

LOWER OXFORD TOWNSHIP

ORDINANCE NO. 2009-4

AN ORDINANCE ESTABLISHING MANDATORY SEWER CONNECTION AND USE REGULATIONS FOR A SPECIFIC, LIMITED AND DEFINED AREA, AND ESTABLISHING THE OXFORD AREA SEWER AUTHORITY AS AGENT FOR PURPOSES OF IMPLEMENTATION OF CERTAIN ORDINANCE REQUIREMENTS

BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lower Oxford, Chester County, Pennsylvania as follows:

Section 1 - Purpose.

The purpose of this Ordinance is the establishment of the requirement of mandatory connection to the Oxford Area Sewer Authority Village Sewer System for the specific, defined and limited area known commonly as the "Village of Lincoln" specifically being certain portions of Ashmun Avenue, Broad Street, Cherry Street, Elkdale Road, Elkview Road, First Avenue, Park Lane, Second Avenue, Third Avenue and Walnut Street along which and within which are situated certain lots all specifically identified and numbered on the Map attached hereto as Exhibit "A" entitled "Eligible Lincoln Village Sewer Lots" and Schedule 1 thereto, which is incorporated herein by reference as though set out in full.

Section 2 – Definitions.

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this Ordinance shall be as follows:

- A. "Authority" shall mean Oxford Area Sewer Authority, a municipality authority existing and governed pursuant to provisions of the Municipality Authorities Act (53 Pa.C.S. Ch. 56), as amended and supplemented, of the Commonwealth;
- B. "Domestic Establishment" shall mean any room, group of rooms, apartment, house trailer, building or other enclosure connected, directly or indirectly, to the Village Sewer System and occupied or intended for occupancy as separate living quarters by a family or any other group of persons living together or by a person or persons living alone.
- C. "Improved Property" shall mean any property upon which there is erected any structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which Sanitary Sewage shall be or may be discharged.
- D. "Industrial Establishment" shall mean any improved property which shall be used, in whole or in part, for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from Sanitary Sewage, shall be discharged.

O. "Village Sewer System" shall mean the sewage collection system, together with the Interceptor, Meter Facilities and Pumping Facilities, including all related and necessary facilities, to be acquired, constructed, owned and operated by the Authority, including all future additions and improvements thereto, in and for providing sewage collection and transportation services for the Village, and to be connected to the University Sewer System.

Section 3 – Use of Public Sewers Required.

A. The Owner of any Improved Property which is included on any of the above-referenced streets within the Village of Lincoln University and which is specifically identified and numbered on the Map which is attached hereto as Exhibit A and Schedule 1 and which is included within the specific limited area known as Eligible Lincoln Village Sewer Lot and only such property shall connect such Improved Property with such Sewer, in such manner as the Authority may require, within one year after adoption of this Ordinance such Owner from Lower Oxford Township to make such connection, for the purpose of discharging all Sanitary Sewage and from such improved property; Subject, however, to such limitations and restrictions as shall be established herein or otherwise by the Authority, from time and time.

B All Sanitary Sewage from any identified eligible Property, after connection of such Improved Property shall be conducted into such Sewer; Subject, however, to such limitations and restrictions as shall be established herein or otherwise by the Authority from time to time.

C. No person shall place, shall deposit, or shall permit to be placed or deposited upon public or private property within this Township any Sanitary Sewage or Industrial Waste in violation of this Ordinance.

D. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any Improved Property that has been connected to a Sewer or that shall be required under previous sections to be connected to a Sewer.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Authority, shall be cleansed and shall be filled, at the expense of the Owner of such Improved Property, unless otherwise provided for by the Authority, under the direction and supervision of the Authority; and any such privy vault, cesspool, sinkhole, septic tank, or similar receptacle not so abandoned and, if required by the Authority, not cleansed and filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the Owner of such Improved Property. Lower Oxford Township shall have the right to pursue this nuisance action against the Property Owner.

E. The notice by Lower Oxford Township, or by the Authority on this Township's behalf, to make a connection to a Sewer, may be given at any time after a Sewer is in place that can receive and can convey Sanitary Sewage and for treatment and disposal from the particular Improved Property and when capacity within that Sewer System is available.

