## The Code

CONEWAGO CODE

## Chapter 1 GENERAL PROVISIONS

§ 1-1 GENERAL PROVISIONS § 1-1

ARTICLE I

### Adoption of Rules and Regulations [Adopted 9-28-2021 by Res. No. 2021-1]

**§ 1-1. Adoption.**

The CTSA hereby adopts the rules and regulations as codified and renumbered and as set forth in the manual entitled "Conewago Township Sewer Authority Rules and Regulations." These regulations shall be considered the currently effective regulations of the Conewago Township Sewer Authority for all intents and purposes. Section titles and editor's notes are nonsubstantive and are provided for purposes of usability only.

## Chapter 20 BYLAWS

### [HISTORY: Adopted by the Conewago Township Sewer Authority 8-22-1989 by Res. No. 1989-1. Amendments noted where applicable.]

**§ 20-1. The Authority.**

1. Name. The name of the Authority shall be as specified in its Articles of Incorporation; to wit: Conewago Township Sewer Authority, hereinafter "the Authority."
2. Seal. The seal of the Authority shall contain the name of the Authority and the year of its incorporation, and shall be in the form of the seal impressed in the margin hereof, opposite this section.
3. Term. The Authority shall exist in accordance with its Articles of Incorporation until dissolved according to law.
4. Purpose. The Authority shall exist and function for the purposes as set forth in the aforesaid Articles of Incorporation.

### § 20-2. Authority members.

1. The number of Authority members, their terms and qualifications shall be as set forth in the Articles of Incorporation.
2. Vacancies. Whenever a vacancy occurs, either during or at the expiration of the term of any member, the governing body of the municipality which originally appointed said member shall appoint a successor member to fill the unexpired portion of the term of such member or for a full term in accordance with the Articles of Incorporation.
3. Compensation. The Authority may establish reasonable and appropriate compensation for Authority members attending to the business of the Authority.

### § 20-3. Meetings.

1. Annual meeting. The Authority shall hold its annual meeting on the fourth day of January of each year at 7:30 p.m., and the Authority shall conduct the first regular meeting as its organizational meeting. Officers as hereinafter set forth shall be elected at such meeting. The Authority shall establish regular meeting dates, times and places and conduct such other regular and appropriate business as the Authority deems necessary at such meeting.
2. Regular meetings. The Authority shall meet at regular scheduled dates, times and places as frequently as the Authority deems appropriate and necessary. Such meetings shall be duly advertised in accordance with law. The regular meetings of the Authority shall be the fourth Tuesday of each month at 7:30 p.m.
3. Special meetings. The Chairman or any three Authority members may call a special meeting by giving 48 hours' written or personal notice to each Authority member and proper public notice. The purpose of any special meeting shall be stated in the notice.
4. Public meetings and hearings. The Authority shall conduct such public meetings and hearings as it

deems appropriate and as required by law. A sufficient record of the meeting or hearing shall be made and kept by the Authority. The Authority shall give public notice of the meetings by posting the same at the offices of Conewago Township.

1. Quorum. A majority of the Authority members shall constitute a quorum at any meeting for the transaction of business of the Authority; however, a smaller number may meet and adjourn to some other time when a quorum is obtained.
2. Majority. The Authority shall conduct its business by the rule of the majority vote of the members present at each meeting, provided a quorum is present.
3. Order of business. At the regular meetings of the Board of the Authority the following shall be the order of business:
   1. Call to order;
   2. Reading and approval of minutes;
   3. Recognition of public;
   4. Report of Engineer;
   5. Report of Solicitor;
   6. Old business;
   7. New business;
   8. Miscellaneous;
   9. Communications;
   10. Treasurer's report;
   11. Bills and requisitions;
   12. Adjournment;
4. Manner of voting. The voting of all questions coming before the Board of the Authority, upon request of any member, shall be by roll call, and the ayes and nays shall be entered upon the minutes of such meeting, unless of the vote is unanimous of all members present, and in that case the minutes shall so indicate.

### § 20-4. Officers.

1. Officers. The officers of the Authority shall consist of a Chairman, Vice Chairman, and Secretary- Treasurer. The Authority may appoint an Assistant Treasurer or Assistant Secretary if it deems such appointment to be appropriate.

### § 20-5. Duties.

1. It shall be the duty of the Chairman to preside at all regular and special meetings of the Authority, to have general supervision and direction of all other officers and committees, to see that the duties of the officers and purposes of committees are properly performed, to appoint committee members, to be an ex officio member of all committees, and, to the extent authorized by the Authority, to execute

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#### § 20-5 BYLAWS § 20-7

contracts, agreements, applications and other documents for the Authority.

1. The Vice Chairman shall perform the duties of Chairman in the absence of the Chairman and shall perform such other duties as may be prescribed by the Chairman or Authority.
2. It shall be the duty of the Treasurer to maintain full and accurate accounts of receipts and disbursements in records belonging to the Authority, to deposit all monies and other items of value in the name of the Authority in such institutions as the Authority shall direct, to disburse funds as the Authority shall direct, and to regularly report the financial status of the Authority to the Authority.
3. The Assistant Treasurer shall perform the duties of the Treasurer in the absence of the Treasurer and shall perform other duties as may be prescribed by the Treasurer or Authority.
4. It shall be the duty of the Secretary to accurately record the minutes and votes at all meetings in books belonging to the Authority and to be kept for that purpose. The Secretary shall give proper notice of all meetings to the Authority members and the public. The Secretary shall notify the appropriate municipalities of any vacancy of an Authority member appointed by that municipality and of an approaching term expiration of an Authority member appointed by the appropriate municipality. The Secretary shall keep custody of the Seal of the Authority and shall affix the said Seal to instruments requiring the same as directed by the Authority.
5. The Assistant Secretary shall perform the duties of the Secretary in the absence of the Secretary and shall perform such other duties as may be prescribed by the Secretary or Authority.
6. In the absence of any officer or in the event of a vacancy in any office, the Authority may designate another Authority member to perform the absent officer's duty or to fill the vacancy until the annual organizational meeting.

### § 20-6. Other personnel.

1. Appointment. The Authority may from time to time as it deems appropriate appoint such persons or firms to offer advice to the Authority, including but not limited to Solicitor, Bond Counsel, Accountant, Auditor, Investment Advisor, and Engineer. Such appointed positions shall serve at the pleasure of the Authority or in accordance with contracts or agreements between them and the Authority.
2. Employees. The Authority may, from time to time as it deems appropriate, employ such other persons or firms to perform duties of a recording secretary, billing clerk, billing and collection of bills, operation of plants, and other employees as may be deemed appropriate by the Authority. The Authority is authorized to enter into contracts or agreements with such employees.
3. Compensation. The Authority shall establish compensation to be paid to any such appointed personnel.

### § 20-7. Indemnification.

1. The Authority shall indemnify to the fullest extent permitted by law any and all persons who may serve or have served at any time as officials of the Authority or employees of the Authority and their heirs, administrators, successors and assigns, against any and all judgments against such persons in any action, suit or proceeding in which they, or any of them, are made parties or a party by reason of being or having been an official of the Authority or an employee of the Authority where there is a final judicial determination that the act of the official of the Authority or the employee which gave

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rise to the action, suit or proceeding was, or the official of the Authority or employee in good faith reasonably believed that such act was, within the scope of the office or duties of such person, provided the official of the Authority or employee being indemnified shall have given to the Authority timely prior written notice of the claim of such official of the Authority or employee for such indemnification, as required by the Act. For this purpose, notice shall be deemed to be timely if given not later than 14 days after the commencement of the action resulting in the judgment for which indemnification is claimed.

1. When an action is brought against an official of the Authority or an employee and either a) it is alleged that the act which gave rise to the claim was within the scope of the office or duties of the official of the Authority or employee, or b) the Board of the Authority determines that such act was within the scope of such office or duties of the official of the Authority or the employee in good faith reasonably believed the act was within the scope of such office of duties, then, upon written request of the official of the Authority or the employee, made not more than 14 days after the commencement of the action, as provided in the Act, the Authority shall defend the action on behalf of the official of the Authority or the employee, at its own expense, or, at its option, provide independent representation for the official of the Authority or employee, also at the expense of the Authority; and the Authority shall also pay on behalf of the official of the Authority or the employee amounts payable in any settlement which settlement has been approved by a disinterested majority of Authority Council of the Authority, or, in the absence thereof, approved by independent counsel for the Authority.
2. Notwithstanding the foregoing sections of this chapter, i) the Authority shall not indemnify an official of the Authority or employee where there is a final judicial determination that, and ii) the Authority shall not provide any legal defense where the Board of the Authority reasonably determines that the act of the official of the Township or employee which gave rise to the action, suit or proceeding constituted a crime, actual fraud, actual malice or willful misconduct.

### § 20-8. Miscellaneous.

1. Bank accounts. The Authority may establish such bank accounts at such institutions as it deems appropriate and shall designate one or more of its officers to make deposits or entries from or to the same and shall designate three of its officers, any two of whom may make withdrawals or payments.
2. Saving clause. Nothing in this chapter shall be construed to conflict with the Articles of Incorporation of this Authority or the laws of the Commonwealth of Pennsylvania. If, as a result of such conflict or otherwise, any part of this chapter is determined to be invalid, the remaining bylaws or part thereof shall continue in full force and effect.

### § 20-9. Amendment.

Procedure. This chapter may be amended by passing a proposed amendment at two consecutive meetings of the Authority. The proposed amendment must be approved at both meetings by at least a majority of the total members of the Board of the Authority. Any such amendment shall be attached to and become a part of this chapter.

DELINQUENT ACCOUNTS § 34-4

## Chapter 34 DELINQUENT ACCOUNTS

### [HISTORY: Adopted by the Conewago Township Sewer Authority 4-25-2017 by Res. No. 2017-1. Amendments noted where applicable.]

**§ 34-1. Delinquency.**

A CTSA customer account will be considered delinquent for purposes of this policy if payment for any billed service is 60 or more days late.

### § 34-2. Warning notice.

A written warning notice shall be sent to the delinquent customer by CTSA's authorized third-party billing agent, if any, otherwise by CTSA office staff. The notice shall identify, at minimum, the amount past due; the person(s) the customer may contact to make payment arrangements; and that failure to pay the outstanding balance may result in legal action to recover the amounts due without further notice to the customer.

### § 34-3. Installment payment plans.

If a delinquent customer requests to enter into an installment payment plan to pay the delinquent amount, CTSA's authorized third-party billing agent and/or CTSA staff are authorized to enter into such an installment agreement without prior CTSA Board approval, provided all of the following applicable conditions are met:

1. For delinquent amounts due of $500 or less, the delinquent customer may enter into a plan to pay equal monthly payments whereby the total is paid within six months.
2. For delinquent amounts due of between $500 and $1,000, the delinquent customer may enter into a plan to pay equal monthly payments whereby the total is paid within 12 months.
3. For delinquent amounts due of $1,000 or more, the delinquent customer may enter into a plan to pay equal monthly payments whereby the total is paid within 24 months.
4. For any such plan, the minimum payment allowed shall be $50 per month.
5. All applicable penalties and interest must be included in the total amount to be repaid and any and all new charges must be kept current.
6. Failure to abide by the agreement terms may result in immediate legal action by CTSA without further notice to the delinquent customer.
7. Delinquent customer requests for payment plans that deviate from these preapproved guidelines must be made, in writing, to the CTSA Board for consideration on a case-by-case basis. CTSA is under no obligation to agree to any repayment terms that do not meet its preapproved guidelines.

### § 34-4. Water shutoff authorized.

If no response to the written warning notice is received within 30 days, or a delinquent customer defaults on an agreed repayment plan, thereafter CTSA's authorized third-party billing agent and/or CTSA staff are authorized to commence water shutoff procedures in accordance with the CTSA agreement with York

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Water Company and the requirements of Pennsylvania Law.

### § 34-5. Municipal liens.

If water shutoff procedures are not available for a particular delinquent customer, or such procedures fail to result in full payment of the delinquent amounts for any reason, CTSA staff shall so advise the CTSA Solicitor who shall file a municipal lien on the delinquent customer's property in accordance with the requirements of Pennsylvania Law.

### § 34-6. Other remedies.

The CTSA Board shall determine and authorize any further legal action and/or methods of collecting upon liens or monetary judgments on a case-by-case basis in consultation with the CTSA Solicitor.

ESCROW OF FUNDS FOR ATTORNEY FEES § 46-8

**Chapter 46**

# ESCROW OF FUNDS FOR ATTORNEY FEES

### [HISTORY: Adopted by the Conewago Township Sewer Authority 3-27-2007 by Res. No. 2007-1. Amendments noted where applicable.]

**§ 46-1. Definitions.**

For purposes of this chapter, "developer" shall have the same meaning as defined in the Municipalities Planning Code.**1**

### § 46-2. Developer to pay legal fees.

Any developer submitting any subdivision and land development plan requiring Sewer Authority review and/or approval of any installation, construction, improvement, or alteration of any kind of any sewer facilities shall pay all legal fees of the Sewer Authority Solicitor necessary in connection with such review and approval.

### § 46-3. Legal fee rates.

Such legal fees shall be charged at the then applicable hourly rate of such Solicitor for work performed on behalf of the Sewer Authority.

### § 46-4. Funds held in escrow.

The developer must submit the amount of $1,500 in escrow to the Sewer Authority for the payment of such legal fees.

### § 46-5. Submission and payment of invoice.

The Sewer Authority Solicitor shall submit an invoice to the Sewer Authority for any work to be charged against the escrow amount and such invoice shall be paid from the escrow funds upon approval of the Sewer Authority.

### § 46-6. Fees in excess of escrow funds; additional funds.

If the applicable legal fees herein shall exceed the amount of the escrow funds, the developer shall be invoiced for the excess amount and shall be required to pay such invoice. If legal review has not been completed at the time such invoice is presented, the developer shall submit an additional $1,500 in escrow to provide payment of such anticipated legal fees.

### § 46-7. Refund of excess funds.

Any and all escrow funds remaining after completion of any necessary legal work by the Solicitor shall be returned to the developer.

