

**HONESDALE BOROUGH
WAYNE COUNTY, PENNSYLVANIA
ORDINANCE NO. 723**

**AN ORDINANCE OF THE BOROUGH OF HONESDALE, WAYNE COUNTY,
PENNSYLVANIA PROMULGATING THE REQUIREMENT THAT A SEWER
LATERAL AND/OR A SEWER CONNECTION LOCATED ON ANY LOT OR PARCEL
OF REAL PROPERTY LYING WITHIN THE BOROUGH OF HONESDALE AND
CONNECTED TO CENTRAL WAYNE REGIONAL AUTHORITY'S SANITARY
SEWER SYSTEM TO BE INSPECTED PRIOR TO THE SALE OR TRANSFER OF
SAID REAL PROPERTY TO ANY PERSON OR ENTITY SUCCEEDING TO THE
TITLE AND INTEREST IN AND TO SAID REAL PROPERTY, PROVIDING FOR THE
ENFORCEMENT THEREOF, THE PENALTY FOR THE VIOLATION THEREOF,
THE SEVERABILITY OF THE PROVISIONS THEREOF AND FOR THE EFFECTIVE
DATE THEREOF**

WHEREAS, the Borough of Honesdale (hereinafter Borough) originally generated and constructed a sewage collection and treatment system serving the Borough (the subject Sewage System); and,

WHEREAS, during the Borough's ownership, maintenance, control and operation of the subject Sewer System, the Borough has enacted certain and various Ordinances designated and designed to provide for the administration and operation of the subject Sewer System, including Chapter 166 and Ordinances 579, 586 and 633 (collectively the Underlying Municipal Legislation); and,

WHEREAS, over the span of time the subject Sewage System has been expanded to serve residential and commercial units in surrounding municipalities; and,

WHEREAS, on or about September 15, 2008, the ownership, maintenance, title and control of the subject Sewage System was and has been transferred and conveyed by the Borough to the Central Wayne Regional Authority, a Pennsylvania General Municipal Authority, (the Authority); and,

WHEREAS, consistent with the transfer and conveyance of the subject Sewage System from the Borough to the Authority, the Borough enacted Ordinance 633 on or about July 14, 2008, codified in the Code of the Borough of Honesdale as Chapter 166, Sewers, Article II, Connections to Sewer System, Section 166-16 through Section 166-20; the same serving as the enabling Ordinance providing for said transfer and conveyance of the subject Sewage System and further, mandating connections of applicable properties to the subject Sewage System; and,

WHEREAS, pursuant to the aforesaid ordinance activity relative to the transfer of the sewage system to the Authority, ownership, repair, connections, upkeep, operations, maintenance, title and control of the subject Sewage System has been transferred and conveyed from the Borough to the Authority; and,

WHEREAS, consistent therewith, the Authority has assumed and or enacted any and all such ownership, maintenance, rules, regulations, upkeep, control, costs, expenses, enforcement and any and all other aspects of the subject Sewage System; and,

WHEREAS, despite the foregoing, the Authority has sought and seeks from the Borough enactment of an Ordinance which specifically requires the inspection and up-grade of lateral connections to the central sewage system of the Authority of any and all parcels located within the Borough; and,

WHEREAS, the Borough of Honesdale has deemed it to be necessary and in the interest of the health, safety and welfare of the residents of the Borough of Honesdale to provide for the inspection of all sewer laterals and all sewer connections installed on any lot or parcel of real property lying within the Borough of Honesdale, which are connected to the Authority's Sanitary Sewer System, prior to the sale or transfer of such lot or parcel of real property to any person or entity succeeding to the legal title and interest in and to said real property.

WHEREAS, it is further declared by the Borough that any and all inspections, repairs, approvals, enforcement powers and penalties are best placed in and under the supervision, dominion and control of the Authority as the governing entity of the subject sanitary sewer system.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and the same is enacted and ordained, by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, as follows:

A. Name

- 1). This Ordinance is hereby named the Sewer Laterals and Sewer Connections Ordinance.

B. Inspection of Sewer Laterals and Sewer Connections

- 1) Prior to the sale or transfer of each lot or parcel of real property lying within the Borough of Honesdale, the sewer laterals and sewer connections in and on that real property shall be inspected and/or televised at the owner's expense, to determine the condition of the sewer laterals and sewer connections.
- 2) Any such inspections shall be performed under the auspices, dominion and control of the Authority.
- 3) The owner of the any parcel of real property then connected to the Authority's Sanitary Sewer System shall notify the Authority at least sixty (60) days prior to the proposed sale and transfer of the lot or parcel of real property.
- 4) Likewise, in conjunction with the foregoing, the subject owner shall make all areas to be inspected and/or televised available for the required inspection.

- 5) Notwithstanding anything herein to the contrary, any parcel or property connected to the Authority Sewer System under inspection and approval by the Authority within ten (10) years of the proposed sale shall be and is hereby exempt from this inspection requirement.

