

Upon motion by _____, seconded by _____,
the following Ordinance was duly enacted, _____ voting in favor of enactment, _____ voting
against enactment.

ORDINANCE 2004-4

An Ordinance to amend and restate Ordinance No. 2002-23, commonly known as the Sewer Use Ordinance, regulating use and establishing responsibility for maintenance and replacements of sanitary sewers in Millcreek Township; defining terms; prohibiting certain practices with respect to disposal of sewage; providing for the connection of properties to available public sewers; authorizing the Board of Supervisors to make such connections and recover costs thereof in the event of neglect or refusal of owners to do so; requiring applications for and issuance of permits to make connections, including execution of bonds and payment of fees in connection therewith; providing for regulation of connections to the public system; imposing duties on owners of property which discharge industrial waste and potentially harmful substances into said sewers; regulating substances that may be introduced into sewers; prohibiting discharge of certain kinds of liquids or wastes, including those not in conformity with the Millcreek Township Industrial Waste Ordinance (No. 94-7 as amended); imposing penalties and establishing enforcement measures in the event of violation; and including severability and repealor clauses.

WHEREAS, the public sanitary sewer system within Millcreek Township is owned by the Millcreek Township Sewer Authority, the Authority having entered into a Lease Agreement with Millcreek Township pursuant to which Millcreek Township holds, maintains and operates the public sanitary sewer system; and

WHEREAS, Millcreek Township by Ordinance No. 2002-23 enacted on December 17, 2002 has established definitions and regulations governing the public sanitary sewer system; and

WHEREAS, Millcreek Township has also enacted an Industrial Waste Ordinance, Ordinance No. 94-7 as amended by Ordinance Nos. 96-14 and 2000-4, establishing regulations governing discharge of industrial waste; and

WHEREAS, the Board of Supervisors finds that it is in the best interest of the general health, safety and welfare that the Sewer Use Ordinance be amended to more fully define responsibilities for components of the system, clarify regulations pertaining to connections to the public system and enable regulations to ensure proper operation of the public sewer system.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania as follows:

1.01. Definitions

Words used in this Ordinance for which definitions are not established shall be given their usual and customary meaning. Terms defined in other ordinances of the Township shall be defined in accordance with said definitions. Unless the context specifically indicates otherwise, the meaning of the following terms when used in this Ordinance shall be as set forth below:

Applicant shall mean the owner of the property or, where applicable, the lessee of the property accorded authority under a lease to apply for a permit which pertains to the sanitary sewer system.

Authority shall mean the Millcreek Township Sewer Authority.

Authorized Representative

1. Of a corporation, the president, secretary, treasurer or vice president or other person submitting written confirmation of authority to perform the act for and on behalf of the corporation.
2. Of a partnership or limited partnership, a general partner.
3. Of an individual, the individual or other person submitting a written confirmation of authority to perform the act for and on behalf of said individual, so long as the owner remains ultimately liable for performance.
4. Of a Federal, State or Local governmental entity, a director or highest official appointed or designated to oversee the operation and performance of the activities of the entity, or their designee.

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., milligrams per liter).

Building Sewer shall mean that collection of pipes, clean-outs, small diameter pressure sewers, curb boxes and related appurtenances which transport sewage from a premises on private property to the public sanitary sewer main. The term includes building laterals and building drains and the term “service connection.”

Connection shall mean and extend to the installation, alteration, modification or termination/disconnection of an existing service connection to the sanitary sewer system, unless expressly provided otherwise in this Ordinance. This term refers to the act of effecting or altering a service connection to the sanitary sewer system.

Garbage shall mean solid waste from the preparation of cooking, dispensing of food and/or from the handling, storage and sale of produce.

Grinder Pump shall mean a mechanism that shreds and pressurizes sewage, consisting of motor, pump and shredder as well as housing, wiring and alarms, and usually considered a part of the Building Sewer. The Authority and/or the Township shall maintain the motor, pump and shredder portions of a grinder pump only if either has provided it as part of a public project. In all other cases, the Owner shall own and maintain the grinder pump and all appurtenances. Electric service to all grinder pumps shall be paid by the Owner.

