

**TOWNSHIP OF HALIFAX
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 16-4-2016

**AN ORDINANCE OF HALIFAX TOWNSHIP TO IMPLEMENT PUBLIC
SEWER REQUIREMENTS, RULES AND REGULATIONS**

WHEREAS, the Second Class Township Code, 53 P.S. § 67502, authorizes the Township to regulate sewer within the Township;

AND WHEREAS, the Board of Supervisors finds it necessary and in the best interests of the Township to implement public sewer requirements, rules and regulations for the protection, benefit and preservation of the inhabitants of the Township;

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Halifax Township, Dauphin County, Pennsylvania as follows:

SECTION 1 - Definitions

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

AUTHORITY – Halifax Area Water and Sewer Authority, a Pennsylvania Municipal Authority.

BUILDING SEWER – The extension from the sewage drainage system of any structure to the Lateral of any Sewer.

IMPROVED PROPERTY - Any property located within the Township upon which there is erected a structure intended for continuance or periodic habitation, occupancy or use by human beings and from which structure Sanitary Sewage and/or Industrial Waste, shall be discharged.

INDUSTRIAL ESTABLISHMENT - Any room, group of rooms, buildings or other enclosure used or intended for use, in whole, or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling any product, commodity or article or from which Industrial Waste, as distinct from Sanitary Sewage, shall be discharged.

INDUSTRIAL WASTES - Any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from Sanitary Sewage.

LATERAL - That portion of or place in the Sewer System extending from a Sewer to the curb line, or, if there is no curb line, to the property line of any Improved Property, or if no such Lateral is provided, then "Lateral" shall mean that the point, portion of, or place in, a Sewer which is provided for a connection of any Building Sewer.

OWNER - Any person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

PERSON - Any individual, partnership, company, association, society, trust, corporation or other group or entity.

SANITARY SEWAGE - Normal water-carried household and toilet waste from any Improved Property.

SEWER - Any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

SEWER SYSTEM - All facilities, as of any particular time, for collecting, pumping, transporting, treating or disposing of Sanitary Sewage and Industrial Wastes to be owned by the Authority.

TOWNSHIP - Halifax Township, Dauphin County, Pennsylvania, a Township of Second Class and a municipality, acting by and through its Board of Supervisors or authorized representatives.

SECTION 2 - Notice to Connect; Time Limit

Every Improved Property in the Township located within 150 feet from the nearest portion or part of the structure to the Lateral of the Sewer measured in a horizontal straight line shall be connected with such Sewer in such manner as the Authority or Township may order within 180 days after notice to the Owner from the Authority to make the connection for the purpose of discharge of all Sanitary Sewage or Industrial Waste from such Improved Property ("Notice to Connect"). When construction of a new Sewer is initiated and undertaken by the Authority, improved properties have 60 days to connect to the Sewer System after the delivery of the Notice to Connect. Such connection shall be required regardless of whether sewer service is available by gravity or by a pressure connection. All such sewage, after connection, shall be conducted into such Sewer System, subject to such limitations and restrictions as shall be established by the Authority or Township from time to time. Every Improved Property shall be connected separately and independently with the Sewer System through the Lateral connection directly opposite the structure or nearest to it in a downstream direction. Grouping of connections of buildings or town homes shall not be permitted except under special circumstances and for good sanitary reasons, and with permission granted by the Authority, or the Township if authorized by the Authority to do so.

SECTION 3 - Notice of Intent; Right to Defer

A Notice to Connect may be served on Owners of an Improved Property by the Authority after not less than 30 days notice to the Township and the Owners of the Authority's intent to serve the Notice to Connect ("Notice of Intent"). A form of the Notice of Intent is appended hereto and incorporated herein by reference. Subject to the following conditions (A through E), upon receipt of said Notice of Intent, if the Owner can demonstrate to the satisfaction of the Township that the Notice to Connect will cause a significant hardship, then the Township shall have a right to notify the Authority, within 30 days, that the Notice to Connect must be deferred for a period chosen by the Township, not to exceed five years, after receipt of the Notice of Intent. If the Township does not notify the Authority of a deferral of a Notice to Connect within the thirty (30) day period described herein, the Township shall be deemed to have waived its right to defer.

- A. The decision of the Township whether or not to defer service of a Notice to Connect to an Owner is at the sole discretion of the Township.
- B. The Township shall notify every Owner that is subject to a deferral of the period that has been deferred, the necessity of connection to the Sewer when the period expires, and the requirement that the Owner notify any potential purchaser of the property of the deferral.
- C. The right to defer shall apply to all properties in the township.
- D. The Township's right to defer shall apply only with respect to Notices to Connect to Laterals whose construction was initiated and undertaken by parties other than the Authority. The right to defer shall not apply with respect to notices to connect to Laterals whose construction was initiated and undertaken by the Authority.
- E. The right to defer shall not apply where the Township Sewage Enforcement Officer determines that the property in question is not adequately served by a properly functioning on-lot sewage system.

SECTION 4 - Connection Fees

The Authority may directly assess against those Owners who are required to connect to the Sewer System the application fees, connection fees, tapping fees, special facility fees and any other fees pertaining to the connection of Building Sewers with the Sewer System ("Applicable Fees"). Owners subject to deferral shall have the right to pre-pay all Applicable Fees at the prevailing rate at the time notice of deferral is made. If Owners subject to a deferral do not prepay all Applicable Fees in effect at the time of deferral, the amount of all Applicable Fees are those in effect at the time of connection.

