

**Ordinance No. 2-03  
Township of McKean  
County of Erie  
Commonwealth of Pennsylvania**

An Ordinance of the Township of McKean, County of Erie, Commonwealth of Pennsylvania, amending and restating McKean Township Ordinance No. 8-02; requiring owners of property accessible, adjoining, abutting or adjacent to the public sewer system in McKean Township to connect and use said public sewer system; regulating the use of and discharge into said public sewer system; establishing definitions of terms; prohibiting and making certain practices unlawful with respect to holding, receiving, collecting, transmitting, discharging, disposing and treating sewage; imposing duties and deadlines upon property owners to abandon and render inoperable any type or form of sewage facility or system on their property; requiring applications for and issuance of permits to make connections to the said public sewer system; authorizing the Township and/or the McKean Township Sewer Authority to perform actions and to establish standards with respect to connecting, using and regulating the said public sewer system; authorizing the McKean Township Sewer Authority to fix, alter, charge and collect fees, rates and other charges regarding the connection, use and regulation of the said public sewer system; requiring strict compliance with its provisions; declaring violations to be a nuisance and providing for the abatement thereof, as well as imposing penalties and establishing enforcement measures in the event of violations of its provisions; and providing for implementation; constitutionality and repealer clauses.

**Whereas**, the public sewer system within the Township of McKean is owned by the McKean Township Sewer Authority, the Authority and Township intending to enter into a Lease Agreement pursuant to which the Township shall hold, maintain and operate the public sewer system; and

**Whereas**, the Township by Ordinance No. 8-02 established certain definitions and regulations governing the public sewer system; and

**Whereas**, the Commonwealth of Pennsylvania, Department of Environmental Protection, approved and issued a Water Quality Management Permit to the McKean Township Sewer Authority for the public sewer system, which Permit is subject, among other things, to the condition that an Ordinance shall be adopted and enforced requiring the abandonment of privies, cesspools or similar receptacles for human waste and on-lot sewage disposal systems on the

premises of occupied structures which are accessible to the public sewer system and requiring the connection of the same to the public sewer system; and

**Whereas**, Section 2502 of Second Class Township Code, 53 P.S. §67502, enables and authorizes the Board of Supervisors by ordinance to require adjoining and adjacent property owners to connect with and use the public sewer system; and

**Whereas**, the Board of Supervisors finds that in light of the economics of building, operating and maintaining the public sewer system, as well as promoting the purity of water within the Township, it is in the best interest of the general health, safety and welfare of its citizens to maximize the number of connections to and users of the public sewer system; and

**Whereas**, the Board of Supervisors further finds that it is in the best interest of the general health, safety and welfare that Ordinance No. 8-02 be amended to assure proper compliance with the aforesaid Water Quality Management Permit, to assure proper application for and issuance of permits to connect, bonds sufficient to protect against damage to the public sewer system and appropriate regulation of applications for and issuance of permits to connect to the public sewer system; and

**Whereas**, it is the express and specific intention of the Board of Supervisors for this Ordinance to require, to the maximum extent provided by law, every owner of property that is accessible, adjoining, abutting or adjacent to the said public sewer system to connect to and use the said public sewer system; and

**Whereas**, it is the further express and specific intention of the Board of Supervisors for this Ordinance to eliminate from Ordinance No. 8-02 all provisions mandating such connection and use only to those occupied buildings within one hundred fifty (150) feet from the said public sewer system; and

**Whereas**, it is hereby declared to be necessary and proper for the preservation of the public health, welfare, safety and other reasons that every owner of property within the Township whose property is accessible to the public sewer system connect with and use the public sewer system for the purpose of having the sewage therefrom discharged into and treated by the public sewer system.

**Now, Therefore**, upon motion duly made and seconded, it is hereby enacted and ordained by majority vote of a quorum of the Board of Supervisors of the Township of McKean in lawful meeting assembled, that Ordinance No. 8-02, commonly known as the Mandatory Connection Ordinance, be and the same is hereby amended and restated as follows:

**Section 101. Short Title**

This ordinance shall be known and may be cited as the “2003 Mandatory Connection Ordinance.”

