

TOWNSHIP OF RUSH,  
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 98

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF RUSH, SCHUYLKILL COUNTY, PENNSYLVANIA, REQUIRING CERTAIN OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND ADJOINING OR ADJACENT TO A CERTAIN SEWER SYSTEM ESTABLISHED AND CONSTRUCTED BY THIS TOWNSHIP, TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH SEWER; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES TO ANY SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND REQUIRING ABANDONMENT THEREOF WHEN DIRECTED TO DO SO BY THIS TOWNSHIP; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

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The Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, enacts and ordains as follows:

**ARTICLE I**  
**Definitions**

**SECTION 1.01.** Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

A. "Building Sewer" shall mean the extension from the sewage drainage system of any structure to the Grinder Pump maintained by the Township or to the Lateral of any Sewer;

B. "Commonwealth" shall mean the Commonwealth of Pennsylvania;

C. "Improved Property" shall mean any property within the Service Area 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;

D. "Industrial Establishment" shall mean any Improved Property located within the Service Area 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 so located from which wastes, in addition to or other than Sanitary Sewage, shall be discharged;

E. "Industrial Wastes" shall mean any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage;

F. "Lateral" shall mean that part of the Sewer System extending from a Sewer to and including the Pump or, if there shall be no Pump, to the curb line or, if there shall be no curb line, to the property line, or is no such Lateral shall be provided, the "Lateral" shall mean that portion of, or place in, a Sewer that is provided for connection of any Building Sewer;

G. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

H. "Person" shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity;

I. "Sanitary Sewage" shall mean normal water-carried household and toilet waste from any Improved Property;

J. "Service Area" shall mean that area or portion of the Township known generally as Lake Hauto or any additional areas or portions of the Township as may be set forth and described in a supplement or amendment to this Ordinance;

K. "Sewer" shall mean any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes;

L. "Pump" shall mean a grinder pump or other device installed or to be installed on Improved Properties and designed to accommodate a pressure system of sewage collection;

M. "Sewer System" shall mean all facilities, as of any particular time, for collecting, transmitting, treating or disposing of Sanitary Sewage and/or Industrial Wastes, and used and useful in rendering sewer service to Improved Properties located within the Service Area and owned by the Township;



N. "Street" shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square in the Lake Hauto Area; and

O. "Township" shall mean the Township of Rush, Schuylkill County, Pennsylvania, a Township of the Second Class of the Commonwealth, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through its authorized representatives.

## **ARTICLE II**

### **Use of Public Sewers Required**

**SECTION 2.01.** The Owner of any Improved Property adjoining or adjacent to the Sewer System shall connect such Improved Property therewith, in such manner as this Township may require, within 60 days after notice to such Owner from this Township to make such connection, for the purpose of discharging all Sanitary Sewage and Industrial Wastes from such Improved Property; Subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

**SECTION 2.02.** All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer shall be required under Section 2.01, shall be conducted into a Sewer; Subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

**SECTION 2.03.** No Person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this township any Sanitary Sewage or Industrial Wastes in violation of Section 2.01.

No person shall discharge or shall permit to be discharged to any natural outlet within this Township any Sanitary Sewage or Industrial Wastes in violation of Section 2.01, except where suitable treatment has been provided that is satisfactory to this Township.

**SECTION 2.04.** No privy vault, cesspool, sinkhole, septic tank, holding 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 Section 2.01 to be connected to a Sewer.

Every such privy vault, cesspool, sinkhole, septic tank, holding tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be removed or shall be cleansed and shall be filled, at the expense of the Owner of such Improved Property, unless otherwise provided for by this Township, under the direction and supervision of this Township; and



any such privy vault, cesspool, sinkhole, septic tank, holding tank or similar receptacle not so abandoned and, if required by this Township, not removed or 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.

**SECTION 2.05.** No privy vault, cesspool, sinkhole, septic tank, holding tank or similar receptacle at any time shall be connected with a Sewer.

**SECTION 2.06.** The notice by this Township to make a connection to the Sewer System, referred to in Section 2.01, shall include a reference to this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within 60 days from the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place that can receive and can convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be given or served to the Owner in accordance with law.

### **ARTICLE III**

#### **Building Sewers and Connections**

**SECTION 3.01.** No Person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any Sewer or any part of the Sewer System without first obtaining a permit, in writing, from this Township.

**SECTION 3.02.** Application for a permit required under Section 3.01 shall be made by the Owner of the Improved Property served or to be served or by the duly authorized agent of such Owner.

