ORDINANCE NO. 172
OF THE
BOARD OF SUPERVISORS OF
THE TOWNSHIP OF EAST NORRITON
Montgomery County, Pa.

AN ORDINANCE REDEFINING THE COMPOSITION OF SEWER DISTRICT NO. 1, PROVIDING A METHOD OF ASSESSMENT OF COSTS FOR THE CONSTRUCTION OF SEWERS ON WHITEHALL ROAD, ESTABLISHING A METHOD OF PAYMENT FOR ASSESSMENT COSTS RELATED TO THE WHITEHALL ROAD SEWER PROJECT, PROVIDING FOR MANDATORY CONNECTIONS OF CERTAIN PROPERTIES ACCOMMODATED BY PUBLIC SEWERS, REQUIRING DISCONNECTION OF CERTAIN ON-SITE SEWER SYSTEMS, PROVIDING FOR CERTAIN ADMINISTRATIVE FEES FOR PROCESSING SEWER RENTAL OR ASSESSMENT LIENS DUE TO NON-PAYMENT, ESTABLISHING CERTAIN PENALTIES FOR VIOLATING ORDINANCES OF THE TOWNSHIP RELATING TO USE OR LACK OF USE OF THE PUBLIC SEWER SYSTEM AND REGULATIONS ADOPTED FOR THE USE THEREOF AND PROVIDING FOR A METHOD OF REVISING SANITARY SEWER SERVICE RENTAL RATES AND CHARGES.

WHEREAS, the Board of Supervisors of the Township of East Norriton has previously approved the construction and financing of a system of sanitary sewers known as the Whitehall Road Sewer Project, more specifically described in certain Plans and Specifications prepared by F. X. Ball Associates, Inc.; and

WHEREAS, certain portions of existing Ordinances and Resolutions of the Township are in need of revision and/or updating to reflect the existence of the Whitehall Road Sewer Project; and

WHEREAS, the Board of Supervisors, in Resolution No. 961, has resolved to defray the cost of the construction of the Whitehall Road Sewer Project through assessment of properties accommodated or benefitted by the sewer line in question; and

WHEREAS, the Board of Supervisors will determine the method and amount of assessment to be charged to the properties benefitted by the Whitehall Road Sewer Project; and

WHEREAS, the Board of Supervisors has determined that in order to repay certain loans required to finance the construction of the Project, it must require property owners benefitted or accommodated by the Project to connect to the sanitary sewer system provided and pay rentals for the use thereof; and

WHEREAS, the Board of Supervisors has determined that it must defray the cost of administrative charges relating to processing of sewer rental liens and enforcing the terms of other Township Ordinances and Resolutions relating to the use of the sanitary sewer system; and

WHEREAS, the Board of Supervisors has determined that the method of amending or revising the existing sewer rental rate schedule of Township should be revised.

NOW, THEREFORE, the Board of Supervisors of the Township of East Norriton, Montgomery County, Pennsylvania, hereby ORDAINS and ENACTS THAT:

Section I. Ordinance No. 158 of April 20, 1981 is hereby amended to read, in pertinent part, as follows:

> Section 1. Sewer District No. 1 is hereby expanded to encompass the entire Township of East Norriton.
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> Section 2. The entire Township of East Norriton is hereby designated as a service area of the East Norriton Township Municipal Authority, except for those areas where East Norriton Township has or will fund or construct a sanitary sewer system or where Township has or will obtain by Agreement or Deed of Dedication a sanitary sewer system. Township hereby reserves the right to provide sanitary sewer service to any portions of Sewer District 1.

Section II. The remaining portions of Ordinance No. 158 of April 20, 1981 continue in full force and effect in so far as they

are not inconsistent herewith.

Section III. Ordinance No. 29 of January 4, 1960 and Ordinance No. 57 of April 14, 1969 are hereby repealed.

