

CHAPTER 18

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[Section 6 added by Ordinance No. 071403, on 07/14/03]

Part 1

Hopeland Sewer System

§101. Purpose and Policy.

- a. This Part sets forth the requirements governing the use of the sewage facilities of the Township of Clay in the Village of Hopeland.
- b. This Part defines certain terms and provides for the fixing and charging of rental rates and charges for use of and connection to the Sewer System of Township and for services rendered by Township in connection therewith and for treatment of wastes discharged thereto, upon owners of improved property which are connected to such Sewer System.

[Ord. 04-83, 08/22/1983, Art.I, §1.1]

§102. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Part shall be as follows:

- a. “Building Sewer” shall mean the extension from the property line or curb stop to the proposed dwelling or building to be served. [Ord. 04-83, 08/22/1983, Art.I, §1.2, as amended by Ord. 06-10-91, 06/10/1991, §2]
- b. “E.D.U” – Equivalent Dwelling Unit- the lesser of a Private Dwelling or Living Unit or a maximum sewage flow of two hundred and seventy-five (275) gallons per day.
- c. “Hazardous Substances” shall include, but not be limited to, those substances such as oils, tars, paints, paint thinners, varnishes, grease, gas, benzene or other combustible gases or liquids, or any garbage, insoluble solids or other dangerous, toxic, or harmful substances which, either alone or combined, would adversely affect the functioning of the Sewer System or the processing of sewage treatment. As used herein, the term “Hazardous Substances” shall also include (but not be limited to) any substance not commonly discharged from residential dwellings or any substance not Residential Sewage Waste.
- d. “House Drain” means that part of the main horizontal drain and its branches inside the walls of the building, vault or area. [Ord. 04-83, 08/22/1983, Art.I, §1.2, as amended by Ord. 06-10-91, 06/10/1991, §2]
- e. “Improved Property” shall mean any property located within Township upon which there is erected a structure intended for continuous or periodic habitation, occupied or used by human beings or animals, and from which structure Sanitary Sewage shall be or may be discharged.
- f. “Lateral” shall mean that part of the Sewer System extending from a main 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 which is provided for connection of any Building Sewer. [Ord. 04-83, 08/22/1983, Art.I, §1.2, as amended by Ord. 06-10-91, 06/10/1991, §2]
- g. “Owner” means any Person vested with ownership, legal or equitable, sole

or partial, or any Improved Property.

- h. “Person” means any individual, firm, company, association, society, corporation or other entity.
- i. “Private Dwelling or Living Unit” means a structure or dwelling intended to be occupied as a whole by one family or an apartment intended to be occupied by one family or any other one-family living unit.
- j. “Public Sewer” means the pipes or conduits that convey Sanitary Sewage from Building Sewers to the Sewage Treatment Plant.
- k. “Residential Sewage Waste” means Sanitary Sewage.
- l. “Sanitary Sewage” means the normal water carried household and toilet wastes from any Improved Property, excluding, however, Hazardous Substances, industrial wastes, garbage, 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 hereof, whether underground or in cellars or basements.
- m. “Sewage” shall mean any substance that contains any of the waste products or excrements or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being 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, or which constitutes pollution under the act of June 22, 1987 (P.L. 1987, No. 394), Known as “The Clean Streams Law”, as amended. *[added by Ord. No. 071403 §3.1., on 07/14/03]*
- n. “Sewer Manager” means any person who may from time to time be placed in general charge of the Sewer System by Township.
- o. “Sewage Treatment Plant” means that portion of the system designed to provide treatment to wastewater, This includes, but is not limited to, any arrangement of devices and structures used for treating sewage.
- p. “Street” shall mean and include any private or public street, road, lane, court, public square or alley.
- q. “Township” means the Township of Clay, Lancaster County, Pennsylvania, as well as the duly qualified and acting members of the Board of Supervisors thereof.

Any term used herein, not otherwise specifically defined, shall be first defined according to Chapter 27, Zoning or if no such definition appears, by Pennsylvania Department of Environmental Resources regulations.

