

**TOWNSHIP OF HENRY CLAY**

**ORDINANCE REQUIRING CONNECTION TO SEWAGE SYSTEM**

**ORDINANCE NO. *LeF 2004***

**AN ORDINANCE OF THE TOWNSHIP OF HENRY CLAY, FAYETTE COUNTY, PENNSYLVANIA, DIRECTING AND REQUIRING ALL OWNERS OF PROPERTY WHOSE BUILDING OR STRUCTURE IS WITHIN 150 FEET FROM THE SEWER SYSTEM OF MARKLEYSBURG BOUROUGH TO CONNECT SUCH PROPERTY WITH AND TO USE SUCH SEWER SYSTEM; DIRECTING AND REQUIRING ALL ABANDONMENT OF ALL PRIVY VAULTS, CESSPOOLS, SEPTIC TANKS, AND SAND MOUNDS ON SAID PREMISES; PROHIBITING THE ERECTION AND CONSTRUCTION OF NEW PRIVY VAULTS, CESSPOOLS, SEPTIC TANKS, AND SAND MOUNDS IN AND UPON SUCH PREMISES; AND PROVIDING PENALTIES FOR VIOLATION.**

The governing body of the Township of Henry Clay, Fayette County, Pennsylvania, enacts and ordains as follows:

**SECTION 1 - PURPOSE**

The Township of Henry Clay has determined that it is in the best interests of the community to provide for public sanitary sewers and the Township has upgraded its Act 537 Plan, in cooperation with the Department of Environmental Protection, to implement programs for the installation of public sanitary sewage systems. As part of the development of a public sanitary sewage system, Henry Clay Township has agreed to jointly cooperate with the Borough of Markleysburg, pursuant to the provisions of the Municipalities Authorities Act of 1954 as amended. Henry Clay Township has determined that mandatory connection to the public sanitary sewer system is required in order to alleviate the existing sewage problems and to assure the economic viability of the public sanitary sewer system. This ordinance is to provide for the mandatory connection to the public sanitary sewer system of Markleysburg Borough, to provide for

the abandonment and destruction of existing privy vaults, cesspools, septic tanks, and sand mounds, and to provide penalties for failure to comply with this Ordinance.

## **SECTION 2 – DEFINITIONS**

1. “Authority” means the Markleysburg Borough.
2. “Inspector” means the person appointed or employed by the Authority to inspect public sewers, water lines, building sewers, privies, cesspools, septic tanks, sand mounds, “tap-ins” and all other connections between occupied structures, buildings, and the public Sewer lines in areas serviced by the Public Sanitary Sewer.
3. “Owner” means any person, partnership, or corporation vested with ownership, legal or equitable, sole or partial, of any Property.
4. “Person” means any individual, partnership, association, company, corporation, municipality, municipal authority or political subdivision or any agency of the federal or state government. The term includes the officers, employees and agents of any partnership, association, company, corporation, municipality, municipal authority or political subdivision or any agency of the federal, state or county government.
5. “Property” means any real property within the Township of Henry Clay upon which there is erected a building or structure intended for habitation, occupancy, or use by human beings and from which Sewage may be discharged. Property includes but is not limited to: single family residential homes, trailers, mobile homes, and commercial buildings.
6. “Public Sanitary Sewer” means a Sanitary Sewer maintained, installed, and operated by the Authority for the purpose of carrying household waste waters and toilet wastes from any Property.

7. "Sanitary Sewer" means a Sewer which carries household waters and toilet waters from any Property.

8. "Sewage" means a combination of household water and toilet water carried from a Property. Sewage shall not include industrial waste or vegetable matter unless prior approval in writing has been secured by the authority prior to placement into the Public Sanitary Sewer.

9. "Sewer" means a pipe or conduit for carrying Sewage.

10. "Township" means the Township of Henry Clay.

### **SECTION 3 – MANDATORY CONNECTION**

(A) Within sixty (60) days of the passage of this Ordinance or the installation of Sewer lines by the Authority, Owners whose building or structure is within one hundred fifty (150) feet of the Public Sanitary Sewer shall connect such building or structure to the Public Sanitary Sewer.

