

WEST NOTTINGHAM TOWNSHIP

ORDINANCE NO. 2-2011

AN ORDINANCE ESTABLISHING SEWER CONNECTION AND USE REGULATIONS FOR WEST NOTTINGHAM TOWNSHIP, AND ESTABLISHING THE OXFORD AREA SEWER AUTHORITY AS AGENT FOR PURPOSES OF IMPLEMENTATION OF CERTAIN ORDINANCE REQUIREMENTS

BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of West Nottingham, Chester County, Pennsylvania as follows:

Section 1 - Purpose.

The purpose of this Ordinance is the establishment of the requirement of mandatory connection to the Oxford Area Sewer Authority's sewage collection and processing system for the following areas within West Nottingham Township:

Section 2 – Definitions.

- A. “Authority” shall mean Oxford Area Sewer Authority, a municipality authority existing and governed pursuant to provisions of the Municipality Authorities Act (53 Pa. C.S. Ch. 56), as amended and supplemented, of the Commonwealth;
- B. “Commercial Establishment” shall mean any improved property which shall be used in whole or in part for retail or other commercial use as established by the West Nottingham Township Zoning Ordinance;
- C. “Improved Property” shall mean any property upon which there is erected any structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which Sanitary Sewage shall be or may be discharged;
- D. “Industrial Establishment” shall mean any improved property which shall be used, in whole or in part, for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from Sanitary Sewage, shall be discharged and also for purposes of this Ordinance that discharge sanitary sewage;
- E. “Inspector” shall mean the person appointed or employed by the Authority to inspect public sewers, on-lot systems, cesspools, holding tanks and all other connection between occupied structures, buildings and the public sewer lines and area serviced by the public sanitary sewer;
- F. “Lateral” shall mean that part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, to the property line or, if no such Lateral shall be provided, then “Lateral” shall mean that portion of, or place in, a Sewer that is provided for connection of any Sewer;

G. "New Construction" shall mean any building either industrial, commercial or residential which is newly constructed and which is located within the distance requirements of this Ordinance;

H. "Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

I. "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. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context;

J. "Sanitary Sewage" and "Sewage" - shall mean normal water-carried household and toilet waste from any Improved Property, excluding, however, the effluent from septic tanks or cesspools, rain, storm and ground water, as well as roof or surface water drainage or percolating or seeping waters, or accumulation thereof, whether underground or in cellars or basements;

K. "Township" shall mean the Township of West Nottingham, Chester County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its authorized representatives.

Section 3 – Use of Public Sewers Required.

A. The Owners of all commercial establishments or industrial establishments whose closest property or lot line is within 150 feet of any Oxford Area Sewer Authority lateral shall connect such property with the Oxford Area Sewer Authority's sewer collection system, in such manner as the Authority may require, within one year after the adoption of this Ordinance or within one year after the Sewer lateral is placed in a location within 150 feet of the property line. This connection shall be for the purpose of discharging all Sanitary Sewage from said property; Subject, however, to such limitations and restrictions as shall be established herein or otherwise by the Authority, from time and time.

This requirement shall not apply to any property owner which has its own sewage treatment system which is approved and permitted by the Pennsylvania Department of Environmental Protection.

B. The Owners of all residential establishments which are newly constructed and which have as of the date of this Ordinance have not yet completed an on-lot sewage system and whose closest lot or property line is within 150 feet of any Oxford Area Sewer Authority lateral shall be required to connect to the Oxford Area Sewer Authority's collection system.

C. The Owners of all residential property on which are located a system that have been determined by a representative of the Chester County Department of Health to be a non-functioning or failing system and whose closest lot or property line is within 150 feet of any Oxford Area Sewer Authority lateral shall be required to connect such property to

the Oxford Area Sewer Authority's sewage collection system on a time schedule as established by the Chester County Health Department.

In addition to the above, any property with an on-lot system whose closest property or lot line is 150 feet from an Oxford Area Sewer Authority Lateral and which is unable to be certified by a certified sewage inspector at the point of transfer to a new owner shall be required to connect as though the Chester County Health Department had failed the system.

D. When a subdivision plan or building permit application has been filed and the construction of an Oxford Area Sewer Authority Lateral is under construction or bids have been awarded, then in that event the owner of any property whose closest property or lot line is within 150 feet of the planned location of an Oxford Area Sewer Authority Lateral must construct the sewage system for the property to connect to the Oxford Area Sewer Authority when construction is completed. During the interim, said property shall use holding tanks for sewage usage until the Lateral is in operation.