Industrial Waste shall be construed to mean any liquid, gaseous, radioactive, solid or other substance, not ordinary waste or sewage, but including discharges from pretreatment facilities, resulting from any manufacturer or industry or from any establishment including those recovering or processing natural resources, and shall include all such substances, whether or not generally characterized as “waste.”

Natural Outlet shall mean any outlet into a watercourse, ditch, pond, lake or other body of surface or ground water.

Owner shall mean the person, firm, corporation, partnership, association or other entity having an interest as owner, whether legal or equitable, sole or partial, in any premises which is or may be furnished public sanitary sewerage service.

Person shall mean any individual, partnership, firm, company, corporation, association, joint stock company, trust, limited liability company, estate, governmental entity or other legal entity, or their legal representatives, agents or assigns.

Private Sewer System shall mean all or any portion of a sewerage system not owned by the Authority and/or the Township.

Private Well means any well owned by any person for his, her or its private use in providing water for any purpose whatsoever.

Properly Shredded Garbage means garbage which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

Public Sanitary Sewer System (also **Public System**) shall mean all sanitary sewers, pumping stations, sewerage treatment works, pressure systems and other facilities owned by the Authority and operated by the Township for the collection, conveyance and treatment of sanitary sewage and industrial waste with their appurtenances and any additions, extensions or improvements that may be made by the Authority, the Township and/or their agents or representatives.

Records means and includes books, documents, papers, apparatus, data, readings, records of analysis, graphs, plans, investigative reports and ledgers.

Sanitary Sewer shall mean a sewer which carries sewage and/or industrial wastes and to which storm, surface and ground waters are not intentionally or lawfully admitted

Service Connection (also **Service Lateral**) shall mean and include the pipe, clean-out, small diameter pressure sewer and related appurtenances that transport sewage, normally from a single premises, from the edge of the public right-of-way and/or easement to and including the attaching connection at the sanitary sewer main.

Sewage shall mean any combination of water-carried wastes from residences, buildings, industrial establishments, commercial establishments, institutions, manufacturing plants, processing plants or other places in which such wastes are produced, together with such ground, surface, storm or other water as may be present. This includes but is not limited to human waste and gray water (dish washing operations, household showers, basement, floor and garage drains, swimming pools, etc.).

Sewage Treatment Plant shall mean and include all devices, facilities and/or structures used for treatment of sewage and/or industrial wastes.

Sewage Works shall mean all facilities for collecting, pumping, transporting, treating and disposal of sewage and industrial wastes.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall, when used in this Ordinance, means a mandatory obligation.

Standard Laboratory Procedure shall mean the procedure prescribed in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

Storm Sewer or Storm Drain shall mean and include any sewer or conveyance which carries storm water, surface water, drainage and some industrial water discharges (such as cooling and air conditioning waters), but excludes sewage and polluted industrial waters.

Storm Water shall mean and include any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt. The term shall include but not be limited to flows from sump discharges, detention or retention facilities, downspouts, roof and other drains and other conveyance facilities.

Suspended Solids mean solids which either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering in accordance with standard laboratory procedure.

Township shall mean Millcreek Township.

Township Engineer shall mean the professional engineer employed by the Township, his or her assistant or designee, or any consulting engineer retained by the Township.

1.02 Use of Public Sewers Required

- 1.02.1 The owner of each and every house, building or other property located in Millcreek Township which is used for human occupancy, employment, recreation or other purpose and abuts on any street, highway, easement or right of way in which there has been constructed a sanitary sewer shall, at the owner’s sole expense, install suitable sanitary sewer facilities therein and connect such facilities (including floor, basement and garage drains and swimming pools) and industrial waste outlets directly with the public sanitary sewer system in accordance with the provisions of this Ordinance and with the rules and regulations governing use and operation of the sanitary sewer system within sixty (60) days after the date of official notice to do so given in the manner provided by law.

- 1.02.2 The owner of any property upon which a new, altered or reconstructed building is constructed on or after enactment of this Ordinance shall not occupy or cause or allow to be occupied such building until such time as the building’s sanitary facilities and any industrial waste outlets are properly connected to the public sanitary sewer system in accordance with the requirements of this Ordinance.

