

ORDINANCE NO. 24 - 1977

TOWNSHIP OF HONEY BROOK

AN ORDINANCE REQUIRING AND PROVIDING FOR THE MAKING OF CONNECTIONS TO AVAILABLE PUBLIC SEWERS ACCORDING TO TOWNSHIP RULES AND REGULATIONS; REQUIRING APPLICATIONS FOR AND THE ISSUANCE OF PERMITS TO MAKE CONNECTIONS; AUTHORIZING TOWNSHIP OFFICERS TO MAKE SUCH CONNECTIONS AND RECOVER THE COST THEREOF IN CASE OF NEGLIGENCE OR REFUSAL OF OWNERS TO DO SO; AND PROVIDING PENALTIES; AND GRANTING EASEMENTS.

IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HONEY BROOK, Chester County, Pa.,

Section I: Definitions: Unless the context specifically indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

Authority: Northwestern Chester County Municipal Authority.

Authority Engineer: An Engineer employed by the Authority, or an authorized member of his staff.

Lateral Sewer or Service Connection: That part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, to the edge of the street abutting the property affected or, if no such Lateral shall be provided, then "Lateral Sewer" or "Service Connection" shall mean that portion of, or place in, a Sanitary Sewer which is provided for the connection of any Service Line.

Natural Outlet: Any outlet into a water course, ditch, pond, lake or other body of surface or ground water.

Occupied Building: Each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business, commercial or industrial unit, or family unit contained within any structure, erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged, located in the Township.

Owner: Any Person vested with ownership, legal or equitable, sole or partial, of any property situate in the Township.

Person: Any individual, partnership, company, association, society, corporation or group.

Sanitary Sewer: A sewer which is part of the Sewer System and which carries sanitary sewage and/or treated industrial waste permitted to be discharged into the Sewer System.

Service Line or House Connection: That part of the main house drain or sewer line extending from a point five (5) feet outside the outer building wall or foundation wall to its connection with the Lateral Sewer.

Sewer System: Sewer mains, Lateral Sewers from a sewer main to Service Line or House Connection, sewage ejector and/or pumping stations, sewer force mains, and all appurtenant facilities operated by the Township in furnishing sewage service.

Township: The Township of Honey Brook, Chester, County, Pennsylvania.

Township Engineer: An Engineer employed by the Township or an authorized member of his staff.

Section II: Use of Public Sewers Required.

(A) It shall be unlawful for any Owner of property who is required to connect to the Sewer System pursuant to Section II (B) below, to construct or maintain any privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle intended or used for the disposal of sewage within the Township, or, unless such discharge is pursuant to a permit issued by the Pennsylvania Department of Environmental Resources, to discharge or permit the discharge of any sanitary sewage or industrial waste into any Natural Outlet in the Township.

(B) Each Owner of any occupied building situate on property abutting on any street, alley or right-of-way in which there has been constructed a Sanitary Sewer and where any part of such building is within one hundred fifty (150) feet of said Sewer and is accessible thereto, shall at his own expense install suitable sanitary facilities therein and connect such facilities directly with such sewer in accordance with the provisions of this

Ordinance within sixty (60) days after the date of official notice to do so, given in the manner provided by law. In the event any such Owner shall refuse or neglect to so connect within said sixty (60) day period, he shall be deemed to be in violation of this Ordinance, and the proper officers of the Township, or their agents, may enter upon such property and construct such connection or cause the proper officers or agents of the Authority to enter upon such property and construct such connection. In such case, the Township officers shall forthwith, upon completion of the work, send or cause the Authority to send an itemized bill of the cost of the construction of such connection to such Owner, which bill shall be payable forthwith. In case of neglect or refusal by such Owner to pay said bill, within thirty (30) days thereafter, it shall be the duty of the Township officers to file or cause the Authority to file municipal liens. Notwithstanding the foregoing provisions, no owner of an occupied building shall be required to connect such building to a sanitary sewer if the Board of the Authority determines that connecting such building would result in an overloading of sewage treatment facilities.

(C) No privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be connected with the Sewer System at any time.

Each such privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be abandoned upon the making of connection to the Sewer System and, at the request of the Township officers or the Authority officers, as agents for the Township, shall be cleaned and filled under its direction and supervision; and any such privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Township officers or the Authority officers, as agents, cleaned and filled, shall constitute a nuisance and such nuisance shall be abated as provided by law at the expense of the Owner of such property.

(D) There is hereby reserved to the Township the right to refuse to any Person the privilege of connecting any Occupied Building to the Sewer System, or to compel discontinuance of the use of any sewer by any person, or to compel the pretreatment of industrial wastes, in order to prevent discharge into the Sewer System of wastes which may be deemed by the Authority, the Authority Engineer, the Township or the Township Engineer, to be harmful to the Sewer System or to have a deleterious effect on sewage treatment processes or to be injurious to personnel operating the Sewer System.