**SECTION 3.03.** No Person shall make or shall cause to be made a connection of any Improved Property with a Sewer until such Person shall have fulfilled each of the following conditions:

A. Such person shall have notified the Secretary of this Township of the desire and intention to connect such Improved Property to a Sewer;

B. Such Person shall have applied for and shall have obtained a permit as required by Section 3.01;

C. Such Person shall designate upon forms approved by the Township or its designated Agents or Assigns, the location of the Lateral and related Pump to be installed and shall execute an Easement, satisfactory in form and substance to the Township, in favor of the Township for the purposes of installation and maintenance of the Lateral and related Pump.



D. Such person shall have given the Secretary to this Township at least 24 hours' notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and

E. If applicable, such Person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee that has been charged and imposed by this Township against the Owner or each Improved Property who connects such Improved Property to a Sewer has been paid.

**SECTION 3.04.** Except as otherwise provided in this Section 3.04, each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

**SECTION 3.05.** All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall save harmless this Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of Connection of a Building Sewer to a Sewer.

**SECTION 3.06.** A Building Sewer shall be connected to a Sewer at the place designated by this Township and where, if applicable, the Lateral is provided.

The invert of a Building Sewer at the point of connection shall at the same or a higher elevation than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Building Sewer to the Lateral shall be made secure and watertight.

**SECTION 3.07.** If the Owner of any Improved Property adjoining or adjacent to the Sewer System, after 60 days notice from this Township, requiring the connection of such Improved Property with a Sewer, in accordance with Section 2.01, shall fail to connect such Improved Property and use the Sewer System, as required, this Township may make such connection and may collect from such Owner the costs and expenses thereof in the manner permitted by law.

**ARTICLE IV**  
**Rules and Regulations Governing**  
**Building Sewers and Connections to Sewers**



**SECTION 4.01.** Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as a Building Sewer.

Where an Improved Property, at the time connection to a Sewer is required, shall be served by a holding tank, use of such holding tank shall be discontinued and such holding tank and related appurtenances shall be abandoned and removed from such Improved Property.

**SECTION 4.02.** No Building Sewer shall be covered until it has been inspected and approved by this Township. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to a Sewer.

**SECTION 4.03.** Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

**SECTION 4.04.** Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Person from damage and injury. Any Street, sidewalk and other property disturbed in the course of installation of a Building sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to this Township.

**SECTION 4.05.** In any Person shall fail or shall refuse, upon receipt of a written notice of this Township, to remedy any unsatisfactory condition with respect to a Building Sewer within 60 days or receipt of such notice, this Township may refuse to permit such person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of this Township.

**SECTION 4.06.** This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and with the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

#### **ARTICLE V** **Enforcement**

**SECTION 5.01.** Any Person who shall violate this Ordinance shall be subject, upon summary conviction for a first offense and

upon summary conviction for each subsequent offense, to a fine of not more than One Thousand Dollars (\$1,000), together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

**SECTION 5.02.** Fine and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

**ARTICLE VI**  
**Effective Date**

**SECTION 6.01.** This Ordinance shall become effective in accordance with law.

**ARTICLE VII**  
**Severability**

**SECTION 7.01.** In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

**ARTICLE VIII**  
**Declaration of Purpose**

**SECTION 8.01.** It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

**ARTICLE IX**  
**Repealer**

**SECTION 9.01.** All ordinances or parts of ordinances and all resolutions or parts of resolutions that are inconsistent with this Ordinance shall be and the same expressly are repealed.



DULY ENACTED AND ORDAINED, this 19th day of August, 1992 by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF RUSH,  
Schuylkill County, Pennsylvania

By: Raymond R. Boyer  
VICE-Chairman, Board of Supervisors

ATTEST:

Carol Ann Opet  
Secretary

[SEAL]



CERTIFICATE

I, the undersigned, CAROL ANN OPET, Secretary of the Township of Rush, Schuylkill County, Pennsylvania, (the "Township"), certify: that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was adopted by affirmative vote of a majority of all members of the Board of Supervisors of the Township at a meeting of said Supervisors of the Township duly convened and held according to law on August 19, 1992, at which meeting a quorum was present; that said Ordinance duly was examined and approved by the Board of Supervisors of the Township on August 19, 1992; that said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the meeting at which the Board of Supervisors of the Township adopted said Ordinance was a public meeting duly held after giving public notice of the date, time and place of such meeting by posting, publishing and mailing such notice at the time and in the manner required by Act No. 84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 19<sup>th</sup> day of August, 1992.

Carol Ann Opet  
Secretary

[SEAL]