1.03. Alternative to Use of Public Sanitary Sewer

In lieu of introducing untreated or partially treated industrial wastes and polluted waters into the public sanitary sewer system, the owner of premises producing such wastes (including floor, basement and garage drains and swimming pools), upon receiving and complying with all applicable permits and regulations of the Township, the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency and/or the Erie County Health Department, may at the owner’s sole cost and expense, construct and operate private waste treatment facilities, with the effluent discharged to a natural outlet. The Township and/or the Authority may refuse to allow an on-lot system where it does not meet the Rules and Regulations. Authorized private waste treatment facilities shall be maintained and operated at all times in a satisfactory and effective manner and in accordance with all regulations.

1.04. Application for and Issuance of Permits

- 1.04.1 Permits Required. No connection or other work to the public or private sanitary sewer system shall be effected, repaired, altered, modified or disconnected unless the owner of the subject premises shall first apply for and obtain a permit. “Connection” and “disconnection” as used in this Section shall include all connections and discharges to the sanitary sewer system, including but not limited to sewer drains and lateral connections.

- 1.04.2 Application for Permit. Each owner of any premises as set forth in Sections 1.02 and 1.04.1 shall make application in writing to the Township and the Authority for a permit to make, alter, repair or terminate a connection to the public or private sanitary sewer. Such application shall be made to the Authority on such forms as are adopted by rules and regulations approved by the Board of Supervisors.

1.04.3 Application to be Signed. Such application shall be signed by the owner(s), unless the owner(s) shall provide to the Authority a writing giving authorization to another person to make application and acknowledging that responsibility for compliance with this Ordinance and any permit issued rests with owner(s).

1.04.4 Content of Application. In addition to other requirements as established by rules and regulations governing the sewer system, such application shall set forth:

1. The name and mailing address of the property owner(s);
2. The address of the property subject to the permit application;
3. A description of the lot subject to the application, including the subdivision, if any, and the lot's assigned number in said subdivision;
4. The Erie County or Millcreek Township index number assigned to the property;
5. The street where connection is to be made, altered or disconnected to or from the sewer system;
6. The name and address of the contractor who shall perform the sewer work;
7. A plan of the subject premises showing the proposed connection, alteration or disconnection and the sewer facilities;
8. The intended use of the property upon connection (i.e., one-family, two-family or multi-family residential, commercial, industrial).

1.04.5 Financial Security Required. No permit shall be issued without the applicant(s)'s first executing and tendering financial security in favor of Millcreek Township in an amount fixed and on forms approved and adopted by rules and regulations approved by resolution of the Board of Supervisors. Said financial security shall serve as security for the proper performance of work subject to the requested permit in full compliance with this Ordinance and rules and regulations governing the sewer system and for repairs to streets and/or sanitary sewer facilities deemed by the Township or Authority to be necessary or appropriate as a consequence of said work.

1.04.6 Permit, Tapping and Other Fees. Each applicant for a permit shall, upon submission of a permit application, pay in full all filing, review, inspection, tapping and other fees as are established therefor by rules and regulations governing the sanitary sewer system as approved by the Board of Supervisors. Any developer's agreement or private service agreements required or administered by the Authority in connection with such application must be concluded prior to issuance of a permit. Any sums due as tapping fees or as reimbursements to a developer who constructed mains to which connection is requested shall be paid in full prior to issuance of a permit.

1.04.7 Issuance or Denial of Permit.

1.04.7.1 No permit to connect to the sanitary sewer system shall be issued until and unless there has been constructed within the adjacent street, highway, easement or right of way public sanitary sewer facilities to which such connection can be effected, unless the Board of Supervisors should otherwise determine, and subject to such conditions as the Board shall then impose.

1.04.7.2 No permit to connect to the sanitary sewer system (this including alteration or disconnection of existing connections) shall be issued unless all requirements of this Ordinance and of rules and regulations governing the sanitary sewer system have been fully complied with.

1.04.7.3 If an application for permit is denied, the Authority shall in writing state the reason(s) for denial.

1.04.8 Legal Effect of Permit. A permit issued to authorize a connection shall authorize work as applied for and approved, and shall be valid for one (1) year from the date the permit is issued. Permits shall expire one (1) year after the date of their issuance, unless the applicant, prior to the expiration date, shall have requested an extension and the Authority, for good cause shown, shall in writing have approved an extension.