### § 46-8. Escrow fund requirements subject to change.

The Sewer Authority in its discretion may require additional escrow funds for the purposes set forth herein

1. **Editor's Note: See 53 P.S. § 10101 et seq.**

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in the event the amount specified in § 46-4 is insufficient to cover the actual or expected legal fees based upon the nature and scope of the subdivision and land development plan.

### § 46-9. Construal of provisions.

Nothing contained herein shall be construed to modify or repeal Sewer Authority practice with respect to the reimbursement of engineering fees.

### § 46-10. When effective.

This chapter shall become effective immediately upon enactment.

**Chapter 60**

# GRINDER PUMP CHARGES FOR EXCESS MAINTENANCE

### [HISTORY: Adopted by the Conewago Township Sewer Authority 2-25-2014 by Res. No. 2014-1; amended in its entirety 7-25-2023 by Res. No. 2023-3. Subsequent amendments noted where applicable.]

**§ 60-1. Authorization to impose charge.**

The Authority is hereby authorized to impose a service charge equal to the amount of the actual costs billed to the Authority for any grinder pump maintenance visit in excess of once in a six-month period caused by the presence of grease, rags, debris or other foreign material that should not be introduced into the sewer system. The only material that should be discharged through the sanitary sewer system is human waste, water, and water-soluble toilet paper.

CONEWAGO CODE § 71-5

**Chapter 71**

# HIGH STRENGTH WASTE TESTING

### [HISTORY: Adopted by the Conewago Township Sewer Authority 6-26-2007 by Res. No. 2007-2. Amendments noted where applicable.]

**§ 71-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

EQUIVALENT DWELLING UNIT (EDU) — Two hundred fifty gallons per day at a strength of 250 milligrams per liter BOD, which yields a standard organic loading of 0.52 pounds per day BOD.

HIGH STRENGTH WASTE CUSTOMER — Nonresidential business or industrial customers using the Conewago Township Sewer System who meet any of the following criteria:

* 1. The customer uses surfactants in connection with the operation of their business; or
  2. The customer generates wastewater with a BOD concentration greater than 250 milligrams per liter; or
  3. The CTSA Engineer has reason to believe that the customer is generating stronger than expected waste for the number of EDUs generated by the customer.

LOADING — The level of waste strength as determined by the CTSA Engineer.

SURFACTANT — A wetting agent which lowers the surface tension of a liquid, allowing easier spreading (i.e., degreasing agent).

### § 71-2. Establishment of loading.

Each high strength waste customer's loading will be established as EDUs of organic capacity as set forth in the "monthly billing calculation," attached hereto as Exhibit A and incorporated by reference herein. The monthly flow quantity for each high strength waste customer will be equated to EDUs of hydraulic capacity as set forth in the "monthly billing calculation."

### § 71-3. Billing rate; calculation of tapping fee.

Each high strength waste customer shall be billed at the current per-EDU user rate for the greater of the calculated organic capacity or hydraulic capacity referenced above. The Conewago Township Sewer Authority shall use the average of six months of loading to calculate the tapping fee associated with the number of EDUs which will be billed to the high strength waste customers.

### § 71-4. Testing fees.

The Conewago Township Sewer Authority shall bear the cost for the first test of each month. Thereafter, if a high strength waste customer requests additional testing within any particular month, a fee of $175 per test will be assessed to the high strength waste customer requesting the additional test(s).

§ 71-5 HIGH STRENGTH WASTE TESTING

### § 71-5. When effective.

This chapter shall become effective immediately upon enactment.

CONEWAGO CODE § 82-3

## Chapter 82 INFILTRATION AND DETECTION

### [HISTORY: Adopted by the Conewago Township Sewer Authority 1-26-1999 by Res. No. 1999-1. Amendments noted where applicable.]

**§ 82-1. Purpose; implementation of procedures.**

1. Purpose of resolution. Section 150-29 of this Manual of the Conewago Township Sewer Authority (hereinafter "Authority") provides for special conditions requiring more stringent specifications in the original connection and use process by users of the Conewago Township Sewer System. This chapter has become necessary because of the possibility that special conditions requiring more stringent specifications may be necessary due to the involving change of the use of property connected to the sewer system or the malfunctioning of private systems that may lead to infiltration in the sewer system, thus requiring special or more stringent specifications for the continued use of the sewer system.
2. Implementation of detection procedures. The Authority hereby authorizes its Consulting Engineer with the approval of the Authority to implement in manholes or where otherwise necessary the procedure of putting in place portable flow meters and/or other devices that are necessary to detect, prove and secure data and other information showing that infiltration is occurring of an unacceptable nature within the sewer system from that property. It is recognized hereby that permanent flow meters or other permanent apparatus may ultimately be deemed necessary because of infiltration emanating from properties connected to the sewer system.

### § 82-2. Detection of infiltration; remedies.

1. Costs associated with original detection devices. It is hereby put in place that the Authority and its Consulting Engineer may, at the direction of the Authority, implement a procedure for installing devices necessary to detect and prove infiltration. The rent or other charges associated with detection meters or other apparatus shall be at the initial expense of the Authority. Once it has been determined by the Authority's Consulting Engineer that the source of infiltration is occurring at a user's property, through use of the apparatus approved above, the Consulting Engineer shall notify the property owner of the problem and require that the unsatisfactory condition be abated within 30 days of the date of receipt of such notice, said notice being sent certified mail, return receipt requested. Or, if certified mail is not properly effectuated, by regular mail to the last-known mailing address of the owner of the property.
2. Agreement to resolve infiltration and other remedies. If the property owner contacts the Consulting Engineer of the Authority within the above thirty-day period, the Authority Engineer is authorized, with the ultimate approval of the Authority, to enter into an agreement concerning the prompt correction of the infiltration problem, and/or in the alternative, an acceptable surcharge rate in addition to the current monthly user rate per EDU for the property. If within said thirty-day period, the property owner has neither cooperated and entered into a written agreement or has failed to come into compliance or attempt compliance in any fashion acceptable to the Authority, then, pursuant to this chapter, additional remedies are authorized.

### § 82-3. Charge for flow meter; surcharge for infiltration.

1. Charges for flow meters or other devices. From the expiration of the original thirty-day period of

#### § 82-3 INFILTRATION AND DETECTION

notice from the Authority's Consulting Engineer, portable flow meter charges or other apparatus charges and associated costs that are necessary to monitor infiltration will accrue and will be due and payable by the property owner. This charge mentioned above being necessary by the failure of the property owner to attempt or to come into compliance in relation to improper infiltration.

1. Surcharge for infiltration. In addition to the above referenced charges for noncompliance, if the property owner does not correct the problem within the time period allotted, the property owner will be surcharged at a rate equalling the current monthly user rate times 0.011 for each 100 gallons of flow in excess of 300 gallons per day per equivalent dwelling unit (EDU). This surcharge will be in addition to the current monthly user rate per EDU.

### § 82-4. Fines and other remedies of the Authority.

1. Any person or property owner who shall violate any of the provisions of this chapter shall, upon a summary proceeding before a district justice, be sentenced to pay a fine of not less than $50 nor more than $600, together with the costs of prosecution, and, in default thereof, to undergo imprisonment in the York County Prison for a period not exceeding 30 days. 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.
2. Fines and costs imposed under the provisions of this chapter shall be enforceable and recoverable at the time provided by applicable law.
3. The Authority reserves the right to utilize any other legal or equitable remedies to mandate compliance with the provisions of this chapter.

### § 82-5. Severability.

1. The provisions of this chapter are severable. In the event that any provision, section, sentence, clause or part of this chapter shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any remaining provisions, sections, sentences, clauses or parts of this chapter. It is hereby declared to be the intent of the Authority that such remainder of this chapter shall be and shall remain in full force and effect.
2. All resolutions or parts of resolutions which are inconsistent with this resolution, as they affect the matter specifically contained here, are hereby repealed to the extent of such inconsistency.

### § 82-6. Declaration of necessity.

It is declared that the enactment of this chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of Conewago Township, the users of the sewer system and the operation of the sewage treatment plant and Authority facilities.

## Chapter 99 MEETING RECORDINGS

### [HISTORY: Adopted by the Conewago Township Sewer Authority 4-28-2009 by Res. No. 2009-1. Amendments noted where applicable.]

**§ 99-1. Purpose of recordings.**

The meetings of the Conewago Township Sewer Authority are recorded for the limited purpose of preparing the official minutes; and

### § 99-2. Statutory compliance.

The official minutes document all of the Authority's actions and other information required by Pennsylvania's Sunshine Act;**2** and

### § 99-3. Purpose and intent.

The Authority desires to adopt a policy and practice that allows for destruction and/or erasure and reuse of the tapes and/or digital recordings after the minutes are prepared and approved by the Authority without further and repetitive action by the Authority.

### § 99-4. Destruction of recordings.

Any employee responsible for preparation of the minutes or any other employee of the Authority is authorized and directed to destroy and/or erase and reuse all recordings of Authority meetings at any time immediately after official approval of the meeting minutes by the Authority at a public meeting.

1. **Editor's Note: See 65 Pa.C.S.A. § 701 et seq.**

PROHIBITED DISCHARGES § 115-7

## Chapter 115 PROHIBITED DISCHARGES

### [HISTORY: Adopted by the Conewago Township Sewer Authority 5-25-1993 by Res. No. 1993-6. Amendments noted where applicable.]

**§ 115-1. Unlawful to discharge off premises.**

No person (including an individual, partnership, firm, company, corporation, association, or any other legal entity, whatsoever) shall discharge or deposit any sewage, septic, waste, wastewater, pollutant, trucked or hauled material, or other material, into the sanitary sewer system of the Authority at any premises except for any such sewage, septic, waste, wastewater, pollutant, or other material that is generated at the premises where such discharge or deposit is made.

### § 115-2. Prohibited discharges.

No person (including an individual, partnership, firm, company, corporation, association, or any other legal entity, whatsoever) shall discharge or deposit any septic, trucked or hauled material, or any other material from any privy vault, cesspool, sinkhole, septic tank or similar receptacle into the Authority's sewage treatment system.

### § 115-3. Violators to be liable.

Any person who shall violate any provision of this chapter shall become liable to the Authority for any expense, loss, or damage occasioned by the Authority by reason of such violation.

### § 115-4. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not less than $200, nor more than $600, together with costs of prosecution, and, in default thereof, to undergo imprisonment in the York County Prison for a period not exceeding 30 days. Each day that violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

### § 115-5. Repealer; construal of provisions.

All resolutions or parts of resolutions which are inconsistent with this chapter are hereby repealed to the extent of such inconsistency. Nothing in this chapter is intended to repeal or limit any provision of Chapter 150, Sewer Rules and Regulations.

### § 115-6. Recovery of fines and costs.

Fines and costs imposed under provision of this chapter shall be enforceable and recoverable in the manner at the time provided by applicable law.

### § 115-7. Severability.

The provisions of this chapter are severable. In the event that any provision, section, sentence, clause or part of this chapter shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this chapter. It is hereby declared to be the intent of the Authority that such remainder of this chapter

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shall be and shall remain in full force and effect.

### § 115-8. Purpose.

It is declared that the enactment of this chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of Conewago Township.

# PROPERTY OWNER RESPONSIBLE FOR RENTAL UNIT FEES

### [HISTORY: Adopted by the Conewago Township Sewer Authority 1-26-2010 by Res. No. 2010-1. Amendments noted where applicable.]

**§ 121-1. Responsibility for payment of fees.**

The property owner of each dwelling unit serviced by the Conewago Township Sewer Authority shall be responsible for the payment of the user fee and any interest or penalties associated with the delinquent payment of such user fee as set forth in Chapter 175, Rules and Regulations, and as may be from time to time amended.

### § 121-2. Lease or rent to third party: acceptance of risk.

If the owner of a dwelling unit leases or rents such dwelling unit to a third party and allows the third party to have sewer service entered in the name of the third party, the owner does so at the owner's own risk that the third party may not pay all user fees or penalties.

### § 121-3. Lease or rent to third party: responsibility for fees.

The property owner of each dwelling unit rented to any third party shall ultimately be responsible for the payment of all user fees, interest and penalties as set forth in the Sewer Authority's Rules and Regulations.

### § 121-4. Authorization to collect.

The property owner of each dwelling unit, including dwelling units which may be leased or rented to a third party, is legally responsible for payment of all user fees, interest and penalties as set forth herein, and the Sewer Authority is hereby authorized and empowered to collect all payments due to the Authority from such property owner to the fullest extent allowed by applicable law, including, but not limited to, filing of a municipal lien against the subject property at issue.

### § 121-5. Acknowledgement of owners.

The Sewer Authority will take reasonable steps to provide all known landlords or owners of dwelling units rented to third parties a form to acknowledge the owner's responsibility for payment of all user fees as set forth in this chapter in the form attached hereto as Exhibit A, or as may be amended from time to time by the Sewer Authority by resolution.**3**

1. **Editor's Note: Exhibit A, Landlord Responsibility Acknowledgement Form, is included as an attachment to this chapter.**

# PUBLIC RECORDS

### [HISTORY: Adopted by the Conewago Township Sewer Authority 2-28-2020 by Res. No. 2020-1. Amendments noted where applicable.]

**§ 126-1. Compliance with statute.**

In accordance with the Pennsylvania Municipal Records Act,**4** CTSA shall follow the procedures set forth in the Municipal Records Manual - Retention and Disposition Schedule for Records of Pennsylvania Municipal Governments, approved December 16, 2018, and as amended March 28, 2019, and as may be amended from time to time.

1. **Editor's Note: See 53 Pa.C.S.A § 1381 et seq.**

**Chapter 132**

# QUALIFIED PERSONS AND INSTALLERS

### [HISTORY: Adopted by the Conewago Township Sewer Authority 2-11-1993 by Res. No. 1993-3. Amendments noted where applicable.]

**§ 132-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

QUALIFIED PERSON — Referred to in § 150-30 of Chapter 150, Sewer Rules and Regulations, a property owner who is installing a building sewer or grinder station at the property owner's own property, or a contractor, who certifies to the Conewago Township Sewer Authority (hereinafter the "Authority") that such contractor or property owner is familiar with the installation of building sewers, service laterals, and grinder stations and who certifies that they are aware of the requirements of the rules and regulations of the Authority, and that all construction of building sewers, sewer laterals or grinder stations shall be performed in accordance with those rules and regulations.

