

BOROUGH OF BEECH CREEK
Clinton County, Pennsylvania

ORDINANCE NO. 2018-01

OF THE BOROUGH OF BEECH CREEK, CLINTON COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS BOROUGH AND WHICH IS ADJOINING AND ADJACENT TO THE SANITARY SEWER SYSTEM OWNED BY BEECH CREEK BOROUGH AUTHORITY TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH SEWER SYSTEM; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS BOROUGH TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES TO ANY SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND REQUIRING ABANDONMENT THEREOF WHEN DIRECTED TO DO SO BY THIS BOROUGH; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Council of the Borough of Beech Creek, Clinton 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:

A. "Authority" shall mean Beech Creek Borough Authority, a municipality authority existing and governed pursuant to provisions of the Municipality Authorities Act (53 Pa.C.S. Ch. 56), as amended and supplemented, of the Commonwealth;

B. **“Borough”** shall mean the Borough of Beech Creek, Clinton County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives;

C. **“Building Sewer”** shall mean the extension from the sewage drainage system of any structure to the Lateral of a Sewer;

D. **“Commonwealth”** shall mean the Commonwealth of Pennsylvania;

E. **“Improved Property”** shall mean any property within this Borough 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;

F. **“Industrial Establishment”** shall mean any Improved Property located in this Borough and 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 located in this Borough, from which wastes, in addition to or other than Sanitary Sewage, shall be discharged;

G. **“Industrial Wastes”** shall mean any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage;

H. **“Lateral”** shall mean that part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, to the property line or, if no such Lateral shall be provided, then **“Lateral”** shall mean that portion of, or place in, a Sewer that is provided for connection of any Building Sewer;

I. **“Owner”** shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

J. **“Person”** shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity;

K. **“Sanitary Sewage”** shall mean normal water-carried household and toilet wastes from any Improved Property;

L. **“Sewer”** shall mean any pipe or conduit constituting a part of the Sewer System and used or usable for sewage collection purposes;

M. "Sewer System" shall mean all facilities, as of any particular time, for collecting, transmitting, treating or disposing of Sanitary Sewage and/or Individual Wastes, situate in or about this Borough, and owned by the Authority;

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

ARTICLE II

Use of Public Sewers Required

SECTION 2.01. The Owner of any Improved Property which is adjoining and adjacent to and whose principal building is within 150 feet from a Sewer shall connect such Improved Property with such Sewer, in such manner as the Authority may require, within 60 days (or such other longer period of time as may be prescribed by the Authority in its direction) after notice to such Owner from this Borough, or from the Authority on its behalf, to make such connection, for the purpose of discharging all Sanitary Sewage and Industrial Wastes from such Improved Property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time.

SECTION 2.02. All Sanitary Sewer and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer shall be required under Section 2.01, shall be conducted into such Sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time.

SECTION 2.03. No Person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Borough any Sanitary Sewage or Industrial Wastes in violation of Section 2.01.

No Person shall discharge or shall permit to be discharged to any natural outlet within this Borough any Sanitary Sewage or Industrial Wastes in violation of Section 2.01, except where suitable treatment has been provided that is satisfactory to the Authority.

SECTION 2.04. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any Improved Property that has been connected to a Sewer or that shall be required under Section 2.01 to be connected to a Sewer.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Authority, shall be cleansed and shall be filled, at the expense of the Owner of such Improved Property, unless otherwise provided for by the Authority, under the direction and supervision of the Authority; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Authority, not cleansed and 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 at any time shall be connected with a Sewer.

SECTION 2.06. The notice by the Authority on behalf of this Borough, to make a connection to a Sewer, referred to in Section 2.01, shall include a reference to this Ordinance, including any amendments or supplements at the time in effect, in 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 sixty (60) days (or such other longer period of time as may be prescribed by the Authority in its discretion) from the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place that can receive and can convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be given or served to the Owner by personal service or registered (certified) mail.

ARTICLE III

Building Sewers and Connections

SECTION 3.01. No Person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any Sewer or any part of the Sewer System without first obtaining a permit, in writing, from the Authority.

SECTION 3.02. Application for a permit required under Section 3.01 shall be made by the Owner of the Improved Property served or to be served or by the duly authorized agent of such Owner.

