

TOWNSHIP OF SALEM,
Luzerne County, Pennsylvania

ORDINANCE NO. 2007-4

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM, LUZERNE COUNTY, PENNSYLVANIA, ESTABLISHING A SEWER DISTRICT AND REQUIRING ALL OWNERS OF IMPROVED PROPERTY IN SUCH SEWER DISTRICT TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH SEWER FACILITIES TO BE CONSTRUCTED BY THIS TOWNSHIP; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES TO ANY SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND REQUIRING ABANDONMENT THEREOF WHEN DIRECTED TO DO SO BY THIS TOWNSHIP; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of the Township of Salem, Luzerne County, Pennsylvania, enacts and ordains as follows:

ARTICLE I

Definitions

SECTION 1.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

“Authority” shall mean the Berwick Area Joint Sewer Authority, a municipality authority existing under the laws of the Commonwealth;

“Building Sewer” shall mean the sewage drainage system from a building constructed on any Improved Property to the Lateral serving such Improved Property, including any grinder pump or pressure sewer or similar apparatus or facilities installed by the Township or the Owner and which are located on such Improved Property;

“Commonwealth” shall mean the Commonwealth of Pennsylvania;

“Improved Property” shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged, which is located within the Sewer District;

“Industrial Establishment” shall mean any Improved Property located in this Township, used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property from which wastes, in addition to or other than Sanitary Sewage, shall be discharged;

“Industrial Wastes” shall mean any and all wastes discharged from an Industrial Establishment, and/or wastewater having characteristics which may have the potential to be detrimental to the Sewer System and Treatment Plant;

“Lateral” shall mean that part of the Sewer System extending from a Sewer to the curblin, or if there is no curblin, to the property line, or if no such extension is provided, then “Lateral” shall mean that portion of, or place in, a Sewer that is provided for connection of any Building Sewer;

“Owner” shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

“Person” shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity;

“Sanitary Sewage” shall mean normal water-carried household and toilet wastes from any Improved Property;

“Sewer” shall mean any pipe or conduit constituting a part of the Sewer System, used or usable for sewage collection purposes;

“Sewer District” shall mean the geographic area of the Township to be serviced by the Treatment Plant, as determined and designated from time to time, by the Township or the Authority, as appropriate;

“Sewer System” shall mean all facilities owned or operated by the Township, as of any particular time, for collecting and transmitting Sanitary Sewage and/or Industrial Wastes discharged by an Improved Property to the Treatment Plant, other than a Building Sewer or a Lateral;

“Street” shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square;

“Township” shall mean the Township of Salem, Luzerne County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through its authorized representatives; and

“Treatment Plant” shall mean the wastewater treatment facilities and any other relevant sewage facilities owned and operated by the Authority.

ARTICLE II

Use of Public Sewers Required

SECTION 2.01. This Township hereby establishes and designates the Sewer District pursuant to 53 P.S. §67507(a), which shall consist of the territory of this Township serviced by the Treatment Plant and other facilities of the Authority.

SECTION 2.02. A. The Owner of any Improved Property located in the Sewer District of this Township which is adjoining and adjacent to the Sewer System shall connect such Improved Property with and use such Sewer System, in such manner as this Township may require, within sixty (60) days after notice to such Owner from this Township to make such connection, for the purpose of discharging all Sanitary Sewage and Industrial Wastes from such Improved Property; Subject, however, to such rules and regulations as may be established by this Township, from time to time, prescribing the scope and manner of such connections.

B. Notwithstanding the provisions of Section 2.02.A, this Township shall not require any commercial or industrial business to connect to the Sewer System when such commercial or industrial business is operating a sewer treatment plant under mandate of any agency of the federal or state government. This exemption shall last as long as such sewer treatment plant

continues to meet the specifications and standards mandated by such federal or state agency and for forty-five (45) days thereafter. If, during the days immediately subsequent to the day a business' sewer treatment plant is determined to be below federal or state mandates, repairs cannot be made to bring the system back up to satisfactory condition, this Township may require such business to connect to the Sewer System. In such case, the full costs of connection to, and any necessary refurbishing of, the Sewer System shall be borne by such business.

