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CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 1

Construction Requirements

§101. Definitions. For the purpose of this Part 1, the following words and phrases shall have the meanings ascribed to them in this section.

CERTIFICATE - Certificate of approval of an Individual Sewage Disposal System by the Township Code Enforcement Officer after inspection of the completed system on the premises.

CODE ENFORCEMENT OFFICER - The officer or other designated authority charged with the administration and enforcement of the Department of Environmental Resources regulations regulating individual sewer disposal systems in Township of East Buffalo, or his duly authorized representative.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM - A sewage disposal system, other than a public or community system, which receives either human excreta or liquid waste, or both, from one or more premises. Included within the scope of this definition are septic tank soil absorption systems, privies, cesspools, chemical type toilets, and any other means of disposal of such wastes, other than a public or community sewer system.

PERSON - Any institution, public or private corporation, individual, partnership, or other entity. This shall include the owner of the premises as well as any person working for the owner, as agent or a contractor building for the owner.

PRELIMINARY CERTIFICATE - The Certificate issued by the Township Code Enforcement Officer, in writing, giving the specifications for an Individual Sewage Disposal System according to the standards of the Department of Environmental Resources of the Commonwealth of Pennsylvania.

TOWNSHIP ENGINEER - The duly appointed engineer for the Township of East Buffalo, or any person working under his direction.

(Ordinance 8, January 14, 1963; as amended by Ordinance 63, June 13, 1983)

§102. Regulations as to Individual Properties.

(1) From and after the effective date of this Part 1, no raw sewage, septic tank effluent, or seepage from a soil absorption system, shall be discharged to the surface of the ground, or into surface water, nor shall it be discharged as herein provided, into any rock formation, the structure of which is not conducive to purification of water by filtration, by any person in East Buffalo Township.

(2) From and after the effective date of this Part 1, no sewage, waste water or other effluent waste matter shall be disposed of by the use of a deep well, a septic tank, a mechanical disposal system, a cesspool, a sink-

hole, or other means, by any person in East Buffalo Township, without a Certificate. It being the intention of this Part 1 that all sewage disposal systems shall be hereafter set up, established, and maintained in accordance with the provisions of this Part 1 particularly hereinafter set forth.

(3) From and after the date of this Part 1, no person or persons shall commence the construction, alteration or extension of any kind or of any nature whatsoever of an Individual Sewage Disposal system without first making application for a Certificate to the Township Code Enforcement Officer. In the event a building is proposed to be constructed, the application for a Certificate shall accompany the application for a building permit, and the Township Code Enforcement Officer shall certify to the Building Official that such application has been made.

(4) Forthwith the Township Engineer shall make or observe all necessary tests according to the standards of the Pennsylvania Department of Environmental Resources, in effect at the time of application, on the lot or lots of the applicant.

(5) The Township Code Enforcement Officer shall prescribe in writing and deliver to the applicant the minimum specification for an Individual Sewage Disposal System based on the minimum standards of the Pennsylvania Department of Environmental Resources in effect at the time of the application, which in turn shall be based on the result of the percolation tests provided for in paragraph 4 above, and shall sign the same, which shall be effective as a preliminary approval to proceed with construction of the Individual Sewage Disposal System.

(a) Should the construction of a building be contemplated, the building permits shall not be issued by the Building Official of the Township until the Preliminary Certificate has been signed by the Township Code Enforcement Officer.

(6) In the event that the Certificate of Preliminary Approval of the Township Code Enforcement Officer is obtained and a building permit is issued by the Township, it is specifically required that the disposal system constructed upon the premises in question shall not be closed and no operation of said sewage disposal system shall be permitted until said installed system has been inspected by the Township Code Enforcement Officer. Furthermore, any person or persons installing any disposal system in accordance with the provisions of this Part 1, shall, after installation of said system but before closing or back-filling in or upon the system notify the Township Code Enforcement Officer that the installation of the system has been completed and is ready for inspection by the Township Code Enforcement Officer. The Township Code Enforcement Officer, upon receipt of such notice, shall proceed forthwith to the premises and shall inspect the installed system for the purpose of ascertaining whether or not said system complies with the approved specifications submitted by said Code Enforcement Officer with respect to the premises in question. In the event that said installation complies with the approved specifications for the installation of the system, the Township Code Enforcement Officer shall so advise the owner of the premises in writing and shall further certify in writing to the Building Official of the Township that the installed system is in conformity with the approved plans and meets the minimum standards of the Department of Health of the Commonwealth of Pennsylvania in effect at the time of the filing of the application.