1.05. Connections to Comply With Regulations

1.05.1 All connections made to any public sanitary sewer of Millcreek Township shall be constructed in compliance with this Ordinance, standard rules and regulations governing the making of connections and the permit as issued.

1.05.2 No work may be done to a building sewer, service connection, public sewer main or a private sewer system without a permit therefor first being issued. All such work shall be done in conformity with regulations governing the public sewer system and shall be available for inspection prior to completion of the work.

1.05.3 The Board of Supervisors and/or the Authority are authorized to establish regulations governing connections to the public sewer system, including those in municipalities which are tributary to the system, as deemed necessary or appropriate to comply with the adopted Sewage Facilities Plan, any order or agreement and/or any law or regulation then in force which imposes limitations or other requirements on connections to the public sewer system or upon allowed capacity of flows.

1.05.4 Grease, oil and sand interceptors shall be provided for outlets connected with the public sanitary sewers when, in the opinion of the Township Engineer or the Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, subject to the following regulations:

1. Interceptors are not required for private living quarters or dwelling units.
2. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature, and shall be of substantial construction, watertight and equipped with easily-removable covers which, when secured, shall be gastight and watertight.
3. All interceptors shall be of a type and capacity approved by the Township Engineer, and shall be located so as to be readily and easily accessible for cleaning and inspection.
4. All grease, oil and sand interceptors, where required, shall be installed and maintained at the owner's sole cost and expense. Such units shall be operated and maintained so that they shall be continuously efficient and shall be cleaned and repaired as required to maintain such efficient system.

1.06. Remedies in Event of Failure to Connect

1.06.1 In the event the owner of any property required to connect to the public sanitary sewer system shall fail, refuse or neglect to connect with the sewer system prior to occupancy or within the sixty (60)-day period specified in Section 1.02.1, the Township, by its authorized employees, agents, contractors or designees, may enter upon such property and construct such connection.

1.06.2 Such connection may be effected by the Township at its election at any time following expiration of the sixty (60)-day period or unlawful commencement of occupancy, without further notice to the owner being required.

1.06.3 Should the Township effect and construct a connection pursuant to this Section, it shall, upon completion of the work, send an itemized invoice for the cost of construction of such connection to the owner of the property upon which such connection has been made, which invoice shall be payable forthwith. Such invoice shall constitute a claim and assessment as defined in the general municipal law, 53 P. S. § 7106, et seq., as the same may be amended, and shall constitute a municipal claim from the date of the invoice.

1.06.4 Interest shall accrue on sums not paid within thirty (30) days after the date of the invoice at the rate of ten percent (10%) per year from the invoice date.

1.06.5 In case of failure, neglect or refusal by the owner of the property to pay such invoice in full, the Board of Supervisors shall cause to be filed a municipal lien for the costs of said construction, together with interest and costs, within six (6) months after the date of completion of the connection, such lien to be subject in all respects to the general law provided for the filing and recovery of municipal liens and claims.

1.07. Work to be Done by Licensed Contractors

_____ 1.07.1 No contractor not properly licensed by the Township and the Authority shall perform work related to or involving connection to the public sewer system.

1.07.2 Requirements for determining eligibility of and issuing licenses to persons to conduct work involving connections to the sanitary sewer system shall be as established by rules and regulations governing the sanitary sewer system.

1.07.3 All persons wishing to engage in work involving connections to the sanitary sewer system shall, prior to performing any such work, submit to the Authority an application for license on a form adopted by rules and regulations governing the sewer system and pay such fee for a license as is established under such rules and regulations.

1.07.4 The Authority, for good cause shown and pursuant to rules and regulations governing the sewer system, shall have authority to refuse to issue a license to a person not meeting requirements for a license or to suspend or revoke a previously issued license.

1.08 Sewage Planning Modules; New Connections to Public System

- 1.08.1 Approval by the Authority and/or the Township of a sewage planning module under Act 537 of the Commonwealth of Pennsylvania shall generally constitute only approval and acknowledgment that the public sanitary sewer system as to be improved and/or extended under such application can accommodate the proposed development and use. Approval of an Act 537 planning module application shall not constitute a contract authorizing new connections.
- 1.08.2 All new connections pursuant to an approved Act 537 planning module shall be subject to regulation by the Authority and/or the Township, which may impose limitations on timing of new connections if determined to be necessary to comply with existing agreements or orders, or to ensure proper operation of the system.
- 1.08.3 If the Authority and/or the Township are obligated under order or agreement to limit the number of new connections to or capacity of flows of the public sewer system, or if it is determined that new connections must be limited to ensure proper operation of the system, the Township and/or Authority shall enact such regulations as are then required.

