Final

TOWNSHIP OF POCONO,
Monroe County, Pennsylvania

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF POCONO, MONROE COUNTY, PENNSYLVANIA, AMENDING AND RESTATING ORDINANCE NO. 149 REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED IN THE SEWERED AREA OF THE TOWNSHIP WHICH IS ADJOINING AND ADJACENT TO ANY SANITARY SEWER LINE CONSTRUCTED, OWNED OR OPERATED BY THE TOWNSHIP TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH SEWER LINE; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THE TOWNSHIP TO IMPOSE FEES AND CHARGES; AUTHORIZING THE TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES, AND CERTAIN TREATMENT FACILITIES, TO ANY SEWER; PROHIBITING THE MAINTENANCE OF SEWAGE RECEPTACLES AND TREATMENT FACILITIES AND REQUIRING THE ABANDONMENT THEREOF WHEN DIRECTED TO DO SO BY THE TOWNSHIP; PRESCRIBING PENALTIES FOR VIOLATION; AND AUTHORIZING THE TOWNSHIP TO ASSIGN ITS RIGHTS AND/OR DELEGATE ITS DUTIES TO A MUNICIPAL AUTHORITY OR ANOTHER LOCAL GOVERNEMENT UNIT.

The Board of Supervisors of the Township of Pocono, Monroe County, Pennsylvania, enacts and ordains as follows:

ARTICLE I

Definitions

SECTION 1.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

"Act 537" shall mean the Sewage Facilities Act of the Commonwealth;

"BCRA" shall mean the Brodhead Creek Regional Authority, acting through its governing Board, as owner and operator of the BCRA Treatment Plant and, in appropriate cases, as agent of the Township hereunder;

"BCRA Treatment Plant" shall mean the facilities constructed, owned and/or operated by BCRA, to treat and dispose of Sanitary Sewage and/or Industrial Wastes discharged by the Sewer System;

"Building Sewer" shall mean the sewage drainage system from a building constructed on any Improved Property to the Lateral serving such Improved Property, including any grinder pump or pressure sewer or similar apparatus or facilities installed by the Township or the Owner and which are located on such Improved Property;

"Commonwealth" shall mean the Commonwealth of Pennsylvania;

"DEP" shall mean the Pennsylvania Department of Environmental Protect or any successor agency of the Commonwealth of Pennsylvania.

"Developed Property" shall mean any property within the Sewered Area which was an Improved Property on October 20, 2009;

"DRBC" shall mean the Delaware River Basin Commission.

"GPD" shall mean the gallons per day of Sanitary Sewage or Industrial Waste, allocable to an Improved Property, determined in accordance with the Rate Resolution;

"ICA" shall mean the Amended and Restated Intermunicipal Cooperation Agreement, dated May 1, 2010, among the Borough of Stroudsburg, the Township of Hamilton, the Township of Pocono, the Township of Smifhfield, the Township of Stroud, the Stroud Township Sewer Authority and the Brodhead Creek Regional Authority, as the same may be amended and/or supplemented from time to time.

"Improved Property" shall mean any property in the Sewered Area of the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy

or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged into the Sewer System;

"Industrial Establishment" shall mean any Improved Property located in the Township, used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property from which wastes, in addition to or other than Sanitary Sewage, shall be discharged;

"Industrial Wastes" shall mean any and all wastes discharged from an Industrial Establishment, and/or wastewater having characteristics which may have the potential to be detrimental to the Sewer System or the BCRA Treatment Plant;

"Lateral" shall mean that part of the Sewer System extending from a Sewer to the curbline, or if there is no curbline, to the Improved Property line, or if no such extension is provided, then "Lateral" shall mean that portion of, or place in, a Sewer that is provided for connection of any Building Sewer;

"Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

"Person" shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity;

"Rate Resolution" shall mean the resolutions, rules and regulations adopted by the Township, or its assigns, from time to time, establishing rates and other charges and requirements for the use of the Sewer System by the Owner of any Improved Property;

