

## Chapter 225

### SEWERS AND SEWAGE DISPOSAL

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[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek 2-6-2018 by Ord. No. 2018-01. Amendments noted where applicable.]

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#### § 225-1. Definitions.

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

**AUTHORITY** — Beech Creek Borough Authority, a municipality authority existing and governed pursuant to provisions of the Municipality Authorities Act (53 Pa.C.S.A. Chapter 56), as amended and supplemented, of the commonwealth;

**BOROUGH** — 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;

**BUILDING SEWER** — The extension from the sewage drainage system of any structure to the lateral of a sewer;

**COMMONWEALTH** — The Commonwealth of Pennsylvania;

**IMPROVED PROPERTY** — 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;

**INDUSTRIAL ESTABLISHMENT** — 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;

**INDUSTRIAL WASTES** — Any and all wastes discharged from an industrial establishment, other than sanitary sewage;

**LATERAL** — That part of the sewer system extending from a sewer to the curblin or, if there shall be no curblin, 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;

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property;

PERSON — Any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity;

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property;

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

SEWER SYSTEM — 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;

STREET — Any street, road, lane, court, cul-de-sac, alley, public way or public square.

**§ 225-2. Use of public sewers required.**

- A. 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.
- B. All sanitary sewer and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under § 225-2A, 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.
- C. Deposits and discharges.
  - (1) 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 § 225-2A.
  - (2) 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 § 225-2A, except where suitable treatment has been provided that is satisfactory to the Authority.
- D. Use and abandonment of privy vaults and similar receptacles.

- (1) 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 § 225-2A to be connected to a sewer.
  - (2) 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.
- E. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
- F. The notice by the Authority on behalf of this Borough, to make a connection to a sewer, referred to in § 225-2A, 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 chapter and specifying that such connection shall be made within 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.

**§ 225-3. Building sewers and connections.**

- A. 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.
- B. Application for a permit required under § 225-3A shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
- C. 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:
- (1) Such person shall have notified the designated representative of the Authority of the desire and intention to connect such improved property to a sewer;
  - (2) Such person shall have applied for and shall have obtained a connection permit as required by § 225-3A;
  - (3) 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

- (4) 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.
- D. Except as otherwise provided in this § 225-3D, 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.
- E. 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.
- F. Place of connection; lateral.
- (1) A building sewer shall be connected to a sewer at the place designated by the Authority and where, if applicable, the lateral is provided.
- (2) 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.
- G. 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 § 225-2A, 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.

**§ 225-4. Rules and regulations governing building sewers and sewer connections.**

- A. 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.
- B. 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.

- C. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- D. 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.
- E. 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 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.
- F. 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 chapter. 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.

#### **§ 225-5. Violations and penalties; enforcement.**

- A. Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Clinton County. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Penalties, fines and costs imposed under provisions of this chapter shall be enforceable and recoverable in the manner at the time provided by applicable law.

#### **§ 225-6. When effective.**

This chapter shall become effective on the earliest date permitted by law.

**§ 225-7. Severability.**

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

**§ 225-8. Declaration of purpose.**

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

**§ 225-9. Repealer.**

All ordinances or parts of ordinances and all resolutions or parts of resolutions that are inconsistent with this chapter shall be and the same expressly are repealed.