

TOWNSHIP OF JACKSON

ORDINANCE NO. 96

AN ORDINANCE OF THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA, REQUIRING AND PROVIDING THAT ALL OWNERS OF IMPROVED PROPERTY WITHIN ONE HUNDRED AND FIFTY (150) FEET OF THE SEWER SYSTEM OWNED AND OPERATED BY THE JACKSON/EAST TAYLOR SEWER AUTHORITY CONNECT TO SAID SEWER SYSTEM, UPON NOTICE BY THE AUTHORITY; REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THE AUTHORITY TO MAKE SUCH CONNECTIONS AND RECOVER THE COST THEREOF IN CASE OF NEGLECT OR REFUSAL BY PROPERTY OWNERS REQUIRED TO DO SO; PROVIDING PENALTIES AND SETTING FORTH RELATED MATTERS; GRANTING THE JACKSON/EAST TAYLOR SEWER AUTHORITY CERTAIN RIGHTS AND PRIVILEGES IN, ALONG, OVER AND UNDER STREETS, ROADS, LANES, COURTS, CUL-DE-SACS, ALLEYS, PUBLIC WAYS, PUBLIC SQUARES AND OTHER PROPERTIES OF THE TOWNSHIP OF JACKSON FOR USE IN CONNECTION WITH THE SEWER SYSTEM OF SAID AUTHORITY; AND PROVIDING FOR REGULATING THE MANNER IN WHICH SUCH RIGHTS AND PRIVILEGES SHALL BE EXERCISED.

WHEREAS, the Jackson/East Taylor Sewer Authority (the "Authority") was incorporated under the Pennsylvania Municipality Authorities Act of 1945, as amended, by the Township of Jackson (the "Township") and the Township of East Taylor, both of Cambria County, Pennsylvania, for the purpose of facilitating, *inter alia*, the construction, financing, owning and operation of a sewage disposal system (the "Sewer System") for the benefit of the two townships; and

WHEREAS, the Authority has acquired private and public financing for the design and construction of the Sewer System; and

WHEREAS, a condition of such financing is the demonstration by the Authority that it will serve a minimum number of users once the Sewer System is in place; and

WHEREAS, the Board of Supervisors of the Township, in order to facilitate financing and construction of the Sewer System have agreed to compel all owners of improved property accessible to the Sewer System once it is in place to make connection therewith and use the Sewer System pursuant to the authority granted the Township in Article XV, Section 1501.1 of the Second Class Township Code, 53 P.S. § 66501.1; and

WHEREAS, the Board of Supervisors of the Township also desire to grant the Authority full rights to lay sewer lines and construct facilities within the streets, alleys and other properties of the Township subject to the provisions of this Ordinance.

NOW, THEREFORE, IT IS ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Jackson, Cambria County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Authority - The Jackson/East Taylor Sewer Authority.

Authority Engineer - An engineer or engineering firm retained or employed by the Authority, including any authorized member of the staff of such engineer or engineering firm.

Improved Property - Any property within the Township upon which there is erected any structure intended for continuous, periodic or seasonal habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Waste shall be or may be discharged.

Industrial Establishment - Any property situate in the Township used wholly or in part for the manufacture, processing, cleaning, laundering, or assembling of any product, commodity or article, or any other property situate in the Township from which wastes, in addition to or other than Sanitary Sewage, are discharged.

Industrial Waste - Any solid, liquid or gaseous substance or water borne wastes or form of energy ejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovering or processing of natural resources.

Lateral Sewer or Service Connection - That part of the Sewer System extending from a Sewer to the property or easement line of an Improved Property 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.

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

Person - Any natural person, partnership, association or corporation. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall include the members of any association, the general partners of any partnership and the officers of a corporation.

Rules and Regulations - Shall mean the rules and regulations adopted from time to time by the Authority governing the Sewer System and connection therewith, fees for tapping and service, application for connection to the Sewer System and related matters.

Sanitary Facilities - Toilets, sinks and other plumbing fixtures and related piping intended to receive and discharge Sanitary Sewage into a Service Line.

Sanitary Sewage - The normal water-carried household and toilet waste from any Improved Property, excluding, however, the effluent from septic tanks or cesspools, rain, storm and ground water, as well as roof or surface water, drainage of percolating or seeping waters, or accumulation thereof; whether underground or in cellars or basements.

Sanitary Sewer - A sewer which is part of the Sewer System and which carries Sanitary Sewage and/or 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 a Lateral Sewer.

Sewer - Any pipe or conduit constituting a part of the Sewer System and used or usable for sewage collection or transportation purposes.

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

Storm Sewer or Storm Drain - A pipe or conduit which carries storm surface water, drainage and certain industrial water discharges, such as cooling and air-conditioning waters.

Street - A public way including any highway, street, road, lane, court, public square, alley or other passageway.

Township - The Township of Jackson, Cambria County, Pennsylvania.

In this Ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

SECTION 2. CONNECTION AND USE BY OWNERS.