"Sanitary Sewage" shall mean typical water-carried household, commercial and toilet wastes, having the biological and chemical characteristics prescribed by regulation of the Township or BCRA, which is discharged by an Improved Property;

"Sewer" shall mean any pipe or conduit constituting a part of the Sewer System, used or usable for sewage collection purposes;

"Sewer System" shall mean all sewer lines and other facilities constructed, owned and/or operated by the Township, including if operated by BCRA, to collect, transmit or treat Sanitary Sewage and/or Industrial Wastes discharged by an Improved Property, other than a Building Sewer or a Lateral;

"Sewered Area" shall mean that geographic area or areas of the Township served or to be served by the Sewer System, including all existing or future sewer areas or districts established and

approved, from time to time, pursuant to Act 537 and other applicable laws;

"STA" shall me that certain Sewage Treatment Agreement dated March 1, 2011, between the Brodhead Creek Regional Authority and the Township of Pocono;

"Street" shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square;

"Tapping Fee" shall mean the tapping fee described in Act 57 of 2003 payable by the Owner of any Improved Property in the area served by the Sewer System which actually connects or is required to be connected to the Sewer System pursuant to the terms of this Ordinance as then in effect requiring such connection or which otherwise connects to the Sewer System;

"Township" shall mean the Township of Pocono, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through BCRA or other authorized representatives; and

"User Charge" shall mean the periodic charge imposed for services, or availability of services, provided by the Sewer System, as established by resolution of the Township, from time to time.

ARTICLE II

Use of Public Sewers Required

SECTION 2.01. A. Subject to the provisions of Section 2.07, the Owner of any Improved Property located in the Sewered Area of the Township which is adjoining and adjacent to the Sewer System shall connect such Improved Property with and use such Sewer System, in such manner as the Township may require, not more than ninety (90) days after notice to such Owner from the Township to make such connection, for the purpose of discharging all Sanitary Sewage and Industrial Wastes from such Improved Property; subject, however, to the provisions and requirements of this Ordinance, the ICA, STA and such other agreements, rules and regulations as may be established by the Township and/or BCRA, from time to time, prescribing the scope and manner of such connections, and the nature of the discharge.

B. Notwithstanding the provisions of Section 2.01.A, the Township shall not require any commercial or industrial business to connect to the Sewer System when such commercial or industrial business is operating a private sanitary sewage treatment plant under mandate of any agency of the federal or state government. This exemption shall last as long as such private sanitary sewage treatment plant continues to meet the specifications and standards mandated by such federal or state agency and for forty-five (45) days thereafter. If, during the days immediately subsequent to the day a business' private sanitary sewer treatment plant is determined to be below federal or state mandates, repairs cannot be made to bring the system back up to satisfactory condition, the Township may require such business to connect to the Sewer System. In

such case, the full costs of connection to, and any necessary refurbishing of, the Sewer System shall be borne by such business.

C. The exemption provided for in Section 2.01.B shall not be available in any situation where the business seeking to use it had notice, either actual or constructive, prior to construction of the Sewer System, of the Township's intention to construct a sanitary sewer system, and to require that business to connect with the Sewer System.

SECTION 2.02. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer, as required under Section 2.01, shall be conducted into such Sewer; subject, however, to the provisions and requirements of the ICA, STA and such other agreements, limitations, restrictions, rules and regulations as shall be established herein or otherwise shall be established by the Township and/or BCRA, from time to time.

SECTION 2.03. No Person shall place, shall deposit or shall permit to be placed or to be deposited upon any public or private property within the Township any Sanitary Sewage or Industrial Wastes in violation of Section 2.01 or Section 2.02. No Person shall discharge or shall permit to be discharged to any natural outlet any Sanitary Sewage or Industrial Wastes in violation of Section 2.01 or Section 2.02, except where suitable treatment has been provided that is satisfactory to the Township and BCRA.