[Ord. 04-83, 08/22/1983, Art.I, §1.2 as amended by Ord. 06-10-91, 06/10/1991, §2]

- a. Connection Required: As and when the sewer collection system or parts thereof are completed so that sewer service becomes available to property owners, each and every owner of Improved Property within Township from which Sanitary Sewage is generated and which is benefited, improved or accommodated by Sewer System shall, upon written notice from Township that sewer service is available and that connection is required, connect his property with the Public Sewer without delay in accordance with this Part.
- b. As from time to time sewer service becomes available to additional properties within Township limits by reason of the improvement of properties benefited, improved or accommodated by Sewer System, or by reason of the construction of extensions to Sewer System; each and every Owner of such additional properties shall likewise, upon receipt of written notice of Township ordering connection, be required to connect his property with the Public Sewer without delay.
- c. Whenever Township shall have given notice to the Owners of properties within Township limits to connect with the Public Sewer pursuant to Section 103 A. or Section 103 B, of this Part, it shall be unlawful for the Owner to operate or use within Township a privy, cesspool., vault, septic tank or similar receptacle for sanitary sewage upon his property, or to connect any such privy, cesspool, vault, septic tank or similar receptacle with the Public Sewer, or to discharge sewage onto or into the ground or into any of the storm sewers or other sewer or outlet other than Public Sewer. No owner of any property which abuts on or adjoins any street, alley or other public highway in which a sewer of the Public Sewer shall at the time be located and ready for service, or which shall at the time be otherwise accessible to such Public Sewer, shall construct or install any privy, cesspool, vault, septic tank or similar receptacles on his property.
- d. If any Owner of Improved Property within Township who is required to connect his property with the Public Sewer by Section 103A. or 103 B. of this Part shall fail to connect therewith promptly, after written notice from Township ordering connection; Township shall give such Owner forty-five (45) days written notice of this Part, and upon the failure of such owner to make the required connection within said forty-five (45) day period, Township may make such connection and collect the cost thereof, together with an additional sum of fifteen percent (15%) for overhead from such owner by a municipal claim or in any action in assumpsit.
- e. If any Owner of property within Township shall have failed to connect his property with the Public Sewer as required by §103 A. or §103 B. of this Part, and Township shall have given such Owner forty-five (45) days written notice of this Part pursuant to §103 D., and if such owner shall have failed within said forty-five (45) day period to make the required connection; such failure shall be and hereby is declared a violation of this Part and such Owner, in addition to other remedies provided by law or herein, shall upon conviction thereof before any District Justice forfeit and pay to the use of Township a sum not exceeding Three Hundred Dollars (\$300.00), together with costs of prosecution for each thirty (30) days or fraction thereof such violation shall persist, which sum shall be collected as prescribed in The Second Class Township Code. The sum herein forfeited shall be considered a penalty.

- f. Notices of this Part to Owners under Section 103 may be made by anyone on behalf of and with authority of Township either by personal service (as the term is used in Rules of Civil Procedure for actions in assumpsit) or by certified mail sent to the last known address of such Owner.

[Ord. 04-83, 08/22/1983, Art. II, §2.1]

§104. Application to Install Building Sewer.

- a. Any person owning Improved Property accessible to the Sewer System who is required to install a Building Sewer from the Lateral shall first make written application for a Permit on the form furnished by Township. The application must be signed by each such Owner or his duly authorized agent, and must be completely filled out in all its parts. Contemporaneously, the Owner must execute a contract with Township, thereby agreeing to be bound by the terms of this Part, any amendments thereto and rules and regulations adopted thereunder. The application shall be subject to such fees and charges currently in effect at the time of application. All applications are subject to the approval of Township.
[Ord.04-83, 08/22/1983, as amended by Ord. 06-10-91, 06/10/1991, §2]

- b.
 - i. The Township may at its sole and uncontrolled discretion (by giving to the Owner of the allocation reserved ninety (90) days advance written notice to use the allocation or forfeit it) revoke the allocation and refund the fees and reallocate capacity among other applicants. No interest shall be paid on any refunded fees. Interest shall be considered in lieu of payment to Township for its costs in reserving capacity.
 - ii. Notwithstanding the foregoing, if the developer or Owner of an existing allocation before the expiration of two (2) years or within the aforesaid ninety (90) days (whichever shall first occur) agrees to pay the minimum annual (or quarterly, in the event quarterly charges are imposed) sewer rent or charge imposed by the Township pursuant to Section 120 hereof, said developer or owner may continue to reserve said capacity for as long as said minimum annual (or quarterly, as the case may be) rent or charge is promptly paid for each unit of occupancy that is due following the expiration of the two (2) year or ninety (90) day periods (whichever is the lesser) set forth above. *[Added by Ord. 01-41387, 04/13/1987, §1]*

[Ord. 04-83, 08/22/1983, Art.II, §2.1as amended by Ord. 06-10-91, 06/10/1991, §2]

§105. Permit for Connection.