(B) As Sewer lines are laid and provided in other areas of the Township, Owners whose building or structure is within one hundred fifty (150) feet of such Public Sanitary Sewer, shall connect the building or structure to the Public Sanitary Sewer within sixty (60) days.

### **SECTION 4 – ELEMENTARY SCHOOL**

The Marclay Elementary School is not exempt from the requirements of SECTION 3. The Marclay Elementary School will connect to the Public Sanitary Sewer System.

**SECTION 5**

**ABANDONMENT OF PRIVIES, PRIVY VAULTS,  
CESSPOOLS, SEPTIC TANKS, AND SAND MOUNDS**

When connection has been made with the Public Sanitary Sewer, an Owner shall forthwith abandon all privies, privy vaults, cesspools, septic tanks, and sand mounds then existing on the said premises and shall use them no longer. Such abandoned privies, privy vaults, cesspools, septic tanks, and sand mounds shall have pumped from them all Sewage, septage, or other waste and shall cause each to be completely filled with sand or other acceptable material. All connections with structures or buildings previously served by any privy, privy vaults, cesspools, septic tanks, and sand mounds shall be disconnected, broken, and destroyed in such a manner that Sewage can no longer enter therein, as required by regulation and inspection.

**SECTION 5**

**PROHIBITION AGAINST USE OF PRIVIES, PRIVY VAULTS,  
CESSPOOLS, SEPTIC TANKS, AND SAND MOUNDS**

(A) After the passage of this Ordinance, it shall be unlawful for any Person to erect any privy, privy vault, cesspool, septic tank, or sand mound or any other type of structure on any premises within one hundred fifty (150) feet of Public Sanitary Sewer.

(B) After the passage of this Ordinance, it shall be unlawful for any Person to connect with any privy, privy vault, cesspool, septic tank, sand mound, or any other type of structure in any area serviced by the Public Sanitary Sewer.

## **SECTION 6**

### **COMPLIANCE WITH RULES AND REGULATIONS**

All connections to the Sanitary Sewer lines that are part of the Public Sanitary Sewer shall be made in strict compliance with the rules and regulations adopted by the Authority. Any abandonment of any existing privy, privy vault, cesspool, septic tank, sand mound, or other type structure shall be made in strict compliance with rules and regulations adopted by the Authority.

### **SECTION 7 – SEWAGE RATES**

The Sewage rates for using the Public Sanitary Sewer shall be established by the Authority in accordance with Pennsylvania law

## **SECTION 8**

### **PROHIBITION OF STORM WATER, RAIN WATER OR RUNOFF INTO SANITARY SEWAGE SYSTEM**

(A) No basement seepage, ground water drainage, building drain, storm drain, footer drain, roof drain, water drain of any type, or any other non-sewage source of water shall be discharged into the Public Sanitary Sewer and all Owners connecting to the Public Sanitary Sewer shall certify that no ground water, seepage drains, building drains, footer drains, roof drains, storm drains, or water drains are connected to the Public Sanitary Sewer. After connection to the Sewer is made, all Owners shall maintain their Property in such a manner that no such seepage, ground water drainage, building drains, storm drains, footer drains, roof drains, or water drains shall enter the Public Sanitary Sewer.

(B) No downspouts, roof drainage, surface water, or area drainage shall be connected to the Public Sanitary Sewer. Owners shall remove any connections and plug

any drainage before connecting to the Public Sanitary Sewer. The Inspector shall inspect, confirm, and approve the adequacy of each system before final connection is approved or made.

## **SECTION 9**

### **SPECIFICATION FOR HOUSE PLUMBING SYSTEM**

Before connections to the Public Sanitary Sewer are made, Owners shall provide the necessary piping, venting, and connections as required by the rules and regulations of the Authority in compliance with BOCA requirements.

### **SECTION 10 – CROSS CONNECTIONS**

No cross connections shall be made between the Public Sanitary Sewer and the portable water system, whereby vacuums or back siphonage could permit sanitary waste to enter the portable water system. No cross connections shall be made between the Public Sanitary Sewer and the storm drains or storm sewers for any Person.