SECTION 5 - Authority may make connection and collect fees

If the Owner of any property, after notice from the Authority to make connection of such property with a Sewer System, fails to make such a connection within the time limits established in this ordinance, the Authority may make the connection and may collect the cost thereof, together with any applicable engineering and legal fees, including the costs of collection, in the manner provided by law for the collection of municipal claims.

SECTION 6 - Required acts prior to making connection

No Person shall make or cause to be made any connection of his property with any Sewer until after a Notice to Connect has been issued and until he has fulfilled all of the following conditions:

- A. The Person shall notify the Authority of his or her desire and intention to make such connection.
- B. The Person shall pay any Applicable Fees, which shall be payable to the Authority.
- C. The Person shall apply for and obtain a permit to make such connection and, if required, a building permit.
- D. The Person shall give the Authority at least 24 hours prior written notice of the time when such connection shall be made, in order that the Authority, by its authorized agent, can supervise the work of connection. Unless the Authority and Owner agree otherwise, connections shall be made during the normal schedule of the Authority. The schedule of the Authority is Monday through Friday, 7:00 a.m. to 3:00 p.m.

SECTION 7 - Connection method and location; responsibility

All Sewer System connections shall be made at the place where the Lateral or service connection in the Sewer System is provided. All joints shall be sealed and made airtight and shall be made smooth and clean inside so as to provide free flow of sewage matter without obstructions. All sewage related facilities constructed by Owners for connection to the Sewer System shall be constructed according to standards established by the Authority. All work pertaining to the connection with the Sewer System shall be financially and otherwise the responsibility of the Owner of the property with which connection is made, subject to the right of supervision hereby reserved by the Authority, The Owner of every property connecting to the Sewer System shall be responsible for the maintenance and repair of the Building Sewer serving the property from the footer wall to the Lateral. If any affirmative act of the Owner or circumstances originating on the Owner's property damages the Lateral, the Owner shall be responsible for the repair but not for the normal maintenance of the Lateral.

SECTION 8 - Prohibited connections

No person shall connect or cause to be connected with the Sewer System, directly or indirectly, any roof, ground water or surface water, steam exhaust, floor drains, boiler blowoff, sediment drip or any pipe carrying or constructed to carry hot water or acid, germicide, grease, brewery mash, gasoline, naphtha, benzene, oil or any other substance detrimental to the Sewer System or to the operation of the Sewer System.

SECTION 9 - Privy connection prohibited

No privy vault, cesspool, sinkhole, septic tank or similar receptacle for human excrement shall at any time be connected with any of the Sewers.

SECTION 10 – Fees

- A. All Owners of Improved Property who may hereafter connect with a Sewer and have the use of the Sewer System shall pay such fees as shall be established by resolution of the Authority from time to time.
- B. Fees and regulations for connecting, repairing or disconnecting a Sewer shall be decided upon and fixed by the Authority at the time of application.

SECTION 11 - Discontinuance or pretreatment

To prevent discharge to the Sewer System deemed harmful in any respect, the Authority may refuse any request for permission to connect to the Sewer System. The Authority likewise may compel discontinuance of the use of any Sewer or may compel the pretreatment of Industrial Wastes by any establishment where required to prevent discharge to the Sewer System that is deemed harmful in any respect. Such discontinuance or pretreatment shall at all times be subject to such resolution enacted by the Authority relating thereto or to such rules and regulations relating thereto as shall be adopted by resolution or order of the Authority, and failure to observe and comply with such rules and regulations shall be a violation of this Ordinance.

SECTION 12 - Use of sewer system

Notwithstanding any of the terms of this Ordinance, connection to and use of the Sewer System shall at all times be subject to such resolution or ordinance enacted by the Authority or Township relating thereto or to such rules and regulations relating thereto as shall be adopted by resolution or Ordinance of the Authority or Township. Failure to observe such rules and regulations shall be a violation of this Ordinance.

SECTION 13 - Enforcement procedure

Any person who violates the provisions of this Ordinance or any rule, regulation, order or permit issued hereinafter or included herein shall commit a summary offense, subject, upon conviction thereof, to a fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) per day that connection does not occur in the discretion of the Court plus reasonable attorney's fees and any other fees and costs of enforcement. The violation of any of the provisions of this Ordinance may also be enforced by injunction, including a mandatory injunction and such suit or action may be instituted and maintained in the name of Halifax Township or the Authority, as the case may be. All professional fees and related costs including attorney's fees and engineering fees are collectible in any civil action for injunctive relief.

SECTION 14 - Severability

The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Halifax Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

SECTION 15 - Repealer

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

SECTION 16 - Effective Date

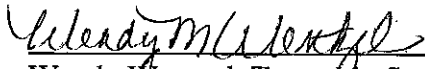
This Ordinance shall be effective immediately.

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DULY ENACTED AND ORDAINED this 8th day of February, 2016, by the Board of Township Supervisors of Halifax Township in public session duly assembled after public hearing held thereon.

ATTEST:

HALIFAX TOWNSHIP BOARD OF
SUPERVISORS, DAUPHIN COUNTY,
PENNSYLVANIA


Wendy Wentzel, Township Secretary

By:  Chairman
Kenneth E. Bechtel, II, Chairman

(Township Seal)