

**WEST MEAD TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA**

Ordinance No. 1999 - 2

AN ORDINANCE REQUIRING ADJACENT AND ADJOINING PROPERTY OWNERS TO CONNECT AND USE PUBLIC SANITARY SEWER SYSTEM, ESTABLISHING CONNECTION AND MAINTENANCE REGULATIONS, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE REGULATIONS AND PROVIDING PENALTIES FOR VIOLATION.

Whereas, in order to reduce the risk of pollution of groundwater resources and protect the public health, safety and welfare, the Township has determined that it should require connections of buildings on lands adjacent to the public sewer system to the system consistent with the authority of Section 2502 of the Second Class Township Code; and

Whereas, the only publically owned and operated sewer system serving West Mead Township is the Meadville Area Sewer Authority's (MASA) system.

Whereas, it is necessary to revise the Township's 1965 sewer connection ordinance to make it consistent with the revisions to the Second Class Township Code and change of ownership of the sewer system.

Now, Therefore, be it enacted and ordained by the Board of Supervisors of West Mead Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Title. The title of this Ordinance is the West Mead Sewer Connection Ordinance.

Section 2. Definitions.

Authority or MASA. The Meadville Area Sewer Authority, its successors and assigns.

Owner. Any person having a legal or equitable ownership interest in property, and any person holding title to property by deed or other instrument duly recorded in the records of Crawford County.

Person. Means any individual, partnership, corporation, association, institution, cooperative enterprise, governmental entity or agency, or any other legal entity which is recognized by law. In any provision of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

Persons Responsible. All persons in possession or control of real estate by reason of a lease, contract or other legal right or claim, and all persons performing work for the owner or person responsible.

Sanitary Sewer System or Sewer System. The Sanitary Sewer System owned and operated by the Meadville Area Sewer Authority located in West Mead Township, Crawford County, and all lines, pipes, equipment, structures and other devices designed for the collection, transportation, storage, treatment or disposal of sewage.

Sewer Line. A sanitary sewer line owned by the Authority, intended to collect and convey sewage from multiple sources, and excluding laterals which serve only one property and are not owned by the Authority.

Sewage. A combination of domestic or industrial wastewater which may include chemical, house wastes, laundry wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and which is discharged from a dwelling, building, or other structure and permitted to enter the Sanitary Sewer System for the purpose of treatment and disposal.

Section 3. Required Connections. Owners of real estate in West Mead Township whose property adjoins or is adjacent to a Sewer Line, on whose property is located a building or structure customarily or actually used or occupied for residential, business or institutional purposes, and whose building or structure is within 150 feet of the Sewer Line, are required to connect to and use the public sewer system owned and operated by the Meadville Area Sewer Authority (MASA) for all sewage disposal. A property adjacent to a Sewer Line shall include any property separated from the Sewer Line by a roadway, or other public or Authority easement or right-of-way.

Section 4. Connection Requirements. Before connecting to the Authority sewer system, an owner or person responsible shall make application to the Authority for a connection permit, shall make payment of all required connection and tapping fees, and shall obtain a permit from the Authority for the connection.

Section 5. Construction and Maintenance Requirements. All connections to the Authority sewer system shall be made and constructed and maintained in accord with the applicable specifications, rules and regulations of the Authority and regulations and codes of the Township as adopted from time to time.

Section 6. Prohibited Activity.

- a. **Refusal to Connect.** No person required to connect to the Authority sewer system under this Ordinance shall fail to do so when directed by the Township or the Authority.
- b. **No Alternate System Permitted.** No person required to connect to the Authority sewer system shall use or employ any means of sewage disposal including septic tanks and privys, except the Authority sanitary sewers.
- c. **Prohibited Connections.** No person shall connect or cause to be connected to the sanitary sewers of the Authority any privy vault, cesspool, septic tank or other on lot sewage system component.
- d. **No Inflow from Improper Sources.** No person shall make or allow the continued connection of roof down spouts or leaders, interior or exterior foundation drains, cleanouts, sump pumps, cellar, yard and area drains, cooling water discharges, drains from springs or swampy areas, or other sources of surface, storm or groundwater to a structure sewer or structure drain which is connected, either directly or indirectly, to the Sanitary Sewer System, even though such connection may have been allowable when made under then existing ordinances, rules, regulations or standards.
- e. **No Connections Without Permit.** No person shall make or cause to be made any connection to any portion of the sanitary sewers of the Authority without obtaining a permit issued by the Authority, without complying with the rules and regulations of the Township and Authority and without paying fees as required by the Authority and Township.
- f. **No Construction Without Compliance with Specifications.** No person shall construct or install a sanitary sewer line, lateral, connection or any related facility without complying with the specifications and rules of the Authority, and regulations and codes of the Township as adopted from time to time, and in effect at the time of construction or installation.
- g. **No Maintenance of Condition in Violation of Authority or Township Regulations.** No person shall permit or allow a pipe, fixture, pump, device, or facility connected to the Sanitary Sewer System to remain and continue in a condition in violation of the

Regulations of the Authority or Township after receiving written notice of the violation and request to correct the condition.