- a. It shall be unlawful for any person to install, disturb, remove, alter, repair or replace any Building Sewer without first obtaining a permit from the Township. A permit authorizing any of the foregoing may only be granted after proper application therefore has been made to Township and upon payment of all fees. No sewer connection or disconnection shall be made except under the supervision, control, and approval of Township's authorized representative. Upon completion of each connection, the permit shall be returned to Township for approval and the approved permit shall

then be returned to the Person to whom it was issued. The Owner making the application and any successor Owner shall be responsible for all sewage bills and the proper observance of this Part.

- b. In connection with a change in service, any customer making any material change in the size, character or extent of equipment or operations utilizing sewer service, or whose change in operation results in a substantial increase in the use of sewers, shall immediately give Township written notice of the nature of the change ,and, if necessary, amend their application.
- c. All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the Owner. The Owner shall indemnify Township from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

[Ord. 04-83, 08/22/1983, Art.II, §2.2]

§106. Separate House Connections.

- a. Unless written permission is obtained from Township, a separate Building Sewer will be required for each individual building or house whether constructed as a detached unit or as attached units, but a single building sewer will be permitted to serve an apartment house or other permanent multiple unit structure whose individual apartments or units may not be subject to separate ownership. In said event, all charges, fees and other costs shall be paid for each E.D.U.
- b. No Owner of any premises connected with the Public Sewer or tenant of such premises shall permit another Person or premises to use or connect with his Lateral or Building Sewer, except upon written permit from Township.

[Ord. 04-83, 08/22/1983, Art.II, §2.3]

§107. Common Waste System. A single Building Sewer may be permitted to serve a double house in which the House Drain is common to both houses or is not readily separable. In such a case, it will be necessary for each Owner (s) to make separate application, to pay separate fees for the installation, and to pay the prescribed sewer rental for each property. In addition, it will be necessary for both property Owners to sign an agreement (to be drafted and recorded so to be effective by Township's solicitor at Owner's expense) to be recorded in the Office of the Recorder of Deeds in and for Lancaster County relieving Township of any responsibility or obligation caused by or resulting from installation of a single Building Sewer. The agreement shall provide that any disagreement between the two parties concerning future maintenance of the common House Drain and Building Sewer will be sufficient cause for Township to require individual Building Sewers and Laterals to both houses. The installation of such separate Lateral from the sewer main to the curb as well as to the new Building Sewer from the curb to the house shall be at the joint expense of the property Owners signing the agreement.

[Ord. 04-83, 08/22/1983, Art.II, §2.4 as amended by Ord. 06-10-91, 06/10/1991, §2]

§108. Laterals and Building Sewers. Building Sewers shall be subject at all times to the inspection and approval of Township. Two separate Building Sewers may be laid in the same ditch provided they are two (2) feet apart. However no two different utilities may be laid in the same ditch. During construction of the Public Sewer, the Laterals will be installed by Township to the curb lines and the Building Sewers shall be made, by and at the sole expense of the

property Owners, to the Laterals heretofore constructed. After completion of the construction of the Sewer System, any additional Lateral and Building Sewer shall be constructed from the street main to the building to be serviced by and at the expense of the property Owner who has obtained a permit. All Building Sewers heretofore and hereafter installed shall be maintained by and at the sole expense of the property Owner. *[Ord. 04-83, 08/22/1983, Art.II, §2.5]*

§109. Building Sewer Materials.

