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PART 1
CONNECTIONS

A. Definitions.

§18-101. Definitions.

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

AUTHORITY — Moshannon Valley Joint Sewer Authority, a Pennsylvania municipal authority.

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

BOROUGH — the Borough of Philipsburg, Centre County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

IMPROVED PROPERTY — any property located 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 room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of a business enterprise for the manufacturing, fabricating, processing, cleaning, laundering or assembling of any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

INDUSTRIAL WASTES — any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

LATERAL — that part of the sewer system extending from a sewer to the curblineline or, if there shall be no curblineline, to the property line or if no such lateral shall be provided, than "lateral" shall mean that portion of or place in a sewer which 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 or other group or entity.

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SANITARY SEWAGE — normal water carried household and toilet wastes discharged from any improved property.

SEWER — any pipe, main or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM — all facilities, as of any particular time, for collecting and transporting sanitary sewage and industrial wastes, situate in or adjacent to this Borough.

(Ord. 820, 9/25/1975, Art. I, §1.01)

B. Use of Public Sewers Required.

§18-111. When Connection is Required.

1. The owner of any improved property benefitted, improved or accommodated by a sewer shall connect such improved property with such sewer, in such manner as this Borough may require, within 45 days after notice to such owner from this Borough to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough or the Authority, from time to time.
2. Every owner of property (hereinafter "property owner"), including but not limited to any individual, firm, corporation or other entity in the Borough of Philipsburg, Centre County (hereinafter called the "Borough"), which property meets the connection conditions contained in Subsection 3 below shall, at the property owner's cost, connect and keep connected any house, building or other structure located on the property (hereinafter collectively "structure") to the public sewer collection system (hereinafter "system") operated and maintained by the Borough.
3. A property owner must connect or keep connected any structure that is located within 150 feet of any sewer main or any other portion of the system and that:
 - A. Uses or is connected to any private or public water supply;
 - B. Uses or is connected to any non-public system for disposing of sanitary or industrial wastes; or
 - C. Generates any sanitary or industrial wastes.
4. The owner of any structure that is not within 150 feet of a public sewer main or any other portion of the system shall not be required, but shall be permitted, to connect to the system. Any such connection shall be at the sole cost of the property

owner and shall be done pursuant to the same standards as for any structure that is located within 150 feet of the system.

(Ord. 820, 9/25/1975, Art. II, §2.01; as amended by Ord. 1047, 8/13/2007, §§1, 2, 3)

§18-112. Use of Sewer Subject to Restriction After Connection.

All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer as required by §18-111, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough or the Authority, from time to time.

(Ord. 820, 9/25/1975, Art. II, §2.02; as amended by Ord. 888, 3/2/1981, §1)

§18-113. Unlawful Deposit or Discharge of Sewage.

1. No person shall place or deposit or permit to be placed or deposited upon public or private property within the Borough any sanitary sewage or industrial wastes in violation of §18-111.
2. No person shall discharge or permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of §18-111, except where suitable treatment has been provided which is satisfactory to this Borough.

(Ord. 820, 9/25/1975, Art. II, §2.03)

§18-114. Sewage Receptacles Prohibited After Connection; Manner of Discontinuance.

1. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any improved property which as been connected to a sewer or which shall be required under §18-111 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 this Borough, shall be cleansed and filled at the expense of the owner of such improved property and under the direction and supervision of this Borough and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, 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.

(Ord. 820, 9/25/1975, Art. II, §2.04)

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§18-115. Sewage Receptacle Connection to Sewer Prohibited.

No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

(Ord. 820, 9/25/1975, Art. II, §2.05)

§18-116. Serving of Notice to Connect.

The notice by this Borough to make a connection to a sewer, referred to in §18-111, shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring the connection in accordance with the provision of this Part and specifying that such connection shall be made within 45 days from the date a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

(Ord. 820, 9/25/1975, Art. II, §2.06)

C. Building Sewers and Connections.

§18-121. Independent Connection Required; Exception.

Except as otherwise provided in this Section, 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 and for good sanitary reasons or other good cause shown and then only after special permission of this Borough and the Authority, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Borough or the Authority.

(Ord. 820, 9/25/1975, Art. III, §3.01)

§18-122. Costs Borne by Owner; Indemnification of Borough.

All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer, including testing, shall be borne by the owner of the improved property to be connected and such owner shall indemnify and 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 to a sewer.