Section IV. Definitions:

a) "Authority" means East Norriton Township Municipal Authority as presently or hereafter constituted, which has been created by Board of Supervisors.

b) "occupied building" means each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family unit contained within any structure erected within one hundred and fifty feet from the Sewer System and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage is or may be discharged.

c) "person" means any individual, firm, company, association, society, corporation or group.

d) "property accessible to the Sewer System" means improved property which adjoins, abuts on, or is adjacent to, the Sewer System or as may be further defined or modified under rules and regulations adopted pursuant to Section X.

e) "sanitary sewage" means the normal water carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

f) "Sewer District" means East Norriton Sewer District No. 1 as designated and created pursuant to Township Ordinance No. 28, No. 158 and this Ordinance.

g) "Sewer System" means and refers to the public sanitary sewer collection system, together with appurtenant facilities now or later constructed for the Sewer District and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Township or to any part or parts of any or all thereof.

h) "Township" means the Township of East Norriton, Montgomery County, Pa., or the duly constituted and elected municipal authorities thereof.

Section V. Whenever any portions of the Sewer System

are ready for public use, it shall be the duty of the Township to cause notice of the fact to be given by advertisement published once in one newspaper of general circulation in the Township, and such advertisement shall state that the Sewer System may be used by all persons owning occupied buildings on property accessible to the Sewer System, subject to the payment of any connection charges and of annual sewer rentals in amounts as may from time to time be fixed by the Township.

Section VI.

a) All persons owning any occupied building now erected upon property accessible to the Sewer System shall, at their own expense, connect such building with the Sewer System within ninety (90) days after the date of publication specified in Section V.

b) All persons owning any property accessible to the Sewer System upon which an occupied building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the Sewer System.

c) All persons owning any occupied building upon property which hereafter becomes accessible to the Sewer System shall, at their own expense, connect such building with the Sewer System within ninety (90) days after notice to do so from the Township.

Where more than one occupied building, as hereinbefore defined, is contained in a separate structure, a single common connection to the lateral of the Sewer System shall be permitted for accommodating all units contained in such structure, except that separate connections shall be required for each semi-detached or row-type house or structure.

Section VII. It shall be unlawful for any person owning any property accessible to the Sewer System to erect, construct or use or maintain or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises or otherwise for receiving sanitary sewage after the expiration of the particular period specified in Section VI hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Township, the storm sewers of the Township or upon public or private property or otherwise, except into the Sewer System.

Section VIII. The foregoing notwithstanding, any owner of an occupied building accessible to the Sewer System who maintains facilities to discharge sanitary sewage below the first floor of an occupied building shall be permitted to maintain a cesspool or septic tank of the type approved by the Township Sewage Enforcement Officer or Plumbing Inspector so long as said system

functions properly in the sole discretion of the Sewage Enforcement Officer or Plumbing Inspector. In the event of a malfunction, and in all cases involving the immediately preceding Section of this Ordinance, all cesspools or septic tanks shall be disconnected from the occupied building and shall be properly backfilled under the direction of the Sewage Enforcement Officer or Plumbing Inspector.

Section IX. Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any property accessible to the Sewer System, or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of sanitary sewage in violation of this Ordinance, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Township is hereby authorized and directed to abate in the manner provided by law.

Section X. No connection shall be made to the Sewer System, except in compliance with the Ordinances and Resolutions, as well as such Rules and Regulations as may, from time to time, be enacted, adopted, approved or promulgated by the Township or the Authority.

Section XI. It shall be unlawful and a violation of this Ordinance for any owner of any occupied building on property accessible to the Sewer System to fail to connect such property with the Sewer System within 90 days after having received notice to do so from the Township.

Section XII. Persons, firms and corporations desiring to do plumbing intended to be connected to the Sewer System shall exhibit evidence of competency to perform the connection to the Township and shall obtain a permit for the connection from the Township, as is more specifically provided in Township Ordinance No. 35 of August 5, 1963, all Amendments thereto and all Resolutions or Regulations adopted pursuant thereto.

Section XIII. Any plumber or other person who shall neglect or refuse to take out a permit or comply with the provisions of this Ordinance shall not be deemed competent to perform any work intended to be connected with the sewers, and no work performed by such plumbers or other persons shall be connected with any sewers.

