

WARRIOR RUN BOROUGH ORDINANCE NO. 1991-7

REQUIRING THAT CERTAIN OCCUPIED BUILDINGS ACCESSIBLE TO PUBLIC SEWERS BE CONNECTED THEREWITH; PROHIBITING PRIVIES, CESSPOOLS, SEPTIC TANKS AND OTHER DEVICES FOR DISPOSING OF SANITARY SEWAGE ON PROPERTIES REQUIRED TO BE CONNECTED WITH PUBLIC SEWERS; REQUIRING PERMITS FOR CONNECTIONS TO PUBLIC SEWERS AND PROVIDING FOR CONNECTION RULES AND REGULATIONS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR THE SEVERABILITY HEREOF; AND REPEALING INCONSISTENT ORDINANCES AND RESOLUTIONS

WHEREAS, Wyoming Valley Sanitary Authority (the "Authority") has undertaken to construct facilities for the treatment of sewage discharged from the collection systems of certain municipalities located in Wyoming Valley, Luzerne County, Pennsylvania, including the Borough of Warrior Run (the "Borough"); and

WHEREAS, to promote the health and welfare of residents of this Borough and to comply with the provisions of its Service Agreement with the Authority, it is advisable to require that occupied buildings on property accessible to public sewers be connected thereto and to prohibit privies, cesspools, septic tanks and similar devices for disposing of sanitary sewage on such properties;

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the governing body of the Borough:

Section 1. As used herein, the following terms shall have the meanings stated:

(a) "Occupied building" means each structure for continuous or periodic human occupancy from which sanitary sewage is or may be discharged, and includes, without

limiting the generality of the foregoing, dwellings, flats, apartments, stores, shops, offices and business or industrial establishments.

(b) "Person" means any individual, firm, company, association, society, partnership or corporation.

(c) "Property accessible to a public sewer" means property which adjoins, abuts on, or is adjacent to a public sewer or a street or highway in which a public sewer is located, but shall not include any property on which the principal occupied building is located more than 150 feet from a public sewer.

(d) "Public sewer" means facilities (including any part of, but not necessarily the entirety of a system of, such facilities) operated by a sewer authority for the collection of sanitary sewage within this Borough. Such term includes lateral lines from a main street to the curb or right-of-way line where such lateral lines are constructed by a sewer authority.

(e) "Sanitary sewage" means the normal, water-carried household and toilet wastes resulting from human occupancy.

(f) "Sewer authority" means any sewer committee or department of the Borough or any other agency operating public sewers for or at the request of the governing body of the Borough.

Section 2. Upon the completion of any public sewer, the sewer authority charged with the operation thereof shall cause notice of that fact to be published once in a

newspaper of general circulation in the Borough, such notice to state that owners of property accessible to such sewer and upon which there is an occupied building are compelled to make connection therewith pursuant to this Ordinance. A copy of such notice, together with a copy of this Ordinance and any Ordinance then in effect imposing sewer connection fees and sewer rents shall be mailed to each person known to the sewer authority to own property accessible to such sewer, but failure to mail such copies or defect in the mailed copies or defect in the mailing thereof shall not affect the validity of the notice.

Section 3.

(a) Any person owning property accessible to a public sewer on which there is an occupied building shall, at his own expense, install sanitary facilities in such building and connect the same to the public sewer within sixty (60) days after publication of the notice of completion of the sewer specified in Section 2.

(b) Any person owning property accessible to a public sewer on which an occupied building is hereafter erected shall, at the time of erection and at his expense, install sanitary facilities in such building and connect the same to the public sewer.

(c) Persons owning properties accessible to a public sewer on which there are occupied buildings more than 150 feet from such sewer and persons owning properties not accessible to a public sewer who are nevertheless able to



arrange for connections thereto through intermediate properties shall be permitted to make such connection.

Section 4. It shall be unlawful for any person owning or occupying a property on which there is a building required to be connected to a public sewer under the provisions of Section 3 hereof to construct or use on such property any privy, privy vault, cesspool, septic tank or other device for the disposal of sanitary sewage and any such prohibited devices shall be cleaned and filled in with clean bankrun gravel or dirt within thirty (30) days following the date on which the aforesaid connection is required to be made. Any such privy, privy vault, cesspool, septic tank or other device constructed or used in violation hereof is hereby declared to be a nuisance which shall be abated as provided by law.

Section 5. No connection shall be made to any public sewer except upon payment of the prescribed connection fee and upon permit issued by the sewer authority pursuant to rules and regulations regarding connections promulgated by the sewer authority and approved by the governing body of the Borough. No person shall make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the sewer authority.

Section 6. If any person required to make a connection to a public sewer by Section 3 hereof fails to do so after reasonable notice and opportunity, the sewer authority shall

report such failure to the governing body of the Borough, which may proceed as permitted by law to enter upon this property, make such connection and collect the cost thereof by municipal lien or otherwise.

Section 7. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 8. Any person violating any provision of this Ordinance shall be served by the sewer authority with written notice stating the nature of the violation and prescribing a reasonable time limit for the correction thereof. Any person continuing such a violation beyond such time limit shall be subject to fine in an amount not exceeding One Hundred (\$100.00) Dollars for each offense. Each separate building or dwelling unit in respect of which a violation occurs and each 90-day period during which a violation continues shall be deemed a separate offense.

Section 9. If any of the provisions of this Ordinance, or the application of any provision hereof, shall be held invalid, such invalidity shall not affect or impair the remainder of this Ordinance, it being the intention of the governing body of the Borough that such remainder shall continue in full force and effect.

Section 10. All Ordinances and resolutions or parts thereof in conflict or inconsistent herewith are hereby repealed.

ORDAINED and ENACTED this 14th day of January,  
1997.

Robert Daylida  
ROBERT DAYLIDA,  
Council President

ATTEST:

Rita Brodowski  
RITA BRODOWSKI, Secretary

Passed and adopted this 14th day of January,  
1997.

Gerald O'Brien  
GERALD O'BRIEN, Mayor