

PITTSTON TOWNSHIP
Luzerne County, Pennsylvania
ORDINANCE NO. _5-01 of 2018

AN ORDINANCE OF PITTSTON TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA
ESTABLISHING MANDATORY SEWER PERMIT, TAPPING FEE & CONNECTION
FEE AND SETTING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Pittston Township (the “Township”), Luzerne County, Pennsylvania in compliance with the requirements of the Municipality Authorities Act of 1945, P.L. 382, as amended, created a sewer authority known as the Sewer Authority of the Township of Pittston (the “Sewer Authority”).

WHEREAS, Pittston Township has created the Sewer Authority with broad powers to independently construct and operate a sewer system to serve improved properties in Pittston Township; and

WHEREAS, the Township and the Sewer Authority desire to ensure that all improved properties in Pittston Township that are accessible to the sewer system connect to it and use it promptly after it becomes accessible to them to promote the general health, welfare and safety of the community.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Pittston Township, Luzerne County, Pennsylvania, by virtue of the power and authority vested in said Supervisors of Pittston Township as follows:

Section 1. Connection to Sewer System Required.

- A.** As and when sewer service shall become available from time to time to the owners of improved properties, to the extent that sewage can be collected and treated from said properties, each and every owner of said improved property whose property adjoins or is adjacent to or whose principal building is within one hundred and fifty feet (150) from any collection sewer line of said sewer system and which sewer is ready to receive sewage through a service line installed by the Sewer Authority of the Township of Pittston, shall, upon receipt of written notice of the Pittston Township Board of Supervisors or the Sewer Authority of Pittston Township, be required to connect his or her premises with the sewer system without delay in accordance with the rules and regulations of the Township currently in effect covering such connections, and shall be liable for the minimum sewer rental charges whether said owner is connected to said sewer system or not.

- B.** Any and all owners of property including, persons, firms or corporations required to connect a property with the Authority's sewer system, pursuant to the Second

Class Township Code (53 P.S. § 67502), shall make application for a tapping permit with the Sewer Authority on forms furnished by the Sewer Authority, shall pay the tapping fee and connection fee as well as any other fee that may be imposed by the Sewer Authority, in the amount set by the Sewer Authority, and shall set forth in the application the character of structure and use, the lot number, and location, and the name of the person who is to make the connection. The application must be signed by the property owner or his duly authorized representative.

- C. The tap charge shall be payable at the time that application is made for a permit to tap into the sewer system of the Sewer Authority and it shall be unlawful for any person, firm or corporation to tap into said sewer system before making payment of the charges imposed.

Section 2: Violations and Penalties.

- A. If any owner of improved property whose property adjoins or is adjacent to or whose principal building is within one hundred and fifty feet (150) from a collection sewer line of said sewer system shall neglect or refuse to connect with said sewer system after written notice so to do, the Township Supervisors or Sewer Authority may give such owner written notice making reference to this section and ordering such owner to make the required connection within 60 days of the date of said notice and, upon failure of such owner to make the required connection within said sixty-day period, the Township Supervisors or the Sewer Authority or their agents may, in accordance with the provisions of the Second Class Township Code, enter upon such property and construct such connection and, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the property owner, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill it shall be the duty of the Township Supervisors or the Sewer Authority to file municipal liens for said construction.

- B. If any owner of improved property within the Township shall have failed to connect his or her or their property with the sewer system as required herein and the Township Supervisors or Sewer Authority shall have given such owner written notice pursuant to Subsection 2A of this section, and if such owner shall have failed within said sixty-day period to make the required connection, such failure shall be and hereby is declared a violation of this article, and such owner shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus costs of prosecution. Upon judgment of the District Judge the defendant may additionally be subject to a penalty of \$100 per day until such connection has been completed. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 60 days. Each day or portion thereof that such violation continues or is permitted to continue

shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

Section 3. Discontinuance and Abatement of Unlawful Disposal Systems

It shall be unlawful, 60 days from the date on which connection to the Sewer System of the Sewer Authority has been made:

- (A) To own, maintain, operate, or use within the Township a privy, cesspool, vault, septic tank or similar receptacle for sanitary sewage upon any property now or hereafter improved, which adjoins or is adjacent to or whose principal building is within one hundred and fifty feet (150).
- (B) To connect any such privy, cesspool, vault, septic tank or similar receptacle with any such sewer or to discharge sewage into any storm sewer or other sewer or the sewer system of the Sewer Authority.
- (C) To discharge into the sewer system any waste or drainage other than sanitary sewage except as may be expressly permitted by the rules and regulations of the Township currently in effect.
- (D) All persons, firms or corporations violating Section 3 of this Ordinance shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus costs of prosecution. Upon judgment of the District Judge the defendant may additionally be subject to a penalty of \$100 per day until the defendant complies with this section. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 60 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

Section 4. Notices to Property Owners

Notices to property owners under any section or subsection of this Ordinance may be given either by personal service or by registered mail sent to the last known address of such owner.

Section 5. Repealer and Severability

The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or Code of Ordinances of Pittston Township and the

Sewer Authority of the Township of Pittston, Luzerne County, Pennsylvania.

Section 6. Declaration of Purpose

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

Section 7. Effective Date

This Ordinance shall become effective in accordance with applicable law on the date of passage of this Ordinance.

ENACTED AND ORDAINED THIS _____ day of _____ 2018 by the Board of Supervisors a meeting duly convened.

ATTEST:

BOARD OF SUPERVISORS
PITTSTON TOWNSHIP

SECRETARY

BY: _____
CHAIRMAN

BY: _____
SUPERVISOR

BY: _____
SUPERVISOR