(7) If upon inspection of the Township Code Enforcement Officer determines that the installed system does not meet minimum standards or does not comply with the specifications previously submitted to the applicant, the Township Code Enforcement Officer shall so specify the defects in said installed system, by writing, to the applicant. The applicant shall not put into operation the system until such defects have been corrected and until such system has been re-inspected and approved by the Township Code Enforcement Officer. There shall be an additional fee charged for each re-inspection of an installed system where such re-inspection is necessary for the reason set forth above.

(Ordinance 8, January 14, 1963; as amended by Ordinance 63, June 13, 1983)

§103. Regulations in Reference to Subdivisions.

(1) In the case of a subdivision plan for lands not served by the L.A.J.S.A., submitted by a proposed developer to the Township Supervisors of East Buffalo Township for approval, any such subdivision plan shall not be approved for any purposes by the Township Supervisors of East Buffalo Township unless concurrently with the submission of said plan to the Township Supervisors for their approval, there is submitted a certificate from the Township Code Enforcement Officer certifying that any and all buildings proposed to be erected on any and all lots within said subdivision, can be serviced by some type of soil absorption system for the disposal of sewage, waste water and/or effluent. The proposed developer of a subdivision need not submit any detailed or specific plans with respect to the method or methods of sewage waste of effluent disposal within the proposed subdivision but need only obtain the certificate of the Township Code Enforcement Officer certifying that some type of soil absorption system is practical for lot sizes proposed for the particular area or tract of land included within the subdivision, as stated above, based on percolation tests according to the standards of the Department of Health of Pennsylvania in effect for subdivisions at the time of application. As stated above, no building permit shall be issued with respect to any lot or lots within said subdivision unless the applicant or applicants for such permit or permits comply with the applicable provisions of this ordinance hereinabove set forth.

(2) In the case of a subdivision plan where no soil absorption system is adequate, the plan shall not be approved by the Supervisors unless a plan of a mechanical system of disposal is submitted to and approved by the Township Engineer. Such a plan for a mechanical disposal system must be submitted to the Township Engineer in detail, setting forth the exact type of disposal system. Where such a mechanical type of disposal system which is submitted for approval to the Township Engineer, the developer must show in detail his proposed plan for disposing of the sewage, waste water and/or effluent after purification by processing in the particular type of mechanical system so submitted for approval. In the event that such a mechanical system is approved by the Township Engineer, or where under law the approval must be obtained from the Pennsylvania Department of Environmental Resources the applicants for building permits with respect to lots included within said subdivision shall accompany such application with a certificate or reproduction thereof from the Township Engineer, or in applicable cases from the Pennsylvania Department of Environmental Resources indicating that the particular lot in question and the building proposed to be erected thereon, will be serviced by the mechanical disposal system previously approved. In the case of construction within a subdivision where a

mechanical system has been approved for a subdivision, the owner of the construction shall notify the Township Engineer after connecting to the mechanical system that such connection has been made. The owner, however, shall not close or backfill with respect to said connection until the same has been inspected and approved by the Township Engineer. The Township Engineer shall from time to time make periodic inspections with respect to any mechanical system of disposal within any subdivision where such a system has been approved.

(Ordinance 8, January 14, 1963; as amended by Ordinance 63, June 13, 1983)

§104. Mechanical Systems for Individual Residences, Commercial or Industrial Buildings. With respect to individual residences, commercial buildings or industrial buildings where no soil absorption system is approved by the Township Code Enforcement Officer, a plan for a mechanical system of disposal shall be submitted. The plans for such a mechanical system of disposal shall be submitted to the Township Engineer in detail and no such system shall be permitted to operate after installed until first inspected and approved by the Township Engineer. Furthermore, no back-filling or closing over of any mechanical system so installed shall be permitted without first notifying the Township Engineer that such mechanical system is installed, after which time the Township Engineer shall inspect the installation for the purpose of seeing whether or not the installation complies with the specifications so submitted and approved with respect to the particular premises of the building in question. An application for a building permit with respect to premises where no soil absorption system is adequate shall be accompanied by a certificate from the Township Engineer certifying that the proposed mechanical system for disposal is acceptable, or in cases where the Department of Environmental Resources approval is required, a certificate or reproduction thereof from the Pennsylvania Department of Environmental Resources shall be accepted in lieu of that required from the Township Engineer. (Ordinance 8, January 14, 1963; as amended by Ordinance 63, June 13, 1983)

§105. Deep Wells. The use of deep wells for the purpose of disposing of surface drainage or surface water is expressly prohibited in East Buffalo Township. (Ordinance 8, January 14, 1963)

§106. Fees.