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 designated representative of the Authority of the desire and intention to connect such Improved Property to a Sewer;

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

C. Such Person shall have given such designated representative of the Authority at least 48 hours notice of the time when such connection will be made so that the Authority may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and

D. If applicable, such Person shall have furnished satisfactory evidence to such designated representative of the Authority that any tapping fee or other charge imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Sewer has been paid.

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, or more than one structure discharging sewage on a single Improved Property, on one Building Sewer shall not be permitted, except under special permission of the Authority, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Authority.

SECTION 3.05. All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer shall be borne by the Owner of the Improved Property to be connected; and such Owner shall save harmless this Borough and 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.

SECTION 3.06. A Building Sewer shall be connected to a Sewer at the place designated by the Authority and where, if applicable, the Lateral is provided.

The invert of a Building Sewer at the point of connection shall be at the same or a higher elevation than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Building Sewer to the Lateral shall be made secure and watertight.

SECTION 3.07. If the Owner of any Improved Property which is located within the Borough and which is adjoining and adjacent to a Sewer, and whose principal building is within 150 feet from a Sewer, after 60 days (or such

other longer period of time prescribed by the Authority) notice, in accordance with Section 2.01, shall fail to connect such Improved Property and use the Sewer System, as required, this Borough, or the Authority on its behalf, may make such connection and may collect from such Owner the costs and expenses thereof in the manner permitted by law.

ARTICLE IV

Rules and Regulations Governing Building Sewers and Connections to Sewers

SECTION 4.01. Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as a Building Sewer.

SECTION 4.02. 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 a Sewer.

SECTION 4.03 Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

SECTION 4.04. Every excavation for a Building Sewer 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 shall be restored, at the costs and expense of the Owner of the Improved Property being connected, in a manner satisfactory to the Authority.

SECTION 4.05. If any Person shall fail or shall refuse, upon receipt of a written notice of the Authority, to remedy any unsatisfactory condition with respect to a Building Sewer within thirty (30) days (or other period of time prescribed by the Authority) of receipt of such notice, the Authority may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory conditions shall have been remedied to the satisfaction of the Authority.

SECTION 4.06. This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and with the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance. Notwithstanding the foregoing, nothing herein shall prohibit the Authority from adopting from time to time additional rules and regulations as it shall deem necessary and proper relating to connection with the sewer and the Sewer System.

ARTICLE V

Enforcement

SECTION 5.01. Any Person who shall violate this Ordinance shall be subject, upon being found liable therefor in appropriate legal enforcement proceeding commenced by this Borough, or the Authority on its behalf, to a penalty of not more than One Thousand (\$1,000.00) Dollars, together with all court and related costs, and reasonable attorney fees, incurred by this Borough and the Authority. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and the violating party shall be liable as such.

SECTION 5.02. Penalties, fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE VI

Effective Date

SECTION 5.03. This Ordinance shall become effective on the earliest date permitted by law.

ARTICLE VII

Severability

SECTION 7.01. 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 provisions, section, sentence, clause or part of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE VIII

Declaration of Purpose

SECTION 8.01. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Borough.

ARTICLE IX

Repealer

SECTION 9.01. 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.

DULY ENACTED and ORDAINED this 6th day of February, 2018, by Council of the Borough of Beech Creek, Clinton County, Pennsylvania.

ATTEST:

BOROUGH OF BEECH CREEK

Veronica Rosen

By: *William T. Keeney*
President

Approved this 6th day of February, 2018.

Melvin B. Oakley
Mayor

CHAPTER XVIII

SEWERS AND SEWAGE DISPOSAL

Part 1

Connections Required

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Part 1
Connections Required

§101. Definitions.

AUTHORITY - Beech Creek Borough Authority as originally organized and as presently or hereafter constituted, which has been created by the Borough Council of the Borough of Beech Creek and to which has been referred by the Borough Council of the Borough of Beech Creek the specific project of sewers.

BOROUGH - the Borough of Beech Creek, Clinton County, Pennsylvania, or the duly constituted and elected municipal officials therefor.

OCCUPIED BUILDING - each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family unit contained within any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage is, or may be, discharged.

PERSON - an individual, firm, company, association, society, corporation or group.

PROPERTY ACCESSIBLE TO THE SEWER SYSTEM - improved property which adjoins, abuts on, or is adjacent to the sewer system or any portion thereof or any public street, alley or way in which there is a sewer line and upon which property the principal building thereon is within one hundred fifty (150) feet from such sewer line.

