

ORDINANCE # 15-11-24-001

THE TOWNSHIP OF SCOTT

LACKAWANNA COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING ORDINANCE 12-04-19-002 , 12-02-16-003, 11-08-18, AND 07-02-21A REQUIRING ANY PROPERTY OR ANY STRUCTURE CAPABLE OF USE FOR HUMAN OCCUPANCY IN THE TOWNSHIP OF SCOTT, LACKAWANNA COUNTY, PENNSYLVANIA, WHICH IS ACCESSIBLE TO THE SEWER SYSTEM, BE CONNECTED TO THE PUBLIC SANITARY SEWER SYSTEM; MAKING IT UNLAWFUL TO CONSTRUCT OR MAINTAIN PRIVIES, CESSPOOLS, SEPTIC TANKS OR OTHER DEVICES, UPON OR ON PROPERTY ACCESSIBLE TO THE SEWER SYSTEM, FOR THE PURPOSES OF RECEIVING SEWAGE OR CONDUITS FOR THE DISCHARGE OF SEWAGE, EXCEPT INTO THE SANITARY SEWER SYSTEM; PROVIDING FOR RULES AND REGULATIONS PRESCRIBING PENALTIES AND SETTING FORTH DEFINITIONS TO BE UTILIZED AND TO PROVIDE FOR THE RIGHT OF ENTRY BY TOWNSHIP AND SEWER AUTHORITY PERSONNEL UPON PROPERTIES TO INSPECT, REPAIR AND/OR MAINTAIN GRINDER PUMP SYSTEMS.

WHEREAS, the Township Supervisors of the Township of Scott, Lackawanna County, Pennsylvania (the "Township") in order to promote and benefit the people of the Commonwealth of Pennsylvania and of the Township by Ordinance duly enacted pursuant to the Municipality Authorities Act of 1945, P.I. 382, as amended, caused to be organized the **Scott Township Sewer and Water Authority** (the "Authority") and has designated a sewer project to be undertaken by the Authority for the Township in a portion of the Township; and

WHEREAS, in carrying out the project so designated, the Authority proposes to construct a public sanitary sewer collection system, together with appurtenant facilities in and for the Township and the Authority will operate and maintain such sanitary sewer system and appurtenant facilities; and

WHEREAS, the Township Supervisors in order to promote the health, safety and welfare of the people of the Township and of the Commonwealth of Pennsylvania, and the purity of its water, believing that the use thereof is unsafe and/or unsanitary, prohibits certain use of privies, cesspools, septic tanks or similar receptacles for receiving sewage within a certain portion of the Township in that such use encourages the spread of disease and impairs or threatens public health, and to require connections to be made to such sewer system, by the owners of any structure whether or not it is currently occupied on property adjoining, abutting on or adjacent to the sewer system, in accordance with this Ordinance and with the Rules and Regulations which may, from time to time, be adopted by the Authority or the Township when construction of portions thereof have from time to time been completed by the Authority;

WHEREAS, the Township previously enacted Ordinances 07-02-21A, 11-8-18, 12-2-16-003 and 12-04-19-002 and this Ordinance is intended to amend and supersede same, to the extent that any terms or conditions herein are inconsistent.

NOW, THEREFORE, the Township and supervisors of Scott Township, Lackawanna County, Pennsylvania, hereby ordain and enact the following:

- a) “Authority” means **Scott Township Sewer and Water Authority** as originally organized and as presently or hereafter constituted, which has been created by the Township Supervisors of Scott Township.
- b) “any structure capable of use for human occupancy” shall mean any building built or constructed which had been used, is currently used or can or will be used in the future for continuous, periodic or sporadic habitation, occupancy or use inside by human beings. The fact that a structure capable of use for human occupancy is not being so used at any given time or whether or not it meets current zoning and building code requirements does not excuse compliance with this Ordinance if the structure was built, used or can in the future be used for continuous, periodic or sporadic habitation, occupancy or use inside by human beings.
- c) “person” means an individual, firm, company, association, partnership, society, corporation or group.
- d) “property accessible to the sewer system” means properly improved or developed property or change of use of property which adjoins, abuts on, or is adjacent to land or property or a right of way where the sewer system or sewer line runs or whose principal or accessory structure was built for or used for or capable of any continuous, periodic or sporadic habitation, occupancy or use inside by human beings that is within one hundred fifty (150) feet from any sewer line.
- e) “sanitary sewage” means household wastewater and toilet wastes from residences, business buildings, institutions and industrial establishments.
- f) “Sewer System” means and refers to the public sanitary sewer collection system and lines, together with appurtenant facilities existing about to be acquired or constructed for a portion of the Township and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Township to any part or parts of any or all thereof.
- g) “Structure” means the same as “any structure capable of use for human occupancy.”
- h) “Township” means Scott Township, Lackawanna County, Pennsylvania, or the duly constituted and elected municipal officials thereof.