### § 132-2. Statement of qualifications; indemnity.

Such contractor or property owner shall complete a statement of qualifications to the Authority, and shall agree to indemnify and save the Authority harmless from any claims arising out of work by such contractor or property owner with regard to the installation of a building sewer or grinder station, or with regard to any damages to the Authority's sewer system, or any costs or expenses incurred by the Authority resulting from the contractor's or property owner's failure to comply with the rules and regulations of the Authority.

### § 132-3. Compliance.

All contractors or property owners installing building sewers or grinder stations to be connected to the Authority's sewer system shall comply with all of the Authority's rules and regulations and all Township, state or federal requirements, including, but not limited to, the following:

1. Conewago Township ordinances, if any, governing sewer connections and Township road occupancy regulations.
2. Laws of the Commonwealth of Pennsylvania requiring a utility to notify, in advance, work to be performed in the area of the Authority's facilities.
3. Federal Occupational Safety and Health Administration regulations.
4. Pennsylvania Department of Transportation regulations for work within state highway rights-of-way, such as, but not limited to:
   1. Permits;
   2. Bonding;
   3. Construction methods and material;
   4. Inspections; and
   5. Traffic control.
5. Pennsylvania Department of Environmental Protection streams encroachment and soil erosion and sedimentation control requirements.

### § 132-4. Right to stipulate special requirements.

Whenever, in the opinion of the Authority's Engineer, or other duly authorized representative of the Authority, special conditions require additional safeguards or more stringent specifications to be observed, then, notwithstanding any other provisions of this chapter or requirements of any other governmental authority, the Authority specifically reserves the right to refuse to permit a connection to be made to its sewer system until such special requirements for specifications, as may be stipulated by the Authority, have been satisfied.

### § 132-5. Statement of qualifications required prior to installation or construction.

No qualified person shall install or construct a building sewer or grinder station unless a statement of qualifications has been filed with the Authority.

### § 132-6. Insurance; acceptance of risk.

The contractor or property owner shall certify to the Authority that such contractor or property owner has adequate insurance coverage, that they are familiar with the installation of building sewers and grinder stations, and that they realize that there is a risk of property damage, serious bodily injury, or death, for unsafe installation of the same.

### § 132-7. Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall, upon a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not less than $50 nor more than $600, together with costs of prosecution, and, in default thereof, to undergo imprisonment in the York County Prison for a period not exceeding 30 days. Each day that violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

### § 132-8. Repealer.

All resolutions or parts of resolutions which are inconsistent with this chapter are hereby repealed to the extent of such inconsistency.

### § 132-9. Recovery of fines and costs.

Fines and costs imposed under provision of this chapter shall be enforceable and recoverable in the manner at the time provided by applicable law.

### § 132-10. Severability.

The provisions of this chapter are severable. In the event that any provision, section, sentence, clause or part of this chapter shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this chapter. It is hereby declared to be the intent of the Authority that such remainder of this chapter shall be and shall remain in full force and effect.

### § 132-11. Purpose.

It is declared that the enactment of this chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of Conewago Township.

### § 144-1. Calculation of total available capacity; reserve buffer.

For each calendar year, the Conewago Township Sewer Authority (CTSA) Engineer shall calculate the total available sewage capacity EDUs of the CTSA sewage treatment facility based upon the most current Chapter 94 report as required by the Department of Environmental Protection Municipal Wasteload Management Regulations ("total available capacity"). CTSA shall maintain a reserve "buffer" of 8% of the total available capacity for that calendar year.

### § 144-2. Requests for new connections or reservation agreements.

Any requests for new connections or new reservation agreements will be refused if granting the request, in addition to all existing connections and reserved EDUs, would cause the capacity of the treatment facility to exceed 92% of the total available capacity for that calendar year.

### § 144-3. Authority to exceed buffer threshold.

Within CTSA's sole discretion, CTSA may permit a new connection or reservation agreement that exceeds the buffer threshold upon good cause shown and a determination by CTSA that granting the request will not risk overloading the treatment facility or otherwise adversely impacting the CTSA's ability to carry out its duties.

**Chapter 150**

# SEWER RULES AND REGULATIONS

### [HISTORY: Adopted by the Conewago Township Sewer Authority 2-11-1993 by Res. No. 1993-1. Amendments noted where applicable.]

ARTICLE I

### Terminology

**§ 150-1. Definitions.**

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

AUTHORITY — The Conewago Township Sewer Authority, a Pennsylvania municipal authority.

BUILDING SEWER — The extension from the sewage drainage system of any structure to the lateral or service connection.

IMPROVED PROPERTY — Any property located within the area served by the Authority upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure or structure sewage or industrial wastes shall be or may be discharged. Each dwelling unit within a structure shall be considered as a separate improved property.

INDUSTRIAL WASTES — Any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sewage, excluding any ground-, surface water or stormwater.

LATERAL — That part of the sewer system extending from a sewer to a point behind the curbline or, if there shall be no curbline, to a point behind the right-of-way line.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property located within the area served by the Authority.

PERSON — Any individual, partnership, company, association, society, trust, corporation or other group or entity, public or private.

SERVICE CONNECTION — That portion of, or place in, a sewer, in those cases where no lateral is provided, which is provided for connection of any building sewer.

SEWAGE — Normal water-carried household and toilet wastes from any improved property, excluding any ground-, surface water or stormwater.

SEWER — Any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping, treating and disposing of sewage and industrial wastes.

STREET — Includes any street, road, lane, court, alley and public square.

ARTICLE II

### Use of Public Sewers Required

**§ 150-2. Improved properties to be connected to accessible sewers.**

The owner of any improved property adjoining and adjacent to the sewer system, the principal building of which is within 150 feet of the sewer right-of-way or the road right-of-way in which a sewer line is located, shall connect such improved property to the sewer system, in such manner as the Authority may require, within 90 days after notice to such owner from the Authority to make such connection, for the purpose of discharge of all sewage and, to the extent permitted by the Authority, industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority from time to time.

### § 150-3. Sewage and certain industrial wastes to be discharged into sewers.

All sewage and, to the extent permitted by the Authority, industrial wastes from any improved property, after connection of such improved property with a sewer system, shall be discharged into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time.

### § 150-4. Unlawful discharge or deposit of sewage and industrial wastes.

No person shall place or deposit or permit to be placed or deposited upon public or private property within the area served by the Authority any sewage or industrial wastes in violation of the rules, regulations or resolutions of the Authority. No person shall discharge or permit to be discharged to any natural outlet within the area served by the Authority any sewage or industrial wastes in violation of the rules, regulations or resolutions of the Authority except where suitable treatment has been provided which is satisfactory to the Authority.

### § 150-5. Unlawful discharge into sewer.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into any sewer.

### § 150-6. Certain receptacles not to be used on improved property accessible to sewer; abandonment of such receptacles.

1. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be connected to the sewer system, nor used, nor maintained at any time upon any improved property which has been connected to a sewer or which shall be required under § 150-2 to be connected to a sewer.
2. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and physically removed, or completely emptied and filled with AASHTO No. 8 coarse aggregate stone dust, 1B stone, or granular material approved by the inspector. The removal or filling of such receptacles shall be completed within 10 days of the connection of the improved property to the sewer system. The removal or filing of such receptacles shall be inspected by the Authority, before backfilling, and the property owner shall give the Authority 48 hours' notice of when such inspection may be made before any backfilling is done. Any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and removed or 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. No surface or subsurface drainage facility shall at any time be connected to a sewer.

### [Amended 3-23-1993 by Res. No. 1993-4]

**§ 150-7. Notice to connect; service.**

The notice by the Authority to make a connection to a sewer, referred to in § 150-2, shall consist of a written or printed document requiring the connection and referring to this chapter and may be given at any time after a sewer is in place which can receive and convey sewage and, to the extent permitted by the Authority, industrial wastes, for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by certified or registered mail or by such other method as at the time may be provided by law.

ARTICLE III

### Building Sewers and Connections

**§ 150-8. Permit to connect to sewer required.**

1. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any sewer or any part of the sewer system without first obtaining a sewer connection permit, in writing, from the Authority.
2. Any such sewer connection permit shall be valid for a period of nine months from its date of issue.
3. At the time of application for sewer connection permit, the applicant shall enter into a reserve capacity agreement with the Authority for the reservation of the number of EDUs for which the applicant has applied.

### § 150-9. Application by owner.

Application for a permit required under § 150-8 shall be made by the person who will actually install the lateral for the owner of the improved property served or to be served.

### § 150-10. Certain conditions to be met prior to making connection to sewer.

No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

1. Such person shall have notified the Authority of the desire and intention to connect such improved property to a sewer.
2. Such person shall have applied for and obtained a permit as required by § 150-8 of this chapter and shall have paid all required permit and inspection fees.
3. Such person shall have given the Authority at least 48 hours' notice of the time when such connection will be made so that the Authority may observe and inspect the work of connection and necessary testing.
4. Such person shall have furnished satisfactory evidence to the Authority that any tapping fee or connection charge imposed by the Authority or reserve capacity charges or other fees imposed by the Authority against the owner of each improved property who connects such improved property to a sewer has been paid, that all required permit and inspection fees to cover the cost of inspection of each improved property so connected have been paid, or that adequate bond or surety has been provided to insure payment thereof.

### § 150-11. Each improved property to be connected separately; exceptions.

Except as otherwise provided in this section, 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 the Authority, in writing, shall have been secured. Each dwelling unit within a structure or within an improved property shall be connected to the sanitary sewer system in accordance with the foregoing section.

### § 150-12. Certain costs payable by property owner; liability thereof.

All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer, including testing, shall be borne by the owner of the improved property to be connected, and such owner shall indemnify and save harmless the Authority 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.

### § 150-13. Point of connection; manner of connection.

1. A building sewer shall be connected to a sewer at the place designated by the Authority and where the lateral or service connection is provided.
2. The invert of a building sewer at the point of connection shall be at the same or higher elevation than

the invert of the sewer. A smooth, neat joint shall be made with the use of a Fernco™ or other approved coupling, and the connection of the building sewer to the lateral or service connection shall be made secure and watertight.

### § 150-14. Authority to make connection and collect costs and expenses.

If the owner of any improved property adjoining or adjacent to the sewer system, the principal building of which is within 150 feet of the sewer right-of-way or the road right-of-way in which the sewer is located, after 90 days' notice from the Authority, in accordance with § 150-2, shall fail to connect such improved property, as required, the Authority may make such connection and may collect from such owner the costs and expenses thereof, together with an additional sum of 10%, court costs, and attorney's fees, together with a penalty of 1 1/2% per month from the date by which connection was to be made, by the filing of a municipal claim or lien, an action in assumpsit or such other legal proceeding as may be permitted by law.

### § 150-15. Property owner to pay user fee after notice of connection.

The owner of any improved property adjoining or adjacent to the sewer system, the principal building of which is within 150 feet of the sewer right-of-way or the road right-of-way in which the sewer is located, shall begin to pay a user fee at such rates as determined by the Authority as of the date of connection, or within 90 days after notice from the Authority to such owner to connect to the sewer system. The initial monthly bill to the owner for sewage treatment shall be prorated for the number of days during the month the improved property is connected to the sewer system.

ARTICLE IV

### Rules and Regulations Governing Building Sewers and Connections to Sewers

**§ 150-16. Conditions for use of existing building sewer.**

Where the owner of an improved property, at the time connection to a sewer is required, desires to use any portion of the existing building sewer, such existing building sewer shall be inspected by the Authority's inspector and must be approved by such inspector as being in good and serviceable condition. Upon written notice from the Authority's inspector that the portion of the building sewer to be utilized is in good and serviceable condition, the building sewer line may be connected at the construction line of such improved property and attachment may be made at that point, with proper fittings to be used. Such connections shall be subject to inspection as set forth in § 150-17 of this chapter.

### § 150-17. Building sewer to be inspected before covering.

No building sewer shall be covered until it has been inspected and approved by the Authority. 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 the sewer.

### § 150-18. Building sewer piping.

1. The building sewer shall be SDR 35 PVC pipe with rubber gasketed joints, Schedule 40 PVC pipe with solvent welded joints, Class 50 ductile iron pipe or cast-iron soil pipe, conforming to ASTM 74 service class. The pipe shall have a minimum inside diameter of four inches.
2. Owners wanting to connect the new building sewer to an existing building sewer, shall demonstrate to the Authority the satisfactory condition of the existing building sewer through visual inspection and air testing. Approval to connect to the existing building sewer shall be noted on the connection permit. If the existing building sewer does not meet the Authority's requirements for inspection and air testing, connection of the new building sewer shall be made as close to the structure as possible. Connection of the new building sewer to the existing building sewer shall be made with approved transition fittings resulting in infiltration free construction.
3. Pipe shall be installed to prevent the admission of groundwater, shall be laid at a minimum grade of 1/4 inch per foot with the best possible alignment, and shall have a minimum of 2 1/2 feet of cover to protect the pipe from frost or crushing from surface activity.
4. No transition from one pipe size to another or from one pipe material to another shall be made without the use of manufactured adapters designed specifically for that purpose. All changes in direction shall be made with pipe fittings not greater than 45°. Under certain conditions acceptable to the Authority, sweep 90° bends may be used and shall be so noted on the connection permit.

### § 150-19. Connection requirements.

The building sewer shall be continued (except for traps required in § 150-21 and cleanouts in § 150-22) to the point of connection to the sanitary sewer system using proper fittings. All trap and venting requirements shall be observed as hereinafter described. Connection of the building sewer to the Authority's gravity sewer system shall only be permitted between manholes.

### § 150-20. Bedding.

Building sewers shall be provided with stone bedding consisting of AASHTO No. 8 coarse aggregate. A

minimum of four inches of stone shall be placed underneath the pipe. Stone backfill shall be placed to a minimum of one foot above the top of the pipe in such a manner as not to disturb the pipe. Earth dams shall be provided in the building sewer trench at locations required by the Authority's inspector, with at least one located 10 feet from the edge of the curbline, or sewer right-of-way line.