## **Section 102. Definitions**

The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Accessible to the public sewer system” — A) for the purposes of Sections 103(A) and 104(A) of this Ordinance, any property that 1) contains a sewer main line or sewer lateral connected to a sewer main line, or 2) has a boundary line that adjoins or abuts a public right of way or sanitary sewer easement that contains a sewer main line/or a sewer lateral connected to the sewer main line, provided that the said sewer main line or sewer lateral in the public right of way or sanitary sewer easement is located on the same side of the road surface or cartpath as the adjoining or abutting property; B) for the purposes of Sections 103(B), 103(C), 103(E), 104(B), and 104(C) of this Ordinance, any property that 1) contains a sewer main line or a sewer lateral connected to a sewer main line or 2) has a boundary line that adjoins or abuts a public right of way or sanitary sewer easement that contains a sewer main line or sewer lateral connected to a sewer main line, regardless of where the sewer main line or sewer lateral is located within the public right of way or sanitary sewer easement. (amended by Ordinance No. 2-04, November 4, 2004)

“Alternate sewage system” — A method of demonstrated on-lot sewage treatment and disposal not described in the regulations promulgated under and pursuant to the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535.

“Applicant” — The owner of the property or, where applicable, the lessee of the property accorded authority under a lease to apply for a permit which pertains to the public sewer system.

“Authority” — The McKean Township Sewer Authority, as originally organized and as presently or hereafter constituted, which was formed, created, and brought into legal existence by the Board of Supervisors of the Township of McKean under and pursuant to the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania (now Act No. 2001-22, S.B. No. 780), and to which has been granted the power to undertake the specific projects of sewers, sewer systems or parts thereof, and sewage treatment works, including works for treating and disposing of industrial waste. For purposes of this Ordinance, the term “Authority” shall mean and include the duly constituted and appointed officials thereof. Also, for purposes of this Ordinance, the term “Authority” shall mean and include its lessees, successors and/or assigns.

“Community sewage system” — Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of sewage or industrial waste on one or more of the lots or at any other site. For purposes of this Ordinance, the term “community sewage system” shall neither mean nor include the term “public sewer system” as defined hereinafter.

“Connect and/or connection” — Any connection or hook-up or joining to the public sewer system. The terms “connect and/or connection” shall include and extend to any alteration, modification or termination/disconnection of any existing connection or hook-up or joining to the public sewer system, unless expressly provided otherwise in this Ordinance.

“Conventional sewage system” — A system employing the use of demonstrated on-lot sewage treatment and disposal technology in a manner specifically recognized by the regulations promulgated under and pursuant to the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535. The term does not include alternate sewage systems or experimental sewage systems.

“Experimental sewage system” — A method of on-lot sewage treatment and disposal not described in the regulations promulgated under and pursuant to the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, which is proposed for the purpose of testing and observation.

“Individual residential spray irrigation system” — An individual sewage system permitted under Section 7 of the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, which serves a single dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

“Individual sewage system” — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposal.

“Industrial waste” — Any liquid, gaseous, radioactive, solid or other substance resulting from any manufacturer or industry or from any similar establishment or business which is not sewage. Without limiting the generality of the foregoing, the term “industrial waste” shall include all substances discharged from pre-treatment facilities and from the recovering or processing of natural resources, regardless of being generally characterized as waste.

“Lot” — A part of a subdivision or a parcel of land used as a building site, camp ground or camp site, mobile home park or mobile home site, recreation or other purposes or intended to be used for building, camping, mobile homes, recreational or other purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for multi-family dwellings, camp grounds, camp sites, motels, hotels, mobile home parks, recreational or for commercial or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single family residential lots as determined by estimated sewage flows or equivalent dwelling units (EDU).

“May” — Permissive, not mandatory.

“Occupied building” — Each and every house, building, structure, single-family dwelling unit, household unit, flat or apartment unit, townhouse unit, condominium unit, mobile home, campground or camping site, motel or hotel and/or the rooms therein, modular home, swimming pool (whether indoor or outdoor type), store, shop, office, suite, business or industrial unit or family unit contained within any structure or located on any lot intended for continuous or periodic habitation, occupancy, employment, recreation, shelter, bathing, camping or any other use by human beings or by animals, and from which structure sewage or industrial waste is or may be discharged.

