

ORDINANCE

NO. 2014- 2014-03

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF
NEWTOWN, CHAPTER 130, SEWERS, ARTICLE I, SEWER
CONNECTIONS AND USE, SECTION 130-3, GENERAL REGULATIONS,
BY DELETING THE CURRENT SECTION 130-3 AND ADDING A NEW
SECTION 130-3, CONNECTIONS.**

The Board of Supervisors of the Township of Newtown, Delaware County, Pennsylvania hereby ordains:

Section 1. The Code of the Township of Newtown, Chapter 130, Sewers, Article I, Sewer Connections and Use, Section 130-3, General Regulations, shall be amended by deleting the current text of Section 130-3 and replacing it with the following:

§130-3. Connections.

- A. Individual on-lot systems.
- (1) It shall be unlawful for any person owning any habitable building on a parcel or lot abutting a sanitary sewer system or situated within 150 feet of a sanitary sewer system to erect, construct or use or maintain or cause to be erected, constructed, used or maintained any on-lot sewage system, including, but not limited to, a privy, cesspool, sinkhole, septic tank, or other receptacle for receiving sewage.
 - (2) Any person who erects, constructs or maintains an on-lot sewage system, including, but not limited to, a privy, cesspool, sinkhole, septic tank, or other receptacle for receiving sewage on any property abutting on or within 150 feet of a sanitary sewer system in violation of this section shall be deemed and shall be declared to be erecting, constructing or maintaining a nuisance, which nuisance the Township may abate in any manner provided by law.
- B. Connections required.
- (1) Where properties abutting upon a sanitary sewer system are assessable for a proportionate share of the cost of the sanitary sewer system, all persons owning any habitable building now erected upon any parcel or lot abutting on the sanitary sewer system shall, at their own expense, make connection with and use the sanitary sewer system in accordance with the rules and regulations of the operator and the Township within sixty days after notice to do so from the Township.
 - (2) All persons owning any parcel or lot abutting on a sanitary sewer system upon which said parcel or lot a habitable building is hereafter erected

shall, at the time of the erection of such building and at their own expense, make connection with and use the sanitary sewer system in accordance with the rules and regulations of the operator and the Township within sixty days after notice to do so from the Township.

- (3) All persons owning any habitable building upon any parcel or lot which hereafter shall abut on a sanitary sewer system shall, at their own expense, make connection with and use the sanitary sewer system in accordance with the rules and regulations of the operator and the Township within sixty days after notice to do so from the Township.
- (4) All persons owning any habitable building upon any parcel or lot abutting on any public or undedicated road, private road, alley, or right-of-way in which there has been constructed a sanitary sewer system shall, at their own expense, make connection with and use the sanitary sewer system in accordance with the rules and regulations of the operator and the Township within sixty days after notice to do so from the Township.
- (5) All persons owning any habitable building situated within 150 feet of a sanitary sewer system shall, at their own expense, make connection with and use the sanitary sewer system in accordance with the rules and regulations of the operator and the Township within sixty days after notice to do so from the Township.
- (6) At any time, any property owner may file an application with the operator to voluntarily make connection with and use a sanitary sewer system in accordance with the rules and regulations of the operator and the Township.

C. Connection deferment.

- (1) Notwithstanding any requirement to connect an existing habitable building to a sanitary sewer system, a property owner may elect to defer connection for a period of up to 10 years from the date of the official notice to connect, if the property owner complies with the following conditions:
 - (a) The property owner shall, at the owner's expense, obtain a certification from a registered professional engineer, or other professional certified or licensed by the Commonwealth of Pennsylvania and recognized to possess experience and expertise with respect to on-lot sewage systems, which states that there is an existing on-lot sewage disposal system serving the habitable building that has been inspected and found to be in satisfactory working condition.
 - (b) The property owner shall submit the certification of a satisfactory on-lot-sewage system to the Township within thirty days after the property owner receives written notice from the Township to

connect and, thereafter, the property owner shall annually, at the owner's expense, cause an inspection and certification to be obtained in accordance with the above requirements and submit the same to the Township.