A. The Owner of any Improved Property situate in the Township and abutting on, adjoining or adjacent to, any street, easement or right-of-way in which there shall have been constructed a Sanitary Sewer forming part of the Sewer System, where said Improved Property is accessible thereto and any part of the principal building constructed on such Improved Property is within one hundred fifty (150) feet of such Sanitary Sewer, shall at his own expense install suitable Sanitary Facilities therein and connect such Sanitary Facilities directly with such Sanitary Sewer in accordance with the provisions of this Ordinance within sixty (60) days after the date of official notice to the Owner from the Township or the Authority to do so, which notice shall have been given by personal service or by registered mail, return receipt requested.

In the event any Owner of any Improved Property shall refuse or neglect to connect his Sanitary Facilities to a Sanitary Sewer within the sixty (60) day period provided for above, the Township or the Authority, or the agents or contractors of the Township or Authority, may enter upon such Improved Property and construct such connection. In such case, the proper officials of the Township or the Authority shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of such connection to the Owner, which bill shall be payable by the Owner forthwith. In case of neglect or refusal by the Owner of such Improved Property to pay the bill within thirty (30) days thereafter, it shall be the duty of the officials of the Township or the Authority to cause a municipal lien for the cost of the construction to be filed, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

B. All Sanitary Sewage and Industrial Waste from any Improved Property, after connection of such Improved Property with a Sewer as required by Section 2 A above, shall be discharged into a Sewer subject (i) to such limitations and restrictions as shall be established herein, (ii) subject to the limitations and restrictions as set forth in the Township Pretreatment Ordinance when adopted, and (iii) as otherwise established from time to time by the Township or the Authority.

C. It shall be unlawful and a violation of this Ordinance to discharge or permit the discharge of Sanitary Sewage or Industrial Waste or other polluted water into any Natural Outlet within the Township, unless such discharge is pursuant to a permit issued by, or with the approval of, the Department of Environmental Resources of the Commonwealth of Pennsylvania.

D. It shall be unlawful and a violation of this Ordinance to construct or maintain any privy, privy vault, septic tank, cesspool, sinkhole or similar receptacle intended for

the disposal of Sanitary Sewage or Industrial Waste within the Township where such Sewage emanates from any Improved Property which the Owner thereof is required to connect to the Sewer System by the provisions of this Ordinance. No privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be connected with a Sewer at any time.

Each such privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be abandoned upon the making of a required connection to the Sewer System and, at the request of the Township or the Authority, shall be cleansed and filled per the direction and subject to the satisfaction of the Township or the Authority; and any such privy, privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Township or the Authority, cleansed and filled, shall constitute a nuisance and such nuisance shall be abated as provided by law at the expense of the Owner of such Improved Property.

E. There is hereby reserved to the Authority, and the Township the right to refuse to any Person the privilege of connecting any Improved Property to the Sewer System, or to compel the 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 operator of the Sewage Treatment Plant receiving the sewage transported by the Sewer System, to be harmful to the Sewer System or to have a deleterious effect on the aforesaid Sewage Treatment Plant or to be injurious to personnel operating the Sewer System or the Sewage Treatment Plant.

F. From time to time in the future, as public sewage services become available to additional Improved Properties within the Township by reason of additions to the Sewer System or improvements , each and every owner of Improved Properties then required to connect to the Sewer System because of their proximity to Sewers shall be required to make the necessary connection to the Sewer System and any septic tanks, cesspools, holding tanks and similar devices shall be abandoned in accordance with the aforesaid terms of this Ordinance.

SECTION 3. APPLICATION FOR SERVICE, ISSUANCE OF PERMIT AND CONNECTION.

A. No Person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any Sewer without first making application for and obtaining a permit, in writing, from the Authority. Application to the Authority for a permit required hereunder shall be made by the Owner of the Improved Property to be served by the Sewer System, in such form as may be prescribed by the Authority in the Rules and Regulations. The application shall be accompanied by the required tapping or connection fee required by the Authority.

B. No connection shall be made to the Sewer System except with the approval of the Authority or its authorized representative. The Application and its acceptance by the Authority shall constitute, from the date of acceptance, a contract obligating the applicant to pay the rates as established from time to time and to comply with the Rules and Regulations.

Sewer service shall be furnished only after:

1. The Owner of the Improved Property to be served shall have installed, at his own cost and expense, the Service Line in accordance with the Rules and Regulations; and
2. The Authority has inspected said Service Line and approved such facilities as complying with the Rules and Regulations.

C. All costs and expenses of construction of a Service Line and all costs and expenses incurred in the connection of such Service Line to a Lateral Sewer shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and hold harmless the Authority and the Township from all loss or damage that may be occasioned, directly or indirectly, as a result of the construction of a Service Line or the connection of a Service Line to a Lateral Sewer.

D. Whenever the surface of any Street, sidewalk or cartway is disturbed by the construction of a Service Line, it shall be the responsibility of the Owner of the Improved Property being connected 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 Authority.