“Person” — Any individual, association, public or private corporation for profit or not for profit, limited liability corporation, professional corporation, partnership, limited liability partnership, firm, company, joint stock company, limited liability company, society, group, trust, estate, governmental entity or any other legal entity whatsoever which is recognized by law as the subject of rights, duties or privileges and their legal representatives, agents or assigns; provided, however, that the term “person” shall neither mean nor include the Township nor the Authority. Whenever used in any clause prescribing and/or imposing a penalty or imposing a fine or imprisonment, the term “person” shall include the members of an association, partnership, firm company, society, group, the officers of any public or private corporation for profit or not for profit, the trustee or representative of any trust, the executor or representative of any estate, and the officials of any governmental entity.

“Property” — A lot which has been improved in any manner.

“Public sewer system” — The public sanitary sewer holding, receiving, collection, transmission, discharging, disposal and wastewater treatment system, together with all appurtenant facilities, being constructed in the Township, and any improvements, additions, alterations, modifications, changes or extensions that may be made to it or to any part or parts of any or all of it, whether now or in the future, by the Authority or the Township and which is or intended to be under the ownership of the Authority and operated and maintained by the Township.

“Sanitary sewer” — A sewer which carries sewage and/or industrial waste and into which storm water, surface water and/or ground water are not intentionally admitted.

“Sewage” — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, as well as any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as “The Clean Streams Law,” as amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Without limiting the generality of the foregoing, the term “sewage” shall include gray water from dish washing operations, household showers, basement floor drains, garage drains, swimming pools and other similar substances.

“Sewer” — Any pipe or conduit for carrying sewage.

“Shall” — Mandatory obligation without exception.

“Subdivision” — The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

“Township” — Township of McKean, County of Erie, Commonwealth of Pennsylvania. For purposes of this Ordinance, the term “Township” shall mean and include the duly constituted and elected officials thereof.

### **Section 103. Mandatory Connection Required**

A. Every owner of property within the Township whose property is accessible to the public sewer system on which there is an occupied building shall, at his sole expense, install suitable sanitary sewer facilities in each and every such building and connect such sanitary sewer facilities (including but not limited to floor drains, basement drains, garage drains and swimming pools) and industrial waste outlets directly with the public sewer system in accordance with the provisions of this Ordinance and with the rules and regulations governing the use and operation of the public sewer system within sixty (60) days after the date of official written notice to make such connection is given in the manner provided by law.

B. Every owner of property within the Township whose property is accessible to the public sewer system on which an occupied building is hereafter erected, altered or reconstructed shall, at the time of such erection, alteration or reconstruction and at his sole expense, install suitable sanitary sewer facilities in each and every such building and connect such sanitary sewer facilities (including but not limited to floor drains, basement drains, garage drains and swimming pools) and industrial waste outlets directly with the public sewer system in accordance with the provisions of this Ordinance and with the rules and regulations governing the use and operation of the public sewer system.

C. Every owner of property within the Township whose property hereafter becomes accessible to the public sewer system on which there is an occupied building shall, at his sole expense, install suitable sanitary sewer facilities in each and every such building and connect such sanitary sewer facilities (including but not limited to floor drains, basement drains, garage drains and swimming pools) and industrial waste outlets directly with the public sewer system in accordance with the provisions of this Ordinance and with the rules and regulations governing the use and operation of the public sewer system within sixty (60) days after the date of official written notice to make such connection is given in the manner provided by law.

D. Where more than one (1) occupied building is located on a lot (for example without limitation - rooms in a motel/hotel, mobile homes in a mobile home park, camp sites in a campground, apartments in an apartment building) a single common connection to the lateral of the public sewer system for accommodating all such units contained in each such separate occupied building may be permitted pursuant to applicable rules and regulations governing the use and operation of the public sewer system.