(1) Any applicant for a building permit, at the time of making such application shall also make application for a certificate or certificates of approval of an Individual Sewage Disposal System on the premises in question. No person shall install an individual or community sewage disposal system, or construct any building in East Buffalo Township in Union County, in which an individual or community sewage disposal system is to be installed, without first obtaining a permit indicating that the site, plans and specifications of such system are in compliance with the Act of 1966 P.L. 1535 and the Rules and Regulations adopted pursuant to the Act. At the time such application for a certificate of approval of a proposed Individual Sewage Disposal System is made, there shall also be paid by the applicant, an application fee which shall be charged to the application accordance with the schedule of fees submitted to the Township by the Township Code Enforcement Officer.¹ The application for a certificate of approval of an Individual Sewage Disposal System shall be made to the Township Code Enforcement Officer of East Buffalo

Township and the application fee shall be paid to said Township Code Enforcement Officer at the time such application is made.

(2) The Township Engineer shall prepare and submit to the Township Supervisors a schedule of fees for his services to be rendered with respect to inspection of plans, if required, taking of percolation tests on the premises, observation of tests on premises, issuance of Preliminary Specifications, final inspection of installation, re-inspection of premises, if required, inspection of plans and installation of mechanical systems for both subdivisions and individuals, and inspections, relative to extensions, alterations, modifications and/or changes to existing systems. The schedule of fees so submitted by the Township Code Enforcement Officer shall be subject to the approval of the Supervisors of East Buffalo Township and any revisions thereof must be approved by the Township Supervisors.

(Ordinance 8, January 14, 1963; as amended by Ordinance 14, March 25, 1968; as amended by Ordinance 63, June 13, 1983)

1. Ordinance 14 provided that a fee in the sum of Thirty-Five Dollars (\$35.00) be paid to the Township Enforcement Officer at the time of making application for an individual or community sewage disposal system.

§107. Applications for Certificates.

(1) The application for a certificate shall be in writing, signed by the applicant, and shall include the following:

- (a) Name and address of the applicant or owner of the property.
- (b) Name of subdivision, lot and block number of property on which construction, alteration or extension is proposed on.
- (c) Union County tax assessment sheet and plot number.
- (d) Name and address of contractor or builder.

(2) The above application shall be signed, either by the owner of the property or the contractor or builder.

(Ordinance 8, January 14, 1963)

§108. General Provisions.

(1) The provisions of this Part 1 shall apply to any and all construction within the Township of East Buffalo, whether such construction be for residential, commercial and/or industrial purposes, and whether the construction is for a new system or the alteration or extension of old systems.

(2) The Supervisors of East Buffalo Township and/or their duly authorized agents including the duly appointed Township Code Enforcement Officer, shall have the right to enter upon any premises within the Township

at any time for the purpose of ascertaining whether or not the provisions of this Part 1 are being complied with by the owners and/or occupants of the premises in question.

(3) The provisions of this Part 1 are severable and if any one or more of the provisions should be declared to be unconstitutional, this shall in no way effect the validity of the remaining provisions of this Part 1.

(4) Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses. (Ordinance 289, December 14, 2006)

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 2

Holding Tanks

§201. Definitions. For the purpose of this Part 2, the following words and phrases shall have the meaning ascribed to them in this section:

BOARD OF SUPERVISORS - East Buffalo Township Board of Supervisors.

CERTIFICATE OF REGISTRATION - The written approval as issued by the Board of Supervisors and the Pennsylvania Department of Environmental Resources authorizing utilization of holding tanks.

HOLDING TANKS - A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage by pumping and hauling it to an approved discharge site. Holding tanks include but are not limited to the following:

CHEMICAL TOILET - A toilet using chemicals that discharge to a holding tank.

RETENTION TANK - A holding tank where sewage is conveyed to it by a water carrying system.

VAULT PIT PRIVY - A holding tank designed to receive sewage where water under pressure is not available.

IMPROVED PROPERTY - Any property within the Township of East Buffalo where there is erected a structure or structures intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which sewage shall or may be discharged, excepting that portion of said property utilized for the keeping of domesticated animals utilized in the operation of a farm.

OWNER - Any person or persons vested with ownership, legal or equitable, sole or partial, of any property located in East Buffalo Township.

PERSON(S) - Any individual, partnership, company, association, corporation or any other group or entity.

SEWAGE - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substances harmful, inimical, or contaminable to the public health, safety, or welfare, or to animal or aquatic life or to the use of any public or private water supplies used for domestic consumption or recreation.