- a. All building sewers shall be made of the following materials:
 - i. Medium weight cast iron soil pipe and fittings joined by neoprene rubber type gasket.
 - ii. PVC – SDR 35 plastic pipe or Schedule 40 PUC plastic pipe and fittings with rubber type gaskets.
- b. All building sewers shall be at least four (4) inches in diameter.
- c. All pipes shall be laid on a bedding of at least three (3) inches of stone dust, or crushed stone, and shall be back filled to at least six (6) inches over the pipe consistent with the bedding material.
- d. Where dissimilar pipes are to be joined (for instance where the building sewer connects to the building drain) or where different sizes or types of pipes must be joined, fernco flexible couplings with stainless steel clamps or fernco donuts must be used.
- e. The pipe shall be installed with a minimum grade of 1.00 percent, the best possible alignment, and shall have adequate cover to protect the line from crushing or frost action. All Laterals and Building Sewers shall be constructed in accordance with the Specifications for the Construction of the Sewer System of Township.
- f. Township may, at any time, at Township's sole discretion, require Owner, at Owner's expense, to subject Building Sewer to an "air test" to confirm that the Building Sewer is watertight. All Building Sewers shall be and shall always remain watertight.

[Ord. 04-83, 08/22/1983, Art.II, §2.6]

§110. Cleanouts And Traps.

- a. Generally, cleanouts shall be provided in each house sewer and at intervals to permit complete rodding with a 100 foot long auger or tape. Cleanouts shall be constructed by using a "Y" fitting in the run of pipe with a 45 degree bend and riser to the ground surface. The riser pipe must be provided with a standard four (4) inch screw type furrule.
- b. All connections to the Sewer System must be provided with a house trap between the main House Drain and the Building Sewer. Traps shall be of the running type with approved cleanouts and fresh air inlet on the upstream side.

[Ord. 04-83, 08/22/1983, Art.II, §2.7]

§111. Special Conditions. Wherever, in the opinion of Township or its representative, the trenching conditions require either a specific type of pipe, jointing material, bedding or encasement, such materials as Township directs shall be installed to protect the property of Owner and/or Township. *[Ord. 04-83, 08/22/1983, Art.II, §2.8]*

§112. Connections.

- a. Connections to Laterals, if of the same pipe size, shall be made by properly jointing to the bell end of the service Lateral provided. If cast iron pipe four (4) inches in diameter is used, the connection shall be made with a standard reducing fitting of cast iron. This applies also to the connection of the House Drain to the Building Sewer. Projecting the smaller pipe into the larger and sealing will not be permitted. Where a Building Sewer is made with pipe larger in diameter than the six (6) inch Lateral provided, the Building Sewer shall be extended to the sewer main and properly connected as specified herein.
- b. Connections to sewer mains in any street where no branch fitting has been previously provided shall be made with an approved saddle type fitting properly installed.
- c. Wherever the surfaces of any Street are disturbed by construction of the Laterals, the surfacing materials must be restored in kind and maintained to the satisfaction of Township. Any and all construction in a Street of Township shall be in compliance with the parts of Township and all necessary permits shall be obtained from Township before construction is commenced, including the permit required for opening or disturbing the surface of a Street.
- d. The construction of Laterals and Building Sewers shall, at all times, be subject to supervision and inspection by Township and its representatives and shall conform to Township specifications. The Laterals and Building Sewers shall not be covered until inspected and approved by Township representative, and all backfilling of trenches shall be under such representative's supervision and shall be thoroughly compacted by tamping in six (6) inch layers to a minimum height of twelve (12) inches above the pipe.
- e. Connections with sewers which run through private property shall in all respects be governed by this Part.

[Ord. 04-83, 08/22/1983, Art.II, §2.9]

§113. Hazardous Substances. No property Owner shall discharge, or permit to be discharged into the Public Sewer any matter other than Sanitary Sewage. *[Ord. 04-83, 08/22/1983, Art.II, §3.0]*

§114. Tank and Truck Waste. No waste of any kind shall be discharged into the Public Sewer from tank trucks. *[Ord. 04-83, 08/22/1983, Art. II, §3.1]*

§115. Drainage of Swimming Pools. No property Owner shall discharge water from any swimming pool into Public Sewer. *[Ord. 04-83, 08/22/1983, Art. II, §3.2]*

§116. Industrial and Commercial Use. Industrial and commercial discharge into Public

Sewer is strictly prohibited. *[Ord. 04-83, 08/22/1983, Art. II, §3.3]*

§117. Garbage. The use of garbage grinders and discharge of shredded garbage or other similar waste into the Public Sewer is prohibited. *[Ord. 04-83, 08/22/1983, Art. II, §3.4]*

§118. Rain or Ground Water. No roof drainage, surface water, or ground water from underground drainage fields shall be admitted or permitted to drain into the Public Sewer. The Public Sewer is intended to convey Sanitary Sewage only. *[Ord. 04-83, 08/22/1983, Art. II, §3.5]*

§119. Connection, Customer Facilities, and Tapping Fees for Sewer Service.

