

TUNKHANNOCK TOWNSHIP
WYOMING COUNTY, PENNSYLVANIA
ORDINANCE NO. 51-2019-BK#2

**AN ORDINANCE ESTABLISHING MANDATORY SEWER CONNECTION AND USE
REGULATIONS FOR THE LAKE CAREY AREA OF TUNKHANNOCK TOWNSHIP,
AND ESTABLISHING THE LEMON TOWNSHIP-TUNKHANNOCK TOWNSHIP
JOINT MUNICIPAL SEWER AUTHORITY AS AGENT FOR PURPOSES OF
IMPLEMENTATION OF CERTAIN ORDINANCE REQUIREMENTS**

WHEREAS, Tunkhannock Township, Wyoming County, Pennsylvania and Lemon Township, Wyoming County, Pennsylvania have prepared and adopted a Joint Sewage Facility Plan (the “Sewage Plan”) that was approved by the Pennsylvania Department of Environmental Protection (“DEP”) pursuant to the Pennsylvania Sewage Facilities Act (“Act 537”); and

WHEREAS, the Sewage Plan calls for a public sewer to meet the sewage needs of Tunkhannock Township and Lemon Township in the Lake Carey Area of the respective townships; and

WHEREAS, Tunkhannock Township, in compliance with the requirements of the Municipality Authorities Act (53 Pa.C.S. Ch. 56), as amended and supplemented, and in cooperation and conjunction with Lemon Township, created a joint municipal sewer authority known as the Lemon Township-Tunkhannock Township Joint Municipal Sewer Authority; and

WHEREAS, Tunkhannock Township and Lemon Township have granted the responsibility of implementing the Sewage Plan to the Lemon Township-Tunkhannock Township Joint Municipal Sewer Authority; and

WHEREAS, in accordance with the Sewage Plan, mandatory connection to the Lemon Township-Tunkhannock Township Joint Municipal Sewer Authority Sewer System, as defined below, is deemed to be in the best interests of the health, welfare, and safety of the residents and occupants of the Lake Carey Area of Tunkhannock Township; and

WHEREAS, Section 67502 of the Second Class Township Code (53 P.S. § 67502) enables and authorizes the Board of Supervisors of Tunkhannock Township by ordinance to require property owners in the Lake Carey Area to connect with and use the Lemon Township-Tunkhannock Township Joint Municipal Sewer Authority Sewer System.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Tunkhannock Township, Wyoming County, Pennsylvania, as follows:

SECTION 1 – PURPOSE

The purpose of this Ordinance is the establishment of mandatory connection to the Lemon Township-Tunkhannock Township Joint Municipal Sewer Authority Sewer System for the area commonly known as the “Lake Carey Area,” as defined below.

SECTION 2 – DEFINITIONS

“Authority” shall mean the Lemon Township-Tunkhannock Township Joint Municipal Sewer Authority, hereinafter referred to as the ‘Authority.’

“Authority Sewer System” shall mean the Sewage collection, treatment, and disposal system, including all related and necessary facilities, to be acquired, constructed, owned, and operated by the Authority, including all future additions and improvements thereto, in and for providing Sewage collection, treatment, and disposal services for the Lake Carey Area.

“Building Sewer” shall mean the extension from the Sewage drainage system of any Property and/or Structure to the Authority Sewer System.

“Lake Carey Area” shall mean the areas in Lemon Township and Tunkhannock Township immediately surrounding Lake Carey, as depicted on the map included here as Attachment A, as may be modified from time to time in accordance with applicable law.

“Owner” shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Property and/or Structure.

“Person” shall mean any individual, corporation, partnership, limited liability company, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns.

“Property” shall mean any property in the Lake Carey Area upon which there is or will be erected or placed any Structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which Sewage shall be or may be discharged.

“Sewage” shall mean any substance that contains waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances 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. The term includes any substance which constitutes pollution under the Clean Streams Law, as amended.

