

AMENDMENT TO ORDINANCE No. 021203

NOW THIS 9th DAY OF August, 2011. THE BOARD OF SUPERVISORS of the Township of German hereby ORDAINS and AMENDS Section 2(a) of Ordinance No. 021203 (additions are indicated by double underlined bolded italics and deletions are indicated by ~~strike through~~) as follows:

SECTION 2 — MANDATORY CONNECTION/TAP-IN:

(a) The property owner of each piece, parcel or lot of land whose residence(s) or principal building(s) thereon, heretofore and hereafter constructed, is/are within ~~four hundred (400)~~ the maximum footage permissible under section 67502(a) of the Second Class Township Code or one hundred fifty (150) feet of the public sewer system (whichever is greater) and otherwise accessible to the public sewer system, shall connect to the public sewer system at any time within sixty (60) days after notice is given, either actual or constructive, by the Township of German, the Authority, or any of their respective agents, employees, officers, members or representatives.

This Amendment to Ordinance 021203 shall become effective on the 9th day of August, 2011.

THE TOWNSHIP OF GERMAN
By its Board of Supervisors:

Robert C. Croushore (SEAL)

[Signature] (SEAL)

[Signature] (SEAL)

AN ORDINANCE OF THE TOWNSHIP OF GERMAN REQUIRING EACH OWNER OF PROPERTY ACCESSIBLE TO THE PUBLIC SEWER SYSTEM IN GERMAN TOWNSHIP TO CONNECT/TAP-IN TO THE SYSTEM; REQUIRING COMPLIANCE WITH THE REGULATIONS OF THE ANY DESIGNATED MUNICIPAL AUTHORITY CONCERNING CONNECTIONS/TAP-INS AND PAYMENT OF CONNECTION/TAP-IN CHARGES; PROVIDING FOR PENALTIES FOR VIOLATIONS HEREOF; AND REPEALER.

THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF GERMAN HEREBY ORDAINS:

This ordinance shall be known as the Public Sewer Enforcement Ordinance.

SECTION 1— DEFINITIONS:

As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Authority — A Sanitary Sewage Authority established by the German Township Supervisors in accordance with the Municipal Authorities Act or any Sanitary Sewage Authority with which German Township has entered-into an inter-municipal agreement for services, either prior to or following the effective date of this ordinance.

Connection; Sewer Connection; To Connect; Tap-in — An extension from the public sewer system which connects to a residence, building or unit by means of a pipe or pipeline allowing sewage waste to flow from the residence, building or unit into the public sewer system.

Property Owner — The person or persons to whom land or real property is titled.

Public Sewer System — Any and all portions of a sanitary sewer system (including pipelines, pumping facilities, and treatment facilities), whether publicly or privately constructed or installed, located within the Township of German and controlled, maintained, owned and/or serviced by the Authority, and which is used for the collection, disposal, carrying, pumping and/or treatment of sewage and/or industrial wastes of a liquid nature.

SECTION 2 — MANDATORY CONNECTION/TAP-IN:

(a) The property owner of each piece, parcel or lot of land whose residence(s) or principal building(s) thereon, heretofore and hereafter constructed, is/are within four hundred (400) feet of the public sewer system and otherwise accessible to the public sewer system shall connect to the public sewer system at any time within sixty (60) days after notice is given, either actual or constructive, by the Township of German, the Authority, or any of their respective agents, employees, officers, members or representatives.

(b) With regard to apartment buildings, hotels, motels, boarding houses, shopping centers, business plazas and any other building which contains multiple units intended for occupancy as living quarters by an individual, a single family or a discrete group of persons, or intended for occupancy as separate businesses, and which fall within the provisions of Section 2(a), above, each such unit shall be connected to the public sewer system.

(c) From time to time in the future, the public sewer system may become available to additional properties within German Township by reason of construction, installation, improvement or acquisition of pipelines and/or sewer facilities. In such instances, Sections 2(a) and (b), herein, shall immediately and without further action by the Township of German become applicable to such portions of the public sewer system.

SECTION 3 — PREREQUISITES TO LAWFUL CONNECTION/TAP-IN:

(a) Each and every property owner to whom Section 2, above, applies shall comply with any and all rules, regulations, resolutions and lawful conditions which may, from time to time, be placed by the Authority upon connections and tap-ins to the public sewer system – including but not limited to payment of a tap-in/connection fee to the Authority, obtaining a tap-in/connection permit from the Authority, obtaining specifications concerning the size and quality of piping to be used, and inspection and approval by an Authority representative of a tap-in/connection prior to covering the same.

(b) No more than one hundred and twenty (120) days and no less than fifteen (15) days prior to connecting/tapping-in to the public sewer system, each and every property owner to whom Section 2, above, applies, shall contact the Authority or its designated agent, representative or officer, and shall obtain from the Authority its rules, regulations, resolutions and conditions which pertain to public sewer system tap-ins/connections.