E. The owner of any property within the Township whose property is accessible to the public sewer system upon which a new, altered or reconstructed occupied building is constructed on or after enactment of this Ordinance shall not occupy or cause or allow to be occupied such building until such time as the said building’s sanitary sewer facilities and any industrial waste outlets are properly connected to the public sewer system in accordance with the requirements of

this Ordinance and with the rules and regulations governing the use and operation of the public sewer system.

#### **Section 104. Mandatory Use of and Discharge into Public Sewer System Required**

A. Every owner of property within the Township whose property is accessible to the public sewer system on which there is an occupied building shall use or cause the occupants or users thereof to use the public sewer system for holding, receiving, collecting, transmitting, discharging, disposing and treating sewage.

B. Every owner of property within the Township whose property is accessible to the public sewer system on which an occupied building is hereafter erected, altered or reconstructed shall use or cause the occupants or users thereof to use the public sewer system for holding, receiving, collecting, transmitting, discharging, disposing and treating sewage.

C. Every owner of property within the Township whose property hereafter becomes accessible to the public sewer system on which there is an occupied building shall use or cause the occupants or users thereof to use the public sewer system for holding, receiving, collecting, transmitting, discharging, disposing and treating sewage.

D. It shall be unlawful for any person owning any property within the Township accessible to the public sewer system to erect, construct, use or maintain or cause to be erected, constructed, used or maintained any privy, cesspool, sinkhole, septic tank, holding tank, or any other receptacle on such property for holding, receiving, collecting, transmitting, discharging, disposing or treating sewage after the expiration of the particular time period specified in this Ordinance, except for approved piping and related appurtenances necessary to lawfully connect and use the public sewer system.

E. It shall be unlawful for any person owning any property within the Township accessible to the public sewer system to erect, construct, use or maintain or cause to be erected, constructed, used or maintained any pipe, conduit, drain or other facility for receiving, collecting, transmitting, discharging or disposing of sewage into the gutters of the Township, into the storm sewers of the Township, upon any public or private land or property, or into or upon any other place, except for approved piping and related appurtenances necessary to lawfully connect and use the public sewer system.

F. It shall be unlawful for any person owning any property within the Township accessible to the public sewer system to erect, construct, use or maintain or cause to be erected, constructed, used or maintained any alternate sewage system, community sewage system, conventional sewage system, experimental sewage system, individual residential spray irrigation system, individual sewage system or any other type or form of facility or system for holding, receiving, collecting, transmitting, discharging, disposing or treating sewage, except for approved piping and related appurtenances necessary to lawfully connect and use the public sewer system.

G. It shall be unlawful for any person owning any property within the Township to discharge or cause to be discharged into the public sewer system any non-sewage matter or material such as but not limited to stormwater, groundwater, roof runoff, subsurface water or drainage, volatile organic chemicals, industrial waste or any other substances that causes or that would cause interference with, damage to, the obstruction of, or a condition deleterious to the public sewer system or the processes used in the holding, receiving, collection, transmission, discharge, disposal or treatment of sewage.

H. It shall be unlawful for any person owning any property within the Township to connect or cause to be connected into the public sewer system any pipes, lines, or devices (such as but not limited to gutters and sump pumps) that are not authorized under the provisions of this Ordinance and with the rules and regulations governing the use and operation of the public sewer system.



## **Section 105. Abandoned systems**

A. By not later than the thirtieth (30<sup>th</sup>) calendar day after connection to the public sewer system has been certified as complete by a person duly authorized by the Township or Authority, any privy, cesspool, sinkhole, septic tank, holding tank, or any other similar receptacle and any alternate sewage system, individual residential spray irrigation system, individual sewage system or any other type or form of facility or system on the property for holding, receiving, collecting, transmitting, discharging, disposing or treating of sewage shall be abandoned and rendered inoperable. System inoperability shall be verified by a person duly authorized by the Township or Authority. (amended by Ordinance No. 5-03)

B. By not later than the fifth (5<sup>th</sup>) calendar day after the aforesaid abandoned system is rendered inoperable, the owner of the property shall provide certification, suitable to the Authority, from a duly licensed professional engineer or the Authority's engineer that the same has been abandoned and rendered inoperable.