E. All Sanitary Sewage from any property as identified in this Ordinance after connection of said property shall be conducted into such Sewer; Subject, however, to such limitations and restrictions as shall be established herein or otherwise by the Authority or West Nottingham Township from time to time.

F. No person shall place, deposit, or permit to be placed or deposited upon public or private property within West Nottingham Township any Sanitary Sewage or Industrial Waste in violation of this Ordinance.

G. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Authority, shall be cleaned and shall be filled, at the expense of the Owner of such property, unless otherwise provided for by the Authority, under the direction and supervision of the Authority; and any such privy vault, cesspool, sinkhole, septic tank, or other 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 of such Improved Property. West Nottingham Township shall have the right to pursue this nuisance action against the Property Owner.

H. The notice by West Nottingham Township, or by the Authority on this Township's behalf, to make a connection to an Oxford Area Sewer Authority facility, may be given at any time after a Sewer facility is in place that can receive and can convey Sanitary Sewage and for treatment and disposal from the particular property and when capacity within that Sewer System is available.

Section 4 – Prohibition of Stormwater, Rainwater Runoff into Sanitary Sewage System

No basement seepage, groundwater drainage, building drain, storm drain, footer drain, roof drain, water drain of any type or any other non-sewage source of water shall be discharged into the Oxford Area Sewer Authority Public Sanitary Sewage collection system and all owners connecting to the system shall certify that no groundwater, seepage drains, building drains, footer drains, roof drains, storm drains or water drains are connected to the sewage collection system. After connection to the sewer is made, all owners shall maintain their property in such a manner

that no such seepage, ground water drainage, building drains, storm drains, footer drains, roof drains or storm drains shall enter the sewage collection system. The no-down spouts, roof drainage, surface water or area drainage shall be connected to the sewage collection system. Owner shall remove any connections and plug any drainage before connecting to the Sanitary Sewage Collection System. Inspector shall inspect, confirm and approve the adequacy of each system before final connection is approved or made.

Section 5 – Failure of Owner to Connect.

In case any Owner of property required to connect to such sewer shall neglect or refuse to connect with and use said sewers for such period of one (1) year after adoption of this Ordinance or when said sewer connection is located within 150 feet of the property or lot line, West Nottingham Township and the Oxford Area Sewer Authority or their agents may enter upon such property and construct such connection. In such case, the Authority or West Nottingham Township shall, forthwith upon completion of the work, send an itemized bill of the costs of construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, a municipal lien for said construction shall be filed within six (6) months of the date of completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

Section 6 – Connection Permit.

Any person or entity required to connect to a property with the Sewer System of the Authority shall make application for a connection permit therefore to the Oxford Area Sewer Authority on forms furnished by the Authority and shall set forth, in said application, the character of structure and use, the legal owner, the correct mailing address for the owner, the lot number and location, and the name of the person who is to make the connection.

Section 7 – 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 sanitary sewers of the Authority.

Section 8 – Construction Specifications.

The construction of all private sewers or laterals and their connections with any lines of the sewer system shall be done in accordance with rules and regulations established by the Oxford Area Sewer Authority, and shall be inspected by a representative of the Oxford Area Sewer Authority or designee before being covered.

Section 9 – Authority to Establish Charges.

The Board of Supervisors of West Nottingham Township hereby delegates to the Oxford Area Sewer Authority the sole and exclusive authority for the administration of the monthly sewer fees and billings for said sewer connections.

Section 10 – Unlawful Tap-In.

It shall be unlawful for any person, firm or corporation to tap or connect into the Oxford Area Sewer Authority System before making payment of the charges and the inspections herein established.

Section 11 – Penalties.

Any person(s), partnership or any agents or executive officers of any corporation violating any provisions of this Ordinance shall, upon conviction, be subject a to a fine of not less than \$200.00 Dollars and not more than \$1,000.00 Dollars for each offense and an equal fine amount for each 30 day period or fraction thereof, wherein the violation is not corrected to the satisfaction of the Authority or West Nottingham Township. Additionally, if this matter is turned over to an attorney, costs for litigation shall be added to the fine amount. Each day or portion thereof in which a violation exists shall be considered a separate violation and each section of this Article which is violated shall be considered a separate violation.

Section 12 – 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 have been included therein.

This Ordinance shall be effective five (5) days after adoption.

ENACTED AND ORDAINED this 10th day of *May*, 2011.

Attest:

BOARD OF SUPERVISORS
WEST NOTTINGHAM TOWNSHIP

Candace M. Moe

Secretary

E. M. Todd

Eric M. Todd, Chairman

Gerald T. Cox, Vice-Chairman

T. L. Bell

Tiffany L. Bell, Supervisor

