

TOWNSHIP OF HAMILTON

Franklin County, Pennsylvania

ORDINANCE NO. 36

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HAMILTON, FRANKLIN COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND ACCESSIBLE TO AND WHOSE PRINCIPAL BUILDING IS WITHIN 150 FEET FROM THE SEWER SYSTEM TO BE ACQUIRED AND TO BE CONSTRUCTED BY HAMILTON 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 WHERE A SEWER IS AVAILABLE; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Board of Supervisors of the Township of Hamilton, Franklin County, Pennsylvania, enacts and ordains 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 Hamilton Township Municipal Authority, a municipality of the Commonwealth.
- B. "Building Sewer" shall mean the extension from the sewage drainage system of any structure to the Lateral of a Sewer, and shall include any existing sewer line which shall continue as part of a Building Sewer.
- C. "Commonwealth" shall mean the Commonwealth of Pennsylvania.
- D. "Improved Property" shall mean any property within this 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 structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.
- E. "Industrial Establishment" shall mean any Improved Property located within 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 within this Township, from which wastes, in addition to or other than Sanitary Sewage, shall be discharged.
- F. "Industrial Wastes" shall mean any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage.
- 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 which 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.
- I. "Person" shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity.
- J. "Sanitary Sewage" shall mean normal water-carried household and toilet wastes from any Improved Property, including such ground, surface or storm water as may be present.
- 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 collecting, pumping, transporting, treating and disposing of Sanitary Sewage and/or Industrial Wastes, situate in or adjacent to the 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. "Township" shall mean the Township of Hamilton, Franklin County, Pennsylvania, a municipal subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

SECTION 2.01. The Owner of any Improved Property accessible to and whose principal building is within 150 feet from the Sewer System shall connect such Improved Property with and shall use such Sewer System, in such manner as this Township may require, within 60 days after notice to such Owner from this Township to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property; Subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

SECTION 2.02. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer shall be required under Section 2.01, shall be conducted into a Sewer; Subject, however, to such limitations and restrictions as shall be established herein otherwise shall be established by this Township, from time to time.

SECTION 2.03. No Person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Township any Sanitary Sewage or Industrial Wastes in violation of Section 2.01.

No person shall discharge or shall permit to be discharged to any natural outlet within this Township any Sanitary Sewage or Industrial Wastes in violation of Section 2.01, except where suitable treatment has been provided which is satisfactory to this Township.

SECTION 2.04. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be 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.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and shall be filled, at the expense of the Owner of such Improved Property, under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, not 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 2.05. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

SECTION 2.06. The notice by this Township to make a connection to a Sewer, referred to in Section 2.01, shall consist of a copy of this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and 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 after the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place which can receive and can convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be given or served upon the Owner in accordance with law.

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

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

SECTION 3.02. Application for a permit required under Section 3.01 shall be made by the Owner of the Improved Property served or to be served or by the duly authorized agent of such Owner.

SECTION 3.03. No Person shall make or shall 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 Secretary of this Township of the desire and intention to connect such Improved Property to a Sewer.
- B. Such Person shall have applied for and shall have obtained a permit as required by Section 3.01
- C. Such Person shall have given the Secretary of this Township at least 24 hours' notice of the time when such connection will be made so that this Township may supervise and inspect the work of connection and necessary testing.
- D. Such Person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee charged and imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Sewer has been paid.

SECTION 3.04, Except as otherwise provided in this Section 3.04, each Improved Property shall be connected separately and independently with a sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

SECTION 3.05. All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall save harmless this Township and the Authority from all loss or 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 3.06. A Building Sewer shall be connected to a Sewer at the place designated by this Township or by the Authority and where, if applicable, the Lateral is provided.

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 secure and watertight.

SECTION 3.07. If the Owner of any Improved Property abutting on or adjoining any Street in which a Sewer constituting part of the Sewer System is located. after 60 days' notice from this Township requiring the connection of such improved Property with a Sewer, in accordance with Section 2.01, shall fail to connect such Improved Property, as required, this Township may make such connection and may collect from such Owner the costs and expense thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

ORDINANCE 36

ARTICLE IV

RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND CONNECTIONS TO SEWERS

SECTION 4.01. 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, and the existing sewer line between the structure and the structure side of such sewage disposal system or sewage disposal device meets standards of construction and condition imposed by this Township by regulations of this Township duly promulgated, such existing sewer line may be broken on the structure side of such sewage disposal system or sewage disposal device after the prior approval of this Township has been obtained and after the Township is duly satisfied that such existing house sewer line meets such applicable standards of construction and condition, and attachment may be made, with proper fittings, to continue such existing sewer line as a Building Sewer.

SECTION 4.02. Every Building Sewer hereafter constructed shall meet standards of construction and condition imposed by this Township by regulation of this Township duly adopted and promulgated. No Building Sewer hereafter constructed or uncovered shall be covered until it has been inspected and approved by this Township. If any part of a Building Sewer hereafter constructed or uncovered 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 4.03. 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 4.04. 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 public 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 this Township.

SECTION 4.05. If any Person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a Building Sewer, within 60 days of receipt of such notice, this Township may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of this Township.

SECTION 4.06. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and with the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

ARTICLE V ENFORCEMENT

SECTION 5.01. Any Person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than \$15.00 nor more than \$25.00, together with costs of prosecution in each case. 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 5.02. 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 VI
EFFECTIVE DATE

SECTION 6.01. This Ordinance shall become effective in accordance with law.

ARTICLE VII
SEVERABILITY

SECTION 7.01. 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 this Township that such remainder shall be and shall remain in full force and effect.

ARTICLE VII
DECLARATION OF PURPOSE

SECTION 8.01. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

ARTICLE IX
REPEALER

SECTION 9.01. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent with this Ordinance shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, the 7th day of December, 1971, by the Board of Supervisors of the Township of Hamilton, Franklin County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF HAMILTON
Franklin County, Pennsylvania
By: Ralph Statler /s/
Chairman of the Board of
Supervisors

ATTEST:

James Hollenshead /s/
Secretary

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Hamilton, Franklin County, Pennsylvania, (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance which duly was enacted by the Board of Supervisors of the Township, in accordance with law, at a meeting duly held on December 7, 1971; said Ordinance has been certified and recorded by me, as Secretary of the Township, in the book provided for the purpose of such recording; said Ordinance, upon enactment, as aforesaid, was assigned Ordinance No. 36; said Ordinance has been advertised as required by law; and said Ordinance has not been amended, altered or repealed, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township this 12th day of December, 1979.

James E. Hollenshead
Township Secretary

(SEAL)