Section 2. **Required Connection**

- a) All persons or entities owning any existing structure that is capable of use or occupancy by humans, as defined in this ordinance, erected upon property accessible to the Sewer System shall, at their own expense, connect such structure to the Sewer System within ninety (90) days after written notice to such persons or entities from the Sewer Authority or the Township.
- b) All persons or entities owning any property that is accessible to the Sewer System that contains an on-lot septic system that is in use by any structure/structures capable of use for human occupancy, as defined in this ordinance, shall at their own expense, connect such buildings to the Sewer System within ninety (90) days after written notice to such persons from the Sewer Authority or the Township.
- c) All persons or entities owning any structure capable of use for human occupancy, as defined in this ordinance, must decommission their existing septic systems immediately upon connection to the central Sewer System. All tanks must be pumped by an approved pumper and either removed from the ground or filled with sand or stone.
- d) All persons or entities owning any property accessible to the Sewer System upon which any structure capable of use for human occupancy, as defined in this ordinance, is hereafter erected shall, at the time of the erection of such building, and at their own expense, connect the same with the Sewer System after obtaining a sewer permit from the Sewer Authority and paying all applicable fees.
- e) All persons or entities owning any property or any structure capable of use for human occupancy, as defined in this ordinance, which hereafter becomes accessible to the Sewer System as defined herein, shall, at their own expense, connect such building with the Sewer System within ninety (90) days after notice to do so from the Sewer Authority or the Township and must obtain the proper permit from the Sewer Authority.
- f) Where more than one living unit or apartment of a structure capable of use for human occupancy, as defined in this ordinance, is contained in one structure, a single common connection to the lateral of the Sewer System may be permitted by the Sewer Authority for accommodating all living units or apartments contained in such structure, except that separate connections shall be required for each semi-detached or row-type house or structure.
- g) It is the intent of this Ordinance that any property which abuts, adjoins, or is adjacent to land or property or a right of way where the sanitary sewer system or line runs and also contains any structure capable of use for human occupancy, as defined in this ordinance, be required to connect to the sewer system at the owners expense, without regard to the distance between the nearest sewer line and

any structure built for or capable of use for human occupancy, as so defined in this ordinance. Further, where a property does not abut, adjoin or is not adjacent to the sewer line, but nevertheless has now, or at any time in the future, has or will have any structure built for or capable of use for human occupancy as defined in this ordinance, that is within one hundred and fifty (150) feet of a sewer line, connection to the central collection system shall also be required. Failure to connect to the sewer system does not excuse payment of any monthly user fee.

Section 3. **Exception**

A structure not being used for human occupancy may be relieved from the requirements of this Ordinance if all of the following requirements are met:

1. All plumbing, piping and water dependent fixtures have been disconnected and permanently removed from the structure;
2. All on-lot septic systems have been disconnected from the building and the sewage lateral must be entirely removed a minimum distance of 10' from the structure/building. All septic tanks must be pumped out and filled in with aggregate material. All absorption areas (subsurface or elevated sand mounds) may be abandoned in place or removed at the owner's discretion;
3. Any property that is on the central sewage collection system must have the sewer lateral removed from the building/structure and be disconnected from the main sewer line. The grinder pump must be removed and returned to the sewer authority;
4. All utilities, other than electrical, have been disconnected and discontinued with the provider;
5. All properties with on-site water wells and properties with public water supply must have the lateral removed a minimum distance of 10' from the structure/building. It is the intent that no water will be provided to this structure once the change of use to non- human occupancy is effectuated and if this exception is allowed;
6. The structure not being used for human occupancy without sewage facilities must meet all zoning use requirements of the zoning ordinance in ordinance 03-7-24, and all subsequent ordinances and amendments thereto; same is incorporated herein by reference as though same were fully set forth herein at length, including but not limited to Articles III, IV & VI as well as the subdivision and land development ordinance regarding zoning use requirements for its intended new use.

All applications for an exception must be made with the Scott Township Sewer and Water Authority.

DISCLAIMER

Any and all work and costs incurred, which are associated with attaining compliance with this exception shall be the sole responsibility of the structure/building/land owner. Neither Scott Township nor the Scott Township Sewer and Water Authority assume any responsibility for any work or costs incurred.

FEES

The owner will file an application with the Scott Township Sewer and Water Authority notifying the Authority of the intent to apply for the exception. The Authority will assess each application a fee of \$100.00 for the inspection and review of the application to determine whether the above listed requirements for an exception have been met.

Section 4. **Prohibited Activities**

It shall be unlawful for any person to erect, construct, use, maintain or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on any property accessible to the Sewer System for the purpose of receiving sanitary sewage after the expiration of the particular period specified in Section 2 hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Township, the storm sewers of the Township, or upon public or private property or otherwise, except into the Sewer System. This does not include sump pumps or rain gutter discharge pipes which are not allowed to be connected to the sanitary sewer system.

