

TOWNSHIP OF WASHINGTON,
Schuylkill County, Pennsylvania

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WASHINGTON, SCHUYLKILL COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND BENEFITTED, IMPROVED OR ACCOMMODATED BY ANY SEWER CONSTITUTING PART OF THE SEWER SYSTEM TO BE ACQUIRED AND/OR TO BE CONSTRUCTED BY PINE GROVE TOWNSHIP AUTHORITY, TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH SEWER; REGULATING THE MANNER OF MAKING SUCH 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, SINK HOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES TO ANY SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND REQUIRING ABANDONMENT THEREOF WHEN DIRECTED TO DO SO BY THIS TOWNSHIP; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of the Township of Washington, Schuylkill 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 Pine Grove Township Authority, a municipality authority incorporated pursuant to provisions of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth;

B. "Building Sewer" shall mean the extension from the sewage drainage system of any structure to the Lateral of a Sewer;

C. "Commonwealth" shall mean the Commonwealth of Pennsylvania;

D. "Improved Property" shall mean any property 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;

E. "Industrial Establishment" shall mean any Improved Property located in this Township used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property located in this Township from which wastes, in addition to or other than Sanitary Sewage, shall be discharged;

F. "Industrial Wastes" shall mean any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage;

G. "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 that is provided for connection of any Building Sewer;

H. "Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

I. "Person" shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority of other group or entity;

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

K. "Sewer" shall mean any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes;

L. "Sewer System" shall mean all facilities, as of any particular time, for collecting, transmitting, treating or disposing of Sanitary Sewage and/or Industrial Wastes, situate in or adjacent to this Township, and owned by the Authority;

M. "Street" shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square; and

N. "Township" shall mean the Township of Washington, Schuylkill County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through its authorized representatives.

ARTICLE II
Use of Public Sewers Required

SECTION 2.01. The Owner of any Improved Property benefitted, improved or accommodated by a Sewer shall connect such Improved Property with such Sewer, in such manner as this Township may require, within 45 days after notice to such Owner from this Township to make such connection, for the purpose of discharging all Sanitary Sewage and Industrial Wastes from such Improved Property; Subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, 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 such Sewer; Subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

SECTION 2.03. No Person shall place, shall deposit or shall permit to be placed or to be 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 shall 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 that is satisfactory to this Township.

SECTION 2.04. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any Improved Property that has been connected to a Sewer or that shall be required under Section 2.01 to be connected to a Sewer.

Every such 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 shall be filled, at the expense of the Owner of such Improved Property, unless otherwise provided for by this Township, 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, not 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 include a reference to this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within 45 days from the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place that can receive and can convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be given or served to the Owner in accordance with law.

ARTICLE III

Building Sewers and Connections

SECTION 3.01. No Person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any Sewer or any part of the Sewer System without first obtaining a permit, in writing, from this Township.

SECTION 3.02. Application for a permit required under Section 3.01 shall be made by the Owner of the Improved Property served or to be served or by the duly authorized agent of such Owner.

SECTION 3.03. No Person shall make or shall cause to be made a connection of any Improved Property with a Sewer until such Person shall have fulfilled each of the following conditions:

A. Such Person shall have notified the Secretary of this Township of the desire and intention to connect such Improved Property to a Sewer;

B. Such Person shall have applied for and shall have obtained a permit as required by Section 3.01;

C. Such Person shall have given the Secretary of this Township at least 24 hours' notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and

D. If applicable, such Person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee that may be charged and imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Sewer has been paid.

SECTION 3.04. Except as otherwise provided in this Section 3.04, 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, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

SECTION 3.05. All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall 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 3.06. A Building Sewer shall be connected to a Sewer at the place designated by this Township or by the Authority and where, if applicable, 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 3.07. If the Owner of any Improved Property benefitted improved or accommodated by a Sewer, after 45 days notice from this Township, requiring the connection of such Improved Property with a Sewer, in accordance with Section 2.01, shall fail to connect such Improved Property and use the Sewer System, as required, this Township may make such connection and may collect from such Owner the costs and expenses thereof in the manner permitted by law.

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 sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal 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 this Township. 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. Any Street, sidewalk and other 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.

SECTION 4.05. If any Person shall fail or shall refuse, upon receipt of a written notice of this Township or the Authority, to remedy any unsatisfactory condition with respect to a Building Sewer within 45 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 condition 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 with the Sewer System which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

ARTICLE V
Enforcement

SECTION 5.01. Any Person who shall violate this Ordinance shall be subject, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not more than One Thousand Dollars (\$1,000), 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 in accordance with law.

