owner by personal service or by registered mail, which notice shall include a copy of this Ordinance, and (c) in the case of all property to be improved within the erection of a structure thereon after the Sewer System is placed into service, at the time of erection of such structures, provided that the principal building on the improved property is located within One Hundred Fifty (150) Feet of any existing lateral of the Sewer System.

#### Section 5 - Prohibited Practices.

It shall be unlawful for any person owning any improved property within the Township limits (a) to erect, construct, use or

maintain or cause to be erected, constructed, used or maintained any privy, cesspool, sinkhole, septic tank or other receptacle on such property for receiving sanitary sewage or industrial waste, at any time when such improved property is required to be connected to the Sewer System, or (b) to otherwise at any time when such improved property is required to be connected to the Sewer System, erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage or industrial waste 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, or (c) to connect or cause to be connected any pipe, conduit, drain or other facility for the discharge of storm water into the Sewer System.

Section 6 - Nuisance.

Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole, septic tank or the receptacle for receiving sanitary sewage or industrial waste on any improved property within the Township limits, or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of sanitary sewage or industrial waste in violation of this Ordinance, shall be deemed and shall be declared to be erecting, constructing, and maintaining a nuisance, which nuisance the Township is hereby authorized and directed to abate in the manner provided by law; provided, however, that this Section shall not be deemed to limit the remedies otherwise available to the

Township or the Authority at law or pursuant to this Ordinance.

**Section 7 - Connections To Comply With Rules And Regulations.**

All connections shall be made to the Sewer System in compliance with this Ordinance, together with such resolutions, rules or regulations as may, from time to time, be enacted, adopted, approved or promulgated by the Township or the Authority. The Township hereby reserves unto itself the sole right to amend this Ordinance.

**Section 8 - Penalties.**

The provisions of this Ordinance are declared to be for the health, safety and welfare of the residents of the Township. Any persons who shall violate any provision of this Ordinance shall be fined the sum of Three Hundred (\$300.00) Dollars, together with the costs for each violation. Each day during which such violation shall continue shall be deemed to be a separate offense, subject to the penalties herein stated.

**Section 9 - Authority To Construct Connection Upon Failure Of Owner To Connect.**

In the event that any owner of improved property located within the Township limits required to connect pursuant to Section 4 shall neglect or refuse to connect such improved property to the Sewer System for a period of sixty (60) days after notice to do so has been served upon the owner by the Township, or the Authority, said service to be personal service or registered or certified mail, and to include a copy of this Ordinance, the Township, the Authority, or

their agents, may enter upon the improved property and construct such connection and collect the costs thereof from such owner by municipal claim or in an action in assumpsit, as provided by law.

Section 10 - Severability.

If any provision of this Ordinance, or the application thereof, is found to be illegal or invalid, such illegality or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance will have been enacted had such illegal or invalid provision not been included herein.

Section 11 - Repealer.

All ordinances or parts of ordinances in conflict or inconsistent herewith shall be and the same are hereby repealed absolutely.

Section 12 - Effective Date.

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

DULY ORDAINED AND ENACTED this 11<sup>th</sup> day of October, 1995.

ATTEST:

TOWNSHIP OF SHAMOKIN

\_\_\_\_\_  
Secretary

BY: \_\_\_\_\_

Chairman