## **Section 106. Permits Required; Standards Authorized**

A. No connection to the public sewer system shall be effected, altered, modified or disconnected unless the owner of the subject property shall first apply for and obtain a written sewage permit from the Authority. No person shall excavate, uncover, back-fill, use, alter, make a connection with or an opening into, or in any other way whatsoever disturb the public sewer system without first obtaining a written sewage permit issued from the Authority. As used in this Section, the terms "connection" and "disconnected" shall include all connections and discharges to the public sewer system, including but not limited to sewer drains and lateral connections.

B. Each owner of any property as set forth in Sections 103 and 106(A) of this Ordinance shall make application in writing to the Authority for a sewage permit to excavate, uncover, back-fill, disturb, make, alter or terminate a connection to the public sewer system. Such application shall be made to the Authority on such forms as are adopted by the rules and regulations governing the use and operation of the public sewer system.

C. Such application shall be signed by the owners of the property in question, unless the said owners provide to the Authority a writing giving authorization to another person to make application and further acknowledging that the said owners have sole and exclusive responsibility for compliance with this Ordinance, the rules and regulations governing the use and operation of the public sewer system and any sewage permit issued.

D. In addition to other requirements as may be established by the rules and regulations governing the use and operation of the public sewer system, such application for sewage permit shall set forth:

1. The name and mailing address of the subject property owners.
2. The address of the subject property.

3. A description of the subject lot, including without limitation the subdivision, if any, and the lot's assigned number in said subdivision.
4. The Erie County and/or Township of McKean index number assigned to the subject property and/or lot.
5. The street where connection is to be made, altered or disconnected to or from the public sewer system.
6. The name and address of the contractor who shall perform the sewer work.
7. A plan of the subject property showing the proposed connection, alteration or disconnection and the sanitary sewer facilities.
8. The intended use of the subject property after connection.

E. No sewage permit shall be issued without the applicant first executing and tendering financial security in favor of the Authority in an amount fixed and on forms approved and adopted pursuant to the rules and regulations governing the use and operation of the public sewer system. Such financial security shall serve as security for the proper performance of the sewer work in full compliance with this Ordinance and the rules and regulations governing the use and operation of the public sewer system and for any repairs to streets and/or public sewer system facilities that the Authority deem necessary or appropriate as a consequence of the said work.

F. Each applicant for a sewage permit shall, upon submission of an application, pay in full all filing, review, inspection, tapping and other fees and charges as are established from time to time by the rules and regulations governing the use and operation of the public sewer system. Any developer's agreement or private service agreements required or administered by the Authority or the Township in connection with such application shall be concluded prior to issuance of any sewage permit. Any sums due as tapping fees or as reimbursements to a developer who constructed sewer mains to which connection is requested shall be paid in full prior to issuance of the sewage permit.

G. No sewage permit shall be issued until and unless there has been constructed within the adjacent street, highway, easement or right-of-way the necessary public sewer system facilities to which such connection can be effected; provided, however, that the Authority shall have discretion to determine otherwise subject to such conditions and contingencies as it shall then impose.

H. No sewage permit shall be issued unless all requirements of this Ordinance and of the rules and regulations governing the use and operation of the public sewer system have been fully and strictly complied with.

I. If an application for sewage permit is denied, then the applicant shall be provided with written reasons for such denial.

J. A sewage permit shall authorize and shall be evidence of the authorization to perform only that work for which application was made and approved. An issued sewage permit shall be valid for one (1) year from date of issuance and shall expire automatically on such anniversary date, unless thirty (30) days prior to its expiration the applicant submits a written request for extension showing good cause of such extension of time and the same has been approved in writing by the Authority.

K. The Authority shall promulgate and adopt any and all standards, conditions, policies, procedures, rules and regulations, including applicable fees, as it deems necessary to issue sewage permits and regulate connections and the use of the public sewer system, which, upon adoption, shall have the legal affect of imposing strict compliance therewith by all persons. By the adoption of this Ordinance, the Township hereby adopts and incorporates into this Ordinance all such standards, conditions, policies, procedures, rules and regulations, including applicable fees, as from time to time are promulgated and adopted by the Authority.