- a. No person shall connect any Improved Property with any part of the Sewer System without first making application for and securing a permit, in writing, from the Township. Such application shall be made on a form to be provided by the Township.
- b. In lieu of the payment of a CONNECTION FEE the Township requires the construction and dedication of those facilities from the sewer main to the property line or curb stop by the Property Owner or Owners requesting such connection. The Property Owner or Owners shall reimburse the Township for its reasonable expenses in supervising such connections.
- c. In lieu of the payment of a CUSTOMER FACILITIES FEE the Township requires the construction of the facilities serving the connected property from the property line or curb stop to the proposed dwelling or building to be served (“Building Sewer”) by the Property Owner or Owners requesting customer facilities. The Property Owner or Owners shall reimburse the Township for its reasonable expenses in supervising the construction of said facilities.
- d.
 - i. This Township does hereby impose a Tapping Fee, to be established by the Board of Supervisors, from time to time, by Resolution. *[Amended by Ord. 10-14-02, 10/14/02, §1]*
 - ii. The capacity fee component of each Tapping Fee shall be due and payable for each dwelling unit in multi-dwelling situations.
 - iii.
 - (a) In the case of commercial or industrial users, the total Tapping Fees shall be modified by adding a capacity fee component sum computed by multiplying the sum set forth in the capacity fee component times the number of equivalent dwelling units estimated, in good faith, by the applicant to be the applicant’s average daily usage over the term of the first five years of use, but will never be less than one capacity fee component.
 - (b)
 - i. As used in this Chapter only the term “equivalent dwelling unit” (EDU) shall be defined by the Board of Supervisors, from time to time, by Resolution. The number representing an EDU shall be calculated by the Township Engineer or other

qualified professional and shall be calculated in accordance with the requirements of the Municipality Authorities Act and other applicable legislation.

- ii. The sewer discharge shall be presumed to be the amount of water usage for this purpose and the Township shall have the right to require the user to install meters to measure water or sewer use at the Township's sole discretion and at the user's sole expense. In the event that the Township is not satisfied with applicant's estimate, the Township Engineer shall submit his own estimate. If the applicant is unwilling to accept the estimate of the Township Engineer, then, in said event, a Hearing shall be held before the Board of Supervisors at which time the Board of Supervisors shall make a final decision on the matter.

[Amended by Ord. #071105, 7/11/05]

- e. In the case of mobile home parks, trailer courts, campgrounds, shopping centers, apartments, office buildings, hotels, motels, rooming house, nursing homes, industrial parks and all other tracts wherever by lease, ownership, or contract there are multiple structures, divisions of structures or separate sleeping quarters, or occupancy among separate owners, lessees or residents, each unit of use or occupancy shall be considered as though it were a separate unit and a separate capacity fee component shall be paid thereafter, except when a business or professional use is in connection with a dwelling unit occupied by the same person who owns and operates the business or profession (and no additional persons are employed therein). This provision shall apply to Tapping Fees only. Nothing herein shall be construed to prohibit, if otherwise authorized (and if all applicable monies are paid), single laterals for multiple units under one ownership.
- f. All fees shall be due and payable at the time application is made to the Township to make any such connection to the Sewer System, or upon the date when the Township shall connect any such Improved Property to the Sewer System, at the cost and expense of the Owner, when such Owner shall have failed to make such connection as required by the Township pursuant to the provisions of this Part, or when Applicant applies for additional service, or when Applicant commences use of facilities using additional services, whichever shall first occur.
- g. All fees shall be payable to the Treasurer of this Township or to such other officer or representative of this Township as shall be authorized, from time to time, by resolution of this Township to accept payment thereof.
- h.
 - i. The Township will not reserve any capacity in its system without application first being made and all fees being paid at the time of application. After approval of the application and the depositing of fees, reserved allocation must be used within two (2) years of reservation. The Township can, at its sole and uncontrolled discretion (by giving to the owner of the allocation reserved ninety (90) days advance written notice to use the allocation or forfeit it)

revoke all the allocation and refund the fees and reallocate capacity among the other Applicants. No interest shall be paid on any refunded fees. Interest shall be considered in lieu of payment to Township for its costs in reserving capacity.

