

**TOWNSHIP OF RUSH
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 138

**AN ORDINANCE OF THE TOWNSHIP OF RUSH
REGULATING CONNECTIONS TO THE PUBLIC SEWAGE
SYSTEM OF THE NORTHEASTERN SCHUYLKILL JOINT
MUNICIPAL AUTHORITY; REQUIRING A PERMIT TO
CONNECT TO THE PUBLIC SEWAGE SYSTEM;
PROVIDING FOR SEWER RENTAL CHARGES; AND
PRESCRIBING PENALTIES FOR VIOLATIONS.**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Rush,
Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as
follows:

**PART I
DEFINITIONS AND MISCELLANEOUS PROVISIONS**

Section 101. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

101.01. Authorities Act - the Municipality Authorities Act of 1945, Act No. 164, May 2, 1945, P.L. 382, 53 P.S. § 301 et seq., as presently and hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

101.02. Authority - the Northeastern Schuylkill Joint Municipal Authority, acting through the Board of the Northeastern Schuylkill Joint Municipal Authority or, in appropriate cases, acting by and through its authorized representatives.

101.03. Building Drain - part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

101.04. Building Sewer - the extension from the Lateral of a Sewer to the Building Drain of any structure, ending five (5) feet outside the inner face of the building wall.

101.05. Combined Sewer - a sewer receiving both surface runoff and sewage.

101.06. Community Sewage System - any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes serving two or more lots.

101.07. Department - Department of Environmental Protection of the Commonwealth of Pennsylvania.

101.08. Holding Tank - watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

101.08.1. Chemical Toilet - toilet using chemicals that discharge into a holding tank.

101.08.2. Retention Tank - holding tank to which sewage is conveyed by a water carrying system.

101.08.3. Privy - holding tank designed to receive sewage where water under pressure is not available.

101.09. Holding Tank Cleaner - municipal authority or person, including a holding tank owner, who removes the contents of a holding tank for purposes of disposing of the sewage at another site.

101.10. Improved Property - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

101.11. Industrial Establishment - any Improved Property located within this Township and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property located within this Township, from which wastes, in addition to or other than Sanitary Sewage, shall be discharged.

101.12. Industrial Wastes - any and all wastes discharged from any Industrial Establishment, other than Sanitary Sewage.

101.13. Land Development - any of the following activities:

101.13.1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

101.13.2. A subdivision of land.

101.13.3. "Land development" does not include development which involves:

a. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

b. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or

c. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the property authorities.

101.14. Lateral - 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 which is provided for connection of any Building Sewer.

101.15. Lot - any of the following:

101.15.1. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

101.15.2. A part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided. Whenever a lot is used for a multiple family dwelling or for commercial or industrial purposes, the lot shall be deemed to have been subdivided into an equivalent number of single-family residential lots as determined by estimated sewage flows.

101.16. Owner - any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

101.17. Person - any natural person, partnership, association or corporation. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall include the members of an association and the officers of a corporation.

101.18. Sanitary Sewage - normal water-carried household and toilet wastes from any Improved Property.

101.19. Sewage - any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals, and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

101.20. Sewage Treatment Plant - any arrangement of devices and structures used for treating sewage.

101.21. Sewer - any pipe or conduit constituting a part of Sewer System used or usable for sewage collection purposes.

101.22. Sewer System - all facilities, as of any particular time, for collecting, pumping, transmitting, treating and disposing of Sanitary Sewage and/or Industrial Wastes, situate in or adjacent to this Township and owned or to be owned by the Authority for maintenance, operation and use.

101.23. Township - the Township of Rush, Schuylkill County, Pennsylvania, acting through the Board of Supervisors of Rush Township or, in appropriate cases, acting by and through its authorized representatives.

101.24. In this Ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

Section 102. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00, and in default of payment, to be imprisoned for a term not to exceed thirty (30) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

Section 103. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 104. Severability. If any sentence, clause, section, or part of this ordinance 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 Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.