

## Attachment

TUS Data Request 1, No. A-15-4

FILE OF THE COUNCIL No. 13

1968



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**AN ORDINANCE**

AUTHORIZING THE CONVEYANCE OF THE EXISTING SEWER SYSTEM OF THE CITY OF SCRANTON TO THE SEWER AUTHORITY OF THE CITY OF SCRANTON, PENNSYLVANIA; REQUIRING ALL OWNERS OF IMPROVED PROPERTY WITHIN THE CITY OF SCRANTON AND ACCESSIBLE TO THE SEWER FACILITIES NOW EXISTING OR TO BE CONSTRUCTED BY THE SEWER AUTHORITY OF THE CITY OF SCRANTON, PENNSYLVANIA TO MAKE CONNECTIONS THEREWITH; IMPOSING CERTAIN SEWER CONNECTION CHARGES; PROHIBITING CERTAIN CONNECTIONS TO ANY SEWER; AUTHORIZING THE CITY TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; PROHIBITING THE CONSTRUCTION OR MAINTENANCE OF PRIVIES, CESSPOOLS, SEPTIC TANKS OR OTHER DEVICES AND REQUIRING ABANDONMENT THEREOF WHERE A SEWER IS AVAILABLE; PRESCRIBING PENALTIES; AND GRANTING TO THE SEWER AUTHORITY OF THE CITY OF SCRANTON, PENNSYLVANIA CERTAIN EASEMENTS.

The City Council of the City of Scranton, Lackawanna County, Pa., hereby ordains and enacts as follows:

SECTION 1. Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

A. "Authority" means The Sewer Authority of the City of Scranton, Pennsylvania, a Pennsylvania Municipality Authority.

B. "Building Sewer" shall mean the extension from the sewage drainage system of any Improved Property to the Lateral of a Sewer.

C. "City" shall mean the City of Scranton, Lackawanna County, Pennsylvania.

D. "Improved Property" shall mean any property within the City 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 Sewage and/or Industrial Wastes shall be or may be discharged.

E. The phrase "property accessible to the Sewer Facilities" shall mean property which abuts on, or adjoins, either the Sewer Facilities or any part thereof, or any street, road, alley or way in which there is a Sewer.

F. "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, commercial, trade, business, or research process or from the development, recovery or processing of natural resources, as distinct from Sewage, including such ground surface or storm water as may be present.

G. "Lateral" shall mean that part of the Sewer Facilities extending from a Sewer to the curb line, or if there be no curb line, to the edge of the pavement or to the edge of the cartway, if not paved, 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 thereto of any Building Sewer.

H. "Owner" shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the City.

I. The term "person" shall mean any individual, partnership, company, association, society, corporation or other group or entity.

J. "Sewage" shall mean normal water-carried household and toilet wastes from any Improved Property, including such ground, surface or storm water as may be present.

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

L. "Sewer Facilities" shall mean all facilities, as of any particular time, for collecting, pumping, treating and disposing of Sewage and Industrial Wastes, situate in the City.

SECTION 2. The City hereby authorizes and directs that the existing Sewer Facilities be conveyed, free and clear of all liens and encumbrances, to the Authority, and the proper officers of the City are hereby authorized to execute a deed or deeds in the name and on behalf of the City, and to affix thereto the seal of the City, and to acknowledge the same on behalf of the City and make delivery thereof to the Authority, and to do such other acts and things as may be necessary and proper to accomplish the conveyance referred to herein.

### SECTION 3.

A. All persons owning any Improved Property accessible to the Sewer Facilities shall at their own expense connect such Improved Property with the Sewer Facilities within forty-five days after written

notice to such persons from the City requiring such connection.

B. All persons owning any property accessible to the Sewer Facilities upon which a building is hereafter erected which shall cause the property to become Improved Property shall, at the time of the erection of such building and at their own expense, connect the same with the Sewer Facilities.

C. All persons owning any Improved Property which hereafter becomes accessible to the Sewer Facilities shall, at their own expense, connect such property with the Sewer Facilities within forty-five days after written notice to do so from the City.

SECTION 4. There is hereby imposed upon each owner of property connecting to the Sewer Facilities after the effective date of this Ordinance a connection charge of \$25.00 for each connection to be made to a Lateral of the Sewer Facilities at the curb line, or edge of road or right-of-way line, where there is no curb line, or other place in a Sewer which shall be provided for connection of any Building Sewer. Such connection charge shall be payable upon application for permit to make such connection.