- ii. Notwithstanding the foregoing, if the developer or owner of an existing allocation before the expiration of two (2) years or within the aforesaid ninety (90) days (whichever shall first occur) agrees to pay the minimum annual (or quarterly or monthly, in the event monthly or quarterly charges are imposed) sewer rent or charge imposed by the Township pursuant to Section 120 hereof, said developer or owner may continue to reserve said capacity for as long as said minimum annual, quarterly or monthly, as the case may be, rent or charge is paid promptly for each E.D.U. that is due following the expiration of the two (2) year or ninety (90) day periods (whichever is the lesser) set forth above.

[Ord. 04-83, 08/22/1983, Art.IV, as amended by Ord. 06-10-91, 06/10/1991, §2]

§120. Imposition of Sewer Rent or Charge. There is hereby imposed upon the Owner of each Improved Property served by the Sewer System and having the use thereof, quarterly sewer rents or charges payable as hereinafter provided for the use, whether direct or indirect, of the Sewer System, based on the schedules of classifications and rates or charges hereinafter set forth.

- a. Sewer rentals or charges shall be established from time to time by Resolution of the Clay Township Board of Supervisors per E.D.U. per year, payable in advance prior to the commencement of each year. Township shall have the right, without need for justification, to require any property Owner to install a water meter to establish the actual number of E.D.U.'s discharging into the public sewer, in the event Township, in its sole and uncontrolled discretion, determines that there is a need, for any property Owner, to more closely analyze the amount of discharge into the Sewer System.
- b. All meters or measuring devices used under the provisions of this Part may be furnished and installed by Township at the expense of the property Owner and shall be owned by, and under the control of Township, and may be tested, inspected or repaired by Township employees whenever deemed necessary. The Owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made by Township at the property Owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such installation and repairs shall be due and payable thirty days (30) following their mailing and collected in the same manner as are the bills for sewer service; such bills from and after their due date shall constitute an lien upon the property upon which such measuring device is installed.
- c. Township shall be responsible for the reading of all meters or measuring devices.

[Ord. 04-83, 08/22/1983, Art.V, §5.0, §5.1, §5.2]

§121. Time and Methods of Payments. Sewer rentals or charges shall be paid, in advance, annually and annually billings for sewer rentals shall be made by bills dated the first day of January of each year, for the annual period immediately following the date of the bill. All bills are payable at the office of the Township of Clay, R.D. #1, Stevens, PA 17578. The bills for sewer rentals for the first year during which a property is connected will be prorated on the basis of the annual rate. All bills shall be due and payable on their respective dates. [*Ord. 04-83, 08/22/1983, Art.VI, §6.1 as amended by Ord. 06-10-91, 06/10/1991, §2*]

§122. Penalties, Delinquent Sewer Rentals, Liens, and Prosecutions.