C. Criteria of the Condition of the Lateral or Like-Connection.

- 1). If the inspection mandated herein reveals the sewer laterals and/or sewer connections are in an unacceptable condition, the sewer laterals and sewer connections shall be repaired or replaced by the owner of the lot or parcel of real property to the satisfaction of the Authority at the owner's expense prior to the sale or transfer of ownership of the lot or parcel of said real property.
- 2). In the event that any lateral or similar connection is determined by the Authority to be unacceptable, replacement of any such lateral or similar connection shall be monitored, confirm and approved by the Authority in any fashion or means selected by the Authority.
- 3). The Authority is hereby empowered to impose a reasonable inspection fees.

D. Designation of Agent and Delegation of Powers

- 1) The Borough of Honesdale hereby designates the Central Wayne Regional Authority as its agent to create, implement, conduct, and enforce a program for the inspection of sewer laterals and sewer connections, as provided for herein.
- 2) The basis of the designation of agency is that the Borough of Honesdale is a constituent member of the Authority under the Articles of Incorporation of the Authority, and, further, the Authority has heretofore been designated by the Borough of Honesdale as its agent in the provision of all water quality management services and with the compliance with all terms and provisions of the Pennsylvania Sewage Facilities Act (Act 537) for which the Borough of Honesdale has primary statutory obligation and duty.

E. Enforcement and Penalty

- 1) The Authority, as the designated agent of the Borough of Honesdale hereunder, is hereby granted all powers and is duly authorized to do all things necessary to enforce the provisions of this Ordinance on behalf of the Borough of Honesdale.
- 2) The penalty for a violation of any provision of this Ordinance shall be the commencement of an action brought before a district justice having jurisdiction over the subject real property in the same manner provided for the enforcement of summary

offenses under the Pennsylvania Rules of Criminal Procedure. Furthermore, the Authority solicitor is hereby empowered to assume charge of the prosecution without the consent of the Borough.

- 3) Any necessary approval from the Wayne County District Attorney's Office as may be required under Pennsylvania Rules of Criminal Procedure shall be secured by the Authority consistent with the enforcement powers granted to the Authority herein.
- 4) Any person or entity convicted of the offense of violating any provision of this Ordinance shall be subject to criminal fines not to exceed One Thousand (\$1,000.00) Dollars per violation. Each day that a violation of this ordinance continues shall constitute a separate offense.
- 5) This Ordinance may also be enforced by the Authority through an action in equity or law commenced in the Court of Common Pleas of Wayne County.

F. Savings Clause

- 1) These provisions of this Ordinance, so far as they are the same as those ordinances and regulations enforced immediately prior to the adoption of this Ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment except with the specific provision that the Authority is hereby granted full and complete power and authority to enforce the terms of this Ordinance.
- 2) The provisions of this Ordinance shall not affect any suit or prosecution instituted or to be instituted to enforce any prior ordinance or regulation, except as otherwise provided by law.

G. Severability of Parts of Ordinance

- 1) It is hereby declared to be the intention of the Borough of Honesdale that the sections, paragraphs, clauses and phrases of this Ordinance are severable. If any section, paragraph, clause or phrase of this Ordinance is deemed or declared to be unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court competent jurisdiction, that invalidity shall not affect any of the remaining sections, paragraphs, clauses or phrases of this Ordinance.

H. Enactment

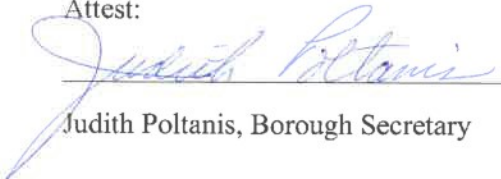
- 1) This Ordinance shall become effective five (5) days after the adoption thereof.

ENACTED AND ORDAINED into law by the Borough Council of Honesdale Borough,
Wayne County, Pennsylvania, by a vote of 4 to 2^{to 1} this 17 day of JANUARY,
2023.

Honesdale Borough Council

Seal

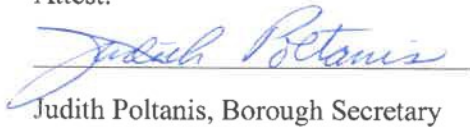
Attest:

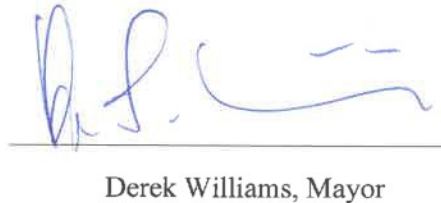

Judith Poltanis, Borough Secretary


James Hamill, Council President

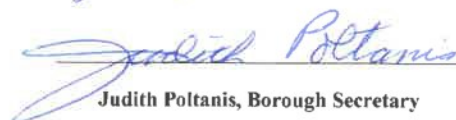
Approved, this 26th day of January 2023, by the Mayor of Honesdale Borough, Wayne County,
Pennsylvania.

Attest:


Judith Poltanis, Borough Secretary


Derek Williams, Mayor

I hereby certify that the foregoing ordinance was duly enacted and
approved as set forth at the regular meeting of the Honesdale Borough
Council held on January 17 2023.


Judith Poltanis, Borough Secretary