ARTICLE VII
Severability

SECTION 7.01. In the event 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 enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

ARTICLE IX
Repealer

SECTION 9.01. All ordinances or parts of ordinances and all resolutions or parts of resolutions that are inconsistent with this Ordinance shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this 17th day of August, 1992, by the Board of Supervisors of the Township of Washington, Schuylkill County, Pennsylvania, in lawful session duly assembled.


TOWNSHIP OF WASHINGTON,
Schuylkill County, Pennsylvania

By: Jay J. Stark
(Vice) Chairman of the
Board of Supervisors

ATTEST:

Secretary

(SEAL)



CERTIFICATE


I, the undersigned, Secretary of the Township of Washington, Schuylkill County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of Ordinance No. _____ of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of all members of the Board at a meeting of the Board duly convened and held according to law on August 17, 1992, at which meeting a quorum was present; that said Ordinance duly has been recorded in the Ordinance book of the Township; that said Ordinance duly has been published as required by law; and that said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice requirements of Act No. 175 of the General Assembly of the Commonwealth of Pennsylvania, approved July 19, 1974, by advertising said meeting and by posting prominently a notice of said meeting at the public building in which said meeting was held, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 17th day of August, 1992.

Secretary

(SEAL)



TOWNSHIP OF WASHINGTON,
Schuylkill County, Pennsylvania

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WASHINGTON, SCHUYLKILL COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING AN AGREEMENT AND THE FORM THEREOF BETWEEN THIS TOWNSHIP, ON THE ONE HAND, AND PINE GROVE TOWNSHIP AUTHORITY, ON THE OTHER HAND, WHEREBY SAID AUTHORITY WILL COVENANT TO ACQUIRE, TO CONSTRUCT, TO OWN AND TO OPERATE CERTAIN SANITARY SEWAGE COLLECTION, TRANSMISSION AND DISPOSAL SYSTEM FACILITIES, REQUIRED FOR RENDERING SEWAGE SERVICE, INTER ALIA, IN AND FOR PORTIONS OF THIS TOWNSHIP, AND WHEREBY THIS TOWNSHIP WILL MAKE CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT TO THE PROPOSED SEWER SYSTEM TO BE ACQUIRED, TO BE CONSTRUCTED, TO BE OWNED AND TO BE OPERATED BY SAID AUTHORITY, INCLUDING, INTER ALIA: (1) THE ENFORCING OF REQUIREMENTS FOR CONNECTION TO AND USE OF SUCH SEWER SYSTEM; (2) THE GRANTING OF CERTAIN EASEMENTS, RIGHTS OF WAY, RIGHTS AND PRIVILEGES TO SAID AUTHORITY; AND (3) OTHER RELATED MATTERS; AUTHORIZING AND DIRECTING EXECUTION, ACKNOWLEDGMENT AND DELIVERY OF SAID AGREEMENT IN BEHALF OF THIS TOWNSHIP; AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

The Board of Supervisors of the Township of Washington, Schuylkill County, Pennsylvania (the "Township"), enacts and ordains as follows:

SECTION 1. This Township shall enter into an Agreement (the "Agreement") with Pine Grove Township Authority (the "Authority"), whereby, inter alia, the Authority will covenant and agree to acquire, to construct, to own and to operate certain sanitary sewage collection, transmission and disposal system facilities, required for rendering sewage service, inter alia, in and for portions of this Township, and this Township will make certain covenants and agreements with respect to the proposed sewer system to be acquired, to be constructed, to be owned and to be operated by the Authority, including, inter alia: (1) the enforcing of requirements for connection to and use of such sewer system; (2) the granting of certain easements, rights of way, rights and

privileges to the Authority; and (3) other related matters. The Agreement shall be substantially in the form presented to this meeting, which Agreement and the form thereof is approved.

SECTION 2. A copy of the Agreement, in the form so presented to this meeting and so approved, shall be filed with the Secretary of this Township and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

SECTION 3. The Chairman or Vice Chairman of the Board of Supervisors and the Secretary or Assistant Secretary of this Township, as applicable, are authorized and directed to execute, attest, acknowledge and deliver the Agreement, in behalf of this Township, in the form so approved.

SECTION 4. Proper officers of this Township are authorized and directed to execute all documents and to do all other acts that may be necessary and proper to carry out this Ordinance and the undertakings of this Township in the Agreement.

SECTION 5. This Ordinance shall become effective in accordance with Law.

SECTION 6. In the event 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 of this Ordinance shall be and shall remain in full force and effect.