- a. Charges for sewer services shall be due and payable thirty (30) days following the date thereof and shall be subject to five percent (5%) penalty if not paid within sixty (60) days after they are due. An additional penalty of five percent (5%) shall be imposed if not paid within ninety (90) days after they are due. An additional penalty of ten percent (10%) shall be imposed if not paid within one hundred twenty (120) days after they are due. In addition to the aforesaid penalties, all bills shall bear interest from the original due date at the rate of ten percent (10%) per annum or fraction thereof, until paid.
- b. Township shall have the right to cut off sewer service from any delinquent premises and not to restore the same until all delinquent bills against same and the costs involved in cutting off and restoring service shall have been paid. However, in no case shall the sewer be shut off to any premises until ten (10) days after written notice of an intention to do so has been mailed to the Person liable for payment of said charges, and in addition thereto, there has been posted a written notice at a main entrance to the premises. If during such ten (10) day period the Person liable for the payment of the rentals and charges delivers to Township a written statement under oath or affirmation, stating that there is just difference to the claim and the basis therefore, and a sworn declaration that it was not executed for purposes of delay, then cut off will be delayed pending a hearing before Township at the next regularly scheduled meeting of Township following receipt of such affirmation.
- c. All persons connected to the Sewer System must give Township their correct address. All notices and bills relating to Township or its business shall be deemed to have been properly served if left upon the premises of the customer, if mailed by regular mail to the customer, or served in person at the address as shown on the records of Township. Township will send all such notices and bills to the address given on the application for sewer use until a notice of change, in writing, has been filed with Township by the applicant. All notices of general character, affecting or likely to affect a large number of customers, shall be deemed not have been properly given or served if advertised in the newspaper designated by Township. Failure to receive bills will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are payable at face.
- d. Payments made, as evidenced by the United States Post Office mark, on or previous to the end of the period during which the bills are payable at face, will be deemed to be a payment within such period.

- e. All sewer rentals, together with all penalties and interest thereon, not paid on or before the end of six (6) months from the date of each bill, shall be deemed to be delinquent. All delinquent sewer rentals and all penalties and interest thereon shall be a lien on the property served and shall be entered as a lien against such property in the Office of the Prothonotary of Lancaster County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collection of such liens.
- f. If any Owner of property within Township or any other person shall violate any provision of Section 101 through Section 120 of this Part (where different penalty is not stated), he shall, in addition to other remedies provided by law or herein, upon conviction thereof before any District Justice forfeit or pay to the use of Township a sum not exceeding Three Hundred Dollars (\$300.00), together with costs of prosecution for each day such violation shall persist, which sum shall be collected as prescribed in The Second Class Township Code. The sum herein forfeited shall be considered a penalty.
- g. In addition to the penalties set forth herein, if any Person shall violate any other provision of this Part (other than the failure to pay any sum to Township), he shall, in addition to other remedies provide by law or herein, upon conviction thereof before any District Justice, forfeit or pay to the use of Township a sum not exceeding One Hundred Fifty Dollars (\$150.00), together with costs of prosecution, for each violation, which sum shall be collected as prescribed in the Second Class Township Code.

[Ord. 04-83, 08/22/1983, Art. VII]

§123. Control of Service. Township shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs, or failure from any cause whatsoever. Township reserves the right to restrict the use of sewer service whenever the public welfare so requires. In consideration of the right to connect to the Sewer System, Township shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any building; and it is hereby expressly agreed by all persons and Owners making connection with the Sewer System that no claims shall be made against Township, its agents or employees on account of the breaking or stoppage of, or any damage or expense to, any Building Sewer where the cause thereof is found to be in such Building Sewer. *[Ord. 04-83, 08/22/1983, Art.VII, §8.1]*

§124. Complaints. Complaints with regard to the operation of the Sewer System or the character of the service furnished or of the sewer bills rendered must be presented to Township in writing, except in an emergency when they may be oral (confirmed in twenty-four (24) hours in writing), and a record of such complaint will be kept by Township, giving the name and address of the complainant, the date, the nature of the complaint, and the remedy. *[Ord. 04-83, 08/22/1983, Art.IX, §9.1]*

§125. Access. Township shall have the right of access at reasonable times to any part of Improved Property served by the Sewer System as shall be required or convenient for purposes of inspection, observation, measurement, sampling and testing, and for performance of other functions relating to service rendered by Township through the Sewer System. *[Ord. 04-83, 08/22/1983, Art.X, §10.1]*

§126. Responsibility of Owners of Improved Property. The Owner of each Improved Property connected to the Sewer System shall be responsible for all acts of tenants or other

occupants of such Improved Property insofar as such acts shall be governed by provisions of this Part and any amendments thereto. Regardless of to whom any bill may be made payable to, Owner shall be fully responsible for all payments. [Ord. 04-83, 08/22/1983, Art.XI, §11.1]

§127. Extensions by Developers.