(c) The failure, refusal or neglect of a property owner to comply with Section 3(a) and/or Section 3(b), herein, shall in no way be considered justification not to tap-in/connect to the public sewer system or an extension of time within which to tap-in/connect to the public sewer system, and the same shall not be a defense under the provisions of this ordinance.

SECTION 4 — ACCESS TO PROPERTY:

For the purpose of making any inspection to ensure compliance with this ordinance or the rules, regulations and resolutions of the Authority, an officer, agent, representative or employee of the Township of German and/or the Authority shall have access at all reasonable hours of the day to all parts of the property to which sewage service is supplied or intended to be supplied, and to any connections or taps, and excavations relating thereto.

SECTION 5 — FAILURE, REFUSAL OR NEGLECT TO CONNECT/TAP-IN:

(a) In the event any property owner to which Section 2, herein, applies fails, refuses or neglects to tap-in/connect to the public sewer system in accordance with the provisions herein, an officer, agent, representative or employee of the Township of German and/or the Authority may enter upon such property and construct such sewer tap-in/connection. Upon construction of such sewer connection, the property owner shall be:

- (1) Provided with an itemized bill of costs for construction of the said sewer tap-in/connection; and
- (2) Assessed any additional sums which may be payable pursuant to Section 3, herein.

(b) The costs set forth in Section 5 (a)(1) shall be collectable in any manner provided by law or equity.

(c) The sums set forth in Section 5 (a)(2) shall be collectable in any manner provided by law or equity, and/or payment of the same may be enforced pursuant to the provisions of this ordinance.

SECTION 6 — NON-PUBLIC SEWER SYSTEM FACILITIES:

After a period of sixty (60) days has lapsed from the date of notice given to a property owner to connect to the public sewer system, as provided above, the property owner:

- (1) Shall forthwith abandon all privies, cesspools, sinkholes, septic tanks and other receptacles on the premises for receiving sewage and/or industrial waste; and
- (2) Shall not at any time thereafter erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sewage and/or industrial waste except for the purpose of discharge into the public sewer system; and
- (3) Shall forthwith clean and fill, under the direction of an officer, agent, representative or employee of the Township of German and/or the Authority, all privy vaults, cesspools or similar receptacles for human excrement on the premises.

SECTION 7 — SPECIAL AGREEMENTS OR ARRANGEMENTS:

(a) Nothing in this ordinance shall be construed to prevent the Authority, in its sole and absolute discretion, from making a special agreement or arrangement with a property owner, upon the showing of good cause, such that the property owner is granted a reasonable extension of time within which to tap-in/connect, or is granted an exemption or forgiveness from compliance with any of the rules, regulations, resolutions or conditions of the Authority pertaining to tap-ins/connections.

(b) A written agreement, arrangement, extension or exemption with the Authority, as described in (a) above, shall be an absolute defense to a charge or action implemented for violation of this ordinance, if the agreement, arrangement, extension or exemption pertains to the alleged violation and the time-period referred to in the charge or action.

SECTION 8 — ADDITIONAL ENFORCEMENT PROVISIONS:

The Authority is hereby authorized and empowered to institute any civil action and/or criminal action, on behalf of German Township, to enforce this ordinance and any provision of any other ordinance which relates to the public sewer system. Nothing herein shall be construed to limit the authority or ability of the German Township Supervisors, German Township Code Enforcement Officer(s), other law enforcement agencies, or any other agent of the German Township Supervisors to enforce this or any other ordinance.

SECTION 9 — PENALTIES FOR NON-COMPLIANCE:

(a) All actions for enforcement to this ordinance shall be brought as follows:

- (1) As a summary offense, before a District Justice in the same manner provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall, upon conviction thereof, in a summary proceeding before a District Justice, be sentenced to pay a fine of not less than twenty-five (\$25.00) dollars nor more than one thousand (\$1000.00) dollars, costs of prosecution, restitution and/or a term of imprisonment up to ninety (90) days, per violation. Each day that a violation continues shall constitute a separate offense; or
- (2) As a civil action in law or in equity, before a District Justice in the same manner provided for under the Pennsylvania Rules of Civil Procedure of District Justice Rules. Any person who shall violate or fail to comply with any of the provisions of this ordinance shall be assessed a civil penalty of not less than twenty-five (\$25.00) dollars nor more than six hundred (\$600.00) dollars, court costs, restitution and reasonable attorney fees incurred by the Township in the enforcement of proceeding, per violation. Each day that a violation continues shall constitute a separate offense.

(b) Nothing in this ordinance shall in any way prevent or preclude the Authority from enforcing its rules, regulations, resolutions, fees and assessments, and/or making collections thereon in any manner provided in law or in equity.

SECTION 10 — REPEALER:

All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed or rescinded.

This ordinance shall become effective on the 12th day of February, 2003.

TOWNSHIP OF GERMAN,
FAYETTE COUNTY, PENNSYLVANIA

BY: *Robert Beich*
Robert Beich, Chairman

BY: *Robert G. Croushore*
Robert G. Croushore

BY: *Daniel C. Shimshock*
Daniel C. Shimshock

ATTEST:

Daniel C. Shimshock
Secretary

(SEAL)