SECTION 2.04. No privy vault, cesspool, sinkhole, septic tank or similar receptacle, or private treatment facility, shall be used or shall be maintained at any time upon an Improved Property that has been connected to a Sewer or that is required under Section 2.01 to be connected to a Sewer, unless otherwise specifically agreed to in writing by the Township in the

Township's sole discretion. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle, or private treatment facility, in existence shall be abandoned and, at the discretion of the Township, shall be removed or cleansed and filled with a non-compactable material (e.g. sand), at the expense of the Owner of such Improved Property, under the direction and supervision of the Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle or private treatment facility, not abandoned and, if required by the Township, not removed, cleansed and/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.

SECTION 2.05. No privy vault, cesspool, sinkhole, septic tank or similar receptacle, or private treatment facility, shall at any time be connected to a Sewer without the written consent of the Township, in its sole discretion (subject to Section 2.01).

SECTION 2.06. The notice by the Township to make a connection to a Sewer, referred to in Section 2.01, shall include a reference to this Ordinance, including any amendments and/or supplements at the time in effect, or a summary thereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within the time limitations described herein. Such notice may be given or served at any time after a Sewer is in place that is capable of receiving and conveying Sanitary Sewage and Industrial Wastes for treatment and disposal at the BCRA Treatment Plant from the particular Improved Property. Such notice shall be by personal service, by registered or certified mail, or by such other method as at the time may be provided by law.

SECTION 2.07. No Improved Property shall be connected to a Sewer except in conformance with the following:

A. Any Developed Property may connect to the Sewer System for its existing Sanitary Sewage and Industrial Waste flow.

B. If a Developed Property proposes an increase in Sanitary Sewage and/or Industrial Waste flow of more than 800 GPD, either by a conversion of an existing use or redevelopment, sewage planning on an individual basis is required by, and at the sole cost of, the Owner thereof, including an alternatives analysis for potential and possible land disposal opportunities.

C. Any Improved Property within the Sewered Area which is not a Developed Property, may connect to the Sewer System if its proposed Sanitary Sewage and Industrial Waste flow is 800 GPD or less.

D. If an Improved Property within the Sewered Area, which is not a Developed Property proposes a Sanitary Sewage and/or Industrial Waste flow in excess of 800 GPD, individual sewage planning shall be required by, and at the sole cost of, the Owner thereof, including an evaluation of the potential to accommodate all or a portion of that property's wastewater needs through onsite disposal.

E. The quantity of Sanitary Sewage and Industrial Waste flow attributable to a property shall be determined in accordance with the Rate Resolution.

F. Any building or premises newly constructed on or after October 20, 2009 shall only be connected if such newly-constructed building or premises is equipped with plumbing fixtures and fittings that comply with the water conservation performance standards contained in the Pennsylvania Uniform Construction Code or any more stringent permitting requirement then imposed by any Regulatory Authority.

G. Compliance with all applicable rules and regulations of BCRA and this Township then in effect.

SECTION 2.08. The connection of an Improved Property to the Sewer System shall not be required, or permitted, in the event that the Township, in its sole discretion, determines that there is insufficient conveyance capacity to serve the Improved Property, and/or BCRA in its sole discretion, determines that there is insufficient treatment capacity to serve the Improved Property. In the event there is insufficient sewer conveyance and/or treatment capacity to serve any Improved Property, or property which an Owner desires to improve, such Owner may utilize such other sewage disposal system as approved by the Township and DEP.

SECTION 2.09. Until such time as the Township determines that there is available conveyance capacity, and BCRA determines there is available treatment capacity, in the Sewer System to service a property improved, or to be improved, after the enactment of this Ordinance, only Improved Properties existing

at the time of the enactment of this Ordinance shall connect to the Sewer System. After initial connections to the Sewer System, no new connection to the Sewer System will be permitted unless there is sufficient capacity, not legally committed to others, for both conveyance and treatment of the Sanitary Sewage and Industrial Waste which the new connection would contribute. Further, the Owner of an Improved Property existing at the enactment of this Ordinance shall not subdivide or develop the Improved Property in a manner that would create additional Sanitary Sewage and/or Industrial Waste flow unless the Township and BCRA determine, in their respective sole discretion, that conveyance and treatment capacity is available for that proposed increase.

