

ORDINANCE NO. 25

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF BENNER, CENTRE COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND ACCESSIBLE TO AND WHOSE PRINCIPAL BUILDING IS WITHIN ONE HUNDRED FIFTY FEET FROM THE SEWER SYSTEM TO BE CONSTRUCTED AND ACQUIRED BY SPRING-BENNER JOINT AUTHORITY TO CONNECT THEREWITH; REGULATING THE MANNER OF MAKING 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 VIOLATION.

The Board of Supervisors of the Township of Benner, Centre 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 Spring-Benner Joint Authority, a Pennsylvania municipality authority.
- B. "Building Sewer" shall mean the extension from the sewage drainage system of any structure to the Lateral of a Sewer.
- C. "Improved Property" shall mean any property located 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.
- D. "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy ejected 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 Sanitary Sewage.
- E. "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.
- F. "Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.
- G. "Person" shall mean any individual, partnership, company, association, society, corporation or other group or entity.

H. "Sanitary Sewage" shall mean normal water-carried household and toilet wastes from any Improved Property.

I. "Sewer" shall mean any pipe or conduit constitution a part of the Sewer System, used or usable for sewage collection purposes.

J. "Sewer System" shall mean all facilities, as of any particular time, for collecting, pumping, transporting and/or disposing of Sanitary Sewage and/or Industrial Wastes, situate in or adjacent to this Township and owned, maintained and operated by the Authority.

K. "Township" shall mean the Township of Berner, Centre County, Pennsylvania, a political subdivision, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

## ARTICLE II

### USE OF PUBLIC SEWERS REQUIRED

SECTION 2.01. The Owner of any Improved Property which is located in this Township and is accessible to and whose principal building is within one hundred fifty feet of the Sewer System, shall connect such Improved Property therewith, in such manner as this Township and the Authority may require, within sixty 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 to such limitations and restrictions as shall be established by this Township and the Authority, 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 to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Township and the Authority, from time to time.

SECTION 2.03. No person shall place or deposit or permit to be placed or 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 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 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 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 filled at the expense of the Owner of such Improved Property and 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, 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 at the time in effect, and a written or printed document requiring such connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within sixty days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by registered mail or by such other method as at the may be provided by law.

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

SECTION 3.01. Except as otherwise provided in this Section 3.01, 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 shown, and then only after special permission of this Township and the Authority, in writing, shall have been secured.

SECTION 3.02. 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; and such Owner shall indemnify and 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 3.03. A Building Sewer shall be connected to a Sewer at the place designated by the Authority and where 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 3.04. If the Owner of any Improved Property located in this Township and accessible to and whose principal building is within one hundred fifty feet of the Sewer System, after sixty days' notice from this Township 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 expenses thereof. In such case, this Township shall forthwith, upon completion of the work, send an itemized bill of the cost of construction of such connection to the Owner of the Improved Property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the Owner of such Improved Property to pay said bill, this Township shall file a municipal lien for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

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 device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a Building Sewer.

SECTION 4.02. No Building Sewer shall be covered until it has been inspected and approved by the Authority. If any part of a Building Sewer 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. Streets, sidewalks and all 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 and the Authority.

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

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 the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as a 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 nor more than \$25, 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 as provided by law.

ARTICLE VII

SEVERABILITY

SECTION 7.01. In the event that 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 VIII

DECLARATION OF PURPOSE

SECTION 8.01. It is 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 this Township.

ARTICLE IX

REPEALER

SECTION 9.01. All Ordinances or parts of ordinances inconsistent herewith shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED this 20th day of August, 1979, by the Board of Supervisors of the Township of Benner, Centre County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS  
BENNER TOWNSHIP

I hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a regular meeting of the Benner Township Supervisors held on the 20th day of August, 1979.

Catherine L. Brown  
Secretary