TOWNSHIP - East Buffalo Township, Union County, Pennsylvania.

(Ordinance 31, September 8, 1975)

§202. Rules and Regulations.

(1) The Township is hereby authorized and empowered to control within the Township all methods of holding tank sewage disposal, collection, and transportation thereof.

(2) The Township is empowered and shall adopt such rules and regulations concerning sewage disposal which it may deem necessary from time to time to affect the purposes herein.

(3) All rules and regulations adopted by the Township will be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, rules and regulations of the Commonwealth of Pennsylvania.

(4) The Township shall have the right and power to fix, alter, and control rates, assessments, permit fees, and any other charges applicable to sewage disposal as provided for herein.

(5) The collection and transportation of all sewage from any improved property utilizing approved holding tank facilities shall be done under the direction and control of the Township and sewage disposal thereof shall be made only at site or sites as may be approved by the Commonwealth of Pennsylvania, Department of Environmental Resources.

(Ordinance 31, September 8, 1975)

§203. Permits and Certification.

(1) The owner of any property proposing to utilize holding tank or tanks for on-site disposal of their sanitary sewage shall:

(a) Apply for a Township sewage permit in accordance with the Pennsylvania Sewage Facilities Act; 1966 January 24, P.L. (1965) 1535, §1 et seq. (35 P.S. 750.1 et seq.).

(b) Attach proof of agreement between the owner and a certified sewage disposal hauler whereby the hauler contractually agrees to pump at regular intervals and dispose of, at an approved site, the waste from herein referred to holding tanks.

(c) Attach proof of agreement between the contract hauler and an approved waste disposal site satisfactory to the Commonwealth of Pennsylvania, Department of Environmental Resources.

(d) Within fifteen (15) days of the pumping of a holding tank forward to the Township the receipt for the said pumping which receipt shall be retained by the Township. (Ordinance 175, November 19, 1993)

(2) Additional Regulations.

(a) All waste disposal haulers authorized to pump, transport, and dispose of holding tank waste in the Township of East Buffalo shall furnish to the Township supervisors a schedule of their pumping quantities to allow the Township to ensure sufficient size and capability of the tank(s) being utilized.

(b) The Township, and/or its authorized representative, shall inspect all holding tanks prior to the installation of any holding tanks, their construction, water tightness, size and location, to determine if the same is in conformance with the sewage facilities application and shall inspect the same annually after installation. The Township shall retain the initial inspection report and all subsequent inspection reports. (Ordinance 175, November 19, 1993)

(c) If in the opinion of the Township or its authorized representative any holding tank facility is broken, leaking, or not being satisfactorily pumped at regular intervals, the Township shall file violation proceedings and require immediate correction by the owner or operator of the property site involved.

(Ordinance 31, September 8, 1975)

§204. Violations.

(1) Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses. (Ordinance 289, December 14, 2006)

(2) In addition to any other remedies provided in this Part 2, any violation of any of the provisions herein shall constitute a public nuisance and may be abated by the Township by seeking appropriate, equitable or legal relief from a Court of competent jurisdiction.

(Ordinance 31, September 8, 1975; as amended by Ordinance 63, June 13, 1983; and by Ordinance 132, February 27, 1989)

§205. Severability. If any sentence, clause, section or part of this Part 2 is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Part 2. It is hereby declared as the intent of the Board of Supervisors of the Township that this Part 2 would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein. (Ordinance 31, September 8, 1975)

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 3

Connection to Sewer System

§301. Connection to Sewer System Required.

(1) The owner of each improved property within the Township limits not already connected to the Sewer System which is benefited, improved or accommodated by a sanitary sewer and which is or shall become accessible to the Sewer System of the Lewisburg Area Joint Sewer Authority (hereinafter referred to as Authority), and upon which there is generated sanitary sewage or industrial waste, shall, upon receipt of written notice from the Township, connect such improved property to the Sewer System without delay in accordance with the rules and regulations of the Authority currently in effect. For the purpose of this ordinance, an improved property shall be deemed accessible to the Sewer System of the Authority if (a) such property shall abut upon or adjoin a public street, alley, road or other public highway or an easement or right-of-way in which there is a collection line of the Sewer System owned, leased or operated by the Township or the Authority or (b) if any part of the principal building on such property is within one hundred fifty (150) feet of a collection sewer line. (Ordinance 203, October 14, 1996)

(2) If any owner of improved property required to be connected to said Sewer System, shall neglect or refuse to connect therewith after written notice so to do, the Township may give such owner written notice making reference to this Section §301 and ordering such owner to make the required connection within sixty (60) days of the date of said notice, and upon failure of such owner to make the required connection within said sixty (60) day period the Township or its agents may, in accordance with the provisions of the Second Class Township Code, enter upon such property and construct such connection and, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the property owner which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill it shall be the duty of the proper Township officials and Township solicitor to file municipal liens for said construction within six (6) months of the date of the completion of the construction of said connection.