Section 7. Administration. This Ordinance shall be administered and enforced by the Township or the Township's designated representative which is the Authority and their respective Enforcement Officers or designated representatives.

Section 8. Inspections/Access and Entry.

- a Access.** The Enforcement Officer or other designated inspector shall have the right to make an inspection of any parcel of real estate and structure located thereon for the purpose of determining compliance with this Ordinance. Inspections shall be done at reasonable hours of the day and with prior notice whenever practical.
- b Notice.** If the structure or real estate to be inspected is occupied, the representative shall first present proper credentials and request entry. If the structure or real estate is unoccupied, he shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the structure or real estate and request entry.
- e Scope of Inspection.** Inspections permitted under this Ordinance shall include reasonable inspection and testing of any plumbing and drain connections within the buildings and structures, and of sewer and drain pipes and connections outside the structures and buildings.
- d. Search Warrants.** If, after proper notice and request, entry or access is refused, the Enforcement Officer may compel access by application to a court of competent jurisdiction for a search warrant in compliance with the applicable provisions of the Pennsylvania Judicial Code and Pennsylvania Rules of Criminal Procedure and this Ordinance governing such actions. A court may issue a search warrant to the Enforcement Officer for purposes of inspecting any property, building, premise, place or physical evidence, or for purposes of conducting tests on such property, building, premise, place or physical evidence to determine compliance with this Ordinance. Such warrant shall be issued upon probable cause. It shall be sufficient probable cause to show any of the following:

 - (1) that the inspection, examination or test is pursuant to a general administrative plan to determine compliance with this Ordinance; and
 - (2) that the Sewage Inspector has reason to believe that violation of

this Ordinance has occurred or may occur, and that the Enforcement Officer has been refused access to the property, building, premise, place or physical evidence, or has been prevented from conducting tests.

Section 9. Violations to be Corrected.

- a. Notice of Violation.** If it is determined that there is a violation of this Ordinance, the Rules and Regulations of the Authority, or the regulations or codes of the Township, the designated Enforcement Officer shall provide notice to the owner and responsible persons that a violation has been found and that the premises, structure or equipment must be repaired, or that the condition which constitutes the violation must be corrected as necessary and appropriate.
- b. Violation to be Corrected.** The owner or responsible persons shall comply with the notice/order by either performing the work or having the work done by a licensed or otherwise qualified plumbing or sewer contractor.
- c. Corrective Work.** All work to correct a violation shall be done in a workmanlike manner, shall be performed in compliance with adopted codes and regulations of the Township and Authority; and shall be inspected by the Enforcement Officer or other designated inspector as necessary to assure compliance.

Section 10. Notice/Order. The written Notice of Violation shall include the following information:

- a.** Identity of the real estate and description of the building, structure or portion of premises in violation, its location and its owners.
- b.** A statement of the specific conditions which cause the property, building or structure to be in violation of the Ordinance and references to the sections of the Ordinance which are being violated.
- c.** A general statement of the repairs or remedial action required to bring the property, building or structure into compliance and a reasonable time within which to complete the remedial action.
- d.** A notice of penalties that may be imposed due to a violation of this Ordinance or failure to correct the violation and persons(s) to contact concerning remedial action or other concerns.

Section 11. Method of Service. Notices and orders shall be deemed to be properly served if a copy thereof is (a) delivered to the *owners and persons responsible* personally; or (b) sent by certified or registered mail addressed to the *owners and persons responsible* at the last known address with return receipt requested. If the certified or registered notice is returned showing that the notice was not delivered, a copy thereof shall be posted in a conspicuous place in or about the property or structure affected by such notice, and mailed by regular mail. A record of the means of serving the notice should be maintained.

