

**TOWNSHIP OF EAST BETHLEHEM  
WASHINGTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 96-3**

AN ORDINANCE OF THE TOWNSHIP OF EAST BETHLEHEM DIRECTING AND REQUIRING THE CONNECTION OF ALL OCCUPIED BUILDINGS WITH PUBLIC SANITARY SEWERS IN THE TOWNSHIP ON PREMISES ACCESSIBLE THERETO; DIRECTING AND REQUIRING THE ABANDONMENT OF PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS ON SUCH PREMISES; PROHIBITING THE ERECTION AND CONSTRUCTION OF PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS IN AND UPON SUCH PREMISES; PROVIDING FOR THE METHOD OF CONNECTION BETWEEN OCCUPIED BUILDINGS AND SAID SANITARY SEWERS AND FOR THE INSPECTION THEREOF; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE PAYMENT OF TAP CHARGES THEREFOR; DEFINING UNACCEPTABLE SANITARY SEWAGE; AGREEING TO COMPLY WITH THE "MITIGATING MEASURES" PROVISIONS OF THE RURAL UTILITIES SERVICE'S ("RUS") COMMITMENT LETTER; AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

**BE IT ORDAINED AND ENACTED** by the Board of Township Commissioners of the Township of East Bethlehem, and it is hereby ordained and enacted by authority of the same as follows:

**SECTION 1.** Every owner of property in the Township of East Bethlehem ("Township") whose property will abut upon any public sanitary sewers that are a part of or are ultimately serviced by any portion of the proposed public sanitary sewer system ("Sewer System") presently in existence or to be constructed in the future ("Sewer System Project") by or on behalf of the East Bethlehem Township Municipal Authority ("EBTMA") or by or on behalf of the Vestaburg - New Hill Joint Authority ("VNHJA") within the Township, and financed in part by the United States Department of Agriculture, Rural Utility Services ("RUS"), shall connect, at his or her own cost, each house, building or other structure located on said property with the aforementioned public sanitary sewers of or serviced by said Sewer System for the purpose of disposing of all acceptable sanitary sewage emanating from said property.

**SECTION 2.** It shall be unlawful for any owner, lessee or occupier of any of the said aforementioned properties abutting upon said public sanitary sewers of or serviced by said Sewer System as presently proposed to be constructed to employ any means, either by septic tank, cesspool, privy vault, mine hole or otherwise, for the disposal of acceptable sanitary sewage other than into and through said public sanitary sewers of or serviced by said Sewer System.

**SECTION 3.** Where any house, building or structure in the Township abutting upon any aforementioned public sanitary sewer of or serviced by said Sewer System is now or hereafter may be using any method for the disposal of acceptable sanitary sewage other than through said public sanitary sewers of or serviced by said Sewer System, it shall be the duty of the Township Secretary or the authorized representative of EBTMA or VNHJA to notify, on behalf of the Township and EBTMA, the owner, lessee or occupier of such structure in writing, either by personal service, certified mail or registered mail, to disconnect the same and make proper connection for the discharge and disposal of all acceptable sanitary sewage through the said public sanitary sewers of or serviced by said Sewer System, as herein provided and all at his or her sole expense, within sixty (60) days after receipt of such notice. Any owner or lessee or occupier of a structure who cannot comply with the provisions of this Section as to connection within the sixty (60) day period stipulated above due to causes beyond his or her control shall apply to the Township or EBTMA within said sixty (60) day period for a time extension of up to six (6) months in duration. Said application shall be made on a form to be furnished by EBTMA and shall contain a voluntary agreement on the part of the applicant under which the applicant shall agree to commence

paying the regular monthly sewer rates immediately even though actual connection to the public sanitary sewers of or serviced by said Sewer System will not be accomplished until some stated later date within the said six (6) months' extension period.

**SECTION 4.** No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall at the present time or at any time hereafter be connected with the aforesaid public sanitary sewers of or serviced by said Sewer System.

**SECTION 5.** It shall be unlawful for any person, firm or corporation connected to any aforementioned public sanitary sewers of or serviced by said Sewer System to connect any roof drain thereto or permit any roof drain to remain connected thereto, or to permit, allow or cause to enter into said public sanitary sewers of or serviced by said Sewer System any storm water, foundation drain water, spring water or surface water, or any sewage or industrial waste from any property other than that for which a permit is issued.

**SECTION 6.** No person, firm or corporation shall make or cause to be made any connection with any of the aforementioned public sanitary sewers of or serviced by said Sewer System until he or she has fulfilled all of the following conditions:

(a) He or she shall make application to EBTMA or VNHJA (whichever is the applicable owner of the public sanitary sewer to which the connection is to be made) upon a permit form to be formulated by EBTMA, and supplied by the Township Secretary, on behalf of EBTMA or VNHJA, for permission to connect to the aforementioned public sanitary sewers of or serviced by said Sewer System. Among other things, the applicant must state the character and use of each structure located upon his or her property.