### **Section 107. Fees**

A. There is hereby levied and imposed upon all persons owning any property within the Township accessible or hereafter accessible to the public sewer system upon which an occupied building is now erected or hereafter erected such fees, rates and other charges as the Authority shall fix, alter and charge from time to time as provided by this Ordinance, by other applicable law and by the rules and regulations promulgated thereunder.

B. Pursuant to the provisions of the Municipality Authorities Act, (Act No. 2001-22, S.B. No. 780) and the rules and regulations promulgated thereunder, the Authority shall fix, alter, charge and collect fees, rates and other charges in the area served by the public sewer system at reasonable and uniform rates to be determined exclusively by the Authority from time to time by duly adopted Resolutions for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of the public sewer system and other properties of the Authority. Without limitation and pursuant to the provisions of the Municipality Authorities Act, (Act No. 2001-22, S.B. No. 780) and the rules and regulations promulgated thereunder, such fees, rates and other charges may include: charges for the cost of construction of the sewer mains; enumerated fees to property owners who desire to or are required to connect to the public sewer system which fees may include connection fees, customer facilities fees and tapping fees; monthly or quarterly user fees; charges for the cost of improvement, repair, maintenance and operation of the public sewer system; and charges for the cost of improvement, repair, maintenance and operation of other properties of the Authority.

C. Notwithstanding any reason whatsoever, no person shall be relieved or otherwise exempt from timely payment in full of any fee, rate or other charge that the Authority shall fix, alter or charge pursuant to the provisions of this Ordinance and of the Municipality Authorities Act, (Act No. 2001-22, S.B. No. 780) and the rules and regulations promulgated thereunder.

D. The Authority and its employees, lessees, servants, agents, successors and/or assigns shall take and perform or cause to be taken and performed all necessary action to collect and enforce a person's duty to pay in full the amount of any fee, rate or other charge that the Authority shall fix, alter or charge pursuant to the provisions of this Ordinance and of the Municipality Authorities Act, (Act No. 2001-22, S.B. No. 780) and the rules and regulations promulgated thereunder. Such action may include, without limitation, the filing of a municipal lien and the execution thereupon.

### **Section 108. Declaration of nuisance; abatement**

A. On any property within the Township accessible to the public sewer system, any person who, in violation of this Ordinance, erects, constructs, uses or maintains or causes to be erected, constructed, used or maintained any privy, cesspool, sinkhole, septic tank, holding tank, or any other receptacle for holding, receiving, collecting, transmitting, discharging, disposing or treating sewage shall be deemed and shall be declared to be erecting, constructing, using and maintaining a nuisance. The performance of all action necessary to abate the said nuisance is hereby authorized and directed to be taken and performed pursuant to applicable law.

B. On any property within the Township accessible to the public sewer system, any person who, in violation of this Ordinance, erects, constructs, uses or maintains or causes to be erected, constructed, used or maintained any pipe, conduit, drain or other facility for receiving, collecting, transmitting, discharging or disposing of sewage into the gutters of the Township, into the storm sewers of the Township, upon any public or private land or property, or into or upon any other place, except for approved piping and related appurtenances necessary to lawfully connect and use the public sewer system, shall be deemed and shall be declared to be erecting, constructing, using and maintaining a nuisance. The performance of all action necessary to abate the said nuisance is hereby authorized and directed to be taken and performed pursuant to applicable law.

C. On any property within the Township accessible to the public sewer system, any person who, in violation of this Ordinance, erects, constructs, uses or maintains or causes to be erected, constructed, used or maintained any alternate sewage system, community sewage system, conventional sewage system, experimental sewage system, individual residential spray irrigation system, individual sewage system or any other type or form of facility or system for holding, receiving, discharging, transmitting or treating sewage shall be deemed and shall be declared to be erecting, constructing, using and maintaining a nuisance. The performance of all action necessary to abate the said nuisance is hereby authorized and directed to be taken and performed pursuant to applicable law.

