

WEST MANHEIM TOWNSHIP  
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 11-2004

ORDINANCE OF THE BOARD OF SUPERVISORS OF WEST MANHEIM TOWNSHIP REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED IN DESIGNATED AREAS OF WEST MANHEIM TOWNSHIP, YORK COUNTY, PENNSYLVANIA AND BENEFITED, IMPROVED OR ACCOMODATED BY A SANITARY SEWER TO CONNECT SUCH IMPROVED PROPERTY WITH THE SEWER SYSTEM OWNED AND OPERATED BY WEST MANHEIM TOWNSHIP; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THE 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 AND REQUIRING ABANDONMENT THEREOF WHERE A SEWER IS AVAILABLE; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES.

WHEREAS, West Manheim Township is a second class township governed by the Second Class Township Code; and

WHEREAS, the Township has adopted the Code of the Township of West Manheim, Pennsylvania; and

WHEREAS, the Township desires to amend its Code to provide for mandatory connection to the Sanitary Sewer System within the Township owned and operated by the Authority:

BE IT ORDAINED AND ENACTED by the Board of Supervisors of West Manheim Township, York County, Pennsylvania, as follows:

ARTICLE I

SHORT TITLE; DEFINITIONS

SECTION 1.01. Short Title. This chapter shall be known as the "West Manheim Township Sewer Connection Ordinance".

SECTION 1.02. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in the Chapter shall be as follows:

- A. "Authority" shall mean West Manheim Township Sewer Authority, a Pennsylvania Municipality Authority.
- B. "Building" shall mean any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure, sanitary sewer or industrial waste, or both, is or may be discharged.
- C. "Building Sewer" shall mean the extension of the sewage drainage system from any Building to the Lateral of Service Connection of a sewer.
- D. "Improved Property" shall mean any property located within West Manheim Township and within the area served by the Township upon which there is erected a building.
- E. "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sewage, excluding any ground, surface or storm water.
- F. "Lateral" shall mean that part of the sewer system extending from a sewer to a point behind the curb line or, if there shall be no curb line, to a point behind the projected curb line.
- G. "On-Lot System" shall mean any privy vault, cesspool, sinkhole, septic tank, similar receptacle or other system intended to dispose of sewage on improved property which is located on such improved property.
- H. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any improved property located within West Manheim Township.
- I. "Person" shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity, public or private.
- J. "Principal Building" shall mean the building or buildings which constitute the main or primary use of the property. In all instances, a residential dwelling shall constitute the principal dwelling, but for purposes of this chapter, there can be more than one principal building on an improved property, as long as any such building constitutes a primary use of the improved property.
- K. "Service Connection" shall mean that portion of or place in, a sewer, in those cases where no lateral is provided, which is provided for connection of any building sewer.
- L. "Sewage" shall mean normal water-carried household and toilet wastes from any improved property, excluding any ground, surface or storm water.
- M. "Sewer" shall mean any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.
- N. "Sewer System" shall mean all facilities, as of any particular time, for collecting, pumping, treating and disposing of sewage and industrial waste.
- O. "Street" shall mean and include any street, road, line, court, alley and public square.
- P. "Township" shall mean West Manheim Township, York County, Pennsylvania.

## **ARTICLE II USE OF PUBLIC SEWERS REQUIRED**

### **SECTION 2.01. Improved Properties to be Connected to Accessible Sewers.**

The owner of any improved property adjoining or adjacent to the Sewer System or whose principal building is within one hundred fifty (150) feet of the Sewer System shall connect such improved property or building with the Sewer System, in such a manner as the Township may require within ninety (90) days after notice to such owner from the Township to make such connection, for the purpose of discharge of all Sewage and, to the extent permitted by the Township, industrial wastes from such improved property, subject to such limitations and

restrictions as shall be established herein or otherwise shall be established by the Township, from time to time. An extension of the time allowed to make connection may be granted upon written request of the Owner to the Township or at the Township's discretion.

SECTION 2.02. Sewage and Certain Industrial Wastes to be Discharged into Sewers.

All sewage and, to the extent permitted by the Township, industrial wastes from any improved property, after connection of such improved property with the sewer as required by Section 2.01, shall be discharged into the sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township, from time to time.

SECTION 2.03. Unlawful Discharge or Deposit of Sewage and Industrial Waste.