- E. “Industrial Waste” shall mean solid, liquid or gaseous substances or forms of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of development, recovery or processing of natural resources, as distinct from Sanitary Sewage, including such ground, surface or storm water as may be present.
- F. “Interceptor” shall mean the sewer main constituting part of the Village Sewer System, extending from a point in the Township to the connection with the University Sewer System.
- G. “Lateral” shall mean that part of the Sewer System extending from a Sewer 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 that is provided for connection of any Sewer;
- H. “Non Domestic Establishment” shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Village Sewer System, which does not constitute either a Domestic Establishment or an Industrial Establishment.
- I. “Owner” shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;
- J. “Person” shall mean any individual, corporation, partnership, limited liability company, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.
- K. “Sanitary Sewage” and “Sewage” - shall mean normal water-carried household and toilet waste from any Improved Property, excluding, however, 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 thereof, whether underground or in cellars or basements.
- L. “Township” shall mean the Township of Lower Oxford, Chester County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its authorized representatives.
- M. “University Sewer System” – shall mean the sewage collection system, together with the Sewage Treatment Plant, including all related and necessary facilities, to be acquired, constructed, owned and operated by the University, including all future additions and improvements thereto, in and for providing sewage collection, transportation treatment services for the University.
- N. “Village Sewer Plans” shall mean the plans and drawings titled “Gravity Sewers, Pump Station, and Force Main Design for Lincoln Village” prepared by Light-Heigel & Associates, Inc. dated December 11, 2007, as revised through June 27, 2008, a set of which are on file in the offices of the Authority.

Section 4 – Failure of Owner to Connect.

In case any Owner of property required to connect to such sewer shall neglect or refuse to connect with and use said sewers for such period of one (1) year after adoption of this Ordinance, Lower Oxford Township and the Authority or their agents may enter upon such property and construct such connection. In such case, the Authority or Lower Oxford Township shall, forthwith upon completion of the work, send an itemized bill of the costs of construction of such connection to the owner of the property to which connection has been made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, a municipal lien for said construction shall be filed within six (6) months of the date of completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

Section 5 – Tapping Permit.

Any person or entity required to connect to a property with the Sewer System of the Authority shall make application for a tapping permit therefore to Lower Oxford Township on forms furnished by the Township and shall set forth, in said application, the character of structure and use, the lot number and location, and the name of the person who is to make the connection.

Section 6 – Unlawful Connection to Sewer System.

No privy vault, cesspool, septic tank or similar receptacle for human excrement shall at any time, now or hereafter, be connected with the sanitary sewers of the Authority.

Section 7 – Construction Specifications.

The construction of all private sewers or laterals and their connections with any lines of the sewer system shall be done in accordance with rules and regulations established by the Authority, and shall be inspected by Lower Oxford Township, its representative, before being covered.

Section 8 – Authority to Establishes Charges.

The Board of Supervisors of Lower Oxford Township hereby delegates to the Oxford Area Sewer Authority the sole and exclusive authority for the administration of this monthly sewer fee and billing, as well as the Board of Supervisors of Lower Oxford Township shall by separate Resolution establish a connection, tapping fee and a permit fee.

Section 9 – Time of Payment.

Any connection charge established by Lower Oxford Township shall be payable upon receipt of the invoice for the same, but shall include a provision for payments over time to be paid in full within 24 months of the connection.

Section 10 – Unlawful Tap-In.

It shall be unlawful for any person, firm or corporation to tap into said Village Sewage System before making payment of the charges herein established.

Section 11 – Penalties.

Any person(s), partnership or any agents or executive officers of any corporation violating any provisions of this Ordinance shall, upon conviction, be subject a to a fine of not less than \$200.00 Dollars and not more than \$1,000.00 Dollars for each offense and an equal fine amount for each 30 day period or fraction thereof, wherein the violation is not corrected to the satisfaction of the Authority or Lower Oxford Township. Additionally, if this matter is turned over to an attorney, costs for litigation shall be added to the fine amount. Each day of portion thereof in which a violation exists shall be considered a separate violation and each section of this Article which is violated shall be considered a separate violation.

Section 12 – Severability.

The provisions of this Ordinance shall be severable and if any of the provisions shall be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional or invalid provision not have been included therein.

ENACTED AND ORDAINED this 11th day of November, 2009.

Attest:

Sara B. Loganelli
Secretary

LOWER OXFORD TOWNSHIP

Kenneth L. Hershey
Kenneth L. Hershey, Chairman

Absent
W. Ronald Kepler

W. Ralph Cheek
W. Ralph Cheek