Section XIV. Each occupied building, as hereinbefore defined, whether or not the owners thereof shall be permitted to connect two or more occupied buildings or units by a single connection to a lateral of the sewer system or shall be required to make separate

connections for each occupied building or unit, shall constitute a separate and distinct unit under the provisions of this Ordinance and the persons owning occupied buildings, consisting of multiple units contained in the same structure, who violate any of the provisions of this Ordinance, shall be subject to the aforesaid fine for each and every one of such occupied buildings or units which are in violation of the provisions of this Ordinance.

Section XV. Except as to existing Sanitary Sewer System constructed pursuant to its terms, Ordinance No. 30 of March 14, 1960 is hereby repealed.

Section XVI. Concurrently with the filing of the Engineer's Certificate of Completion of the Whitehall Road Sewer Project, F.X. Ball Associates, Inc., Township's Engineer, shall submit its statement of costs of said Project which are eligible for assessment. The entire amount of costs deemed assessible shall be assessed against the owners of all properties benefitted, improved or accommodated by the sanitary sewers, according to the front foot rule as interpreted by the Courts of this Commonwealth. The amount of assessment shall be determined by dividing the assessible costs of the Project by the number of assessible front feet.

Section XVII. The foregoing notwithstanding, owners of corner properties which are serviced on two sides by sanitary sewers shall be assessed only on that side of the property having the longest portion of the sanitary sewer line serving it.

Section XVIII. After determining the proper assessment charge for each property benefitted, improved or accommodated by the sanitary sewer system, Township shall forward assessment bills by certified mail. All assessments shall be due and payable within ninety days from the date of mailing by Township. All delinquent assessment bills shall be subject to the administrative charge specified herein, interest at ten percent until paid, and 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 Montgomery County and shall be collected in the manner provided by law for the filing and collection of such liens or in such other manner as may be provided by law.

Section XIX. Township hereby establishes an administrative fee to be imposed upon all persons against whom liens or other legal process must be filed in order to collect sewer rentals, assessments, connection fees, permit fees, and other charges relating to the Sanitary Sewer System. Said administrative fee shall be in the amount of $25.00 and shall be inclusive of the costs of filing and satisfying liens, but not other court costs incident to the collection of said liens or other charges.

Section XX. All delinquent sewer rental, connection fees, permit fees, and other charges relating to the Sewer System shall bear interest at the highest rate of interest permissible by law from the date said debt was due until the date of payment.

Section XXI. To the extent that it is inconsistent herewith, Ordinance No. 31 of March 14, 1960 is hereby amended.

Section XXII. In order to more rapidly respond to the need to revise, amend, increase or decrease sewer rentals and all other charges, except assessments, relating to the Sanitary Sewer System may be accomplished by subsequent Resolution or Ordinance adopted by the Board of Supervisors of East Norriton Township.

Section XXIII. The provisions of this Ordinance are declared to be for the health, safety and welfare of the citizens of the Township and persons violating any provisions of this Ordinance, upon conviction before a Justice of the Peace within the Magisterial District of which the Township of East Norriton is a part, shall be fined $300.00 and costs. Each 30-day period during which such violation of such provisions shall continue, shall be deemed to be a separate offense.

Section XXIV. The rights of the Township to act pursuant to the terms of the Ordinance shall not be deemed exclusive, but shall be in addition to the rights provided to Township in any other Ordinances, Regulations, Statutes or laws of the Commonwealth of Pennsylvania or the United States of America.

Section XXV. If any provision, sentence, clause, section or part of this Ordinance or the application of any provision hereof is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not be included herein.

Section XXVI. All ordinances or parts of ordinances in conflict, or inconsistent herewith, be and the same are hereby repealed abolutely.

DULY ORDAINED AND ENACTED this 8th day of June, 1982.

THE TOWNSHIP OF EAST NORRITON

By John B. Stanley

Attest:

Helmut J. Taeuwald
Secretary