SECTION 4. INDIVIDUAL SERVICE LINES AND CONNECTIONS.

A. Each Improved Property required to connect to the Sewer System must have its own individual Service Line. Each unit of a double house or townhouse having a solid vertical partition wall shall be considered a separate Improved Property requiring individual Sewer connections.

B. Where commercial or industrial premises in a single ownership consist of more than one building, the Authority reserves the right to determine, under the circumstances of each case, whether each separate building must have its own individual Sewer connection or whether all buildings together may use a single connection.

C. Every Service Line shall be maintained in a sanitary and safe operating condition by the Owner of the Improved Property served. Whenever the Authority has reason to believe any Service Line has become defective, such Service Line shall be

subject to test and inspection. Defects found upon such inspection shall be corrected as required by the Authority at the cost and expense of the Owner.

SECTION 5. CONSTRUCTION OF SANITARY SEWERS, LATERAL SEWERS, AND SERVICE LINES AND CONNECTIONS IN REAL ESTATE DEVELOPMENTS.

A. Any individual, builder or developer desiring or required by law to construct or install Sanitary Sewers, Lateral Sewers or Service Lines to serve a house or any housing unit within a real estate development prior to their use or sale or prior to the completion of construction of the Sewer System, shall make proper written application to the Authority for a special permit, pursuant to the Rules and Regulations.

SECTION 6. PROTECTION OF AND RESTRICTIONS ON USE OF THE SEWER SYSTEM.

A. No Person shall maliciously, willfully or negligently damage, destroy, deface, block or otherwise tamper with any Sewer or any other facility, structure or equipment which is part of the Sewer System, or discharge any substance into the Sewer System contrary to or in violation of any of the Rules and Regulations or this Ordinance.

SECTION 7. APPOINTMENT OF AUTHORITY AS AGENT FOR TOWNSHIP.

A. The Authority is hereby designated and appointed as the agent for the Township for the purpose of adopting or promulgating the Rules and Regulations for the use of the Sewer System and connection thereto and receiving all applications for permits required under the provisions of this Ordinance and the Rules and Regulations, designating place of connection and carrying out all inspections, observations, measurements, samplings and testing required or permitted hereunder.

SECTION 8. POWERS AND AUTHORITY OF INSPECTORS.

A. The Authority Engineer and other duly authorized representatives or employees of the Authority and the Township bearing proper credentials and identification shall be permitted, at all reasonable times, to enter upon any Improved Property 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 9. PENALTIES.

A. Any Person who shall violate any provision of this Ordinance shall be liable, upon summary conviction, to the Township for a fine of not more than One Thousand (\$1,000.00) Dollars for each violation, together with costs of prosecution. The Authority is hereby designated and appointed as the agent of the Township for the purpose of institution and prosecution of any suit or summary proceeding for violation of any provisions of this Ordinance.

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

SECTION 10. GRANT TO AUTHORITY OF RIGHTS AND PRIVILEGES IN TOWNSHIP STREETS, ROADS, ALLEYS AND PUBLIC WAYS.

A. The Township grants to the Authority, its successors and assigns, all easements, rights of way and other rights and privileges necessary and desirable in, along, over and under Streets, roads, lanes, courts, cul-de-sacs, alleys, public ways, public squares and other properties of the Township, together with other persons having interests, rights or privileges therein, for use in connecting with, constructing, replacing, repairing, altering, maintaining and operating the Sewer System, as the same shall exist, from time to time.

B. The rights and privileges granted to the Authority under Section 10, A above shall be exercised by the authority under and subject to the condition that the Authority shall restore such properties to at least the same condition as such properties existed prior to such use and to such additional reasonable rules, regulations and conditions as shall be adopted and specified, from time to time, by the Township; and, the Township reserves the right to adopt and specify, from time to time, such reasonable rules, regulations and conditions in connections with exercise by the Authority of such rights and privileges.

SECTION 11. CONSTRUCTION AND SEVERABILITY.

A. If any of the provisions, sections, sentences, clauses or parts of this Ordinance or the application of any provision hereof shall be held invalid, such invalidity shall not affect or impair any of the remainder of this Ordinance, it being the intention of the Township that such remainder shall be and remain in full force and effect.

SECTION 12. REPEALER.

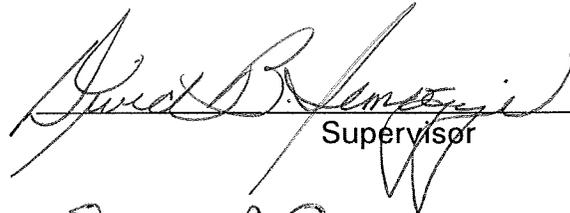
A. All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby expressly repealed or rescinded.

SECTION 13. DECLARATION OF PURPOSE.

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

DULY ENACTED AND ORDAINED this 30th day of March, 1995, by the Board of Supervisors of Jackson Township, Cambria County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF JACKSON


Supervisor


Supervisor


Supervisor

ATTEST:


Secretary