1.09. Industrial Wastes

- 1.09.1 This Ordinance is not intended to amend or repeal the Industrial Waste Ordinance, Ordinance No. 94-7 as amended by Ordinance Nos. 96-14 and 2000-4.
- 1.09.2 The admission into the public sewer system of any polluted waters or industrial wastes containing any quantity of substances having the characteristics described in Section 1.142.6 of this Ordinance or those described in the Industrial Waste Ordinance as being subject thereto shall be subject to the provisions of the Industrial Waste Ordinance.
- 1.09.3 When required by the Township Engineer or the Authority, the owner of any property served by a building sewer carrying industrial wastes discharging into the sewer system shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed at the owner's sole expense in accordance with plans approved by the Township Engineer, and shall be maintained by the owner so as to be safe and accessible at all times.
- 1.09.4 Every person and establishment other than residences which discharge industrial and sanitary wastes into the public sewer system or into any sewer connected therewith shall file forthwith a report in accordance with the Millcreek Township Industrial Waste Ordinance.

1.09.5 Every person discharging industrial waste mixture into the public sewer system or into sewers connected thereto shall keep and maintain records of the data required to be furnished in the questionnaire as defined above and in the Industrial Waste Ordinance, and such records shall be available for inspection during regular business hours by authorized employees or representatives of the Township or the Authority upon their presentation of written credentials of their authority, and such employees or representatives shall be permitted to make and retain copies of such records.

1.09.6 Discharge or introduction of non-domestic pollutants from any source into the public sewer system shall be in accordance with the Industrial Waste Ordinance.

1.10. Preliminary Treatment Facilities

Where preliminary treatment facilities are provided for any waters or wastes, such preliminary facilities shall be maintained continuously in satisfactory and effective operation by the owner at the owner's sole expense.

1.11 Ownership of and Responsibility for Sewer Systems

_____ 1.11.1 The Authority and/or the Township shall be responsible for inspections, repairs to, maintenance of and reconstruction of the public sanitary sewer mains.

1.11.2 The owner of a property abutting the public sanitary sewer main and the right-of-way or easement in which the main is located shall be responsible for inspections, repairs to, maintenance of and reconstruction of the building or private sewer and all appurtenances of the building or private sewer system.

1.11.3 In its sole discretion and when it is determined that the same is necessary or appropriate, the Township and/or the Authority shall replace existing service connections attaching to the public sewer main.

1.12. Authority to Test and Supplement Regulations

1.12.1 The Township or the Authority may conduct such investigations and tests as are necessary to enforce this Ordinance, and employees of the Township or Authority, or their agents, may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Inspections are authorized for any purpose related to proper enforcement and administration of this Ordinance, including but not limited to ensuring proper connections and identifying and disconnecting unauthorized or unlawful connections. Policies and procedures pertaining to investigations, tests and surveys shall be as established in rules and regulations governing the sewer system.

1.12.2 Enforcement of provisions of this Ordinance regarding wastes which will interfere with operation of the Erie waste water treatment plant shall be by the Township or its designated agents, which shall include the Authority.

1.12.3 Limitations on wastewater strength in this Ordinance may be supplemented with more stringent limitations if:

1. The Township determines that those limitations may not be sufficient to protect the operation of the treatment works; or
2. The Township determines that the limitations are not sufficient to enable the treatment works to comply with water quality standards or effluent limitations specified in permits of the National Pollutant Discharge Elimination System (NPDES) or the Pennsylvania Department of Environmental Protection.

1.13 Administration and Enforcement Authority

1.13.1 The Authority and the Board of Supervisors are authorized to establish rules and regulations governing the sanitary sewer system and to adopt regulations and forms for use in implementing and administering this Ordinance. Such rules, regulations and forms shall be as approved by the Board of Supervisors and may be amended from time to time as is deemed appropriate.

