

**ORDINANCE NO. 1161**

**AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 345, ORDINANCE NO. 356, ORDINANCE NO. 617, ORDINANCE NO. 655, ORDINANCE NO. 821, AND ORDINANCE NO. 943 OF THE BOROUGH OF WAYNESBORO, RELATING TO THE MANDATORY CONNECTION OF BUILDINGS TO THE PUBLIC SEWER SYSTEM AND ENACTING A NEW ORDINANCE PROVIDING MORE DETAILED SPECIFICATIONS**

**WHEREAS**, the Borough is empowered to provide for the health, safety, morals, general welfare, comfort, and safety of the borough. See 8 Pa.C.S.A. §1202(5); and

**WHEREAS**, the Borough of Waynesboro operates and maintains a public sanitary sewer system; and

**WHEREAS**, pursuant to 8 Pa.C.S.A. § 2051, the Borough desires to enact an ordinance providing for the mandatory connection of buildings to the public sanitary sewer system and for penalties for violations thereto; and

**WHEREAS**, the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to repeal Ordinance No. 345, Ordinance No. 356, Ordinance No. 617, Ordinance No. 655, Ordinance No. 821, and Ordinance No. 943 relating to the public sanitary sewer system, in order to enact the more detailed provisions set forth herein.

**NOW THEREFORE BE IT ENACTED AND ORDAINED**, by the Mayor and Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is hereby enacted and ordained as follows:

**SECTION 1:** Ordinance No. 345, Ordinance No. 655, and Ordinance No. 943 of the Borough of Waynesboro, Franklin County, Pennsylvania, relating to the public sanitary sewer system are hereby repealed in their entirety.

**SECTION 2: Title.** This Ordinance shall be known as "Waynesboro Borough Mandatory Connection to Public Sewer System Ordinance."

**SECTION 3: Definitions.** For the purpose of this chapter, the following definition(s) shall apply:

**AUTHORITY** – Refers to Waynesboro Borough Authority, as presently or hereafter constituted, which has been created by said Borough Council.

**BOROUGH** – The Borough of Waynesboro, Franklin County, Pennsylvania, or the duly constituted and elected municipal authorities thereof.

**INDUSTRIAL WASTE** – Refers to the liquid, gaseous, or solid waste from industrial processes, as distinct from domestic sewage.

**LATERAL** – Refers to that part of the sewer system extending from a public main or street sewer to curblin, or property line if there is no curb, and where the main or street sewer line is laid under a sidewalk, the word "lateral" shall mean and refer to the Y-connection from the main or street sewer line.

**OCCUPIED BUILDING** - Refers to any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sewage and industrial waste, or either thereof, is or may be discharged.

**PERSON** – A natural person, firm, partnership, company, association, trust, corporation, or other legal entity. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter, whatever appropriate.

**PROPERTY ACCESSIBLE TO THE SEWER SYSTEM** – Refers to real estate which adjoins, abuts on or is adjacent to any street in which the sewer system is located, or where any portion of the real estate is within two hundred (200) feet of any portion of the sewer system.

**SEWAGE** – Refers to the normal water-carried household and toilet wastes from residences, business buildings, institutions, and industrial establishments.

**SEWER SYSTEM** – The sanitary sewer collection system and sewage treatment plant, together with appurtenant facilities, presently constructed in and for the Borough of Waynesboro and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Borough or to any part or parts of any or all thereof.

#### **SECTION 4: Mandatory Connection Required.**

- A. All Persons owning any Occupied Building now erected upon Property Accessible to the Sewer System shall, at their own expense, connect such Occupied Building with the Sewer System within 60 days from the date of this article.
- B. All Persons owning any Property Accessible to the Sewer System, upon which an Occupied Building is hereafter erected, shall, at the time of erection of such Occupied 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 Property Accessible to the Sewer System shall, at their own expense, connect such Occupied Building with the Sewer System within 60 days after notice to do so from the Borough.

**SECTION 5: Notice to Make Connection; Borough to Make Connection at Expense of Defaulting Property Owner.**

- A. If the owner of a Property Accessible to the Sewer System, after 45 days' notice from the Borough to make connection of such property with the Sewer System, fails to make the necessary connection, the Borough may make such connection and collect the cost thereof from such owner by a municipal claim or lien or in an action of assumpsit, as is provided by law.

**SECTION 6: Violation Constitutes Nuisance; Abatement.** Any Person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any Property Accessible to the Sewer System in violation of this article shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Borough is hereby authorized and directed to abate in the manner provided by law.

**SECTION 6: Violations and Penalties.** Any Person who shall violate any provision of this Ordinance shall, for every such violation, upon conviction thereof, be sentenced to pay a fine of \$300 and costs of prosecution. Provided, each day's violation of any provision of this Ordinance shall constitute a separate violation, and each section of this Ordinance that is violated shall also constitute a separate offense.

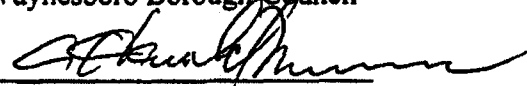
**SECTION 7: Repealer:** All provisions of previous ordinances of the Borough of Waynesboro, which are contrary to this Ordinance, are expressly repealed.


**SECTION 8: Savings Clause:** In all other respects, the ordinances of the Borough of Waynesboro shall remain as previously enacted and ordained.

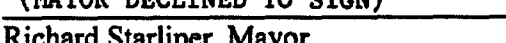
**SECTION 9: Severability.** If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such work, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect

**SECTION 11: Effective Date:** This Ordinance shall take effect <sup>on Dec. 6, 2017.</sup> immediately.

ENACTED, ORDAINED and APPROVED this 15<sup>th</sup> day of November, 2017.

Waynesboro Borough Council  
By:   
C. Harold Mumma, President

ATTEST:  
  
Melinda Knott, Secretary

(MAYOR DECLINED TO SIGN)  
  
Richard Starliper, Mayor