Section 12. Enforcement Remedies and Penalties. If any person or persons shall maintain a structure, equipment or premises in violation of this Ordinance, fail to comply with notices and orders lawfully issued under this Ordinance, or in any other manner violate the provisions of this Ordinance, they shall be subject to the following penalties and remedial action:

- a. Penalty.** Any person who fails to comply with any requirement or provision of this Ordinance or who fails or refuses to comply with any notice or order of the Enforcement Officer or any other authorized representative of the Township or Authority shall be guilty of a summary offense and, upon conviction, shall pay a fine not to exceed \$1,000.00 per violation, plus costs of prosecution, including court costs and reasonable attorney fees incurred by the Township or Authority in the enforcement proceedings. In default of such payment, such person shall be imprisoned for a period not to exceed ten (10) days. Each day or portion thereof that a violation is found to exist shall constitute a separate offense. Each section of the Ordinance which is being violated shall also constitute a separate offense.
- b. Township or Authority to Connect.** If any person required to connect to the Sanitary Sewer System fails to connect to and use the sanitary sewer for a period of sixty days after notice to do so has been served by the Enforcement Officer, the Township or Authority or their agents or contractors may enter the property and construct the connection. An itemized bill of the cost of construction shall be served on the owner of the property to which connection has been made, and this bill shall be payable immediately. If the owner fails to pay the bill, the Township or Authority may file a municipal lien for the cost of the construction within six months of the date of completion of the connection.
- c. Township or Authority Remedial Action.** If the owners or responsible persons allow a condition to exist which causes a nuisance and is a violation of this Ordinance, and fail to correct or remedy the violation as required by a Notice/Order within the time provided, the Township or Authority may cause such condition to be repaired and

remedied, as the circumstances may warrant, and collect the costs of such remedial action together with attorney fees and other costs, and a penalty of ten percentum (10%) from the owners or responsible persons. The Township or Authority may collect these costs and charges by a suit at law against the owners and responsible persons or may file a municipal lien against the lands on which the subject violation was located. The recovery of such costs and expense, together with the penalty, shall be in addition to other penalties imposed in this Ordinance.

d. Other Remedies. In the event that after notice and opportunity to correct the unlawful condition, violations continue unabated without any remedial action, or are determined to constitute a public nuisance, or in the event it is determined that the condition creates an immediate and substantial danger to the public, the Township or Authority may institute an action in equity or at law to abate the nuisance, to obtain an order compelling compliance with the Ordinance, and to obtain such other relief as is appropriate, including but not limited to an order:

(1) To restrain, correct or remove the violation and to require that remedial work be performed to correct the violation; or

(2) To prevent the *occupancy* of a structure that is not in compliance with the provisions of this Ordinance, and to allow disconnection of sewer service until the conditions are corrected; or

(3) To recover costs incurred in conjunction with actions taken by the Township or Authority to secure compliance with the requirements of this Ordinance including recovery of costs of remedial action and attorney fees.

e. Collection of Expenses and Penalties. The Township and Authority may take any appropriate action to recover any and all penalties and costs of enforcement, including attorney fees. Such action may include instituting suit for collection, executing on the judgment, or filing a municipal claim and lien for any amounts due. This remedy shall include requesting any water utility providing water to the subject premises to shut off water to such premises in accordance with the Act of April 14, 1949, P.L. 482, as amended, 53 P.S. § 2261, and amendments thereto, until all such charges, costs and penalties have been paid.

- f. **Remedies Not Exclusive.** The remedies provided herein for the enforcement of this Ordinance, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Township or Authority.

Section 13. Relation to Other Codes. It is the intent of the Township that this Ordinance shall not repeal any building or plumbing code or sewage management ordinance lawfully adopted by the Township. Whenever the provisions of this Ordinance or rules and regulations of the Authority being enforced by this Ordinance, are in conflict with or at variance with any lawfully adopted building or plumbing code, or sewage management ordinance, the more restrictive requirements shall govern.

Section 14. Repeal. Any ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed. Specifically, West Mead Township Ordinance No. 41964 is hereby repealed. Saved from repeal are the various building codes adopted by the Township and in effect from time to time including but not limited to the CABO One and Two Family Dwelling Code, and the BOCA Building Code.

Section 15. Severability. Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, of which this Ordinance may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

Section 16. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED this 19th day of April, A.D., 1999,
by the Board of Supervisors of West Mead Township.

West Mead Township Board of Supervisors

By: _____
Chairman

By: _____

By: _____
Supervisor

Attest:

By: Judy E. Mona
Secretary
[seal]

Daniel C. Minick, Chairman, Walter R. Young, Supervisor, signed this document. The signatures would not scan in.