SECTION 2.10. The Township reserves the right to refuse connection to the Sewer System, as well as the right to compel the discontinuance of the use of the Sewer System, as a result of the failure to comply with, or violation of, this Ordinance, the provisions and requirements of the ICA, STA, or such other agreements, limitations, restrictions and/or rules and regulations as shall be established herein, or otherwise shall be established by the Township and/or BCRA, from time to time.

ARTICLE III

Building Sewers and Connections

SECTION 3.01. No Person shall uncover, shall connect with, shall make any opening into, shall use, shall alter or shall disturb, in any manner, any Sewer or any part of the Sewer System without first making application for, and obtaining, a sewer connection permit, in the written form prescribed by the Township.

SECTION 3.02. Application for a sewer connection permit required under Section 3.01 shall be made by the Owner of the Improved Property served or to be served, or by a duly authorized agent of such Owner, and shall be supplemented by any plans, specifications and other information considered necessary or pertinent in the judgment of the Township or BCRA. The Owner, or his duly authorized agent, shall also pay to the Township at the time of application such connection fee, customer facilities fee, tapping fee and other similar fees, as enumerated and defined by clause (t) of subsection B of section 4 of the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945", as the same may be supplemented from time to time, as may be imposed by the Township pursuant to this Ordinance or established by the Rate Resolution. In addition, the Owner, or his duly authorized agent, shall obtain and provide, in connection with the application, a construction permit in accordance with the Pennsylvania Uniform Construction Code, as adopted by the Township, and pay a permit/inspection fee as required by the Township for approval of the Owner's installation of the Building Sewer to the Lateral.

SECTION 3.03. No Person shall make or shall cause to be made a connection of any Improved Property with a Sewer until such Person shall have fulfilled each of the following conditions:

A. Such Person shall have notified the Secretary or other designated representative of the Township, in writing, of the desire and intention to connect such Improved Property to a Sewer;

B. Such Person has submitted an application to the BCRA and the Township requesting such proposed new connection, the form of such application to be established from time to time by the rules and regulations of the Township and/or BCRA;

C. BCRA has provided written acknowledgement of the availability of Treatment Capacity to such Person and the Township, subject to such conditions and requirements as may be specified in such acknowledgement;

D. The Township provides written notification to such Person and BCRA of available collection and conveyance capacity, subject to such conditions and requirements as may be specified in that notice;

E. Such Person shall have applied for and shall have obtained a permit as required by Section 3.01;

F. Such Person submits to BCRA and the Township written evidence of such Person's receipt of a DEP approved

planning module amending the Act 537 Plan or a written waiver of the requirement for such module; provided, however, that this submission shall not be necessary for the connection of a Developed Property which is not proposing an increase in Sanitary Sewage and/or Industrial Waste flow of more than 800 GPD, either by a conversion of an existing use or redevelopment;

G. Such Person shall have given the designated representative of the Township satisfactory advance notice (but in no event less than 48 hours) of the time when such connection will be made so that the Township may supervise and inspect, or may cause to be supervised and inspected, the work of connection and necessary testing; and

H. If applicable, such Person shall have furnished satisfactory evidence to such designated representative of the Township that any tapping fee, connection fee and any other applicable fee or charge that may be charged and imposed by the Township against the Owner of each Improved Property who connects such Improved Property to a Sewer has been paid or satisfactorily accounted for.

SECTION 3.04. Except as otherwise provided in this Section 3.04, 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, but then only after special permission of the

Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Township.

SECTION 3.05. All costs and expenses of the acquisition, construction, operation and maintenance of a Building Sewer and of the Lateral (if required to be installed by an Owner) serving any Improved Property shall be borne by the Owner of the Improved Property served thereby, unless otherwise provided by the Township. All costs and expenses of connecting a Building Sewer to a Lateral, and connecting a Lateral to a Sewer (if required to be performed by an Owner), including such costs and expenses of acquiring, installing, operating and maintaining a grinder pump or similar apparatus approved by the Township, shall be borne by the Owner of the Improved Property so connected, unless otherwise provided by the Township. Each such Owner shall indemnify and shall save harmless the Township and BCRA from all loss or damage that may be occasioned, directly or indirectly, as a result of construction, connection, operation or use of a Building Sewer or of a Lateral.