### **Section 109. Grease, oil and sand interceptors required**

A. At the sole expense of the property owner, grease, oil and/or sand interceptors shall be provided for outlets connected with the public sewer system when, in the opinion of the Authority's engineer, the same are necessary for the proper handling of liquid wastes containing grease in excessive amounts, subject to the following provisions:

1. Interceptors are not required for residential private living quarters or residential dwelling units.
2. Grease and oil receptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and shall be of substantial construction, water-tight and equipped with easily removable covers which, when secured, shall be gas-tight and water-tight.
3. All interceptors shall be of a type and capacity approved by the Authority's engineer, and the same shall be located so as to be readily and easily accessible for cleaning and inspection.
4. All grease, oil and sand interceptors, where required, shall be installed and maintained at the owner's sole cost and expense. All such interceptors shall be operated and maintained so that the same shall be continuously efficient and shall be cleaned and repaired as required to maintain such efficient system.

## **Section 110. Compliance required**

A. Notwithstanding any reason whatsoever, no connection shall be made or caused to be made to the public sewer system except in strict compliance with the provisions of this Ordinance and such other applicable ordinances, resolutions and standards, rules and regulations promulgated thereunder from time to time.

B. Notwithstanding any reason whatsoever, no person shall be relieved or otherwise exempt from any duty or obligation established under and pursuant to this Ordinance and such other applicable ordinances, resolutions and standards, rules and regulations promulgated thereunder from time to time; nor shall any person be relieved or otherwise exempt from strictly complying with the provisions of this Ordinance and such other applicable ordinances, resolutions and standards, rules and regulations promulgated thereunder from time to time.

## **Section 111. Failure to connect; enforcement actions**

A. When an owner of any property within the Township accessible to the public sewer system fails, refuses or neglects to connect with and/or use the public sewer system prior to occupancy or for a period of sixty (60) days after notice to do so has been served by the Board of Supervisors, either by personal service or by registered mail, the Board of Supervisors or its agents may enter the property and construct the connection. Such connection may be effected at any time following the expiration of the said sixty (60) days or unlawful commencement of occupancy without any further notice to the owner being required.

1. Upon completion of all work necessary to effectuate the connection with the public sewer system, the Board of Supervisors shall send an itemized invoice of the cost of construction to the owner of the property to which connection has been made, which invoice shall be payable immediately. Such invoice shall constitute a claim and assessment as defined in the general municipal law of the Commonwealth of Pennsylvania, as the same may be amended from time to time, and shall constitute a municipal claim from the date of the said invoice. Interest on the unpaid invoice shall accrue on sums not paid within thirty (30) days after the date of the invoice at the rate of ten percent (10%) per year from the date of the invoice.

2. If the owner fails to pay the invoice as required, then the Board of Supervisors shall file a municipal lien for the cost of the construction, together with interest, costs and reasonable attorney fees, within six (6) months of the date of completion of the connection. Any such municipal lien filed shall be subject in all respects to the general law providing for the filing and recovery of municipal liens and claims.

B. When the Authority determines that a violation of this Ordinance, of the rules and regulations governing the use and operation of the public sewer system, or of any sewage permit or any damage to the public sewer system is threatened or has occurred, the Authority may take one or more of the following actions, none of which shall be deemed mutually exclusive:

1. Issue an order to cease and desist any such violation and direct the violator to take all action necessary to come into compliance or to take appropriate remedial preventive action in the event of a threatened violation.
2. Require the person to submit a detailed time schedule setting forth the specific proposed actions to prevent or correct a violation, in which event the Authority may issue an implementation schedule to the person containing or modifying such specific actions and time schedule or requiring other actions by such date as the Township deems appropriate.
3. Issue an administrative enforcement notice directing the person to cease or correct a violation by a date established in such notice.
4. To any governmental entity or agency having issued any applicable permit, report a violation thereof and request appropriate enforcement.
5. Revoke the financial security and/or revoke the sewage permit.
6. Proceed on the financial security tendered by the permittee so as to remedy the violation, if possible, and collect all damages, fees and costs sustained by reason of the violation or by reason of the remediation of the violation.
7. Issue enforcement notices citing violation of this Ordinance or of the rules and regulations governing the use and operation of the public sewer system or of the sewage permit.
8. Commence and prosecute actions for enforcement of this Ordinance and/or collection of fines, costs, damages and attorney fees.
9. Institute and maintain one or more lawsuits to enforce this Ordinance, the rules and regulations governing the use and operation of the public sewer system and/or the sewage permit.