(b) He or she shall pay to EBTMA or VNHJA (whichever is applicable), on behalf of the Township, any required tap connection fee to be collected on behalf of the Township for each building unit on each property to be connected to the aforementioned public sanitary sewers of or serviced by said Sewer System at the time of making application for permission to make such connection or connections. EBTMA or VNHJA (whichever is applicable) reserves the right to alter the amount of any tap connection fee required by EBTMA or VNHJA (whichever is applicable) and to be collected on behalf of the Township from time to time in the future in order to comply with all requirements of the RUS Loan Agreement with EBTMA.

(c) No work shall commence before the payment of any aforesaid tap connection fee and issuance of the aforementioned connection permit.

(d) He or she shall give the designated Inspector of EBTMA or VNHJA (whichever is applicable) at least twenty-four (24) hours' notice of the time when such connection shall be made in order that said Inspector can be present to inspect and approve the work of connection. The Inspector shall signify his approval of the connection by endorsing his name and the date of approval on the aforementioned connection permit in the possession of the permittees.

(e) At the time of inspection of the connection, the owner or owners of properties shall permit the Inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by said Inspector.



**SECTION 7.** The construction and number and size of all building sewer lines or house service sewers shall be done in accordance with the specifications, plans and procedures established by EBTMA's Rules and Regulations ("Rules and Regulations"), as the same may be from time to time published and amended, copies of which, upon adoption, shall be maintained on file with the Township Secretary.

**SECTION 8.** If the owner or owners of any aforementioned occupied houses, buildings or structures in the Township shall neglect or refuse to comply with the provisions of this Ordinance or the written notice as prescribed in Section 3 hereof, the Township, or EBTMA or VNHJA (whichever is applicable), on behalf of the Township, may perform or cause to be performed such work and labor and furnish or cause to be furnished such material as may be necessary to comply with the provisions of this Ordinance at the cost and expense of such owner or owners, together with ten (10%) per cent additional thereof and all charges and expenses incidental thereto, which sum shall be collected from said owner or owners for the use of EBTMA or VNHJA (whichever is applicable), and collected on behalf of the Township, as debts are by law collectible, or the Township, or EBTMA or VNHJA (whichever is applicable), as its agent, may, by its proper officer or attorney, file a municipal claim or lien therefor against said premises as provided by law.

**SECTION 9.** Unacceptable sanitary sewage and other terms used herein for purposes of this Ordinance shall have the same definitions as those which are set forth in EBTMA's Rules and Regulations, said Rules and Regulations to be applicable to all users, connected directly or indirectly, to the aforementioned public sanitary sewers of or serviced by said Sewer System.

**SECTION 10.** In compliance with the paragraph entitled "Mitigating Measures" of the RUS Commitment Letter with EBTMA, dated May 17, 1995, in order to reduce the adverse environmental impacts due to the proposed Sewer System Project, the Township, and EBTMA and VNHJA (whichever is applicable), on behalf of and in agreement with the Township, hereby resolve and agree to the following requirements with respect to the construction and operation of said Sewer System Project, namely: that the Township, and EBTMA and VNHJA (whichever is applicable), on behalf of and in agreement with the Township, (i) will prohibit the making of any new connections outside of the Sewer System Project limits (service area) identified on the Project Map on file with the RUS in order to protect important farmlands and promote compact community development, (ii) will prohibit connections for new development within wetlands and will not permit any wetlands to be filled in or used for the disposition of fill or excavated material in any wetlands, and (iii) will prohibit the making of any new connections for new development in the flood plain area indicated on the most current FEMA Map, also on file with the RUS.

**SECTION 11.** In addition to any penalty or expense hereinabove prescribed, any person, firm or corporation failing to make a proper connection within the time specified after receipt of proper notice as provided in Section 3 hereof shall, upon conviction thereof before a justice of the peace, pay a fine or penalty of Fifty (\$50.00) Dollars for each day in violation hereof, and violating any of the other provisions of this Ordinance shall pay a fine or penalty of not less than Twenty Five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and in default of payment of either thereof, be sentenced to undergo an imprisonment of not less than five (5) days nor more than thirty (30) days in the county jail.

**SECTION 12.** This Ordinance shall be applicable to all owners or users of property to which it refers without discrimination as to race, color, religion, sex or national origin.

**SECTION 13.** It is hereby declared as the legislative intent that 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.

**SECTION 14.** All prior ordinances or resolutions or parts of ordinances or resolutions not in accord with this Ordinance are hereby repealed insofar as they affect this Ordinance.

**ORDAINED AND ENACTED** into law by the Board of Township Commissioners of the Township of East Bethlehem in lawful session assembled this 12th day of November, 1996.

(TOWNSHIP SEAL)

Attest:

*Laura B. Woyan*  
Township Secretary

**TOWNSHIP OF EAST BETHLEHEM**

By *W. J. F. ...*  
Chairman,  
Board of Township Commissioners