### § 150-21. Traps and vents.

1. The main trap shall be located, whenever possible, within the basement of the building. The trap shall be a single plug running trap.
2. Where no basement exists or the above construction is undesirable, the building sewer shall be provided with a single vented running trap as specified by the Authority. The trap shall be located immediately outside the building.
3. Each building sewer shall be equipped with a separate vent for venting the grinder pump basin. The vent shall be connected to the building sewer with a wye or tee.
4. A vent shall be placed as close to the building as possible, in the case of existing construction, and in the case of new construction when, in the opinion of the Authority, adequate venting has not been provided for. Vent risers shall extend a minimum of 12 inches above the ground surface and shall be capped with a mushroom vent or double bend. Fresh air vents shall be at least four inches in diameter.

### § 150-22. Cleanouts.

Unless otherwise authorized by the Authority or its representative, cleanouts shall be provided for each building sewer at such intervals to permit complete rodding with a fifty-foot-long auger or tape. Exceptions to these requirements shall be so noted on the connection permit. Such intervals shall include the length of lateral installed by the Authority. Cleanouts shall also be required at every change in direction greater than 45°. Cleanouts shall be constructed using a Y-fitting in the run of pipe with a 45° bend and riser to the ground surface. The riser pipe shall be provided with a standard four-inch screw-type ferrule and shall be watertight. Each building sewer shall have at least two cleanouts, one such element may be installed inside the building being served or outside as close as practical to the building line. Immediately adjacent to the end of the lateral provided by the Authority, or as close thereto as possible.

### § 150-23. Warning tape in trench.

For the purposes of early warning and identification of buried pipes during future trenching or other excavation, continuous warning tapes shall be provided in all trenches. Tapes shall be buried at a depth of 12 inches below grade. In pavement, tapes shall be buried 12 inches below the top of the subgrade. The underground warning tape shall be a magnetic polyethylene tape, three inches in width with one-inch- minimum lettering.

### § 150-24. Joint occupancy of sewer trench.

1. Each building shall be served by its own building sewer and shall include its own trap installed in accordance with the Authority's requirements.
2. The building sewer serving one dwelling unit may occupy the same trench as the building sewer of an adjoining property, provided that the common trench is on the common property line and each building sewer is on the property being sewered. The joint occupancy shall be by mutual agreement of the property owners concerned and shall be so noted on the connection permit.

### § 150-25. Inspection of trenches.

No connection shall be made to the sewer system or the pipe trench covered or trench backfilled unless and until the sewer lateral and building sewer installation have been inspected and approved (at the times required herein) by the Authority's representative. The approval to close the trench to a depth of two feet over the pipe shall be noted in writing on the permit and no other evidence of such approval shall be accepted.

### § 150-26. Backfilling of trenches.

1. After the building sewer, service lateral, and appurtenances have been installed, backfilled as detailed in § 150-20, and inspected, the pipe must be carefully covered with 12 inches of AASHTO No. 8 coarse aggregate. The trench shall be refilled with clean earth (no rocks) to a minimum height of two feet above the top of the pipe, at which time the contractor shall perform and the Authority's representative shall witness an air test performed on the line being installed from the point of connection at the building to the point of connection at the service lateral or sewer main. Both ends of the building sewer or the service lateral shall remain uncovered until the air testing has been completed and the installation approved. Such approval shall again be noted in writing on the permit and no other evidence of such approval shall be accepted.
2. After the building sewer and its appurtenances have been installed and backfilled with stone as detailed in § 150-20, the remaining portion of the trench, except as described below, shall be filled with earth to the required height. The earth shall be compacted as required. Care shall be taken to bring the fill up evenly on opposite sides of the sewer and care taken not to disturb the pipe. Large rock, wood, or other debris shall not be used as backfill in any portion of the trench.
3. Use of a new connection to the sewer system will not be permitted until the installation has been inspected, tested, and approved in accordance with the Authority's procedures.

### § 150-27. Inspection of building facilities.

1. At the time of the inspection of the building sewer, the Authority's representatives will also inspect the facilities within the home to determine that the facilities to be connected to the sewer system are in conformance with the Authority's rules and regulations.
2. All water contaminated by use must be discharged into the sewer, including water from sinks and washing machines. Conversely, the discharge of roof water, stormwater, surface water, or building foundation water or drainage is expressly prohibited. Floor drains in basements subject to groundwater infiltration or flooding must be removed or permanently and thoroughly sealed.

### § 150-28. Costs of construction and connection to be borne by owner.

All costs and expenses for the construction of a building sewer and all costs and expenses of connecting a building sewer to a service lateral, including testing, shall be borne by the owner of the improved property to be connected, and such owner shall indemnify and save harmless the Authority from all loss or damage which may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a service lateral. If required for service to an improved property and not already constructed, the service lateral shall be constructed by and at the expense of the Authority.

### § 150-29. Special conditions requiring more stringent specifications.

Whenever, in the opinion of the Engineer or other duly authorized representative of the Authority, special

conditions require additional safeguards or more stringent specifications to be observed, then and in that event, notwithstanding any other provisions of this chapter or requirements of the Township Plumbing Code, if any, the Authority specifically reserves the right to refuse to permit a connection to be made to its sewer system until such special requirements or specifications as may be stipulated by the Authority or its Engineer have been satisfied.

### § 150-30. Installers of building sewers, service laterals, or grinder stations.

1. The actual installation of the building sewer or grinder stations shall be performed by a qualified person, as that term may be defined by the Authority from time to time by resolution.
2. The installation of a service lateral shall be by a contractor approved by the Authority.

### § 150-31. Interceptors and separators.

1. Interceptors. Interceptors (including grease, oil, and sand interceptors, etc.) shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand and other ingredients harmful to the building drainage system, the public sewer or sewage treatment plant or processes.
2. Approval. The size, type, and location of each interceptor or separator shall be approved by the Authority, and no wastes other than those requiring treatment or separation shall be discharged into any separator or interceptor.
3. Grease interceptor. No grease interceptor shall be hereinafter installed which does not comply in all respects with the type or model approved by the Authority. When a grease trap is installed, it shall be placed as near as practical to the fixture from which it receives the discharge and shall have twice the capacity of the total daily fixture discharge. Grease traps shall be York Concrete Products or approved equal.
4. Oil separators. An oil separator shall be installed in the drainage system or section of the system where, in the opinion of the Authority a hazard exists or where oils or other flammables can be introduced or admitted into the drainage system by accident or otherwise.
5. Where required. Oil separators shall be installed when required by the Authority and shall conform to requirements of minimum dimension.
6. Minimum dimension. Oil separators shall have a depth of not less than two feet below the invert of the discharge drain.
7. Motor vehicle storage. Interceptors shall have a capacity of six cubic feet where not more than three vehicles are serviced, and one cubic foot shall be added for each additional vehicle up to 10 vehicles. Where more than 10 vehicles are serviced and stored, the Authority shall determine the size of the separator required.
8. Motor vehicle servicing. Where storage facilities are not maintained as in repair shops, the capacity of the separator shall be based on a net capacity of one cubic foot for each 100 square feet of surface to be drained into the interceptor with a minimum capacity of six cubic feet.
9. Special-type separators. Before installing any special-type separator, a drawing including all pertinent information shall be submitted for approval of the Authority Engineer as being in accordance with this Code.
10. The Authority reserves the right to inspect at any time any separator or interceptor after initial installation.
11. In addition to the foregoing, and without limitation of the Authority to require the installation of interceptors or separators, the Authority specifically requires garages, car washes, vehicle repair facilities and fueling facilities to install oil interceptors that conform to the specifications attached hereto and made a part hereof as Exhibit "A."**5 [Added 3-23-1993 by Res. No. 1993-4]**
12. In addition to the foregoing, and without limitation of the Authority to require the installation of interceptors or separators, the Authority specifically requires that restaurants, bars, churches, food preparation areas, commercial kitchens, industrial kitchens, and other similar facilities shall install grease interceptors that conform with the specifications set forth on Exhibit "B," attached hereto and made a part hereof.**6 [Added 3-23-1993 by Res. No. 1993-4]**
13. In addition to the foregoing, and without limitation of the Authority to require the installation of interceptors or separators, the Authority specifically requires of all industrial facilities, car washes, garages, vehicle repair facilities, fueling facilities and other commercial facilities, when in the opinion of the Authority it is necessary, a control manhole shall be installed in accordance with the specifications as set forth on Exhibit "C," attached hereto and made a part hereof.**7 [Added 3-23-1993 by Res. No. 1993-4]**

### § 150-32. Responsibility for maintenance of building sewers.

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition at the cost and expense of the owner of such improved property.

### § 150-33. Ownership and responsibility of grinder stations.

The Authority shall own and maintain grinder stations installed in any portion of the system in which the plans and specifications of the Authority's collection system provides for grinder stations to service improved property of individual owners. After the initial construction of the sanitary sewer collection system, individual property owners shall be required to purchase grinder stations from the Authority and shall install the same in accordance with the specifications of the Authority. Except for ordinary wear and tear the property owner shall be charged with the cost of any repairs or replacement of any grinder station damaged by the introduction of any foreign material or matter into such grinder station or any repair or replacement caused by any negligence or intentional act. The property owner shall be charged for service calls made by the Authority where no repair was required, or where repairs are required by abuse or other than ordinary wear and tear.

### § 150-34. Guarding of excavations; restoration of streets, sidewalks and other public property disturbed.

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public 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 the Authority.

1. **Editor's Note: Exhibit "A," Oil Interceptor Detail, is included as an attachment to this chapter.**
2. **Editor's Note: Exhibit "B," Grease Interceptor Detail, is included as an attachment to this chapter.**
3. **Editor's Note: Exhibit "C," Control Manhole Detail, is included as an attachment to this chapter.**

### § 150-35. Effect of failure to remedy unsatisfactory conditions; inspections authorized. [Amended 5-23-2023 by Res. No. 2023-1]

1. If any person shall fail or refuse, upon receipt of a notice from the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer within 45 days of receipt of such notice, the Authority may refuse to permit such person to discharge sewage and industrial wastes into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of the Township and the Authority.
2. The Authority engineer, operator and/or other authorized agent is authorized to make inspections of the sewer facilities and appurtenances of any person or entity to confirm compliance with any and all Authority rules and regulations upon receipt of a complaint by the Authority, or upon visual evidence that a violation of any rule or regulation may have occurred. The Authority engineer, operator and/or other authorized agent is also authorized to make routine periodic inspections of any commercial or industrial sewer facilities annually to confirm compliance with the Authority rules and regulations, including, but not limited to, the presence and maintenance of traps, vents and cleanouts.
3. In the event any inspections described above identify a violation of the Authority rules and regulations, and, to the extent necessary, follow-up inspections to confirm compliance, the Authority may charge the owner for such inspection(s) at the then-current inspection fee charged by the Authority.

### § 150-36. Installation of a building sewer.

The installation of a building sewer shall be the responsibility of the owner and shall be installed at the cost and expense of the owner. Building sewers shall be installed in accordance with rules and regulations regarding the installation of building sewers, which are attached to or appended to this chapter, which rules and regulations are incorporated as a part of this chapter and made a part hereof.

### § 150-37. Additional rules and regulations authorized.

The Authority reserves the right to amend the rules and regulations regarding the installation of building sewers attached or appended to this chapter from time to time, and to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with the sewer and the sewer system, and all of which rules, regulations, conditions and obligations shall become and shall be construed as part of this chapter.

### § 150-38. Administrative procedures for approval and construction of sewage facility extensions.

1. General policy. The sewerage facilities built to extend sanitary sewage services to a new area are intended to serve the public for many years. The facilities, upon final acceptance, will become the property of the Conewago Township Sewer Authority, and the Authority will own, maintain, and operate them for the use of the public.
   1. The sewerage facilities must be designed and constructed in accordance with the technical specifications covered herein. The facility design must minimize any detrimental impact on the environment. The facility must avoid or minimize impacts to valuable natural resources, such as wetlands and high quality streams.
   2. Sewerage facilities proposed to serve new developments shall be properly sized to consider the ultimate needs of the area to be served, as designated by the Act 537 Sewerage Facilities Plan for the respective Township. Sewerage facility extensions shall be designed to utilize gravity

interceptors. The applicant shall bear all costs incident to the application, permits, construction, inspection and dedication of the facilities.

* 1. The applicant must execute a reserve capacity agreement.
  2. The applicant is also responsible for all costs in upgrading limiting capacities in existing downstream sewerage facilities to serve the ultimate needs of the designated area.
  3. The following procedures are intended to facilitate proper design and installation of new sewerage facilities. When followed, they will benefit the builder by minimizing the cost for maintenance during the warranty period and protect the public interests after the system is turned over to the Authority.

1. Application phase. Any applicant desiring extension of the sewerage facilities shall make preliminary application, in writing, to the Authority on the form attached hereto and made a part hereof as Exhibit

A.**8** The initial application documents shall be submitted to the Authority by Conewago Township.

After the initial submission, all subsequent application submissions shall be made directly to the Authority.