A. No person shall place or deposit or permit to be placed or deposited upon public or private property within the area served by the Township within the Township any sewage or industrial wastes in violation of this Chapter.

B. No Person shall discharge or permit to be discharged to any natural outlet within the area served by the Township within the Township any sewage or industrial wastes in violation of this Chapter except where suitable treatment satisfactory to the Township has been provided.

SECTION 2.04. Unlawful Discharge of Storm Water, Etc.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage into any sewer.

SECTION 2.05. Certain Receptacles not to be Used on Improved Property Accessible to Sewer: Abandonment to Sewer; Abandonment of Such Receptacles.

A. No On-Lot System shall be used and 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 **[except that with the approval of the Township such receptacle may continue to be used and maintained solely for the purpose of receiving the discharge or water other than sewage from a basement floor drain and/or other surface or subsurface drainage facility. Under appropriate circumstances, and with the written approval of the Township, existing septic tanks may continue to be used and maintained for the purpose of receiving the discharge of sewage from existing basement facilities where the sewer provided by the Township does not permit the discharge of sewage from such facility by gravity and as long as such septic tank is operable and has not malfunctioned].**

B. For all improved properties required to connect to the Sewer, **(and except as permitted in subparagraph A)** every On-Lot System in existence shall be abandoned and, at the discretion of the Township, shall be cleaned and filled under the observation of the Township; and any On-Lot System not so abandoned and, if required by the Township, not so cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of such Improved Property.

SECTION 2.06. Certain Receptacles and Drainage Facilities not to be Connected to Sewer.  
No On-Lot System at any time shall be connected to a Sewer. No surface or subsurface drainage facility shall at any time be connected to a Sewer. [Note relationship with options in 2.05.]

SECTION 2.07. Notice to Connect Service.

The Notice by the Township to make a connection to a Sewer, required by Section 2.01, shall consist of a written or printed document requiring the connection and referring to this Chapter and may be given at any time after a sewer is in place which can receive and convey sewage and, to the extent permitted by the Township, industrial wastes, for treatment and disposal from the particular improved property. Such notice shall be served upon the owner by the Township Board of Supervisors, either by personal service or by certified or registered mail, or by such other method as at the time may be provided by law.

### **ARTICLE III BUILDING SEWERS AND CONNECTIONS**

SECTION 3.01. Permit to Connect to Sewer Required.

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

SECTION 3.02. Application by Owner.

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 certified plumber on behalf of the owner within ninety (90) days after receipt of the notice as set out in Section 2.01. The application shall be submitted to the Township on a form designated by the Township. All applicable fees shall be paid by the owner prior to the issuance of the permit.

SECTION 3.03. Certain Conditions to be Met Prior to Making Connection to Sewer.

No person shall make or cause to be made a connection to any improved property with a sewer until such person has fulfilled each of the following conditions:

- A. Such Person shall have notified the Township of the desire and intention to connect such improved property to a sewer.
- B. Such person shall have applied for and obtained a permit as required by Section 3.01 of this Chapter and shall have paid all required permit, inspection and/or other fees.
- C. Such Person shall have given the Township at least twenty-four (24) hours notice of the time when such connection will be made so that the Township may observe and inspect the work of connection and accomplish any necessary testing in accordance with Section 4.02.

SECTION 3.04. Each Improved Property or Building to be Connected Separately; Exceptions.  
Except as otherwise provided in this Section 3.04, each improved property and building thereon shall be connected separately and independently with a sewer through a building sewer [In the case of multiple uses in a Building, each such use shall obtain and have its own Sewer capacity.] Grouping of more than one improved property or buildings on a building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but only after special permission of the Township, in writing, shall have been secured.

SECTION 3.05. Certain Costs Payable by Property Owner: —Liability

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. Any and all owners shall indemnify and save harmless the Township 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. Authority for Township to Make Connection and Collect Costs or Expenses.

If the owner of any improved property benefited, improved or accommodated by a sanitary sewer, after ninety (90) days notice from the Township, or such other time period authorized by the Township in accordance with Section 2.01, shall fail or refuse to connect such improved property, as required, the Township or its agent, may make such connection and the Township may collect from such owner all of the costs and expenses thereof by the filing of a municipal claim or lien, an action in assumpsit or other such legal proceeding as may be permitted by law.