Section III: Permits to Make Connections

(A) No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any sewer or the Sewer System without first making application for and obtaining a permit, in writing, from the Authority, as agent for the Township.

(B) Application to the Authority for a permit required under this Section shall be made by the Owner of the property to be served, in such form as may be prescribed by the Authority. The application shall be accompanied by the required connection charge, and tapping fee, if any, imposed by the Authority.

(C) No Person other than the Township, Authority, or their agents, shall make or cause to be made the connection of any property with a Lateral Sewer until such Person shall have fulfilled each of the following conditions:

(i) Such Person shall have notified the Township of the desire and intention to connect to a Lateral Sewer;

(ii) Such Person shall apply for and obtain a permit as required by this Article;

(iii) Such Person shall have given the Township at least twenty-four (24) hours' notice of the time when such Service Line is to be connected and such connection made so that the Township may inspect the Service Line, the work of connection and perform necessary testing.

(D) Payment of the abovementioned connection charge shall entitle the applicant to have one Lateral Sewer installed to the curblineline of his property, or if there is no curblineline to the edge of the street abutting his property, at the expense of the Authority, including repairing. All costs of constructing a longer Lateral Sewer, and all costs and expenses in connecting such Lateral Sewer to a Service Line shall be borne by the Owner of the property to be connected; and such Owner shall indemnify and save harmless the Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the construction which the Owner is required to perform.

(E) Whenever the surface of any public street, sidewalk or cartway is disturbed by the construction of a Service Line, it shall be the responsibility of the applicant for a connection to

obtain street opening permits from the Township or highway occupancy permits from the Pennsylvania Department of Transportation. Unless otherwise required, all surfacing materials must be restored in kind, thickness and construction to the satisfaction of the Township and of the Department of Transportation, as the case may be.

Section IV. Powers and Authority of Inspectors.

The Township Engineer, the Authority Engineer and other duly authorized representatives or employees of the Township or the Authority bearing proper credentials and identification shall be permitted, at all reasonable times, to enter upon any premises connected or about to be connected or required to be connected to the Sewer System for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance.

Section V. Protection of Sewer System from Damage.

No Person shall maliciously, willfully or negligently damage, destroy, deface, block or otherwise tamper with any Sewer or any other structure or equipment which is part of the Sewer System, or discharge any substance into the Sewer System contrary to or in violation of the resolution of the Authority imposing sewer rates which, inter alia, prohibits discharge of wastes into the Sewer System and provides for rules and regulations.

Section VI. Penalties, Disconnecting.

(A) Any person who shall violate any provision of this Ordinance other than Sections IV and V shall be served by the Township or the Authority, as its agent with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. (The notice provided in Section II(B) above being deemed to be notice of a violation for this purpose in respect of violations of such section.)

The offender shall within the period of time (if any, otherwise forthwith) stated in such notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit fixed as provided for in Section VI(A) shall be subject to a fine in an amount not exceeding One Hundred Dollars (\$100.00) for each violation. A new and separate violation shall be deemed to have been committed for each day any violation continues beyond such time limit.

(C) Any Person who shall violate any provision of Sections IV and V shall, upon summary conviction, be subject to a fine not to exceed One Hundred Dollars (\$100) for each violation, together with costs of prosecution in each case.

(D) All fines and penalties imposed for violation of any provision of this Ordinance shall be paid to the Treasurer of the Township for the use of the Township. Default in payment of the fine and costs shall make the defendant liable to imprisonment for a term not to exceed thirty (30) days.

(E) Any person violating any of the provisions of this Ordinance, in addition to becoming liable for a fine and penalty, shall become liable to the Township for any expense, loss or damage occasioned by the Township by reason of such violation.

Section VII. Easements.

The Township hereby grants to the Authority all easements, rights of way and other rights necessary or desirable on, over and under the streets of the Township for the purpose of constructing, operating and maintaining the sewer system.

Section VIII. Validity and Effective Date.

(A) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

(B) The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Board of Township Supervisors that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.

(C) This Ordinance shall become effective on the date of the enactment hereof.

ENACTED AND ORDAINED by the Board of Township Supervisors of the Township of Honey Brook, Chester County, Pennsylvania this 24th day of February, 1977.

TOWNSHIP OF HONEY BROOK

By *James A. Ambler*
Chairman, Board of Supervisors

(SEAL)

Raymond Messers
Supervisor

ATTEST: *Alfred C. Beckman*
Township Secretary

Robert C. Beckman
Supervisor

th
03
138
136
134
132
130
128
126
124
122
120
118
116
114
112
110
108
106
104
102
100
98
96
94
92
90
88
86
84
82
80
78
76
74
72
70
68
66
64
62
60
58
56
54
52
50
48
46
44
42
40
38
36
34
32
30
28
26
24
22
20
18
16
14
12
10
8
6
4
2