1. Sketch plan.
   1. When the subdivision sketch plan is submitted to the Township, four copies shall also be submitted to the Authority, via the Township. The sketch plan submitted to the Authority shall show the approximate sewer layout and the point of connection to the Authority's system. The number of the connecting sewer should be stated.
   2. The principal purpose of the sketch plan is to provide the Authority with information on proposed additions to the sewerage facilities and to afford the opportunity for the prospective developer(s) and the Authority to work out problems related to the timing and location of service and determine whether an easement is needed to serve adjacent properties. This stage of planning is not intended to provide information with regard to final location and grades of sewers.
   3. Along with the sketch plan, a readable photocopy of the appropriate soils and wetland mapping shall be included. The sources for this information shall be the Natural Resources Conservation Service's County Soil Survey and the U.S. Fish and Wildlife Service's National Wetland Inventory Map(s). The copies shall be 8 1/2 inches by 11 inches in size with the proposed project area highlighted or outlined so as not to alter or conceal any soil group(s), streams, springs, wetlands, or other distinguishing features.
2. The principal purpose of providing the soil and wetland maps is to insure early recognition of potential wetlands involvement. According to Section 404 of the Clean Water Act,**9** the discharge of dredged or fill material into waters of the United States, including adjacent and isolated wetlands, is an activity regulated by the Army Corps of Engineers. Responsibility for knowledge of and compliance with the law is the responsibility of the property owner or project proponent. Any landowner who wishes to fill, construct in, or otherwise disturb a wetland must apply to the Army Corps of Engineers for a 404 permit.
3. **Editor's Note: Exhibit A, Application to Construct Sewerage Facilities, is included as an attachment to this chapter.**
4. **Editor's Note: See 33 U.S.C. § 1344.**

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#### § 150-38 CONEWAGO CODE § 150-38

1. The Pennsylvania DEP also has regulations in effect which address waterways and wetlands in the commonwealth. Chapter 105, entitled Dam Safety and Waterway Management,**10** requires that any landowner who wishes to construct in or alter a Pennsylvania waterway, floodway, or body of water (including wetlands) must apply to DEP for a water obstruction permit.
2. This submission is designed to call out potential wetland involvement and, if possible, allow for the avoidance of these valuable natural areas.
   1. An application fee is required by the Authority at the time of submission of the sketch plan and the application. The amount to cover the application processing shall be:
3. $250 for projects involving less than a ten-lot subdivision (residential).
4. $500 for all other residential, commercial, or industrial projects.
   1. From the information provided, the Authority's Engineer shall preliminarily evaluate the existing sewerage facilities and available capacities to serve the applicant's request and determine whether an easement is needed to serve adjacent properties. If further study is deemed appropriate in the sole discretion of the Authority, the applicant will be advised that a feasibility study of extensions of the system beyond the planned area of development will be conducted by the Authority's Engineer. An estimate of the cost of the feasibility study will be provided to the applicant for establishment of an escrow to reimburse the Authority for work conducted by its Engineer.
   2. The Authority will make such comments, if any, as it deems appropriate. A copy of these comments will be sent to the representative Township by the Authority.
5. Preliminary plans.
   1. The applicant is required to submit four sets of preliminary plans to the Authority. The preliminary plans shall include the detailed design of sewerage facilities including, but not limited to, the location and grade of sewers. The checklist for developers plans, as shown on Exhibit B, attached hereto and made a part hereof,**11** shall serve as a guide for application preparation. In general the plans must be prepared under the supervision of or by a Pennsylvania registered professional engineer acceptable to the Authority, whose seal, signature and registration number shall appear on each sheet of the plans. All plans must meet the current requirements of Pennsylvania Department of Environmental Protection, Conewago Township Sewer Authority and other controlling agencies where deemed appropriate by the Authority. A preliminary plan will not be accepted prior to completion of the sketch plan phase.
   2. The following specific submittals are also required, if applicable:
6. If any sewer lines are routed through publicly dedicated areas within the development, the plans shall note that such rights-of-way are also reserved for the benefit of the Authority. For lines within the development that are outside of areas to be publicly dedicated or where off-site rights-of-way are involved, such property plats and legal descriptions, indication of ownership, or transfer negotiation status
7. **Editor's Note: See 25 Pa. Code Ch. 105.**
8. **Editor's Note: Exhibit B, Checklist for Developers Plans, is included as an attachment to this chapter.**

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#### § 150-38 SEWER RULES AND REGULATIONS § 150-38

shall be included. Provide minimum twenty-foot-wide sanitary sewer easement with main centered in the middle. The width of easement may increase dependant on the depth of the sewer. Additionally, should the easement be required for future construction of utilities, a forty-foot easement may be required.

1. If any sewerage other than domestic waste is to be discharged, refer to the specific application procedures for procurement of an industrial waste discharge permit discussed in Exhibit C, attached hereto and made a part hereof.**12**
2. If wetlands or other valuable natural resources are involved, or in close proximity to the proposed project area, boundaries of these area(s) must be shown on the site plan. Also, if permits are required in association with the natural resources delineated above, a list of permits applied for shall be provided to the Authority. This list shall include, but not be limited to, the following information:
   1. Type(s) of permit(s) applied for.
   2. Agency(ies) involved.
   3. Date(s) application(s) submitted.
   4. Agency(ies) reference number, if known.
   5. Agency(ies) contact person, if known.
3. Planning module - permit procedure.
   1. Any person planning to construct or modify a sanitary sewerage system must seek approval from the Township, the Authority and DEP. The applicant must first obtain a postcard application from the Township and submit the application to DEP.
   2. DEP will instruct the applicant as to which components of the planning module are required. The applicant will prepare the applicable planning module component for submission to the Township in the name of Conewago Township Sewer Authority. Evidence that this step has been completed must be furnished to the Authority at the time of preliminary plan submission.
   3. If the Township, the authority and DEP approve the planning modules, the applicant will be notified by mail. The applicant will then proceed with preparation of a water quality management permit application, if applicable.
4. Supplemental application submittals. Also to be submitted to the Authority at the time of preliminary plan submission are the following:
   1. An itemized estimate of cost of the sewerage project (materials, cost of installation, including excavation and restoration of unpaved surfaces and repaving of existing roads).
   2. Escrow deposit in the amount of 2% of the estimated cost of the project for reimbursement of the Authority for engineering service in reviewing the application, plans and modules. In the event that the charges against the escrow are projected to exceed 85% of the deposit, the applicant will be required to supplement the amount to cover the projected balance of charges. Any unused portion of the escrowed amount will be applied to the Authority's
5. **Editor's Note: Exhibit C is included as an attachment to this chapter.**

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#### § 150-38 CONEWAGO CODE § 150-38

costs for inspection during construction, testing and inspection after construction is completed, and preparation of record drawings.

* 1. Written application requesting reserve capacity shall be made on a form agreement as may be approved by the Authority from time to time. Such application shall not be approved until preliminary plan approval by the applicable Township is given. The first monthly payment of the annual charge shall be prorated based upon the number of calendar days remaining in the monthly billing period, and shall be due and owing to the Authority at the time of the approval of the final application by the Authority. The Authority shall, in its sole discretion, based upon engineering advice and other factors and conditions relating to the sewerage system existing at the time of approval, determine the allocated capacity for the project.
  2. Upon receipt of the preliminary application and required supplemental data, and escrow deposit, the Authority will submit the same to the Authority's Engineer for review and comment. An incomplete submittal will not be accepted. Upon receipt of the Authority Engineer's recommendations, the Authority will review the preliminary application and advise the requesting party of the results of the review.
  3. A letter report from the Authority's Engineer, including the checklist for development plans and a marked-up set of plans, will be provided to the applicant for use by his engineer in revising the preliminary plans for final submission.

1. Final plans.
   1. Each application shall include a time schedule for construction and connection.
   2. The final plans, which may be prepared in conjunction with final subdivision plans, shall contain the completed design for all sewers or other facilities required. They shall be prepared in compliance with orders of the Authority resulting from the review of preliminary plans. One reproducible set of drawings shall be provided to the Authority in addition to the four copies of submitted sets required.
   3. If wetlands (or other natural resources) are involved, evidence of permit(s) approval shall be submitted to the Authority. All permit(s) applied for as outlined in the preliminary plan must be addressed by either providing evidence of approval or written explanation indicating why the permit(s) were not applied for.
   4. If rights-of-way are involved, property plats and legal descriptions of the easement conveyed to the Authority must be submitted together with executed deeds of dedication in the form prescribed by the Authority.
   5. Final plans shall be accompanied by a completed water quality management permit application, if so required by the Pennsylvania Department of Environmental Protection, prepared in the name of the Conewago Township Sewer Authority, and be accompanied by two sets of final plans as required by the Pennsylvania Department of Environmental Protection.
   6. The following standard agreements, if applicable, must be executed by the applicant and returned to the Authority before final plan approval may be granted:
2. Tapping agreement.
3. Sewer extension agreement.
4. Right-of-way agreement.
5. Construction escrow agreement.
6. Reserve capacity agreement.
7. Industrial waste discharge agreement.
8. A waiver of liens satisfactory to the authority.
   1. Final application shall be accompanied by the following:
9. Financial security.
   1. The posting of financial security to ensure completion of the construction in accordance with approved plans and the rules and regulations of the Authority. Financial security may be federally or commonwealth-chartered lending institution irrevocable letters of credit and restrictive or escrow accounts posted with a federally or commonwealth-chartered lending institution chosen by the Authority, if the lending institution is authorized to conduct such business within the Commonwealth. Such security shall provide for, and secure to the Authority, the completion of the improvements which may be required within one year from the date of posting of the security. The amount of financial security shall be equal to 110% of the cost of the required improvements for which financial security is to be posted. The cost shall be established by estimate acceptable to the Authority Engineer.
   2. If more than one year from the date of posting such financial security is required for completion of the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from the posting of financial security or to 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period.
10. A deposit of 15% of the cost of the required improvements with the Authority in escrow to pay for inspection during construction, testing and inspection as construction is completed and preparation of record drawings. The minimum deposit is $2,500. Any unexpended balance in the escrow will be returned.
11. First monthly payment of the annual charge for allocated capacity.
12. Industrial waste discharge permit fees, if applicable.
13. Construction phase. Upon final plan approval by the Authority, the applicant will be obligated to the following procedures before initiating construction:
    1. Preliminary approvals.
       1. The applicant or his designated construction manager must schedule a preconstruction meeting with the Authority's representative to review all aspects of the proposed project and the construction schedule.
       2. A list of contractors, subcontractors, and material suppliers must be submitted for the Authority's approval.
       3. Material samples and material compliance certifications shall be provided at the request of the Authority.
       4. The highway occupancy permit, if applicable, will be obtained in the name of Conewago Township Sewer Authority. The applicant is responsible for the cost of the occupancy permit and the securing of any other municipal permits or blasting bonds.
       5. Construction shall not begin until a letter of approval is issued by the Authority.
       6. If wetlands or other natural resources of concern are involved, these areas shall be delineated in the field by a qualified professional. The delineation shall be in such a manner that it is easily recognizable during all phases of construction.
    2. During construction.
       1. All construction must be conducted in accordance with the latest edition of the Authority's Technical Specifications Covering Sanitary Sewers Installed by Developers.
       2. Resident inspection shall be at the discretion of the Authority. The resident inspector shall have the authority to halt construction if, in his opinion, construction is not being done according to specifications. The cost for the Authority inspection will be paid from the escrow established from the deposit of 15% of the costs of the required improvements.
       3. Construction manager for the applicant shall maintain detailed field notes regarding any agreed upon changes to the design plans. These notes will be turned over to the Authority at the completion of construction for use by the Authority's Engineer in preparation of record drawings. The costs for preparation of these record drawings will be withdrawn from the inspection escrow.
       4. As the work of installing the required improvements proceeds, the party posting the financial security may request the Authority to authorize the release, from time to time, of portions of the financial security as long as the progress of work remains satisfactory to the Authority. Any such request shall be in writing to the Authority in accordance with the following:
14. At least 10 days prior to submitting the first application for a progress release, the applicant shall submit a schedule of values for the work, including quantities and unit prices aggregating the project estimate, satisfactory in form and substance to the Authority and subdividing the work into component parts in sufficient detail to serve as a basis for progress releases during construction.
15. If the Authority approves the application, the Authority will, within 45 days of presentation of a partial release estimate, authorize a release to the applicant on the basis of the approved partial release estimate.
16. The Authority will not authorize release of more than 90% of the amount due the applicant on account of the partial estimates. The retainage will be held until the Authority issues a certificate of satisfactory construction.
    1. Following construction.
       1. Testing must be conducted in the presence of the Authority's Inspector, and in accordance with technical specifications. The costs for the testing will be paid from the inspection escrow.
       2. Each section between manholes must be pressure tested before any lateral connections are made. No lateral connections shall be made until all sections and manholes downstream of the lateral have been deemed acceptable by the Authority's Inspector.
       3. When the entire sewerage system is complete and found satisfactory on test and visual inspection by the Authority, a certificate of satisfactory construction will be issued by the Authority.
       4. Before the certificate of satisfactory construction is issued, the Authority requires the posting of financial security (see Subsection B(5)(g)[1][a] for acceptable financial instruments) to secure structural integrity of said improvements for a term of 24 months from the date of acceptance of dedication. The financial security shall be 15% of the actual cost of installation of the improvements.
       5. Each lateral connection must be inspected by Authority's inspector before being backfilled. For connections going on-line immediately, connection and tapping fees must be paid and connection permit obtained before connection is made.
17. Warranty phase.
    1. All field notations about changes to the construction plans must be turned over to the Authority before the warranty period can begin.
    2. The Authority shall have permission to use the applicant's system before acceptance by the Authority. The applicant shall maintain said system in good and workmanlike condition for 24 months from the date the Authority issues a certificate of satisfactory construction which may identify remaining punch list items to be completed by the applicant's contractor.
    3. If system is in use, periodic inspection will be made by the Authority during periods of high water table. If manhole inspection indicates excessive infiltration, a video inspection will be done at the expense of the applicant to locate leaks. Leaks shall be repaired by the applicant at his expense.
    4. If corrective work is not completed promptly, defects will be repaired by the Authority and the financial security held in escrow shall be used for this purpose.
    5. Prior to the end of the twenty-four-month warranty period, the entire system installed by the applicant will be video inspected at his expense and all defects corrected at his expense.
    6. When this is done, the Authority will authorize release of the balance of funds held in escrow and accept dedication of the system from the applicant. At this point, the Authority will become responsible for the operation and maintenance of the system.

### § 150-39. Developer's specifications.

Developer must also comply with the specifications for developers as approved by the Authority from time to time. The Authority shall make such specifications available to the developer at a reasonable fee, as established by the Authority from time to time. Initially, the fee shall be $25.

ARTICLE V

### Enforcement and Penalties

**§ 150-40. Violations and penalties.**

Any person who shall violate any of the provisions of this chapter shall, upon a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not less than $50 nor more than $600, together with costs of prosecution, and, in default thereof, to undergo imprisonment in the York County Prison for a period not exceeding 30 days. Each day that violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

### § 150-41. Enforcement and recovery of fines and costs.

Fines and costs imposed under provision of this chapter shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE VI

### Severability and Repealer

**§ 150-42. Severability.**

The provisions of this chapter are severable. In the event that any provision, section, sentence, clause or part of this chapter shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this chapter. It is hereby declared to be the intent of the Authority that such remainder of this chapter shall be and shall remain in full force and effect.