C. The exemption provided for in Section 2.02.B shall not be available in any situation where the business seeking to use it had notice, either actual or constructive, prior to construction of this sewage treatment plant, of this Township's intention to construct the Sewer System, and to require that business to connect with the Sewer System.

SECTION 2.03. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer, as required under Section 2.02, shall be conducted into such Sewer; Subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

SECTION 2.04. No Person shall place, shall deposit or shall permit to be placed or to be deposited upon any public or private property within this Township any Sanitary Sewage or Industrial Wastes in violation of Section 2.02.

No Person shall discharge or shall permit to be discharged to any natural outlet any Sanitary Sewage or Industrial Wastes in violation of Section 2.02, except where suitable treatment has been provided that is satisfactory to this Township.

SECTION 2.05. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon an Improved Property that has been connected to a Sewer or that is required under Section 2.02 to be connected to a Sewer.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleansed and shall be filled with a non-compactable material (e.g. sand), at the expense of the Owner of such Improved Property, under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, not cleansed and filled, shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the Owner of such Improved Property.

SECTION 2.06. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected to a Sewer.

SECTION 2.07. The notice by this Township to make a connection to a Sewer, referred to in Section 2.02, shall include a reference to this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within the time limitations described herein. Such notice may be given or served at any time after a Sewer is in place that can receive and can convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be by personal service or by registered mail.

ARTICLE III

Building Sewers and Connections

SECTION 3.01. No Person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any Sewer or any part of the Sewer System without first obtaining a permit, in writing, from this Township.

SECTION 3.02. Application for a permit required under Section 3.01 shall be made by the Owner of the Improved Property served or to be served or by the duly authorized agent of such Owner.

SECTION 3.03. No Person shall make or shall cause to be made a connection of any Improved Property with a Sewer until such Person shall have fulfilled each of the following conditions:

A. Such Person shall have notified the Secretary or other designated representative of this Township of the desire and intention to connect such Improved Property to a Sewer;

B. Such Person shall have applied for and shall have obtained a permit as required by Section 3.01;

C. Such Person shall have given the Secretary or other designated representative of this Township at least forty-eight (48) hours' notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be

supervised and inspected the work of connection and necessary testing; and

D. If applicable, such Person shall have furnished satisfactory evidence to the Secretary or other designated representative of this Township that any tapping fee, and any other applicable fee or charge that may be charged and imposed by this Township against the Owner of each Improved Property who connects such Improved Property to a Sewer, has been paid.

SECTION 3.04. Except as otherwise provided in this Section 3.04, each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

SECTION 3.05. All costs and expenses of acquisition, construction, operation and maintenance of a Building Sewer and of the Lateral serving any Improved Property shall be borne by the Owner of the Improved Property served thereby, unless otherwise provided by this Township. All costs and expenses of connection of a Building Sewer to a Lateral, and connection of a Lateral to a Sewer, including such costs and expenses of acquiring, installing, operating and maintaining a grinder pump or similar apparatus approved by the Township, shall be borne by the Owner of the Improved Property so connected, unless otherwise provided by this Township. Each

such Owner shall indemnify and shall save harmless this Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction, connection, operation or use of a Building Sewer or of a Lateral.

SECTION 3.06. A Building Sewer and the appropriate Lateral shall be connected to a Sewer at the location designated by this Township. If this Township furnishes the Lateral, the Building Sewer shall be connected to the Sewer at the place where the Lateral is located. The Owner of each Improved Property shall provide this Township any information requested pertaining to the existing or proposed location of a Building Sewer and of the Lateral.

The invert of a Building Sewer at the point of connection shall be at the same or a higher elevation (unless a grinder pump is required as part of the Building Sewer) than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Building Sewer and Lateral, or other designated point of connection, shall be made secure and watertight.