1.13.2 The Board of Supervisors and Authority are authorized to establish and amend fees and other charges for permits, licenses, tapping privileges, reviews, inspections, certifications and other matters subject to this Ordinance and amounts of bonds required by this Ordinance and/or related to proper operation of the sewer system.

1.13.3 Permits, licenses and certifications authorized in this Ordinance shall be received, reviewed, issued, suspended or revoked by the Manager of the Authority or his or her designee.

1.13.4 The Township Engineer, Manager of the Authority and other employees or agents authorized by the Township or Authority, bearing proper credentials and identification, shall be permitted to enter upon all properties in Millcreek Township for the purpose of inspection, observation, measurement, sampling, testing and/or review, inspection and copying of records, in accordance with the provisions of this Ordinance and rules and regulations governing the sewer system.

1.13.5 The Manager of the Authority and the Township Engineer are vested with authority to issue enforcement notices and commence actions for enforcement of this Ordinance.

- 1.13.6 Upon written request by the property owner, prospective purchaser or agent or contractor of either, the Authority shall have authority to inspect a property for the purpose of determining whether its connection(s) to the sanitary sewer system is or are in accordance with this Ordinance and rules and regulations governing the sewer system. Such request shall be accompanied by a written authorization by the property owner allowing the Township or Authority to inspect the property for the purpose of addressing such request. Fees for such requests and certifications, and forms to be used therefor shall be as established by rules and regulations governing the sewer system.
- 1.14. Unlawful Acts. It shall be unlawful and a violation of this Ordinance for any person, directly or indirectly, to do or cause or allow to be done any of the following:
- 1.14.1 The placement or deposit of sewage, municipal waste or other objectionable wastes upon any public or private property within Millcreek Township or in any area under the jurisdiction of Millcreek Township.
- 1.14.2 The discharge of sewage into any natural outlet within Millcreek Township.
- 1.14.3 The discharge of industrial wastes or other polluted water into any natural outlet within Millcreek Township, unless the person doing so is operating with the prior approval of or under a permit issued by the U. S. Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.
- 1.14.4 The construction or maintenance of any privy, privy vault or cesspool, other than an on-lot sewage system approved by the Township and constructed in accordance with current regulations of the Erie County Department of Health and/or the Pennsylvania Department of Environmental Protection.
- 1.14.5 The discharge of any storm water, surface drainage, ground drainage, roof runoff, subsurface drainage or unpolluted industrial process waters into any public sanitary sewer:
1. Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, if available, or to a natural outlet approved by the Board of Supervisors.
 2. Unpolluted process waters shall be discharged into a storm sewer approved by the Board of Supervisors or, with prior approval of the Township, into a natural outlet if such storm sewer or outlet is not available.
- 1.14.6 Discharge of any of the following described waters or wastes into any public sanitary sewer:
1. Any liquid or vapor having a temperature higher than 150° Fahrenheit; or

2. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; or
3. Any garbage that has not been properly shredded; or
4. Any ashes, sand, cinders, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance not meeting the definition of properly shredded garbage and/or which is capable of obstruction to the flow in sewers or other interference with the proper operation of the sewage works; or
5. Any waters or wastes having a ph lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structure, equipment processes and/or personnel of the sewage works or the sewage treatment plant; or
6. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant; or
7. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant; or
8. Any noxious or malodorous gas or substance capable of creating a public nuisance; or
9. Water or wastes containing substances which are not in conformance with the provisions and pollutant limitations of the Millcreek Township Industrial Waste Ordinance, Ordinance No. 94-7 as amended.

1.14.7 Construction or effectuation by any owner(s), themselves or by or through their contractors, agents or assigns, of a connection, alteration to or termination of a connection to the sanitary sewer system in a manner contrary to or not in strict compliance with the terms of an approved permit.

1.14.8 Construction or effectuation by any owner(s), themselves or by or through their contractors, agents or assigns, of a connection, alteration to or termination of a connection to the sanitary sewer system in any manner contrary to or not in strict compliance with the regulations of this Ordinance or rules and regulations governing the sewer system.

1.14.9 Performance of any work involving connections to the Millcreek Township sewer system by a person not licensed by the Township to perform such work.