- a. Where a sewer is to be extended at the expense of the Owner or Owners of property or where the Township otherwise would construct the customer facilities (other than water meter installation), the property Owner or Owners shall have the right to construct the extension or install the customer facilities himself or themselves through a subcontractor approved by the Township, which approval shall not be unreasonably withheld; provided that the Township shall have the right, at its option, to perform the construction itself only if the Township provides the extension or customer facilities at a lower cost and within the same timetable specified or proposed by the property Owner or Owners or his or their approved subcontractor.
- b. Construction by the property Owner or Owners shall be in accordance with an agreement for the extension of the Township's system and plans and specifications approved by the Township and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the Township applicable to such construction and shall be further subject to inspection by an inspector authorized to approve such construction and employed by the Township during construction.
- c. When a main is to be extended at the expense of the Owner or Owners of properties, the property Owner or Owners shall deposit with the Township, in advance of construction, the Township's estimated reasonable and necessary costs of reviewing plans, construction, inspections, administrative, legal and engineering services. The Township requires that construction shall not commence until the property Owner has posted appropriate financial security.
- d. The Property Owner or Owners shall reimburse the Township for all its reasonable and necessary expenses incurred as a result of the extension.
- e. Upon completion of the construction, the property Owner or Owners shall dedicate, and the Township shall accept the extension of the Township's system, provided dedication of facilities and the installation complies with plans, specifications, and regulations of the Township and the agreement between the Township and the property Owner.
- f. Where the property Owner constructs or causes to be constructed at his expense any extension of the sewer system of the Township, the Township shall provide for the reimbursement to the property Owner when the Owner of another property not in the development for which the extension was constructed, connects a service line directly to the extension within ten (10) years of the date of the dedication of such extension to the Township in accordance with the following provisions:
 - i. Such reimbursement shall be equal to the distribution or collection part of each tapping fee collected as a result of subsequent connections. The Township shall deduct from each

reimbursement payment an amount equal to five percent (5%) which shall be deemed to represent the appropriate charge for administrative expenses and services rendered in calculating, collecting, monitoring and disbursing the reimbursement payments to the property Owner entitled thereto.

- ii. Reimbursement shall be limited to those lines which have not been paid for by the Township.
- iii. The Township shall, in the preparation of the necessary reimbursement agreement with the property Owner or Owners for whose benefit reimbursement will be provided, attach as an exhibit an itemized listing of all sewer facilities for which reimbursement shall be provided.
- iv. The total reimbursement to which a property Owner or Owners shall be entitled shall not exceed the cost of all labor and material, engineering, design charges, the cost of performance and maintenance bonds, Township review and inspection charges, as well as flushing and televising charges and any and all charges involved in the acceptance and dedication of such facilities by the Township, less the amount which would be chargeable to such property Owner based upon the Township's collection and distribution tapping fees which would be applicable to all lands of the property Owner served directly or indirectly through such extensions if the property Owner did not fund the extension.
- v. The Township shall notify by certified mail, to their last known address, the property Owner or Owners for whose benefit such reimbursement shall apply within thirty days of the Township's receipt of any reimbursement payment. In the event that the property Owner or Owners have not claimed a reimbursement payment within one hundred twenty days of the mailing of the notice, the payment shall revert to and become the sole property of the Township with no further obligation on the part of the Township to refund the payment to the property Owner or Owners.
- vi. Whenever a sewer system or any part or extension thereof owned by the Township has been constructed by the Township at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the Township at the expense of the private person or corporation, the Township shall have the right to charge a tapping fee and refund said tapping fee or any part thereof to the person or corporation who has paid for the construction of said sewer or water system or any part or extension thereof.

[Added by Ord. 06-10-91, 06/10/1991, §2]

§128. Setting Fees, Charges, Interest, and Other Assessments. All fees, charges, interest, and assessments referred to in this Part shall be set, from time to time, by Resolution of the Clay Township Board of Supervisors. *[Added by Ord. 031494B, 03/14/1994, §1]*

§129. Validity. The provisions of this Part are severable and if any of its provisions

shall be held to be illegal, such illegality shall not affect or impair any of the remaining provisions of this Part. It is hereby declared to be the legislative intent that this Part would have been adopted had any such illegal provision not been included herein. [*Ord. 04-83, 08/22/1983. Art.XII, §12.1*]