SECTION 3.07. If the Owner of any Improved Property located within the Sewer District of this Township which is adjoining or adjacent to or whose principal building is within 150 feet from any part of the Sewer System, after sixty (60) days notice from this Township, either by personal service or by registered mail, requiring the connection of such Improved Property with a Sewer, in accordance with Section 2.01, shall fail to connect such Improved Property and use the Sewer System, as required, this Township may enter upon such Improved Property and construct such connection and may collect from such Owner the costs and expenses thereof in the manner permitted by law.

ARTICLE IV

Rules and Regulations Governing Building Sewers, Laterals and Connections to Sewers

SECTION 4.01. Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as the Building Sewer and from there to the Lateral and the Sewer, in the manner approved by this Township.

SECTION 4.02. No Building Sewer or any Lateral constructed by the Owner shall be covered until it has been inspected and approved by this Township. If any part of a Building Sewer or Lateral is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to a Sewer.

SECTION 4.03. Every Building Sewer and every Lateral serving any Improved Property shall be operated and maintained by the Owner of such Improved Property in a sanitary and safe operating condition to the continuing satisfaction of this Township.

SECTION 4.04. Every excavation for a Building Sewer or for a Lateral shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Any Street, sidewalk and other property disturbed in the course of installation of such facilities shall

be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to this Township.

SECTION 4.05. If any Person shall fail or shall refuse, upon receipt of a written notice of this Township, to remedy any unsatisfactory condition with respect to a Building Sewer or with respect to a Lateral, within sixty (60) days of receipt of such notice, this Township may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of this Township. In the event of a condition with respect to said facilities which threatens health or property, this Township may specify a lesser time or other manner of notice of such condition.

SECTION 4.06. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and with the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

ARTICLE V

Enforcement

SECTION 5.01. Any Person who shall violate this Ordinance shall be subject, in a civil enforcement proceeding, to a fine of not more than One Thousand Dollars (\$1,000) for each offense, together with all court costs, including reasonable attorney fees incurred by this

Township. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and the violator shall be liable for such.

SECTION 5.02. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE VI

Effective Date

SECTION 6.01. This Ordinance shall become effective in accordance with law.

ARTICLE VII

Severability

SECTION 7.01. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

ARTICLE VIII

Declaration Of Purpose

SECTION 8.01. It is declared that enactment of this Ordinance and the provisions hereof are necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

ARTICLE IX

Repealer

SECTION 9.01. All ordinances or parts of ordinances and all resolutions or parts of resolutions that are inconsistent with this Ordinance shall be and the same expressly are repealed.

ARTICLE X

Delegation to Agents and Assignees

SECTION 10.01. This Township specifically reserves the right to delegate or assign the enforcement of all or any portion of this Ordinance to the Authority or other agents or assignees of this Township.

DULY ENACTED AND ORDAINED, by the Board of Supervisors of this
Township, in lawful session duly assembled, this 22nd day of May, 2007.

TOWNSHIP OF SALEM,
Luzerne County, Pennsylvania

By: 
(Vice) Chairman of the Board
of Supervisors

ATTEST:


Secretary/Treasurer

(SEAL)

CERTIFICATE

I, the undersigned, Secretary/Treasurer of the Township of Salem, Luzerne County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of Ordinance No. _____, which duly was enacted by affirmative vote of a majority of all members of the Board of Supervisors of the Township at a meeting of said Board duly convened and held according to law on May 22, 2007, at which meeting a quorum was present; that said Ordinance duly has been recorded in the Ordinance Book of the Township; that said Ordinance duly has been published and made available for public inspection as required by law; and that said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this ____ day of _____, 2007.