- 1.14.10 Failure or refusal to connect to the public sewer system within the time authorized by an issued permit or any extension of time allowed after good cause shown.
 - 1.14.11 Failure or refusal to connect to the public sewer system prior to commencement of occupancy of a building constructed, altered or reconstructed under a building permit issued on or after the effective date of this Ordinance.
 - 1.14.12 Failure or refusal to connect to the public sewer system within sixty (60) days after the date of the Township's notice to connect, or within any extension of time allowed after good cause shown.
 - 1.14.13 Failure or refusal to effect repairs or take other prescribed remedial action to a connection effected to the sewer system within the time period specified in writing by a directive from the Township or the Authority.
 - 1.14.14 Failure or refusal to disconnect an unlawful or improper connection to the sanitary sewer system within the time period specified in writing by a directive from the Township or the Authority.
 - 1.14.15 The negligent, willful, malicious or reckless breaking, damage, destruction, uncovering, defacement or tampering of or with any structure, appurtenance or equipment which is a part of the public sanitary sewer system or sewage works.
 - 1.14.16 Violation of any provision of this Ordinance concerning regulation of discharge of industrial wastes.
 - 1.14.17 Failure or refusal to allow the Township or the Authority access to a premises or to records required under this Ordinance or by rules and regulations governing the sewer system.
- 1.15. Separate and Continuing Violations
- 1.15.1 Each separate violation of this Ordinance, or of any portion hereof, shall constitute a separate offense.
 - 1.15.2 Each day a violation occurs shall constitute a separate offense and subject the violator to the prescribed fines for each violation and for each day of violation.

1.16. Penalties for Violation

1.16.1 Any person who violates any provision of this Ordinance or any rule or regulation governing the sewer system shall be subject to civil enforcement proceedings in accordance with Ordinance No. 96-8 as may have been amended.

1.16.2 In the event a person does not comply in timely fashion with an enforcement notice directing cessation of a violation or remedial action to comply with this Ordinance or with rules and regulations governing the sanitary sewer system, civil fines are prescribed in the sum of Six Hundred Dollars (\$600.00) for each individual violation of this Ordinance and for each day a violation continues, effective on the date following that established in the enforcement notice for completion of action to remedy the violation. As to prohibited discharges:

1. Each day of a prohibited discharge shall constitute a separate violation and shall subject the violator to the administrative or civil fine prescribed in this section for each day of a continuous prohibited discharge.
2. If a prohibited discharge is intermittent, each occurrence shall be considered a separate violation.

1.16.3 In the event a person does not comply in timely fashion with an enforcement notice by the date therein established for payment, Millcreek Township shall institute a civil action for enforcement and, upon conviction, the defendant shall pay fines for each separate violation and each day a violation occurs in the sum prescribed in Section 1.16.2.

1.16.4 Millcreek Township shall be entitled to recover, in any administrative or civil action for enforcement of this Ordinance and/or action to collect fines for violation, all expenses, losses and damage occasioned by the violation(s), together with filing and other litigation costs and all attorneys' fees incurred by the Township in enforcement and collection proceedings, in accordance with Ordinance No. 96-9, as amended.

_____ 1.16.5 In the event the owner or other responsible party for a premises served by the public sanitary sewer system fails or refuses to allow representatives of the Township and/or the Authority access to the property to conduct inspection after prior request, then the Authority and/or the Township shall be authorized to conduct the inspection from the public sewer mains, if possible. Additional costs for personnel and equipment arising from such inspection from the main shall be invoiced to the property owner and, if not paid within thirty (30) days after the invoice date, shall constitute additional sewer rental to be imposed against the property.

1.17. Enforcement Actions

1.17.1 When the Township determines that a violation of this Ordinance, rules and regulations governing the sewer system or of any permit or any damage to the public sanitary sewer system is threatened or has occurred, the Township may take one or more of the following actions, at its election:

1. Issue an order to cease and desist any such violation and direct the violator(s) to comply with the Ordinance and/or notice forthwith or in a time schedule established by the Township or to take appropriate remedial preventive action in the event of a threatened violation.
2. Require the person to submit a detailed time schedule setting forth the specific proposed actions to prevent or correct a violation, in which event the Township may issue an implementation schedule to the person containing or modifying such specific actions and time schedule or requiring other actions by such date as the Township deems appropriate.
3. Issue an administrative enforcement notice directing the person to cease or correct a violation by a date established in such notice.
4. Report to any governmental entity or agency having issued a permit a violation thereof and request enforcement by such entity or agency.
5. Revoke the financial security and/or revoke the license of any licensed contractor for up to one (1) year.
6. Prohibit an unlicensed contractor from performing work affecting the public sewer system or being eligible for a license for up to one (1) year.
7. Proceed on the financial security tendered by the recipient of a permit to connect in order to collect all damages sustained by a violation.
8. Disconnect from the public sewer system and/or sewage works the building or property of any person there violating the discharge provisions of this Ordinance, and/or effect a connection to the public sewer system and/or effect correction of an existing connection to the public sewer system if the owner fails to do the same within the time specified in an enforcement notice, all costs incurred in effecting such disconnection, connection and/or correction of a connection to be collected from the owner as a municipal claim (at the discretion of the Board of Supervisors, by assessment of said costs as sewer rental or as a separate municipal claim) or in a civil action in the manner provided in Section 1.06 and the general municipal law.

9. Issue enforcement notices citing violation of this Ordinance or of rules and regulations governing the sewer system.
10. Commence and prosecute actions for enforcement of this Ordinance and/or collection of fines, costs, damages and attorneys' fees.
11. Institute and maintain one or more actions at law to enforce this Ordinance and rules and regulations governing the sewer system and/or actions in equity to compel compliance with this Ordinance and/or rules and regulations, these including but not limited to injunctions and orders compelling connection to and/or disconnection from the sewer system.

1.17.2 In the event a person fails or refuses to effect disconnection of an unlawful connection to the sanitary sewer system by the date required in an enforcement notice and the Township has been assessed surcharges or fines by the City of Erie Sewer System because of sewage flows in excess of the Township's allocation, the Township, in addition to other enforcement remedies, shall be authorized to maintain an action at law against the owner of the property, seeking recovery of such surcharges and fines from the owner, together with attorneys' fees and expenses in accordance with Ordinance 96-9, as amended.

1.17.3 The Board of Supervisors is authorized by resolution to establish such specific procedures for enforcement as it shall deem appropriate.

1.18 Declaration of Nuisances; Action to Abate Nuisances

_____ 1.18.1 The following actions or omissions, defined above to be unlawful and a violation of this Ordinance, are declared to be public nuisances:

1. The placement or deposit of sewage, municipal waste or other objectionable wastes upon any public or private property within Millcreek Township or any area under the jurisdiction of Millcreek Township;
2. The discharge of any sewage into any natural outlet within the Township;
3. The discharge of industrial wastes or other polluted water into any natural outlet within Millcreek Township, unless the person doing so is operating with the prior approval of or under a permit issued by the U.S.E.P.A. or the PaDEP;
4. The construction or maintenance of any privy, privy vault or cesspool, other than an on-lot sewage system approved by the Township and constructed in accordance with current regulations of PaDEP and/or the Erie County Department of Health;

5. The discharge of any storm water, surface drainage, ground drainage, roof runoff, subsurface drainage or unpolluted industrial process waters into any public sanitary sewer;
6. Discharge of any of the waters described in Section 1.14.6 into the sanitary sewer system.

1.18.2 Upon a determination that any of the above events has occurred, the Board of Supervisors is authorized to declare the same a nuisance. In such event, Millcreek Township shall enforce these regulations in accordance with enforcement procedures as provided in the Millcreek Township Nuisance Ordinance, these measures being in addition to enforcement proceedings under this Ordinance.

1.18.3 The Board of Supervisors shall have authority, in its discretion, to take action to abate nuisances declared under this Section, in accordance with provisions of the Second Class Township Code and general municipal law. In the event the Township incurs expenses in the abatement of a nuisance and such expenses are not reimbursed by the property owner or violator within thirty (30) days, such expenses shall be recovered pursuant to the general municipal law governing municipal claims.

1.19. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

1.20. Repealor

All Ordinances or parts of any Ordinances inconsistent herewith are hereby repealed. This Ordinance shall not be construed to amend or repeal the Industrial Waste Ordinance, as amended.

BE IT ENACTED this 30th day of March, 2004.

Secretary