

**TOWNSHIP OF SHAMOKIN
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2010- 1

AN ORDINANCE REQUIRING MANDATORY CONNECTION OF ALL IMPROVED PROPERTIES IN THE ADAMS PARK ROAD AREA OF THE TOWNSHIP OF SHAMOKIN, NORTHUMBERLAND COUNTY, PENNSYLVANIA, TO BE CONNECTED WITH THE SHAMOKIN-COAL TOWNSHIP WASTE WATER TREATMENT FACILITY OF THE SHAMOKIN-COAL TOWNSHIP JOINT SEWER 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 ADAMS PARK ROAD AREA OF THE TOWNSHIP OF SHAMOKIN, NORTHUMBERLAND COUNTY, PENNSYLVANIA TO THE SHAMOKIN-COAL TOWNSHIP WASTE WATER TREATMENT FACILITY OF THE SHAMOKIN-COAL TOWNSHIP JOINT SEWER AUTHORITY PROVIDED SAID IMPROVED PROPERTIES ARE LOCATED WITHIN ONE HUNDRED FIFTY (150) FEET OF A COLLECTION LINE; 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, and by amendment of its Act 537 Plan, and by agreement duly entered into with the Shamokin-Coal Township Joint Sewer Authority; and

WHEREAS, Shamokin Township has been directed by the Department of Environmental Protection to submit a revised Act 537 Plan to address an area located on Adams Park Road, along the west side of Shamokin Creek, in the vicinity of Bridge Road, in Shamokin Township, Pennsylvania; and

WHEREAS, it was determined that the most feasible solution to correct this problem was to install a gravity line parallel to the Shamokin Creek, along its west side, running more or less in the Adams Park Road right-of-way, then using a small duplex pumping station, pump the sewage across Shamokin Creek (via the underside of an existing bridge) to an existing manhole, after which the flow will go into the Joint Sewer Authority's Waste Water Treatment Facility; 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 Adams Park Road Area of 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 Adams Park Road Area 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 a collection line 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 "Adams Park Road Mandatory Connection Ordinance".

Section 2 - Purpose.

In that the Shamokin-Coal Township Joint Sewer Authority currently has an existing wastewater treatment facility and is willing to allow the residents of the Adams Park Road Area of the Township of Shamokin, Northumberland County, Pennsylvania, to connect onto said system, and in that the Board of Supervisors of Shamokin Township, Northumberland County, Pennsylvania, has found that such construction 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 Adams Park Road Area 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 a collection line 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-Coal Township Joint Sewer 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-Coal Township Joint Sewer 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 wastewater treatment facility constructed and operated by the Shamokin-Coal Township Joint Sewer Authority.
- (j) "Adams Park Road Area" means that area of the Township of Shamokin, Northumberland County that is designed for the Sewer System to be served by the Authority pursuant to the Township's Amendment to its Act 537 Plan and the Sewer Service Agreement between the Authority and the Township and any expansion or extension thereof either now or in the future.
- (k) "Collection Lines" means the collection lines and duplex pumping station that the Township is acquiring and constructing to tie into the Sewer System.

Section 4 - Mandatory Connection To The Sewer System.

All persons owning improved property within the Adams Park Road Area of 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, or within sixty (60) days of a Notice to Connect being issued by the Township or Authority whichever occurs later, and (b) in the case of all structures being erected during the construction of the collection lines, within sixty (60) days after written notice from the Township or 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 with the erection of a structure thereon after the collection line is tied into the Sewer System and 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 collection line of the Sewer System and provided that there are connections available to service the property.

Section 5 - Prohibited Practices.

It shall be unlawful for any person owning any improved property within the Adams Park Road Area (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 Adams Park Road Area of the Township, 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 - Dismantle And Closure Of Existing Systems.

All persons required by this Ordinance to connect to the sewer system operated by the Authority shall contemporaneously with said connection dismantle their existing on-lot sewage disposal system including the removal of sanitary sewage contained therein and the filling of the same as may be prescribed by resolutions, rules or regulations from time to time enacted, adopted, approved or promulgated by the Township or the Authority.

Section 9 - Penalties.

- a. Enforcement of this Ordinance shall be by action brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney.
- b. Any person who violates any of the provisions of this Ordinance, upon conviction, shall pay court costs, shall pay a fine of not less than \$300.00 nor more than \$600 per violation, and/or be sentenced to a term of imprisonment upon conviction or for failure to pay a fine or costs for a time not exceeding 90 days per violation. Court costs may include reasonable fees charged by the municipal solicitor in prosecuting any action. Each day on which a violation of this Ordinance occurs shall be considered a separate violation.
- c. Nothing in subsection b of this Section shall prevent Shamokin Township in its discretion from seeking equitable relief to abate any violation of this Ordinance.

Section 10 - 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 11 - 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 12 - Repealer.

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

Section 13 - 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 8th day of December, 2010.

ATTEST:

TOWNSHIP OF SHAMOKIN

Stephanie A. McKenney
Secretary

BY: Thomas R. Cole
Chairman