(3) It shall be unlawful, sixty (60) days from the receipt of written notice pursuant to §301(2) of this ordinance in the case of new connections or pursuant to this §301(1), (2) and (3) in the case of other violations, for any person, firm or corporation (a) to own, maintain, operate, or use within the Township a privy, cesspool, vault, septic tank or similar receptacle for sanitary sewage upon any property now or hereafter improved, which is accessible to the Sewer System, (b) to connect any such privy, cesspool, vault, septic tank or similar receptacle with any sewer line, (c) to discharge sanitary sewer or industrial waste into any storm sewer or other sewer or outlet other than the Sewer System of the Authority, or (d) to violate the Rules and Regulations of the Authority governing the Sewer System.

(4) No owner of property shall be permitted to discharge into the Sewer System any waste or drainage other than sanitary sewage except as may be expressly permitted by the Rules and Regulations of the Authority currently in effect.

(5) Notices to property owners under §301(1) and (2) of this ordinance may be given either by personal service or by registered mail sent to the last known address of such owner.

(Ordinance 33, January 5, 1976; as amended by Ordinance 63, June 13, 1983; by Ordinance 132, February 27, 1989; and by Ordinance 289, December 14, 2006)

§302. Covenants of Township. In recognition of the necessity of requiring connections to the Sewer System in order to protect the public health, in order to comply with the requirements of the Department of Environmental Resources of the Commonwealth of Pennsylvania, and in order to enable the Authority to finance the construction of the Project, and to assure continuous operation of the Sewer System, the Township hereby covenants and agrees with the Authority and with the holders from time to time of the outstanding bonds of the Authority that the Township will not repeal or rescind §301 of this Part 3 so long as any of said bonds shall remain outstanding; that the Township will not amend said Section in such way as to render ineffectual the intent and purpose thereof; that it will promptly give the notices contemplated by §301(1), (2) and (3) hereof in such sequence and orderly fashion, in the light of the practical time limits required for connections to be made and the availability of skilled labor to perform the work, to the end that all accessible properties may be expeditiously connected; and that it will at all times vigorously enforce the requirements hereof and prosecute violations. (Ordinance 33, January 5, 1976)

§303. Authority Rules and Regulations.

(1) The Township hereby approves the Rules and Regulations of the Authority adopted on August 10, 1972, as amended, and agrees to cooperate with the Authority in the enforcement thereof.

(2) A copy of said Rules and Regulations of the Authority, and all amendments thereof, shall be filed with the Township Secretary for inspection by any interested parties.

(Ordinance 33, January 5, 1976)

§304. Severability. If any of the provisions, sections, sentences, clauses or parts of this ordinance or the application of any provision hereof shall, for any reason, be held invalid, such invalidity shall not affect or impede any of the remainder of this ordinance, it being the intention of the Township that such remainder shall be and remain in full force and effect. (Ordinance 33, January 5, 1976)

§305. Penalties. Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part

shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses.

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

Part 4

Easements and Rights of Way

§401. Grant of Easement. East Buffalo Township does grant to the Lewisburg Area Joint Sewer Authority, its successors and assigns, all easements, rights of way and other rights and privileges necessary and desirable in, along, over and under streets, roads, lanes, courts, cul-de-sacs, alleys, public ways, public squares and other properties of East Buffalo Township, together with free ingress, egress and regress therein and thereto, along with other persons having interests or rights therein, for use in connection with constructing, replacing, repairing, altering, extending, improving, operating and maintaining a sanitary sewer system as the same shall exist, from time to time.

§402. Rules and Regulations. The rights and privileges granted to Lewisburg Area Joint Sewer Authority under §401 hereof shall be exercised by the Lewisburg Area Joint Sewer Authority under and subject to such reasonable rules and regulations as shall be adopted and specified, from time to time, by resolution or ordinance of East Buffalo Township; and East Buffalo Township does reserve the right to adopt and specify, from time to time, such reasonable rules and regulations in connection with exercise by the Lewisburg Area Joint Sewer Authority of such rights and privileges.

§403. Severability. 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 East Buffalo Township that such remainder shall be and shall remain in full force