(SEAL)

*Closing
date*



Secretary/Treasurer

STATE OF PENNSYLVANIA
COUNTY OF COLUMBIA } SS

Paula J. Barry, being duly sworn according to law deposes and says that Press Enterprise is a newspaper of general circulation with its principal office and place of business at 3185 Lackawanna Avenue, Bloomsburg, County of Columbia and State of Pennsylvania, and was established on the 1st day of March, 1902, and has been published daily, continuously in said Town, County and State since that day and on the attached notice May 14, 2007 as printed and published; that the affiant is one of the officers or publisher or designated agent of the owner or publisher of said newspaper in which legal advertisement was published; that neither the affiant nor Press Enterprise is interested in the subject matter of said notice and advertisement and that all of the allegations in the foregoing statement as to time, place, and character of publication are true.

**PUBLIC NOTICE
NOTICE OF THE
TOWNSHIP OF SALEM, LUZERNE COUNTY,
PENNSYLVANIA,
TO ENACT A
MANDATORY SEWER CONNECTION
ORDINANCE**

NOTICE is hereby given that the Board of Supervisors (the "Board of Supervisors") of the Township of Salem, Luzerne County, Pennsylvania (the "Township"), proposes to enact at a public meeting of the Board of Supervisors to be duly called and held not less than seven (7) days nor more than sixty (60) days from the date of publication of this Notice, an Ordinance entitled as follows:

**"AN ORDINANCE
OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM, LUZERNE COUNTY, PENNSYLVANIA, ESTABLISHING A SEWER DISTRICT AND REQUIRING ALL OWNERS OF IMPROVED PROPERTY IN SUCH SEWER DISTRICT TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH SEWER FACILITIES TO BE CONSTRUCTED BY THIS TOWNSHIP; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESSPOOLS, SINK-HOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES TO ANY SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND REQUIRING ABANDONMENT THEREOF WHEN DIRECTED TO DO SO BY THIS TOWNSHIP; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION."**

A copy of the entire Ordinance is available for public inspection at the Township building, located at 38 Bomboy Lane, Berwick, Pennsylvania, on any business day between the hours of 8:00 a.m. and 4:00 p.m., and at the office of the Press Enterprise, 3185 Lackawanna Avenue, Bloomsburg, Pennsylvania, during regular business hours.

**BY ORDER OF THE BOARD OF
SUPERVISORS OF THE TOWNSHIP OF SALEM,
LUZERNE COUNTY, PENNSYLVANIA**

.....
before me this 14th day of MAY 2007.....

.....
(Notary Public)
Commonwealth Of Pennsylvania
My commission expires.....
Dennis L. Shanfelder, Notary Public
Scott Twp., Columbia County
My Commission Expires July 3, 2007
Member, Pennsylvania Association Of Notaries

....., 20....., I hereby certify that the advertising and
\$.....for publishing the foregoing notice, and the
aid in full.

.....

**NOTICE OF THE TOWNSHIP OF SALEM,
LUZERNE COUNTY, PENNSYLVANIA,
TO ENACT A MANDATORY SEWER CONNECTION ORDINANCE**

NOTICE is hereby given that the Board of Supervisors (the "Board of Supervisors") of the Township of Salem, Luzerne County, Pennsylvania (the "Township"), proposes to enact, at a public meeting of the Board of Supervisors to be duly called and held not less than seven (7) days nor more than sixty (60) days from the date of publication of this Notice, an Ordinance entitled as follows:

"AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM, LUZERNE COUNTY, PENNSYLVANIA, ESTABLISHING A SEWER DISTRICT AND REQUIRING ALL OWNERS OF IMPROVED PROPERTY IN SUCH SEWER DISTRICT TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH SEWER FACILITIES TO BE CONSTRUCTED BY THIS TOWNSHIP; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES TO ANY SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND REQUIRING ABANDONMENT THEREOF WHEN DIRECTED TO DO SO BY THIS TOWNSHIP; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION."

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BY ORDER OF THE BOARD OF
SUPERVISORS OF THE TOWNSHIP OF
SALEM, LUZERNE COUNTY,
PENNSYLVANIA