“Structure” shall mean, but is not limited to, single family and multi-family residential homes, apartment buildings, hotels and motels, trailers, mobile homes, campers, and commercial buildings.

SECTION 3 – REQUIREMENT TO CONNECT AND USE

Every Owner of Property in the Lake Carey Area of Tunkhannock Township upon which is, or will be, located a Structure that generates or is expected to generate Sewage, and whose Property abuts on, is adjoining, or is adjacent to, any street, easement or right-of-way in which there shall

have been constructed any line of the Authority forming part of the Authority Sewer System, or any Owner of a Structure that generates or is expected to generate Sewage any part of which is within the maximum footage permissible under Section 67502(a) of the Second Class Township Code or 150 feet of any line of the Authority Sewer System (whichever is greater), shall connect, upon due notification, such Property and/or Structure to the Authority Sewer System at the Owner's expense in accordance with this Ordinance and any rules or regulations promulgated by the Authority from time to time. Upon connection, every Owner of Property and/or Structure shall be required to use the Authority Sewer System as the only method of Sewage disposal.

SECTION 4 – UNLAWFUL DISPOSAL SYSTEMS

Unless otherwise provided by the Authority at its sole discretion and with the Authority's special permission (which shall be granted or denied based on criteria set forth in rules and regulations adopted by the Authority in consultation with Tunkhannock Township and Lemon Township), it shall be unlawful for any Owner, lessee, or occupier of any Property and/or Structure in the Lake Carey Area to employ any means, either by septic tank or otherwise, for the disposal of Sewage other than into and through the Authority Sewer System. **In no event shall any Sewage be discharged into Lake Carey, any of its natural inlets or outlets, or the groundwater table of the Lake Carey Area.**

Any privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence at time of an Owner's connection to the Authority Sewer System shall be abandoned and, at the discretion of the Authority, shall be cleansed and shall be filled, at the expense of the Owner (which determination shall be based on criteria set forth in rules and regulations adopted by the Authority in consultation with Tunkhannock Township and Lemon Township), under the direction and supervision of the Authority; and any such privy vault, cesspool, sinkhole, septic tank, or similar receptacle not so abandoned and, if required by the Authority, not cleansed and filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the Owner. Tunkhannock Township shall have the right to pursue a nuisance action against an Owner for violation of this section of the Ordinance.

SECTION 5 – NOTICE OF REQUIREMENT TO CONNECT

Where any Property and/or Structure that is subject to the requirements of this Ordinance is now or hereafter may be connected to any septic tank or using any method by which Sewage is disposed of or eliminated other than through the Authority Sewer System, the Authority shall notify the Owner of such Property and/or Structure, in writing, either by personal service or certified mail, to disconnect the same and make proper connections for the discharge and disposal of Sewage through the Authority Sewer System within sixty (60) days after receipt of such notice.

SECTION 6 – FAILURE OF OWNER TO CONNECT

In the event any Owner of Property and/or Structure required to connect to the Authority Sewer System shall neglect or refuse to connect with and use the Authority Sewer System for such period of sixty (60) days after notice to so connect has been served upon said Owner, either by personal service or certified mail, the Authority or its agents may take such action as is necessary to cause

such Property and/or Structure to be connected to the Authority Sewer System, as provided by Section 67502 of the Second Class Township Code, as amended, and any other applicable laws. In such case, the Authority shall, forthwith upon connection, send an itemized invoice with costs of construction of such connection to the Owner, which bill shall be payable immediately. In case of neglect or refusal by the Owner to pay such invoice within sixty (60) days of the date the Authority provides the invoice to the Owner, a municipal lien for said construction shall be filed within six (6) months of the date of completion of the construction of the connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens, including, without limitation, the Municipal Claim and Tax Lien Law, as amended.