SECTION 3.06. A Building Sewer and the appropriate Lateral (if applicable) shall be connected to a Sewer at the location designated by the Township. If the Township furnishes the Lateral, the Building Sewer shall be connected to the Sewer at the place where the Lateral is located. The Owner of each Improved Property shall provide the Township any information requested pertaining to the existing or proposed location of a Building Sewer and of the Lateral. The invert of a Building Sewer at the point of connection shall be at the same or a higher elevation (unless a grinder pump is required as part of the Building Sewer) than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Building Sewer and Lateral, or other designated point of connection, shall be made secure and watertight. The size, slope,

alignment, materials, and construction of the Building Sewer, and the methods to be used in excavating, placement of the pipe, joint testing and backfilling the trench, shall conform to the requirements of the Pennsylvania Uniform Construction Code, as adopted by the Township, and such further rules and regulations adopted by the Township, and in effect, at the time the application for connection is made.

SECTION 3.07. If the Owner of any Improved Property located within the Sewered Area which is adjoining or adjacent to any part of the Sewer System, after at least ninety (90) days notice from the Township, either by personal service, by registered or certified mail or by such other method as at the time may be provided by law, requiring the connection of such Improved Property with a Sewer, in accordance with Section 2.01, shall fail to connect such Improved Property and use the Sewer System, as required, the Township, or its agents, may enter upon such Improved Property and construct such connection. In such event, the Township shall send an itemized bill of the cost of construction to the Owner of the property to which connection has been made, which bill is payable immediately. If the Owner fails to pay the bill, the Township shall file a municipal lien for the cost of the construction within six months of the date of completion of the connection.

SECTION 3.08. The issuance of sewer connection permits shall only be available on a first-come, first-serve basis to the owner(s) of the Improved Property within the Sewer Area. All sewer connection permits must be paid for in full at the time of issuance thereof. If sewer connection permits are issued for a development with a number of lots, each lot shall be considered as a separate property hereunder. A plan of lots shall be presented together with any application for sewer connection permits to be issued for development with the number of lots.

Any such sewer connection permits shall be site-specific, and shall be based on specific plans presented with the application for the particular intended use for each requested sewer connection permit, and shall run with the title to the subject lot or parcel of land.

SECTION 3.09. An Owner who obtains a sewer connection permit for a new or revised subdivision or land development shall, upon request of the Township, execute a user agreement in form and substance acceptable to the Township, and shall pay the cost of recording the same in the Office for the Recording of Deeds in and for the County of Monroe, at Stroudsburg, Pennsylvania.

SECTION 3.10. A sewer connection permit shall not be assigned, nor transferred, without the advance written approval of the Township. Any such assignee shall agree in writing to be bound by the rules and regulations of the Township and shall execute and record any amendment/revision to the user agreement as may be required by the Township. At the option of the Township, any assignment without the approval of the Township shall result in the forfeiture of the sewer connection permit.

SECTION 3.11. An applicant for a sewer connection permit must hold legal or recordable title to a specifically described lot or parcel of land for which the sewer connection permit is sought.

SECTION 3.12. In addition to all other requirements contained in this Ordinance, an applicant or developer may only make application for sewer connection permits for a subdivision or land development plan after (1) official approval of a final subdivision or land development plan by the Township, (2) the recordation of the same, and (3) obtaining Act 537 waste water planning approval from the DEP.

SECTION 3.13. Before acceptance of any sewer connection permit application for a subdivision or land development plan, the applicant or developer must submit to the Township a detailed sewer plan that shows all the internal sewage connection lines within the development, which must be reviewed by the Township engineer, and officially approved by the Township and the DEP, if required.

ARTICLE IV

Rules and Regulations Governing Building Sewers, Laterals and Connections to Sewers

SECTION 4.01. Where an Improved Property, at the time connection to a Sewer is required, is served by its own sewage disposal system or treatment facility, the existing private sewer line shall be broken on the structure side of such sewage disposal system or treatment facility and attachment shall be made, with proper fittings, to continue such private sewer line as the Building Sewer and from there to the Lateral and the Sewer, in the manner approved by the Township.