### § 150-43. Repealer.

All resolutions or parts of resolutions which are inconsistent with this chapter are hereby repealed to the extent of such inconsistency. Specifically, Resolution No. 1992-1 of the Conewago Township Sewer Authority is hereby repealed.

ARTICLE VII

### Declaration of Purpose

**§ 150-44. Purpose.**

It is declared that the enactment of this chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of Conewago Township.

## Chapter 162 SEXUAL HARASSMENT

### [HISTORY: Adopted by the Conewago Township Sewer Authority 4-27-1993 by Res. No. 1993-5. Amendments noted where applicable.]

**§ 162-1. Policy.**

1. Conewago Township Sewer Authority endorses the principle that persons should not be subjected to unwelcome verbal or physical advances which are sexual in nature. Conewago Township Sewer Authority does not condone any unwelcome verbal or physical advances which are sexual in nature where submission to such conduct is made, either explicitly or implicitly, a term or condition of employment or a basis for any employment decision, or if such conduct creates an intimidating, hostile or offensive work environment for the employee. Conewago Township Sewer Authority will not condone such conduct and will not permit it to affect any employment decisions rendered by Conewago Township Sewer Authority.
2. It is the policy of Conewago Township Sewer Authority to treat all such complaints or allegations with respect and confidentiality regarding the personal privacy of all concerned parties.

### § 162-2. Procedure.

1. Complaints or questions relative to Conewago Township Sewer Authority's policy on sexual harassment should be addressed to either the Chairman or Vice Chairman of the Authority.
2. Chairman or Vice Chairman will meet to determine the appropriate action necessary to resolve a complaint based on the Conewago Township Sewer Authority's sexual harassment policy.
3. Documentation:
   1. The Chairman or Vice Chairman will document the allegation, findings and actions taken.
   2. Such documentation will be retained by the Conewago Township Sewer Authority in a separate file from the normal personnel files of the individuals involved.
   3. Should either of the parties request it, a copy of the above-cited documentation shall be placed in his or her personnel file.
4. Appeal of findings. Should either the complainant or alleged offender be dissatisfied with the findings or actions resulting from an allegation of sexual harassment, that individual may further discuss the issues with the entire Board of the Authority.
5. Further complaints: Should a complainant allege further violations of this policy by the same individual:
   1. The Chairman or Vice Chairman will document the statement and allegation of the complainant which will then be filed in the personnel files of the complainant and the party charged.
   2. The Board will be notified in writing of the allegation, and they shall appoint two Board members who will interview all of the concerned parties. Their written findings and recommendations will be included as a confidential executive review to be filed with the allegation.
   3. In cases where the allegation is proven to the satisfaction of the Board, the Board will either cause a remedial program to be established or issue a written warning or proceed with the immediate termination of the violator.

## Chapter 175 TAPPING AND USER FEES

### [HISTORY: Adopted by the Conewago Township Sewer Authority 2-11-1993 by Res. No. 1993-2. Amendments noted where applicable.]

ARTICLE I

### Current Tapping and User Fees13

**§ 175-1. Effective tapping and user fees. [Added at time of codification]**

1. In accordance with Res. No. 1993-2, and as amended, the following reflect the current effective tapping and user fees for the Conewago Township Sewer Authority:
   1. Tapping fee: $5,500 for each equivalent dwelling unit (EDU). **[Amended 7-23-2024 by Res. No. 2024-1]**
   2. User fee: $57 per month. Currently, customers serviced by the Dover treatment plant are billed on a quarterly basis ($171 per quarter).
2. These fees may be amended from time to time by resolution of the Conewago Township Sewer Authority Board.

**Note:** These amounts supersede the amounts referenced in the original resolution and subsequent amendments, which are codified here for their authoritative and historical purposes.

### § 175-2. Tapping fee calculation.

Pursuant to the Pennsylvania Municipalities Authorities Act, commonly known as the Act 203 of 1990 Legislation, as amended,**14** the Authority has caused calculations to be made with regard to the maximum allowing tapping fees.

### § 175-3. Equivalent dwelling units.

1. For the purposes of this chapter, the term "equivalent dwelling unit" (EDU) is hereby defined to be 300 gallons per day per dwelling unit.
2. The following category schedule for EDUs for other uses is hereby adopted:

|  |  |
| --- | --- |
| **Category Schedule** | **EDU** |
| Apartment house, per rental unit | 1 |
| Banquet hall, per 20 chairs or fraction thereof | 1 |
| Bar, tavern, per 15 seats or fraction thereof | 1 |
| Barber- or beauty shop: |  |
| 2 chairs or less | 1.5 |
| Each additional 2 chairs or fraction thereof | 1 |
| Business or industry providing showers for employees: |  |

1. **Editor's Note: Res. No. 2015-1, adopted 2-28-2015, provided that all existing customers located on or along Westwood Drive who are currently connected to the Westwood Mobile Home Park sewer facilities may at their election connect to the street line in Westwood Drive now owned by the Authority without payment of any tapping fee. Such customers shall be solely responsible for all connection costs, and any such connection must be done in accordance with all applicable rules and regulations of Conewago Township and the Conewago Township Sewer Authority.**
2. **Editor's Note: See 53 Pa.C.S.A. § 5601 et seq.**

### Category Schedule EDU

|  |  |
| --- | --- |
| 8 or fewer employees | 1 |
| Each additional 8 employees or fraction thereof | 1 |
| Car wash, per bay | 2 |
| Church, fire company, municipal building without social hall | 1 |
| With social hall | 2 |
| Funeral home | 2 |
| Hospitals, per bed | 1 |
| Hotel or motel, per 4 rental rooms without kitchens | 1 |
| Laundromat: |  |
| Self-service, per washer | 1 |
| Full service, per washer | 3 |
| Mobile homes | 1 |
| Movie theaters and drive-in theaters, per 60 seats or 30 car spaces | 1 |
| Office, business or industry (domestic waste only): |  |
| 10 or fewer employees | 1 |
| Each additional 10 employees or fraction thereof | 1 |
| Restaurant, club, per 10 seats or fraction thereof | 1 |
| Retail stores, per public toilet or per 10 employees, whichever is greater | 1 |
| Schools, public or private, with kitchen facilities, each 30 persons | 1 |
| Senior citizen boarding home, per 3 residents | 1 |
| Service station without car wash, automobile repair garage, 2 bays or less | 1 |
| Every additional 2 bays or fraction thereof | 0.5 |
| Shopping centers, malls: |  |
| Per store | 1 |
| Per public toilet | 1 |
| Per 10 employees | 1 |
| Use whichever is greater |  |
| Single-family dwelling | 1 |
| Special residential facilities, per 3 residents | 1 |
| Swimming clubs and bath houses, each 35 people capacity | 1 |
| Two-family dwelling | 2 |

1. The Authority shall determine the number of EDUs for uses other than dwellings on an individual basis upon recommendation of the Authority's Engineer.
2. Pursuant to the calculations determining the maximum allowing tapping fees pursuant to Act 203, a tapping fee of $1,350**15** for each equivalent dwelling unit (EDU), or each dwelling unit is hereby established.
3. The tapping fee for the purpose of any rights to reimbursement for installation costs given by the Act 203 is based upon the following:
   1. $1,350**16** base tapping fee per EDU or per dwelling unit allocated.
   2. $0 to the collection part of the tapping fee.
   3. $1,350**17** to the capacity part of the tapping fee.
   4. $0 special purpose part.
4. Tapping fee schedule of rate increase. **[Amended 4-6-2000 by Res. No. 2000-1]**
   1. The tapping fee of $1,350, as established by the above Subsection D, shall remain in effect until April 30, 1993. Beginning May 1, 1993, the tapping fee shall increase to $1,600 which said fee shall remain in effect until July 31, 1993. From and after August 1, 1993, the tapping fee shall be $1,775. From and after February 1, 1996, the tapping fee shall be $2,000 until changed by further resolution of the Authority.
   2. From and after April 15, 2000, the tapping fee shall be $4,500 until changed by further resolution of the Authority; provided, however, any individual or entity which has contracted with Conewago Township Sewer Authority for capacity in the sewer system and has been allocated EDUs based on the payment for same shall have a tapping fee for those EDUs as paid for in the prior amount of $2,000.
5. The tapping fee shall be due and payable at such time as owner applies for a sewage connection permit, or within 90 days after notice is given by the Authority for an owner to connect the property to the sanitary sewer system, whichever first occurs.
6. An initial inspection fee of $50 for each inspection is hereby imposed for the inspection of connections to the Authority's sanitary sewer system. The initial inspection fee of $50 shall be paid at the time such sewer connection permit is applied for from the Authority in accordance with Chapter 150, Sewer Rules and Regulations. The initial inspection fee shall include one inspection of the service lateral and one inspection of the filled or abandoned privy vault, cesspool, sinkhole, septic tank or similar receptacle. Each additional inspection request shall incur an additional fee of $50. **[Amended 10-25-2022 by Res. No. 2022-1]**
7. **Editor's Note: See also § 175-1.**
8. **Editor's Note: See also § 175-1.**
9. **Editor's Note: See also § 175-1.**

ARTICLE II

### Reserve Capacity Fee

**§ 175-4. General provisions.**

1. The Authority shall charge a reserve capacity fee to owners of vacant lots who request a sewer lateral installed from the main to the property line. The fee shall consist of an administrative fee and the cost to install the necessary Y-connection and lateral and shall be payable at the time of executing the vacant lot sewer reservation agreement. The charge shall be the amount as established from time to time by the Authority.
2. The initial administrative fee shall be $20 for each sewer lateral reservation requested.
3. There is hereby established an initial installation cost of $450 payable upon execution of a vacant lot sewer reservation agreement by the owner. The installation fee shall be credited against the tapping fee when the vacant lot is connected to the sewage treatment system. There will be no credit for any other fee, including, but not limited to, the administration fee and the annual reservation fee.
4. A fee of $200 per EDU or dwelling unit per year is hereby imposed as an initial fee for reservation of capacity for sewage treatment. Such fee should be paid in quarter-annual installments, in advance, on January 1, April 1, June 1, and September 1 of each year.
5. The Authority shall establish a sewer reservation agreement, from time to time, and in order for an owner to reserve an EDU, the owner must complete a sewer reservation agreement in full, all owners of the property must execute the agreement, and the fully completed and executed agreement shall be returned to the Authority, along with an administrative fee and installation cost, after which the Authority's Engineer shall inspect the property and determine whether or not the installation of a lateral for the reservation is acceptable. In the event the Authority's Engineer determines that the installation of a lateral is not acceptable, the installation fee shall be refunded to the owner, and the Authority shall have no further obligation to the owner. The aforesaid sewer reservation agreement, as may be adopted or amended from time to time by the Authority, is incorporated herein by reference as a part of this chapter.
6. The annual sewer reservation fee established by this section, shall not be increased unless the Pennsylvania Department of Environmental Protection, or a successor agency, requires an upgrade to the sewage treatment plant due to changes in regulations or modifications of the Authority's NPDES permit.
7. In the event the Authority enters into a sewer reservation agreement with an owner, and the owner does not connect to the sewage treatment system and utilize the reserved capacity within five years from the date of that agreement, the sewer reservation fee shall be increased to the then current per- EDU user fee being charged by the Authority to its customers. The sewer reservation agreement shall provide that the owner may terminate the agreement at the end of each twelve-month period determined by the date of that agreement. In the event the owner terminates the agreement, any monies paid to the Authority shall be retained by the Authority, and the reserved capacity shall revert to the Authority. The agreement shall require the owner to terminate the agreement by giving written notice to the Authority at least 30 days prior to the end of the twelve-month period. The Authority shall not be liable to the owner for inability to provide sewage capacity due to the action, nonaction, or nonapproval from the Pennsylvania Department of Environmental Protection, Pennsylvania Infrastructure Investment Authority, or any other governmental agency. The agreement shall have such other provisions as authorized by the Authority from time to time.

ARTICLE III

### Users Fee

**§ 175-5. General provisions. [Amended 12-8-1998 by Res. No. 1998-3, 3-26-2002 by Res. No. 2002-1]**

1. A users fee for each EDU or each dwelling unit is hereby imposed in the amount of $660 per year.
2. The users fee shall be payable in advance in monthly installments of $55 each.
3. The monthly payment shall be due on the tenth day of each month.
4. The $55 per month users fee shall be effective for the March payment of 2002, until further amended by the Conewago Township Sewer Authority Board.

### § 175-6. Quarterly payment for users which flow into Dover Township wastewater treatment plant. [Added 3-26-2002 by Res. No. 2002-1; amended 8-24-2004 by Res. No. 2004-2]

Effective for the February 2005 billing of the Conewago Township Sewer Authority for users which flow into the Dover Township Waste Water Treatment Plant, said users fee rate shall be increased from $92 per quarter to $110 per quarter until further amended by the Conewago Township Sewer Authority Board by a resolution of same.

### § 175-7. School buildings.

1. A user fee for each school building being served by the sanitary sewer system is hereby established at a minimum rate of $750 per month for the first 80,000 gallons of water used each month, and $12 for each 1,000 gallons of water each month in excess of 80,000 gallons.
2. In order to qualify for this rate, each school building shall be required to install a water meter for all water used in or at the school building or school property. Such meter shall be approved by the Authority prior to their installation and shall be subject to inspection and testing by the Authority on a periodic basis as determined from time to time by the Authority.
3. The school district shall be responsible for reading of the meter on a monthly basis, and providing the Authority will a written statement of such reading by the last day of each month. The reading shall be for a period of 30 days prior to the date of the meter reading.