**ARTICLE IV  
RULES AND REGULATIONS GOVERNING  
BUILDING SEWERS AND CONNECTIONS TO SEWERS**

SECTION 4.01. Conditions for Use of Existing Structure Sewer.

Where an improved property, at the time connection to a sewer is required, is served by an On-Lot System, the On-Lot System may be broken between the building and the On-Line System at a location approved by the Township, and an attachment may be made, with proper fittings to continue use of the pipes serving the Building as part of the Building Sewer, if approved in writing by the Township and not prohibited by other ordinance or law.

SECTION 4.02. Building Sewer to be Inspected Before Covering.

No building sewer shall be covered until it has been inspected and approved by the Township. Upon approval, the Township shall issue a written approval to the owner. If any part of a building sewer is covered before 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 the sewer.

SECTION 4.03. Responsibility for Maintenance of Building Sewers.

Every building sewer of any improved property shall be constructed and maintained in a sanitary, safe, and watertight operating condition at the cost and expense of the owner of such improved property.

SECTION 4.04. Guarding of Excavations; Restoration of Streets, Sidewalks and Other Public Property Disturbed.

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks, 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 the Township.

SECTION 4.05. Effect of Failure to Remedy Unsatisfactory Conditions.

If any person shall fail or refuse, upon receipt of a notice from the Township, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within forty-five (45) days of receipt of such notice, the Township may refuse to permit or allow such person to discharge sewage and industrial waste into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Township.

SECTION 4.06. Installation of Building Sewers.

The installation of a building sewer shall be the responsibility of the owner and shall be installed at the cost and expense of the owner. Building Sewers shall be installed in accordance with Rules and Regulations of or approved by the Township regarding installation of Building Sewers, and any other applicable law, which Rules and Regulations are incorporated by reference as part of this Chapter and made part hereof and may be reviewed at the Township Building.

SECTION 4.07. Additional Rules and Regulations Authorized.

The Township reserves the right to enact Rules and Regulations and the right to amend the Rules and Regulations regarding the installation of Building Sewers from time to time, and to adopt, from time to time, additional rules and regulations as they shall deem necessary and proper relating to connections with the Sewer and the Sewer System and their subsequent use, and all of which rules, regulations, conditions and obligations shall become and shall be construed as part of this Chapter.

**ARTICLE V  
DELEGATION OF AUTHORITY**

SECTION 5.01. Delegation. The Township may delegate its rights and authority under this chapter to this Authority, except as otherwise indicated in this Ordinance. The Township may assume its rights and authority under this Chapter upon cause shown and upon thirty (30) days written notice to the Authority.

**ARTICLE VI  
ENFORCEMENT AND PENALTIES**

**SECTION 6.01. Penalty for Violation.**

Any Person who shall violate any provisions of this Chapter shall, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) together with costs of prosecution, including attorneys' fees, and in default thereof, to undergo imprisonment in the York County jail for a period not exceeding thirty (30) days. Each day that a violation continues shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

**SECTION 6.02. Enforcement and Recovery of Fines and Costs.**

Fines and costs imposed under provisions of this Chapter shall be enforceable and recoverable in any manner at the time provided by applicable law.

**SECTION 6.03. Other Remedies.** The remedies set forth in this Chapter are in addition to any and all other remedies that are or may be available to the Township or the at law or in equity.

**SECTION VII  
SEVERABILITY**

**SECTION 7.01. Severability.**

The provisions of this Chapter are severable. In the event that any provision, section, sentence, clause or part of this Chapter shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provision, section, clause or part of the Chapter. It is hereby declared to be the intent of the Township that such remainder of the Chapter shall be and shall remain in full force and effect.

**SECTION VIII  
DECLARATION OF PURPOSE**

**SECTION 8.01. Declaration of Purpose**

It is declared that the enactment of this Chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of West Manheim Township.

ARTICLE IX  
REPEALER

SECTION 9.01.

All Ordinances or parts of Ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

ORDAINED AND ENACTED this 16<sup>th</sup> day of November, 2004.

ATTEST:

Nancy C. Smith

WEST MANHEIM TOWNSHIP

BOARD OF SUPERVISORS

By: Ronald D. Kaufman

By: George J. Gross

By: Franklin A. Williams

By: hht

By: [Signature]