SECTION 4.02. No Building Sewer or any Lateral constructed by the Owner shall be covered until it has been inspected and approved by the designated representative of the Township. If any part of a Building Sewer or Lateral 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 a Sewer.

SECTION 4.03. Every Building Sewer and every Lateral (if required to be constructed/installed by the Owner) serving any Improved Property shall be operated and maintained by the Owner of such Improved Property in a sanitary and safe operating condition to the continuing satisfaction of the Township, and in a manner which does not cause the Township to violate any applicable agreement with, or regulation by, BCRA, DEP or DRBC.

SECTION 4.04. Every excavation for a Building Sewer or for a Lateral shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Any Street, sidewalk and other property disturbed in the course of installation of a Building Sewer or Lateral shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to the Township.

SECTION 4.05. If any Person shall fail or shall refuse, upon receipt of a written notice from the Township, to remedy any unsatisfactory condition with respect to a Building Sewer or with respect to a Lateral, within thirty (30) days of receipt of such notice, the Township may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of the Township and, if applicable, BCRA, DEP and BCRA. Notwithstanding the foregoing, in the event of a condition with respect to said facilities which threatens health, property or legal liability, including damage to the BCRA Treatment Plant or permits, approvals, agreements or financial covenants of the Township, the Township may specify a lesser time or other manner of notice of such condition.

SECTION 4.06. The Township shall not be responsible for maintaining any portion of the Building Sewer, or its connection to a Lateral; or for damage done by water or sewage backing up or escaping therefrom.

SECTION 4.07. The Building Sewer, and all connections and fixtures furnished by the Owner shall be maintained by the Owner in good order, and all valves, meters and appliances, if any, furnished by the Township located on the property of the Owner shall be properly protected and cared for by the Owner. All leaks in the Building Sewer, the connection of the same to the Lateral, or any other pipe or fixture in or on the premises of the Owner, must be repaired immediately by the Owner of the Improved Property. The Owner of the Improved Property is responsible for paying all costs and expenses for maintaining sewage flow in the Building Sewer. If there is a blockage in the Building Sewer, the Owner is responsible for taking all necessary action to remedy the problem.

ARTICLE V

Tapping Fees and User Charges

SECTION 5.01. A Tapping Fee is hereby imposed against the Owner of any Improved Property to be served by the Sewer System which actually connects, or is required to be connected, to the Sewer System pursuant to the provision of Section 2.01. The Tapping Fee shall be set from time to time by resolution adopted by the Township Board of Supervisors.

SECTION 5.02. The Tapping Fee shall be due and payable upon the earlier of the time application is made to the Township to make connection to the Sewer System, or, if applicable, the date when the Township shall connect any Improved Property to the Sewer System, at the cost and expense of the Owner, once such Owner shall have failed to make such connection pursuant to Section 3.07 hereof, or in the case of properties to be connected following initial construction of the Sewer System, the date which is ninety (90) days after the date of issuance by the Township of the written notice to connect pursuant to Section 2.01.A.. Owners of an Improved Property which is attributed an additional number of EDU's, as defined by the Rate Resolution, shall pay a corresponding additional Tapping Fee at the time of being attributed the additional EDUs.

SECTION 5.03. A User Charge is hereby imposed upon the Owner of each Improved Property which is, or shall be, connected to the Sewer System, for use of the Sewer System, whether such use is direct or indirect, and for services rendered by, or on behalf of, the Township in connection therewith. At the discretion of the Township, such User Charge may be imposed upon the Owner of an Improved Property who fails or refuses improperly to connect such

Improved Property to the Sewer System, as compensation for the availability of service by the Township in connection with the Sewer System.

SECTION 5.04. The User Charge applicable to any Improved Property shall be set from time to time by resolution of the Township Board of Supervisors, and shall be payable by the Owner of each Improved Property commencing the earlier of: (1) the date of actual, physical connection of an Improved Property to the Sewer System, or (2) in the case of properties to be connected following initial construction of the Sewer System, the date which is ninety (90) days after the date of issuance by the Township of the written notice to connect; or (3) such other date established by the Township for commencement of the payment of the User Charge.