### **SECTION 11 – INSPECTIONS**

The Inspector shall be permitted to enter upon all properties, at reasonable times and before final connections, for the purpose of inspection, observation, sampling, testing, and retesting in accordance with rules and regulations adopted by the Authority to ensure compliance with this Ordinance.

### **SECTION 12 – PENALTIES**

(A) If any Owner shall neglect or refuse to comply with the provisions of this Ordinance, the Authority shall serve a written notice upon said Owner or Person in possession of the premises if the Owner cannot be found on said premises, requiring said Owner to comply in every aspect with the provisions of this Ordinance within thirty (30)

days after the service of such notice. If the Owner shall neglect or refuse to comply with the notice, the Authority may perform such work and furnish such material as may be necessary to comply with the provisions of this Ordinance, at the expense of the Owner, with a twenty percent (20%) override to cover the costs, fees, and expenses associated therewith. All charges, expenses, and fees incident to such connection by the Authority shall be collected from said Owner for the use of the Authority in a legal manner as debts are by law collectible, or the Authority may, by proper officer, file a municipal claim or municipal lien therefore against said premises as provided by the Acts of Pennsylvania law.

(B) In addition to any penalty hereinabove prescribed, any person violating any of the provisions of this Ordinance shall be subject to a fine of not less than Three Hundred and 00/100 (\$300.00) Dollars, nor more than One Thousand and 00/100 (\$1,000.00) Dollars, and in default of payment thereof within thirty (30) days, shall be sentenced to undergo a period of imprisonment of not less than ten (10) days, nor more than thirty (30) days. Each additional day that the violation continues shall constitute a separate offense and shall be deemed a violation of the health, welfare, and water pollution requirements of the Authority. In addition to the foregoing, the defendant/violator shall pay the costs of prosecution, costs incurred for inspection, and reasonable attorney's fees for each enforcement, which shall be added by the District Justice, or his successor, after a hearing where the alleged violator is given an opportunity to be heard. Fines and penalties collected for violation of the Ordinance shall be paid to the Authority.

(C) In addition to any of the penalties set forth above, any Owner who fails to connect to the Public Sanitary Sewer as required under this Ordinance and such failure to connect continues for a period of thirty (30) days after written notice to connect from the Authority to the Owner, shall become liable for the monthly minimum charge for sanitary sewer service and such minimum charge shall continue monthly regardless of whether service has been established to the Property.

(D) The Authority is hereby authorized and empowered to institute any civil action and/or criminal action, on behalf of the Township, to enforce this Ordinance and any provision of any other ordinance which relates to the Public Sanitary Sewer. Nothing herein shall be construed to limit the ability of the Authority or Township to enforce this or any other ordinance.

### **SECTION 13 – CONNECTIONS**

Each Property shall be connected separately and independently with a Sewer through a building sewer. Grouping of more than one (1) Property on one (1) building sewer shall not be permitted except under special circumstances and for good sanitary reasons but only after special permission from the Authority in writing.

All expenses of construction of a building sewer and all expenses of connection of a building sewer to the Authority's Sewer, including such expense of acquiring and installing a grinder pump or similar apparatus approved by the Authority, shall be borne by the Owner of the Property to be connected and such Owner shall indemnify and save harmless the Authority from all loss or damage that may be occasioned directly or indirectly as a result of constructing a building sewer or a connection to the Sewer line.



The Authority shall prescribe rules, regulations, conditions, and specifications for connection to the Sewer line.

**SECTION 14 – REPEALER**

All ordinances or parts of ordinances inconsistent with or conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with the provisions of this Ordinance.

**SECTION 15 – PARTIAL INVALIDITY**

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of the Ordinance which shall be given force and effect without such invalid part or parts.

**SECTION 16 – MISCELLANEOUS**

Throughout this Ordinance, the singular shall include the plural and the plural shall include the singular.

**SECTION 16 – EFFECTIVE DATE**

This ordinance shall be effective upon enactment by the Township.

ENACTED AND ORDAINED into law as an ordinance the 2<sup>nd</sup> day of February, 2004.

TOWNSHIP OF HENRY CLAY

BY: Clarence M Sarwer

BY: Gary Ziskel

BY: Robert R Fike

ATTEST:

Margaret Diehl  
(SEAL)