ARTICLE IV

### Delinquent Payments

**§ 175-8. General provisions.**

1. All payments due to the Authority under this chapter may be collected by the Authority as a municipal lien against the property, or by applicable law.
2. Any payments due to the Authority under this chapter, which shall remain unpaid for a period of 30 days from the billing date, shall bear interest at the rate of 10% per annum.
3. In addition to the interest as set forth above, a penalty of 1% per month on the unpaid balance of any charges due to the Authority shall be imposed for each month the same remains unpaid after 30 days from the billing date, and the said amount shall be added to such amounts due to the Authority.
4. In the event a lien is filed against the property for any unpaid amounts due to the Authority, all court costs, including reasonable attorney's fees for the preparation, filing and satisfaction of such lien, shall be collected as part of the charges due to the Authority.
5. The Authority through its solicitor is authorized to undertake any and all available legal and equitable remedies to collect any and all payments due to the Authority, including but not limited to commencement of a civil action. In any such action the Authority shall be entitled to collect from the defendant all costs of collection, including but not limited to all court costs and reasonable attorney fees. **[Added 4-25-2017 by Res. No. 2017-2]**

ARTICLE V

### Enforcement and Penalties

**§ 175-9. Violations and penalties. [Amended 4-25-2017 by Res. No. 2017-2]**

Any person who shall violate any of the provisions of this chapter shall, upon a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not less than $50 nor more than $600, together with costs of prosecution, including but not limited to all court costs and reasonable attorney fees, and, in default thereof, to undergo imprisonment in the York County Prison for a period not exceeding 30 days. Each day that violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

### § 175-10. Enforcement and recovery of fines and costs.

Fines and costs imposed under provision of this chapter shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE VI

### Severability and Repealer

**§ 175-11. Severability.**

The provisions of this chapter are severable. In the event that any provision, section, sentence, clause or part of this chapter shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this chapter. It is hereby declared to be the intent of the Authority that such remainder of this chapter shall be and shall remain in full force and effect.

### § 175-12. Repealer.

All resolutions or parts of resolutions which are inconsistent with this chapter are hereby repealed to the extent of such inconsistency. Specifically, Conewago Township Sewer Authority's Resolution 1992-2 is hereby repealed.

ARTICLE VII

### Declaration of Purpose

**§ 175-13. Purpose.**

It is declared that the enactment of this chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of Conewago Township.

ARTICLE VIII

### Imposition of Tapping Fee on New Connections to Sewer System and Other Fees [Added 6-28-2005 by Res. No. 2005-1]

**§ 175-14. Tapping and connection fees; effective date.**

1. A tapping fee is hereby levied and imposed on all new connections to the collection system served by the Authority. The said tapping fee shall be based upon the capacity and collection part of permitted tapping fees.
2. The detailed itemization of all calculations and the manner in which the fees were determined shall be made available for public inspection and are made a part of this article, same being attached to this article and being marked Exhibit "A," attached hereto and made a part hereof.
3. The tapping fee shall be due and payable at the time application for connection is made by the owner of any property to Conewago Township Sewer Authority.
4. A tapping fee shall be due and owing in the amount of $3,587 for each equivalent dwelling unit (EDU) (for each 233 gallons or fraction thereof) represented by the property to be connected.
5. A connection fee is hereby levied and imposed on all new connections where the Authority provides facilities between the sewer main and the property lien or curb stop. The amount of this fee shall be the actual cost to the Authority, as documented by records, for connecting the customer, or the average cost of previously installed connections of similar type and size. Such average cost may be trended to current cost using published cost indexes.
6. A customer facilities fee is hereby levied and imposed on all new connections where the Authority provides facilities behind the property line. The amount of this fee shall be the actual cost to the Authority, as documented by records, for connecting the customer.
7. The Authority or its authorized representatives shall have the right of access at all reasonable times to all parts of any premises connected to the sewer system to examine and inspect connections and properties in order to enforce the provisions of this article and other resolutions of the Authority.
8. The Authority shall have the right to adopt by resolution, from time to time, such additional rules and regulations as it may deem necessary and proper in connection with the imposition and collection of the tapping fee imposed herein.
9. This article shall become effective on July 1, 2005.

### § 175-15. Severability; repealer; when effective.

1. Severability. The provisions of this article are severable. In the event that any provision, section, clause or part of this article shall be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this article. It is hereby declared to be the intent of the Authority that such remainder of this article shall be and shall remain in full force and effect.
2. Repealer; when effective. All resolutions or parts of resolutions which are inconsistent with this resolution are hereby repealed to the extent of any such inconsistency. This article is effective as to matters herein as above stated as of the date so stated herein.

### § 175-16. Purpose.

It is declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of Conewago Township and the users of the Conewago Township Sewer System generally.

# WATER SHUTOFF

### [HISTORY: Adopted by the Conewago Township Sewer Authority 2-23-2010 by Res. No. 2010-2. Amendments noted where applicable.]

**§ 188-1. Authorization to enter into agreements.**

The Authority is hereby authorized to enter into any and all necessary agreements with the York Water Company to enable the Authority to request the shut off of water supply for sewer service charges remaining unpaid or delinquent after at least 30 days, pursuant to Pennsylvania law.

### § 188-2. Compliance with notification requirements.

The Authority shall comply with all applicable legal notice requirements prior to effectuating a shutoff of water supply to any dwelling unit.

### § 188-3. Requests for shutoff.

Requesting any shutoff of water supply due to unpaid sewer service charges shall be at the sole discretion of the Authority.

### § 188-4. Owners to be liable for shutoff fees.

Any fees or charges assessed against the Authority by the York Water Company as a result of any request to shut off water supply, including, but not limited to, shutoff fees and/or charges for loss of water revenue, shall be charged to the owner of the applicable dwelling unit who shall be responsible for such payment as part of the owner's charges for sewer service.

### § 188-5. Construal of provisions.

Nothing contained herein shall be construed to limit in any way any other legal recourse or remedy available to the Authority to enforce the payment of fees, penalties or any other charges for sewer service.

**Appendix**

# 1990 PROMISSORY NOTE

### [HISTORY: Adopted by the Conewago Township Sewer Authority 7-24-1990 by Res. No. 1990-1. Amendments noted where applicable.]

**BE IT RESOLVED,** that the Conewago Township Sewer Authority shall be, and the same hereby is

authorized to request the sum of $7,000,000 from the Pennsylvania Infrastructure Investment Authority, upon such terms and for such period as shall be required by said Pennsylvania Infrastructure Investment Authority for the purpose of financing the construction of the wastewater system, and to give such security as shall be required by the said Pennsylvania Infrastructure Investment Authority, and in connection therewith to pay for such professional services and other necessary expenses incurred in connection with obtaining said financial assistance. The officers of the Conewago Township Sewer Authority are hereby authorized to execute all certifications and documentations required in the application, processing and security of said obligation.

**Appendix A205**

# 2002 PROMISSORY NOTE

### [HISTORY: Adopted by the Conewago Township Sewer Authority 7-23-2002 by Res. No. 2002-2. Amendments noted where applicable.]

**WHEREAS,** The Authority has determined to acquire and construct sanitary sewage system facilities and

to ultimately retire (on or prior to maturity) the Authority's $600,000 Guaranteed Sewer Project Note - Series of 2000 (collectively, the "Project"); and

**WHEREAS,** In order to provide funds for and toward the cost of the Project, including the costs and expenses of securing the Loan, the Authority intends to issue the Notes and to execute and deliver a Loan Agreement and other documents that have been determined by PENNVEST to be necessary, all dated the date of issuance and delivery of the Notes (collectively referred to herein as the "Loan Documents"), and to take all other action necessary and required by PENNVEST to obtain the Loan, to be secured under the terms of the Loan Documents; and

**WHEREAS,** The Township, as guarantor, the Authority and PENNVEST have determined to enter into a Guaranty Agreement ( the "Guaranty Agreement"), whereby the Township shall unconditionally guaranty the payment of the principal of and interest on the Notes.

**NOW, THEREFORE,** the Board of the Authority hereby resolves as follows:

**SECTION 1.** For the purpose of providing funds to finance the cost of the Project and to pay costs and expenses in connection with the Loan, the Authority hereby authorizes the execution of all Loan Documents and the taking of all action necessary and required by PENNVEST to obtain the Loan in the maximum aggregate principal amount of $3,876,000, pursuant to the provisions of the Pennsylvania Municipality Authorities Act,**18** as amended and supplemented, and pursuant to the provisions of the Loan Documents.

**SECTION 2.** The Loan shall be secured by the Loan Documents between the Authority and PENNVEST, to the extent and in the manner provided therein, including various covenants to timely repay the Loan and by the guaranty of the Township under the Guaranty Agreement, as more fully set forth in the Loan Documents, for the payment of costs of the Authority, and for the payment of principal of and interest on the LoanThe Notes and the other Loan Documents shall not in any manner pledge the credit or taxing power of the Commonwealth of Pennsylvania (the "Commonwealth"), nor shall the Notes be deemed to be obligations of the Commonwealth, nor shall the Commonwealth be liable for the payment of the principal of, or interest on, the Notes.

**SECTION 3.** The forms, terms and conditions of the Loan Documents, to be substantially in the forms submitted to this meeting, are hereby approved. Proper officers of the Authority are hereby authorized to execute the Loan Documents in such forms on behalf of said Authority, subject to such changes and modifications, if any, as may be approved by such officers, the execution of the Loan Documents to be conclusive evidence of such approval, and the Secretary or Assistant Secretary of the Authority is hereby authorized to cause the corporate seal of the Authority to be affixed thereto and to attest the same. The Chairman or Vice Chairman of the Authority is further authorized to acknowledge, as appropriate, the same on behalf of the Authority and to deliver said Loan Documents to PENNVEST.

**SECTION 4.** The Authority shall enter into the Guaranty Agreement, substantially in the form referred to

1. **Editor's Note: See 53 Pa.C.S.A. § 5601 et seq.**

in Section 5, with the Township, as guarantor, and PENNVEST.

**SECTION 5.** The Guaranty Agreement shall be substantially in the form presented to this meeting, which form is approved; and a copy of the Guaranty Agreement, in the form so presented and approved, shall be filed with the Authority Secretary and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

**SECTION 6.** Proper officers of the Authority, as applicable, are authorized and directed to execute, attest and deliver the Guaranty Agreement in behalf of the Authority, in the form so approved.

**SECTION 7.** Proper officers of the Authority are authorized and directed to execute all documents and to do all other acts that may be necessary and proper to carry out this Resolution and the undertakings of the Authority in the Loan Documents and the Guaranty Agreement.

**SECTION 8.** The Loan shall be repaid in the amounts and on certain dates, all as set forth in the Loan Documents as submitted to this meeting. The Loan is also subject to early repayment as provided in the Loan Documents.

**SECTION 9.** Upon receipt, the proceeds from the Loan shall be applied by the Authority under the terms and conditions set forth in the Loan Documents.

**SECTION 10.** Proper officers of the Authority are hereby authorized, empowered and directed on behalf of the Authority to execute any and all papers and documents and to do and cause to be done any and all actions and things necessary or proper for the execution or carrying out of this Resolution, the Loan Documents and the Guaranty Agreement.

**SECTION 11.** All resolutions or parts of resolutions inconsistent herewith shall be and the same are hereby repealed.

**Appendix A210**

# ACQUISITION OF LAND FOR SEWER COLLECTION SYSTEM

### [HISTORY: Adopted by the Conewago Township Sewer Authority 5-7-1991 by Res. No. 1991-1. Amendments noted where applicable.]

**WHEREAS,** the Conewago Township Sewer Authority ("Authority) is proceeding with the construction

of a sewage treatment and sewage collection system in Conewago Township, York County, Pennsylvania; and

**WHEREAS,** in order to carry out this project, it is necessary for the Authority to acquire rights-of-way in, over and through certain lands located in the aforesaid Township; and

**WHEREAS,** in accordance with the Business Corporations Law, Act of July 20, 1968, P.L. 459, No. 216, 15 Pa.C.S.A. § 1322 (Pocket Part 1986), as amended, the Authority is authorized to acquire rights-of-way through eminent domain proceeding;

**NOW, THEREFORE, BE IT RESOLVED,** that the Authority, in accordance with the authority confirmed by law, selects and appropriates for the purposes of the construction of a sewage collection system all that certain land designated as "Right of Way" on the plans shown on Exhibit A,**19** attached hereto and made a part hereof.

**BE IT FURTHER RESOLVED,** that title to be acquired shall be a right-of-way and easement upon, over, through and under the lands as set forth on Exhibit A attached hereto and made a part hereof, along the route designated as is necessary to lay, install, construct, operate, maintain, inspect, repair, replace and reconstruct said sewage collection system and additional or future lines, as may be determined by Conewago Township Sewer Authority from time to time, and its accessories and appurtenances, together with all rights on ingress, egress and regress in, to, over, upon, through, along and from said land, necessary or convenient for full and complete use by the Conewago Township Sewer Authority of the said right, title and interest, right-of-way and easement, and for the exercise of said rights and privileges to lay, install construct, operate, maintain, inspect, repair and reconstruct said sewage collection system with accessories and appurtenances, including surface markers and access manholes and to clear and keep cleared of all trees roots, brush and other obstructions from the surface and subsurface.

**BE IT FURTHER RESOLVED,** that the said right-of-way and easement herein acquired by the Conewago Township Sewer Authority for the laying, installation, construction, operation, maintenance, inspection, repair, replacement, reconstruction and appurtenances are and shall initially or at any time or times in the future be reasonably required for the operation, maintenance, inspection, repair, replacement and construction of the sewage collection**20**

1. **Editor's Note: Exhibit A is included as an attachment to this chapter.**
2. **Editor's Note: So in original.**

CONEWAGO CODE

**Appendix A212**

# ACQUISITION OF LAND FOR PRESSURE SEWER AND GRINDER PUMP

### [HISTORY: Adopted by the Conewago Township Sewer Authority 5-7-1991 by Res. No. 1991-2. Amendments noted where applicable.]

**WHEREAS,** the Conewago Township Sewer Authority ("Authority) is proceeding with the construction

of a sewage treatment and sewage collection system in Conewago Township, York County, Pennsylvania; and

**WHEREAS,** in order to carry out this project, it is necessary for the Authority to acquire rights-of-way in, over and through certain lands located in the aforesaid Township; and

**WHEREAS,** in accordance with the Business Corporations Law, Act of July 20, 1968, P.L. 459, No. 216, 15 Pa.C.S.A. § 1322 (Pocket Part 1986), as amended, the Authority is authorized to acquire rights-of-way through eminent domain proceeding;

**NOW, THEREFORE, BE IT RESOLVED,** that the Authority, in accordance with the authority confirmed by law, selects and appropriates for the purposes of the construction of a sewage collection system all that certain land designated as "approximate location of pressure sewer" and "approximate location of grinder pump" any strip of land 10 feet in width, the center line of which is defined as the center line of the pressure sewer line as shown on the said plan and a circular parcel of land 10 feet in diameter at the end of the pressure sewer line within which the sewage grinder pump shall be installed, together with a ten-foot-wide strip of ground for the installation of underground electric cable leading from the sewage grinder pump to an electrical connection on the exterior wall of the building on the premises as shown on the plans designated as Exhibit A**21** attached hereto and made a part hereof.