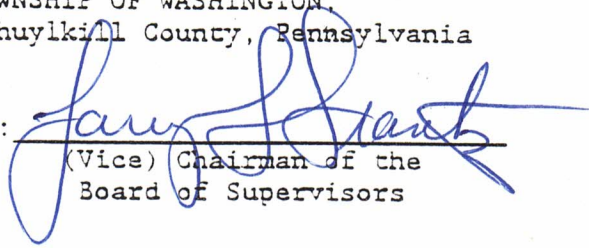
SECTION 7. It is declared that enactment of this Ordinance and the execution, acknowledgment and delivery of the Agreement is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

SECTION 8. All other ordinances or parts of ordinances and all

resolutions or parts of resolutions that are inconsistent with this Ordinance shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this 17th day of August, 1992, by the Board of Supervisors of the Township of Washington, Schuylkill County, Pennsylvania, in lawful session duly assembled.

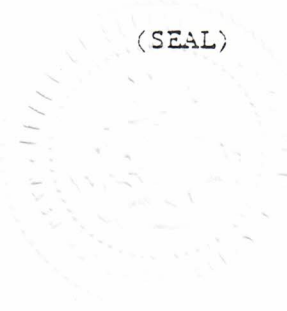
TOWNSHIP OF WASHINGTON,
Schuylkill County, Pennsylvania

By: 
(Vice) Chairman of the
Board of Supervisors

ATTEST:

Secretary

(SEAL)



CERTIFICATE

I, the undersigned, Secretary of the Township of Washington, Schuylkill County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of Ordinance No. _____ of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of all members of the Board at a meeting of the Board duly convened and held according to law on August 17, 1992, at which meeting a quorum was present; that said Ordinance duly has been recorded in the Ordinance book of the Township; that said Ordinance duly has been published as required by law; and that said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice requirements of Act No. 175 of the General Assembly of the Commonwealth of Pennsylvania, approved July 19, 1974, by advertising said meeting and by posting prominently a notice of said meeting at the public building in which said meeting was held, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 17th day of August, 1992.

Secretary

(SEAL)

TOWNSHIP OF WASHINGTON,
Schuylkill County, Pennsylvania

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WASHINGTON, SCHUYLKILL COUNTY, PENNSYLVANIA, GRANTING TO THE PINE GROVE TOWNSHIP 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 THIS TOWNSHIP FOR USE IN CONNECTION WITH SAID AUTHORITY'S SEWER SYSTEM REQUIRED FOR RENDERING SANITARY SEWAGE SERVICE IN AND FOR PORTIONS OF THIS TOWNSHIP; AND PROVIDING FOR REGULATING THE MANNER IN WHICH SUCH RIGHTS AND PRIVILEGES SHALL BE EXERCISED.

WHEREAS, Pine Grove Township Authority (the "Authority"), pursuant to authority vested in it by law, and at the request of this Township, has acquired and/or constructed and shall own and operate certain sewage collection, transmission, treatment and disposal system facilities and all related and necessary facilities required for rendering sanitary sewage service in and for portions of this Township (the "Sewer System").

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of this Township, as follows:

SECTION 1. This Township does grant 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 this Township, together with free ingress, egress and regress therein and thereto, along with other persons having interests or rights therein, for use in connection with constructing, replacing, repairing, altering, extending, improving, operating and maintaining the Sewer System as the same shall exist, from time to time.

SECTION 2. The rights and privileges granted to the Authority under Section 1 shall be exercised by the Authority under and subject to such reasonable rules and regulations as shall be adopted and specified, from time to time, by resolution or ordinance of this Township; and this Township does reserve the right to adopt and specify, from time to time, such reasonable rules and regulations in connection with exercise by the Authority of such rights and privileges.

SECTION 3. This Ordinance shall become effective as provided by law.

SECTION 4. In the event 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.

SECTION 5. All other ordinances or parts of ordinances inconsistent herewith, and all resolutions or parts of resolutions inconsistent herewith, shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this 17th day of August, 1992, by the Board of Supervisors of the Township of Washington, Schuylkill County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WASHINGTON,
Schuylkill County, Pennsylvania

By: Jay L. Frank
(Vice) Chairman of the
Board of Supervisors

ATTEST:

Secretary

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Washington, Schuylkill County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of Ordinance No. _____ of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of all members of the Board at a meeting of the Board duly convened and held according to law on August 17, 1992, at which meeting a quorum was present; that said Ordinance duly has been recorded in the Ordinance book of the Township; that said Ordinance duly has been published as required by law; and that said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice requirements of Act No. 175 of the General Assembly of the Commonwealth of Pennsylvania, approved July 19, 1974, by advertising said meeting and by posting prominently a notice of said meeting at the public building in which said meeting was held, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 17th day of August, 1992.

Secretary

(SEAL)