SECTION 7 – TAPPING PERMIT AND FEE

Any Owner required to connect with the Authority Sewer System shall make application for a tapping permit with the Authority on forms furnished by the Authority, shall pay a tapping fee, as well as any other fee that may be imposed by the Authority, in the amount set by the Authority, and shall set forth in the application the character of the Property and/or Structure and use, the lot number and location, and the name of the Person who is to make the connection. The application must be signed by the Owner or a duly authorized representative.

SECTION 8 – COSTS AND EXPENSES OF CONNECTION; LIABILITY

Except as otherwise provided by the Authority, all costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to the Authority Sewer System shall be borne by the Owner of the Property and/or Structure to be connected; and such Owner shall indemnify and shall save harmless Tunkhannock Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the construction of a Building Sewer, the connection of a Building Sewer to the Authority Sewer System, or the abandonment of a privy vault, cesspool, sinkhole, septic tank or similar receptacle as required under Section 4 of this Ordinance.

SECTION 9 – UNLAWFUL CONNECTION TO SEWER SYSTEM

No privy vault, cesspool, septic tank, or similar receptacle for human excrement shall at any time, now or hereafter, be connected with the Authority Sewer System. No Owner, lessee, or occupier of Property and/or Structure connected with the Authority Sewer System shall permit another Person or Persons to use or connect to the Authority Sewer System with Owner's service line, except upon the prior written permission from the Authority.

SECTION 10 – PROHIBITED DISCHARGE

No Person shall discharge or permit to be discharged into the Authority Sewer System any storm water, roof or surface drainage; nor shall any Person discharge or permit to be discharged into the Authority Sewer System any industrial waste, chemicals or other matter (a) having a temperature higher than 150° F; (b) containing more than 100 parts per million by weight of fat, oil or grease; (c) containing any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas; (d) containing any unground garbage; (e) containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or

viscous substance capable of causing obstruction or other interference with the proper operation of the Authority's treatment plant; (f) having a "pH" lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to the structures, equipment or personnel of the Authority's treatment plant; (g) containing a substance that is potentially toxic or poisonous (including, but not limited to, waste containing cyanide, copper and/or chromium ions in sufficient quantity to injure or interfere with any Sewage treatment process, constituting a hazard to humans or animals or to create any hazard in the receiving waters of the Authority's treatment plant in the opinion of the Authority; (h) containing total solids of such character and in such quantity that unusual attention or expense is required to handle such materials at the Authority's treatment plant; or (i) containing noxious or malodorous gas, color, or substance capable of creating a public nuisance, unless otherwise permitted, authorized or approved by the Authority and the Commonwealth of Pennsylvania, or by any duly constituted Board, Commission or Department thereof.

Tunkhannock Township authorizes the Authority to revise the above list of prohibited discharges from time to time pursuant to rules and regulations adopted by the Authority.

SECTION 11 – GREASE, OIL, AND SAND INTERCEPTORS

Grease, oil, and sand interceptors shall be provided by an Owner of Property and/or Structure when, in the opinion of the Authority or authorized agent, they are necessary for the proper handling of liquid wastes containing excessive amounts of grease or any flammable wastes, sand, and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Authority or authorized agent, and located so as to be readily and easily accessible for cleaning and inspection. Each interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, be equipped with easily removable covers, which when bolted in place shall be gastight and watertight and be maintained continuously in satisfactory and effective operation by the Owner at Owner's expense. The Owner or operator of any Property and/or Structure containing an interceptor shall be responsible for cleaning the interceptor twice a year and properly disposing of the residue to a sanitary landfill, with a copy of billing and chain-of-custody, if so required, provided to the Authority.

SECTION 12 – CONSTRUCTION SPECIFICATIONS

The construction of all Building Sewers and their connections with any lines of the Authority Sewer System shall be done in accordance with rules and regulations as promulgated by the Authority from time to time. Upon reasonable notice, the Authority and/or Tunkhannock Township shall have the right of access at all reasonable times to all parts of any Property and/or Structure connected with the Authority Sewer System to examine and inspect the connections thereto and the plumbing fixtures and appliances and use thereof and to compel the discontinuance of any improper connection, installation, maintenance, or use. The Authority and/or Tunkhannock Township may impose reasonable charges for such inspections to users of the Authority Sewer System.