**BE IT FURTHER RESOLVED,** that title to be acquired shall be a right-of-way and easement upon, over, through and under the lands as set forth on Exhibit A attached hereto and made a part hereof, along the route designated as is necessary to lay, install, construct, operate, maintain, inspect, repair, replace and reconstruct lines, said sewage collection system and additional or future lines, as may be determined by Conewago Township Sewer Authority from time to time, and its accessories and appurtenances, together with all rights of ingress, egress and regress in, to, over, upon, through, along and from said land, necessary or convenient for full and complete use by the Conewago Township Sewer Authority of the said right, title, and interest, right-of-way and easement, and for the exercise of said rights and privileges to lay, install, construct, operate, maintain, inspect, repair, and reconstruct said sewage collection system with accessories and appurtenances, including surface markers and access manholes, and to clear and keep cleared of all trees, roots, brush and other obstructions from the surface and subsurface.

**BE IT FURTHER RESOLVED,** that the said right-of-way and easement herein acquired by the Conewago Township Sewer Authority for the laying, installation, construction, operation, maintenance, inspection, repair, replacement, reconstruction and appurtenances are and shall initially or at any time or times in the future be reasonably required for the operation, maintenance, inspection, repair, replacement and construction of the sewage collection system, and additional or future sewer lines, accessories and appurtenances.

**BE IT FURTHER RESOLVED,** that Counsel for the Authority is hereby authorized and directed to prepare and file with the appropriate court a Declaration of Taking which shall be executed by Stephen

P. Linebaugh, Counsel to the Conewago Township Sewer Authority, for appropriation of the hereinabove

1. **Editor's Note: Exhibit A is included as an attachment to this chapter.**

#### ACQUISITION OF LAND FOR PRESSURE SEWER AND

described property and to take any action that may be necessary or desirable to carry out the intent and purposes of this Resolution.

**BE IT FURTHER RESOLVED,** that Counsel and the proper officers are also hereby authorized to offer to pay or to pay to the condemnee in order to obtain immediate possession of the premises an amount the Authority has set as a fair and reasonable amount for damages.

CONEWAGO CODE

**Appendix A214**

# ACQUISITION OF LAND FOR COLLECTION AND TREATMENT SYSTEM

### [HISTORY: Adopted by the Conewago Township Sewer Authority 8-20-1991 by Res. No. 1991-3. Amendments noted where applicable.]

**WHEREAS,** the Conewago Township Sewer Authority ("Authority) is proceeding with the construction

of a sewage treatment and sewage collection system in Conewago Township, York County, Pennsylvania; and

**WHEREAS,** in order to carry out this project, it is necessary for the Authority to acquire certain real estate (hereinafter "lands") for a site for the sewage treatment plant and sites for various pumping stations for the sewage treatment and collection system, which said lands are located in the aforesaid Township; and

**WHEREAS,** in accordance with the Business Corporations Law, Act of July 20, 1968, P.L. 459, No. 216, 15 Pa.C.S.A. § 1322 (Pocket Part 1986), as amended, the Authority is authorized to acquire such lands through eminent domain proceedings;

**NOW, THEREFORE, BE IT RESOLVED,** that the Authority, in accordance with the authority confirmed by law, selects and appropriates for the purposes of the construction of a sewage collection and treatment system all that certain land as more fully set forth on the Plans attached hereto and made a part hereof as Exhibit A.**22**

**BE IT FURTHER RESOLVED,** that title to be acquired shall be fee simple title of the lands as set forth on Exhibit A attached hereto and made a part hereof.

**BE IT FURTHER RESOLVED,** that Counsel for the Authority is hereby authorized and directed to prepare and file with the appropriate court a Declaration of Taking which shall be executed by Stephen

P. Linebaugh, Counsel to the Conewago Township Sewer Authority, for appropriation of the hereinabove described lands and to take any action that may be necessary or desirable to carry out the intent and purposes of this Resolution.

**BE IT FURTHER RESOLVED,** that Counsel and the proper officers are also hereby authorized to offer to pay or to pay to the condemnee in order to obtain immediate possession of the premises an amount the Authority has set as a fair and reasonable amount for damages.

1. **Editor's Note: Exhibit A is on file in the offices of the Conewago Township Sewer Authority.**

# REIMBURSEMENT AGREEMENT

### [HISTORY: Adopted by the Conewago Township Sewer Authority 8-24-2004 by Res. No. 2004-1. Amendments noted where applicable.]

**WHEREAS,** the Conewago Township Sewer Authority Board has entered into a Sewer Extension

Reimbursement Agreement dated May 25, 2004 ("Agreement"), by and between Conewago Township Sewer Authority ("Authority") and F-T, LLLP, a Maryland Limited Liability Partnership ("Developer"); and

**WHEREAS,** by the terms of said Sewer Extension Reimbursement Agreement the Authority has agreed to reimburse Developer of the Bennett Run Project for certain costs of construction of a twelve-inch gravity sewer main; and

**WHEREAS,** the Sewer Extension Reimbursement Agreement provides that the reimbursement from the Authority to the Developer shall be made by virtue of the imposition by the Authority of a reimbursement component tapping fee made by the Authority on persons or entities arising from their connection to or extension of the gravity sewer main constructed by the Developer;

**NOW, THEREFORE,** in consideration of the foregoing premises, be it Resolved by the Conewago Township Sewer Authority, and it is hereby Resolved, by the same, that the following is adopted as a Resolution of the Conewago Township Sewer Authority.

### Additional Tapping Fee Constituting Reimbursement Component

All persons or entities connecting to or extending the gravity sewer main constructed by the Developer of the Bennett Run Project must pay and additional tapping fee of $344.17 in addition to the normal tapping fee currently then in effect by the Conewago Township Sewer Authority. A copy of the Sewer Extension Reimbursement Agreement is marked as Exhibit A**23** attached hereto and made a part hereof.

1. **Editor's Note: Exhibit A is included as an attachment to this chapter.**

### Severability and Repealer

**Section 1: Severability.** The provisions of this Resolution are severable. In the event that any provision, section, sentence, clause or part of this Resolution shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this Resolution. It is hereby declared to be the intent of the Authority that such remainder of this Resolution shall be and shall remain in full force and effect.

**Section 2: Repealer and effective date.** All Resolutions or parts of Resolutions which are inconsistent with this Resolution are hereby repealed to the extent of any such inconsistency. This Resolution is effect as to matters herein as above stated as of the date so stated below.

### Declaration of Purpose.

**Section 1: Declaration of purpose.** It is declared that the enactment of this Resolution is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of Conewago Township and the users of the Conewago Township Sewer System generally.

**Appendix A225**

# UTILITY RELOCATION AND REIMBURSEMENT

### [HISTORY: Adopted by the Conewago Township Sewer Authority 9-27-2016 by Res. No. 2016-1. Amendments noted where applicable.]

**WHEREAS,** the Pennsylvania Department of Transportation contemplates undertaking a highway

construction project on State Route 0921 in York County which will likely entail relocation or adjustment of certain facilities of CTSA; and PennDOT has proposed a Utility Relocation Reimbursement Agreement to reimburse CTSA for all costs it incurs in association with the relocation or adjustment of facilities.

**NOW, THEREFORE, BE IT RESOLVED** by the Conewago Township Sewer Authority, York County, Pennsylvania, that the Chairperson is authorized and directed to sign the attached Utility Relocation and Reimbursement Agreement on its behalf and the Secretary is authorized and directed to attest to same.

DISPOSING OF RECORDS

## Appendix A230 DISPOSING OF RECORDS

### [HISTORY: Adopted by the Conewago Township Sewer Authority 7-29-2020 by Res. No. 2020-2. Amendments noted where applicable.]

**WHEREAS,** by virtue of Resolution No. 2020-1, the Conewago Township Sewer Authority declared its

intent to follow the schedules and procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008; and

**WHEREAS,** in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

**NOW, THEREFORE, BE IT RESOLVED** that the Conewago Township Sewer Authority, in accordance with the above-cited Municipal Records Manual, hereby authorizes the disposition of the following public records:

Boxes of records from 1991 through 2013 containing documents including but not limited to financial records; bank statements; billing and accounts payable records; PLGIT and Pennvest records; permits; employee insurance records; sludge contract records; and escrow records, all as more specifically identified in the attached Exhibit**24** hereto.

## Disposition List

1. **Editor's Note: Said exhibit is included as an attachment to this chapter.**

## Chapter DL DISPOSITION LIST

**The following is a chronological listing of legislation of the Conewago Township Sewer Authority reviewed for codification, indicating for each its inclusion in the Rules and Regulations or the reason for exclusion. The last legislation reviewed for the 2020 publication of the Conewago Township Sewer Authority Rules and Regulations was Res. No. 2020-2, adopted July 28, 2020.**

**§ DL-1. Disposition of legislation.**

|  |  |  |
| --- | --- | --- |
| **KEY:** | | |
| NI | = | Not included in Code but saved from repeal. |

|  |  |  |  |
| --- | --- | --- | --- |
| **Res. No.** | **Adoption Date** | **Subject** | **Disposition** |
| 1989-1 | 8-22-1989 | Bylaws | Ch. 20 |
| 1990-1 | 7-24-1990 | 1990 Promissory Note | Ch. A200 |
| 1991-1 | 5-7-1991 | Acquisition of Land for Sewer Collection System | Ch. A210 |
| 1991-2 | 5-7-1991 | Acquisition of Land for Pressure Sewer and Grinder Pump | Ch. A212 |
| 1991-3 | 8-20-1991 | Acquisition of Land for Collection and Treatment System | Ch. A214 |
| 1992-1 | 10-27-1992 | Rules and Regulations | Repealed by Res. No. 1993-1 |
| 1992-2 | 10-27-1992 | Tapping and User Fees | Repealed by Res. No. 1993-2 |
| 1993-1 | 2-11-1993 | Sewer Rules and Regulations | Ch. 150 |
| 1993-2 | 2-11-1993 | Tapping and User Fees | Ch. 175 |
| 1993-3 | 2-11-1993 | Qualified Persons and Installers | Ch. 132 |
| 1993-4 | 3-23-1993 | Rules and Regulations Amendment | Ch. 150 |
| 1993-5 | 4-27-1993 | Sexual Harassment | Ch. 162 |
| 1993-6 | 5-25-1993 | Prohibited Discharges | Ch. 115 |
| 1998-1 | 7-28-1998 | Rules and Regulations Amendment: Industrial Waste Permit | Ch. 150 |
| 1998-3 | 12-8-1998 | Tapping and User Fees Amendment | Repealed by Res. No. 2002-1 |
| 1999-1 | 1-26-1999 | Infiltration and Detection | Ch. 82 |
| 2000-1 | 4-6-2000 | Tapping and User Fees Amendment | Ch. 175 |

**Res. No.**

**Adoption Date Subject**

**Disposition**

|  |  |  |  |
| --- | --- | --- | --- |
| 2002-1 | 3-26-2002 | Tapping and User Fees Amendment | Ch. 175 |
| 2002-2 | 7-23-2002 | 2002 Promissory Note | Ch. A204 |
| 2002-3 | 7-23-2002 | Articles of Incorporation Amendment | NI |
| 2004-1 | 8-24-2004 | Reimbursement Agreement | Ch. A220 |
| 2004-2 | 8-24-2004 | Tapping and User Fees Amendment | Ch. 175 |
| 2005-1 | 6-28-2005 | Tapping and User Fees Amendment | Ch. 175 |
| 2007-1 | 3-27-2007 | Escrow of Funds for Attorney Fees | Ch. 46 |
| 2007-2 | 6-26-2007 | High-Strength Waste Testing | Ch. 71 |
| 2009-1 | 4-28-2009 | Meeting Recordings | Ch. 99 |
| 2010-1 | 1-26-2010 | Property Owner Responsible for Rental Unit Fees | Ch. 121 |
| 2010-2 | 2-23-2010 | Water Shutoff | Ch. 188 |
| 2014-1 | 2-25-2014 | Grinder Pump Charges for Excess Maintenance | Ch. 60 |
| 2015-1 | 2-28-2015 | Tapping and User Fees Amendment: Waiver for Certain Residents of Westwood Drive | Ch. 175 |
| 2016-1 | 9-27-2016 | Utility Relocation and Reimbursement | Ch. A225 |
| 2017-1 | 4-25-2017 | Delinquent Accounts | Ch. 34 |
| 2017-2 | 4-25-2017 | Rules and Regulations Amendment | Ch. 175 |
| 2020-1 | 2-28-2020 | Public Records: Retention Policy | Ch. 126, Art. I |
| 2020-2 | 7-28-2020 | Disposing of Records | Ch. A230 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Res. No.** | **Adoption Date** | **Subject** | **Disposition** | **Supp. No.** |
| 2021-1 | 9-28-2021 | General Provisions: Adoption of Rules and Regulations | Ch. 1, Art. I | 1 |
|  |  | Sewer Rules and Regulations (Attachment 7, Exhibit D) | Ch. 150 | 2 |
| 2022-1 | 10-25-2022 | Tapping and User Fees Amendment | Ch. 175 | 3 |
| 2023-1 | 5-23-2023 | Sewer Rules and Regulations Amendment | Ch. 150 | 3 |
| 2023-2 | 7-25-2023 | Sewage Treatment Facility Capacity Policy | Ch. 144 | 3 |
| 2023-3 | 7-25-2023 | Grinder Pump Charges for Excess Maintenance Amendment | Ch. 60 | 3 |

**Res. No.**

**Adoption Date Subject**

**Disposition**

**Supp. No.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 2024-1 | 7-23-2024 | Tapping and User Fees  Amendment | Ch. 175 | 4 |