Section 5. **Nuisance**

Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any property required to connect to the Sewer System under the terms of this Ordinance, or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of sanitary sewage in violation of this Ordinance, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Township or the Authority are hereby authorized and directed to abate in any manner provided by law.

Section 6. **Connection**

No connection shall be made to the Sewer System except in compliance with the ordinances and resolutions, as well as such Rules and Regulations as may, from time to time, be enacted, adopted, approved or promulgated by the Township and/or the Authority, including but

not limited to, the prior payment of any applicable fees and costs and the obtaining of a proper permit. Billing for service shall commence as outlined in the Sewer Authority rate resolution.

Section 7. Right of Entry

Authorized persons acting on behalf of the Township or the Sewer Authority shall, upon presentation of the proper credentials and identification, be permitted to enter upon the property that is or should be connected to the central Sewer System for the purpose of inspecting, determining compliance, observing, testing, replacing, repairing or maintaining the grinder pump system and all related components in accordance with the provisions of this Ordinance.

In the event entry is denied by the property owner, the Township or Sewer Authority shall be authorized to take such steps as are appropriate to secure access to the property for the purpose of determining compliance with the terms and conditions of this Ordinance. Said steps shall include, but not be limited to, the seeking of an administrative search warrant from the appropriate judicial official. All cost and fees relating to same, including reasonable attorney's fees, shall be borne by the property owner.

Section 8. Notice of Violation

After the expiration of the particular periods specified in Section 2 of this Ordinance, if any owner of any structure capable of use for human occupancy, as defined in this ordinance, on property in the Township required to connect to the Sewer System under the terms of this Ordinance, shall have failed to connect such property with the Sewer System as required by Section 2, the Township or Sewer Authority shall cause to be served by U.S. mail on the owner of such property, and may also serve upon the occupants of the building in question if different from the owner/s, by posting upon each occupant's entryway, a written or printed notice requiring such connection to be made, and such notice shall further state that its requirements shall be complied with within thirty (30) days from the date of said notice.

Section 9. Fines, Penalties, Enforcement

The provisions of this Ordinance are declared to be for the health, safety and welfare of the citizens of the Township and persons violating any provisions of this Ordinance, upon conviction before any District Justice of Lackawanna County, shall be fined up to a maximum of One Thousand Dollars (\$1,000.00) plus costs.

- a) This Ordinance may be enforced pursuant to 52 P.S. §66601 (c.1X2). Any person continuing such a violation beyond the time limit imposed by Section 2 hereof, shall, in addition to any other remedies allowed by law, be charged with a summary offense and upon conviction shall be subject to a fine in amount not exceeding One Thousand Dollars (\$1,000.00) plus costs for each offense. Each separate building or dwelling unit with respect to which a violation occurs and each thirty (30) day period during which a violation continues, shall be deemed a separate offense for which separate fines and costs shall be imposed.

- b) This Ordinance may also be enforced as an action in equity pursuant to 53 P.S. §66601 (c.1)(4).
- c) The Township of Scott hereby empowers, delegates, authorizes and appoints the Scott Township Sewer and Water Authority as enforcement agency with respect to this Ordinance, jointly and severally with the Township, with the power to use all legal powers granted to the Authority and/or the Township under the laws of the Commonwealth of Pennsylvania, as well as any applicable federal, state and/or local ordinances, policies and regulations.

Section 10. Grant of Right of Way

The Township Supervisors of the Township do hereby grant to the Authority all easements, rights-of-way and other rights on, under and over public streets, alleys and property of the Township necessary or desirable to facilitate the construction, operation or maintenance or additions to the Sewer System, subject to all applicable Township ordinances.

Section 11. Severability


If any provision, sentence, clause, section or part of this Ordinance or the application of any provision hereof 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

Section 12. Inconsistent Ordinance Repealed

All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed absolutely, including but not limited to Ordinance 07-02-21A, provided, however, that the Township's Discharge Resolution and Interjurisdictional Agreement of ordinance 15-04-16-001 and Interjurisdictional Resolution and Discharge Resolution of the Sewer Authority shall be incorporated herein by reference and readopted herewith and continue to be enforceable along with this Ordinance.

THIS ORDINANCE IS HEREBY declared to be urgently needed for the preservation of the peace, health, safety, welfare and comfort of the people of the Township and shall take effect and be in force immediately after its passage.

DULY PRESENTED AND ENACTED at a duly advertised meeting of the Township Supervisors of Scott Township, Lackawanna County, Pennsylvania this 24th day of November, 2015.


Chairman, Scott Township Board of Supervisors

ATTEST:

Thomas W. Wicks

Secretary