SANITARY SEWAGE - the normal water carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

SEWER SYSTEM - the public sanitary sewer collection system, together with appurtenant facilities about to be acquired and constructed for the Borough and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Borough or to any part or parts of any or all thereof.

(Ord. 66-2, 7/14/1966, §1)

§102. Notice. Whenever the sewer system is completed and ready for public use, it shall be the duty of the Borough to cause notice of the fact to be given by advertisement published once in one (1) newspaper of general circulation in the Borough, and such advertisement shall state that the sewer system may be used by all persons owning occupied buildings on property accessible to the sewer system, subject to the payment of connection charges, if any, and of annual sewer rentals in amounts as may from time to time be fixed by the Borough. (Ord. 66-2, 7/14/1966, §2)

§103. Connection.

1. All person owning any occupied building now erected upon property in the Borough accessible to the sewer system shall, at their own expense, connect such building with the sewer system within sixty (60) days after the date of publication specified in §102.

(XVIII, sec. 103(2))

2. All persons owning any property in the Borough accessible to the sewer system upon which an occupied building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the sewer system.

3. All persons owning any occupied building upon property in the Borough which hereafter becomes accessible to the sewer system shall, at their own expense, connect such building with the sewer system within sixty (60) days after notice to do so from the Borough.

4. When more than one (1) occupied building, as hereinbefore defined, is contained in a separate structure, a single common connection to the lateral of the sewer system may be permitted for accommodating all units contained in such structure, except that separate connections shall be required for each semidetached or row-type house or structure.

(Ord. 66-2, 7/14/1966, §3)

§104. Prohibitions. It shall be unlawful for any person owning any property in the Borough accessible to the sewer system to erect, construct or use or maintain or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sanitary sewage after the expiration of the particular period specified in §103, hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Borough, the storm sewers of the Borough or upon public or private property or otherwise, except into the sewer system. (Ord. 66-2, 7/14/1966, §4)

§105. Nuisance. Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any property accessible to the sewer system, or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of sanitary sewage in violation of this Part, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Borough is hereby authorized and directed to abate in the manner provided by law. (Ord. 66-2, 7/14/1966, §5)

§106. Rules and Regulations. No connection shall be made to the sewer system, except in compliance with the ordinances and resolutions, as well as such rules and regulations as may, from time to time, be enacted, adopted, approved or promulgated by the Borough or the Authority. (Ord. 66-2, 7/14/1966, §6)

§107. Service of Notice. After the expiration of the particular periods specified in §103 of this Part, if any owner of an occupied building on property in the Borough accessible to the sewer system shall have failed to connect such property with the sewer system as required by said §103, the Borough shall cause to be served on the owner of such property so failing to connect to said sewer system, and also upon the occupants of the building in question, a copy of this Part and a written or printed notice requiring such connection to be made, and such notice shall further state that its requirements shall be complied with within thirty (30) days from the date thereof. If the owner or owners of such property have no residence, or cannot be found in the Borough, then a copy of this

Part and such notice shall be posted upon such property and shall further be mailed by registered United States mail to such owner or owners or his or their agent or attorney to his or their last known address. (Ord. 66-2, 7/14/1966, §7)

§108. Penalties. The provisions of this Part are declared to be for the health, safety and welfare of the citizens of the Borough and persons violating any provision of this Part, upon conviction before any Justice of the Peace of Clinton County, shall be fined twenty-five dollars (\$25.00) and costs and, in default of the payment of each such fine, shall undergo imprisonment in the County jail for a period of ten (10) days. Each ninety (90) day period during which such violation of such provision shall continue shall be deemed to be a separate offense. Each occupied building, as hereinbefore defined, whether or not the owners thereof shall be permitted to connect two (2) or more occupied buildings or units by a single common connection to a lateral of the sewer system or shall be required to make separate connections for each occupied building or unit, shall constitute a separate and distinct unit under the provisions of this Part and the persons owning occupied buildings, consisting of multiple units contained in the same structure, who violate any of the provisions of this Part, shall be subject to the aforesaid fine for each and every one (1) of such occupied buildings or units which are in violation of the provisions of this Part. (Ord. 66-2, 7/14/1966, §8)

§109. Authority Granted. Borough hereby grants to Authority all and every easement, right-of-way and any and all other rights necessary or desirable on, over or under the public streets, sidewalks and alleys in the Borough, for the purpose of constructing the sewer system therein. (Ord. 66-2, 7/14/1966, §9)