## **Section 112. Authority to Test**

A. The Authority may conduct such investigations and tests as are necessary to enforce this Ordinance and rules and regulations governing the use and operation of the public sewer system, and the officials, appointees, employees and agents of the Authority are hereby authorized to enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Inspections are authorized for any purpose related to proper enforcement and administration of this Ordinance and rules and regulations governing the use and operation of the public sewer system, including but not limited to ensuring proper connection with and use of the public sewer system, identifying and disconnecting unauthorized or unlawful connections or use of the public sewer system. Policies and procedures pertaining to investigations, tests and surveys shall be as established in the rules and regulations governing the use and operation of the public sewer system.

## **Section 113. Violations and penalties**

A. Enforcement proceedings and penalties for any violation of this Ordinance shall be as authorized by law and shall be in addition to any other actions and legal that may be initiated by either the Township or the Authority.

B. Without limiting the generality of the foregoing subsection A, the provisions of this Ordinance are declared to be for the health, safety and welfare of the citizens of the Township, and the enforcement of this Ordinance shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure and the solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pennsylvania Rules of Criminal Procedure No. 83(c). Any person violating any provision, whether in part or in whole, of this Ordinance, upon conviction before any District Justice of Erie County, shall be required to pay a criminal fine in the amount of One Thousand Dollars (\$1,000.00) per violation and shall be imprisoned to the extent allowed by law for the punishment of summary offenses. A separate offense is hereby deemed to arise for each day or portion thereof in which a violation is found to exist or for each section of the Ordinance which is found to have been violated. Each occupied building shall constitute a separate and distinct unit under the provisions of this Ordinance, and the person owning the same who violates any provision of this Ordinance, whether in part or in whole, shall be subject to the enforcement proceedings and penalties set forth herein, notwithstanding the fact that the owner thereof may have been permitted to use a single common connection to connect two (2) or more such buildings to the lateral of the public sewer system.

C. In addition to any other action authorized by law and/or by this Ordinance, this Ordinance and the violation of any provision of it, whether in part or in whole, may be enforced through an action in equity brought in the Court of Common Pleas of Erie County, Commonwealth of Pennsylvania.

D. In any administrative, criminal or civil action for the enforcement of this Ordinance and/or in any action to collect fines for any violation of any provision of this Ordinance, whether



in part or in whole, the Township and/or the Authority shall be entitled to recover all expenses, losses and damages occasioned by the violation(s), together with all filing and other litigation costs and all attorney fees incurred thereby.

#### **Section 114. Implementation**

The taking and performance of any and all additional action deemed necessary and appropriate to implement the provisions and intent of this Ordinance are hereby directed, authorized and empowered to be taken and performed.

#### **Section 115. Constitutionality**

The provisions of this Ordinance shall be severable, and if any provision, sentence, clause, section or any other part of this Ordinance is finally determined by a court of competent jurisdiction to be unconstitutional, illegal or invalid, then such unconstitutionality, illegality or invalidity shall not affect or impair the constitutionality, legality or validity of any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid parts not been included.

#### **Section 116. Repealer**

Any ordinance, resolution, motion, policy statement or parts of any such ordinance, resolution, motion or policy statement heretofore adopted which are contrary to or conflict with any provision of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

#### **Section 117. Effective Date**

This Ordinance shall become official and effective five (5) days after its adoption and shall remain in full legal force and effect until amended or repealed by subsequent ordinance.

Ordained and Enacted by the affirmative vote of at least a majority of the duly elected Board of Supervisors of the Township of McKean, County of Erie, Commonwealth of Pennsylvania, on this the 21st day of July, 2003.