SECTION 5. It shall be unlawful for any person owning any property accessible to the Sewer Facilities to erect, construct, use or maintain or cause or permit to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving Sewage, after the expiration of the particular period specified in Section 3 hereof or at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of Sewage except into the Sewer Facilities. It shall be unlawful for any person to make a connection to the Sewer Facilities from any cesspool, privy, vault, cistern or other depository.

SECTION 6. Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole, septic tank or other receptacle for receiving Sewage, or erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of Sewage, in violation of this Ordinance, shall be deemed and shall be declared to be erected, constructing, using and maintaining a nuisance, which nuisance the City by its proper officers is hereby authorized and directed to abate in the manner provided by law.

SECTION 7. No connection shall be made to the Sewer Facilities except in compliance with the ordinances and resolutions, as well as the rules and regulations as may from time to time be enacted, adopted, approved or promulgated by the City. No connection shall be made, nor shall any connection continue to the Sewer Facilities for the purposes of discharging Sewage or Industrial Wastes or both therefrom which would impede, prejudicially affect, interfere with or endanger the Sewer Facilities, or any part thereof, or the functioning of the processes of sewage treatment, or which would create a hazard to human or animal life or to the waters receiving treatment effluent.

SECTION 8. After the expiration of the applicable period specified in Section 3 of this Ordinance, if any, if the owner of Improved Property accessible to the Sewer Facilities shall have failed to connect such property with the Sewer Facilities as required by Section 3, the City shall cause to be served on the owner of such property, so failing to connect, and also upon the occupants of the buildings in question, a written or printed notice requiring such connection to be made, and such notice shall further state that the requirements of this Ordinance shall be complied with within not less than 30 days from the date thereof.

SECTION 9. The provisions of this Ordinance are declared to be for the health, safety and welfare of the citizens of the City. Any person violating any of the terms, provisions or requirements of this Ordinance, or of any rules and regulations approved and promulgated by Ordinance by the City concerning the use or operation of the Sewer Facilities, or who shall refuse, neglect or fail to comply with any notice given to such person by a duly authorized representative of the City in conformity with or pursuant to the provisions of this Ordinance or of such rules and regulations, or who shall obstruct or interfere with any person in the execution hereof or thereof, shall, upon conviction thereof before the Mayor or any Alderman of the City, severally for each and every such violation, or non-compliance, respectively be sentenced to pay a fine not exceeding \$100 and costs of suit. Each 90 day period during which a violation continues shall be considered a separate offense. Should any person refuse, neglect or fail to comply with the provisions of this Ordinance, or of any rules and regulations herein referred to, or of any notice given in conformity with or pursuant to the provisions hereof or thereof, then the appropriate official of the City hereby is empowered and directed to supply all labor and material required of such negligent or delinquent owner, and the cost and expense thereof, together with 10% penalty thereon, shall be certified to the City Solicitor who shall enter the same as a lien against the property in the Court of Common Pleas of Lackawanna County and proceed to collect the same in like manner as other municipal claims are collectible by law, or an action of assumpsit may be brought to recover the same in the name of the City from the owner.

SECTION 10. City hereby grants to the Sewer Authority of the City of Scranton, Pennsylvania, all and every easement, right-of-way and any and all other rights necessary or desirable on, over and under

the public streets, sidewalks and alleys in the City, for the purposes of construction of the Sewer Facilities and any portion thereof.

SECTION 11. If any of the provisions or parts of this Ordinance or the application of any provisions hereof shall, for any reason be held invalid, such invalidity shall not affect or impair any of the remainder of this Ordinance, it being the intention of the City that such remainder shall be and remain in full force and effect.

SECTION 12. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance be and the same are expressly repealed.

SECTION 13. This ordinance is hereby declared to be urgent for the preservation of the peace, health and comfort of the citizens of the City and shall take effect and be in force immediately after its passage.

Approved March 27, 1968  
JAMES J. WALSH, *Mayor*

I HEREBY CERTIFY that the foregoing Ordinance was introduced at a public meeting held the      day of      , 1968, and was duly enacted by the Council of the City of Scranton, Lackawanna County, Pennsylvania, and approved by the Mayor at a public meeting held the      day of      , 1968; that proper notice of both meetings was given in accordance with the provisions of the Act of September 28, 1959, P.L. 987; that of the total membership of five of the Council, a quorum was present throughout and that voted in favor of the above Ordinance; and that said Ordinance has been duly recorded in Ordinance Book No.      page      of the City of Scranton, showing how each member of Council voted thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Scranton this      day of      , 1968.

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*City Clerk*

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