- (c) In the event that a property owner fails to obtain or submit the annual certification for an on-lot sewage system, or in the event that an on-lot sewage system is found not to be in satisfactory working condition, the property owner shall, at the owner's expense, make connection with and use the sanitary sewer system in accordance with the rules and regulations of the operator and the Township within sixty days after notice to do so from the Township.
 - (d) The property owner shall, upon request to do so, enter into an agreement with the sanitary sewer system operator and the Township to pay the owner's proportionate share of the capital costs of the sewer system despite the deferred connection.
- (2) Notwithstanding any proper deferment of the connection of a habitable building to a sanitary sewer system, all persons shall, at their own expense, connect a habitable building with a sanitary sewer system prior to the sale or transfer of the property to a third party, regardless of whether there is an existing on-lot sewage disposal system that has been found to be in satisfactory working condition if the Township has provided notice to the property owner to connect to a sanitary sewer system.
 - (3) Notwithstanding any proper deferment of the connection of a habitable building to a sanitary sewer system, all persons shall, at their own expense, connect a habitable building with a sanitary sewer system within fifteen (10) years after notice to do so from the Township regardless of whether there is an existing on-lot sewage disposal system that has been found to be in satisfactory working condition.

D. Compliance with rules and regulations.

No connection shall be made to a sanitary sewer system except in compliance with the appropriate rules and regulations of the Township and with such rules and regulations of the operator and the Commonwealth of Pennsylvania. The following rules and regulations shall apply to all sanitary sewer systems within the Township:

- (I) Application for service line.
 - (a) Persons desiring the introduction of a service line from a sanitary sewer system to their premises must first make written application as required by the operator.

- (b) No person owning any premises connected with a sanitary sewer system or tenant of such premises shall permit another person or premises to use or connect with his service line, except upon written authorization from the operator.
- (2) Permit for connection. Before making any connection to a sanitary sewer system, a permit must be obtained from the operator.
- (3) Service connection. No sewer connection or disconnection shall be made nor any lateral installed except in the manner and of a type approved by the respective operator. The property owner is responsible for the construction and maintenance of the lateral connection from a building to the sewer system. The lateral line shall be constructed at the owner's expense. All sewer connection and disconnection work must be inspected and approved by the operator.
- (4) Sewage facilities planning. All construction projects that propose new or expanded plumbing/sewage facilities require Department of Environmental Protection (DEP) review under the Pennsylvania Sewage Facilities Act (Act 537). No building permit, certificate of occupancy, final subdivision or land development approval, or other proposed construction approval may be issued until sewage planning has been approved by DEP through the issuance of a planning module approval or an exemption from planning, or until DEP has issued a letter stating that sewage planning is not required.
- (5) Sewage discharge.
 - (a) No stormwater, roof drain, condensate line, cellar seepage, surface or ground waters, oils, grease, gasoline, combustible gases or liquids, garbage or insoluble solids or any substance which would impair or interfere with the sewer system or any part thereof in any manner or with the function of the processes of sewage treatment shall be connected or discharged to a sanitary sewer system.
 - (b) No person shall discharge or cause to be discharged into a sanitary sewer system any ashes, cinders, sand, glass, straw, mud, hay, shavings, metal, scraps, rags, feathers, plastics, wood or any other solid or viscous substance capable of causing obstruction to the flow in a sanitary sewer system or the processes of sewage treatment.
 - (c) All hotels, restaurants, boardinghouses and public eating places, before draining into a sanitary sewer system, shall install grease traps on the house drains of such character as may be specified by the Township and/or the operator.
 - (d) Sewage shall not be discharged to storm sewers.

- E. Inspections. The Township, the operator or their representatives shall have the right of access at all reasonable times to all parts of any industrial or commercial premises connected with a sanitary sewer system and to examine and inspect the connections thereto and the plumbing fixtures or any improper connection, installation, maintenance or use. The Township and operator may make reasonable charges for such inspections to users of the sewer system.

Section 2. Nothing in this Ordinance or in the Code of the Township of Newtown, as hereby amended, shall be construed to affect any suit or proceeding in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.


Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Supervisors of the Township of Newtown, Delaware County, Pennsylvania this 14th day of, October, 2014.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF NEWTOWN

By: 
Joseph V. Catania, Chairman

ATTEST:


Michael T. Tiro, Secretary/Township Manager