SECTION 13 – RELEASE OF LIABILITY

Neither the Authority nor Tunkhannock Township shall be liable for any damage or expense resulting from leaks, stoppages, or defective plumbing, or from any other cause, occurring to any Property or within any Structure; and it is hereby expressly stipulated by all Persons that no claims shall be made against either the Authority or Tunkhannock Township on account of the breaking or stoppage of, or any damage or expense to, any Building Sewer when the cause thereof is found to be in such Building Sewer. The Authority and Tunkhannock Township shall not be liable for any deficiency or failure of service when occasioned by an emergency, required repairs, or failure for any cause beyond control of the Authority.

SECTION 14 – THE AUTHORITY TO SET CHARGES

The Board of Supervisors of Tunkhannock Township hereby delegates to the Authority the sole and exclusive authority for the administration of this Ordinance, as well as responsibility to set all charges and fees associated therewith, which charges and fees may be changed, from time to time, by resolution of the Authority.

SECTION 15 – PAYMENT

Any charge or fee established by the Authority shall be payable upon receipt of the Authority's invoice for the same by an Owner or authorized agent or representative.

SECTION 16 – UNLAWFUL TAP-IN

It shall be unlawful for any Person to tap into the Authority Sewer System before making payment of the charges and fees established by the Authority. All Persons must have an approved connection permit prior to tapping into the Authority Sewer System.

SECTION 17 – MAINTENANCE

Any Owner with a Building Sewer that is discharging Sewage into the Authority Sewer System shall keep such Building Sewer free of roots, grit, soil, stones, building materials, built-up solids, deleterious materials, and all other objects not limited to the foregoing which are not intended for disposal in a sewer line or which are likely to impede the flow of Sewage in a sewer line. Such Building Sewer shall be maintained by the Owner free of deflection, cracks, or other openings which contribute to or are likely to contribute to infiltration and inflow.

SECTION 18 – CHANGING RULES AND REGULATIONS

Tunkhannock Township hereby authorizes the Authority to change or amend, from time to time, any rules and regulations with respect to the Authority Sewer System. Such changes and/or amendments may be accomplished by resolution of the Authority.

SECTION 19 – PENALTIES

All actions for enforcement of this Ordinance may be brought by Tunkhannock Township or the Authority as a summary offense before a District Judge 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 Judge, be sentenced to pay a fine of not less than \$100.00 (One Hundred Dollars) and not more than \$1,000.00 (One Thousand Dollars) and costs of prosecution, per violation. Each day that a violation continues shall constitute a separate offense

In addition, Tunkhannock Township or the Authority may commence and pursue any legal remedy in law or in equity to compel compliance with the provisions of this Ordinance. Nothing herein shall be construed to limit the ability of the Authority or Tunkhannock Township to enforce this or any other ordinance. Tunkhannock Township authorizes the Authority to adjust the amounts listed above from time to time in accordance with applicable law.

SECTION 20 – SEVERABILITY

The provisions of this Ordinance shall be severable and if any of the provisions shall be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional or invalid provision not having been included therein.

SECTION 21 – EFFECTIVE DATE

This Ordinance shall become effective in accordance with applicable law **FIVE DAYS** after adoption.

Duly enacted and ordained this **4th day of NOVEMBER, 2019**, by the Supervisors of the Township of Tunkhannock, Wyoming County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF TUNKHANNOCK

By: _____

Randy L. White, Chairman

Glenn Shupp

Glenn Shupp, Vice Chairman

Hoyt Keiser

Hoyt Keiser, Supervisor

Attest:

Judy Gingher

Judy Gingher, Secretary