SECTION 5.05. All tapping fees and User Charges shall be payable to the Secretary of the Township, or to such other officer, representative or agent of the Township as shall be authorized, from time to time, by the Township, to accept payment thereof.

SECTION 5.06. Payment of tapping fees and User Charges imposed by the Township pursuant to the authority of this Ordinance, shall be calculated, administered and enforced by the Township in any manner appropriate under the laws, rules and regulations at that time in effect.

ARTICLE VI

Enforcement

SECTION 6.01. In addition to the rights and remedies set forth in Section 3.07, and elsewhere in this Ordinance, this Ordinance, and the rules and regulations adopted by the Township pursuant to Section 7.01, shall be enforced by an action before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who or which violates or permits a violation of the provisions of this Ordinance or such rules and regulations shall, upon conviction in a summary proceeding, pay a fine of One Thousand and 00/100 ($1,000.00) Dollars per violation, plus all court costs and reasonable attorney's fees incurred by the Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day, or a portion thereof, that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to the Township for its use for any purpose permissible under applicable law.

SECTION 6.02. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

SECTION 6.03. Whenever it has been determined that any person who has violated, is violating or permitting a violation of this Ordinance or rules and regulations adopted by the Township pursuant to Section 7.01, the Township may serve upon such person a written notice of violation, which shall be sent via certified or registered mail, to the last known address of the person, stating a notice of the violation. Within thirty (30) days of the date of the notice of violation, the person shall submit an application and a plan for the satisfactory correction thereof to the Township for review and approval, together with any required fee. Submission of a plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Township to take any action, including emergency actions or any other enforcement actions, without first issuing a notice of violation.

ARTICLE VII

Additional Rules and Regulations

SECTION 7.01 The Township will adopt, from time to time, additional rules and regulations as it shall deem necessary and proper pertaining to connection to, and use, operation, administration and protection of, the Sewer System, which additional rules and regulations, to the extent appropriate, shall be, and shall be construed as, part of this Ordinance as though fully set forth at length herein.

ARTICLE VIII

Effective Date

SECTION 8.01. This Ordinance shall become effective five (5) days after enactment.

ARTICLE IX

Severability

SECTION 9.01. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

ARTICLE X

Declaration Of Purpose

SECTION 10.01. It is declared that enactment of this Ordinance and the provisions hereof are necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of the Township.

ARTICLE XI

Continuation of Ordinance No. 149

SECTION 11.01. The provisions of this Ordinance are intended as a restatement, amendment and continuance of Pocono Township Ordinance No. 149.

ARTICLE XII

Repealer

SECTION 12.01. All ordinances or parts of ordinances, and all resolutions or parts of resolutions that are inconsistent with this Ordinance shall be, and the same expressly are, repealed, but only to the extent of such inconsistency.

ARTICLE XIII

Assignment and Delegation

SECTION 13.01 The Township shall have the right to assign any rights, and/or delegate any duties, hereunder to a municipal authority or to another local government unit, in Township's sole discretion.

DULY ENACTED AND ORDAINED, by the Board of Supervisors of the Township, in lawful session duly assembled, this 6th day of February 2013.

BOARD OF SUPERVISORS OF POCONO TOWNSHIP

BY: _____
Frank J.Hess, Chairman

BY: _____
Harold Werkheiser, Vice-Chairman

BY: _____
Henry Bengel, Supervisor

ATTEST:

_____
(Assistant) Secretary

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Pocono, Monroe County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of Ordinance No 2013-1, which duly was enacted by affirmative vote of a majority of all members of the Board of Supervisors of the Township at a meeting of said Board duly convened and held according to law on 2/6/2013, at which meeting a quorum was present; that said Ordinance duly has been recorded in the Ordinance Book of the Township; that said Ordinance duly has been published and made available for public inspection as required by law; and that said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 6TH day of FEBRUARY, 2013.

Secretary

(SEAL)