(Ord. 820, 9/25/1975, Art. III, §3.02)

§18-123. Location and Manner of Connection.

A building sewer shall be connected to a sewer at the place designated by this Borough and where the later 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.

(Ord. 820, 9/25/1975, Art. III, §3.03)

§18-124. Borough May Make Connection if Owner Defaults.

If the owner of any improved property benefitted, improved or accommodated by a sewer, after 45 days' notice from this Borough requiring the connection of such improved property with a sewer, in accordance with §18-111, shall fail to connect such improved property, as required, this Borough may make such connection and may collect from such owner the costs and expenses plus 10% thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

(Ord. 820, 9/25/1975, Art. III, §3.04; as amended by Ord. 888, 3/2/1981, §1)

D. Rules and Regulations Governing Building Sewers and Connections to Sewers.

§18-131. Conversion of House Sewer to Building Sewer.

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

(Ord. 820, 9/25/1975, Art. IV, §4.01)

§18-132. Inspection Before Covering of Building Sewer.

No building sewer shall be covered until it has been inspected and approved by this Borough. 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.

(Ord. 820, 9/25/1975, Art. IV, §4.02)

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§18-133. Maintenance of Building Sewer.

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

(Ord. 820, 9/25/1975, Art. IV, §4.03)

§18-134. Warning Devices at Excavation Sites; Restoration of Public Property.

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and all other public places disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Borough.

(Ord. 820, 9/25/1975, Art. IV, §4.04)

§18-135. Failure to Remedy Unsatisfactory Conditions.

If any person shall fail or refuse, upon receipt of a notice from this Borough or the Authority, in writing, to remedy any unsatisfactory conditions with respect to a building sewer, within 45 days of receipt of such notice, this Borough or 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 this Borough and the Authority.

(Ord. 820, 9/25/1975, Art. IV, §4.05)

§18-136. Additional Rules and Regulations.

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 the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as a part of this Part.

(Ord. 820, 9/25/1975, Art. IV, §4.06)

E. Enforcement.

§18-141. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in

default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 820, 9/25/1975, Art. V, §5.01; as amended by Ord. 888, 3/2/1981, §1; and by A.O.

§18-142. Enforcement and Recovery of Fine and Costs.

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

(Ord. 820, 9/25/1975, Art. V, §5.02

F. Declaration of Purpose.

§18-151. Purpose.

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

(Ord. 820, 9/25/1975, Art. VIII, §8.01

PART 2

SEWER RENTALS AND CHARGES

§18-201. Definitions.

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

AUTHORITY — Moshannon Valley Joint Sewer Authority acting by and through its Board or in appropriate cases acting by and through its authorized representatives.

ABNORMAL INDUSTRIAL WASTES — any industrial wastes having a suspended solids content or B.O.D. appreciably in excess of that normally found in sanitary sewage. For the purposes of this Part any industrial wastes containing more than 350 ppm of suspended solids or having a B.O.D. in excess of 300 ppm shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in sanitary sewage.

BILLING UNIT — a commercial establishment, a dwelling unit, an industrial establishment and in institutional establishment.

B.O.D. — designates its "biochemical oxygen demand" and means the quantity of oxygen utilized in the biochemical oxidation of the organic matter in sewage under standard laboratory procedure for five days at 20 degrees Celsius, expressed in parts per million by weight. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

BOROUGH — the Borough of Philipsburg, Centre County, Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

COMMERCIAL ESTABLISHMENT — any room, group of rooms, building or enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article, or service or used or intended for use for any social, amusement, religious, educational, charitable or public purpose and containing plumbing facilities for kitchen, toilet or washing facilities.

DWELLING UNIT — any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by person living alone.

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GARBAGE — solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce.

IMPROVED PROPERTY — any property 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 room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

INDUSTRIAL WASTES — any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

MULTIPLE UNIT — any improved property in which shall be located more than one billing unit.

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

PERSON — any individual, partnership, company, association, society, corporation, trust, governmental body, political subdivision, municipality, municipal authority or other group or entity.

pH — the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

ppm — parts per million by weight.

PROPERTY SHREDDED GARBAGE — the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

SANITARY SEWAGE — normal water-carried household and toilet wastes from any improved property.

SERVICE AGREEMENT — the service agreement, dated as of September 1, 1975, between the Authority on the one hand and the Borough of Philipsburg and the Township of Rush, both located in Centre County, Pennsylvania, and the Borough of Chester Hill, Clearfield Count, Pennsylvania, on the other hand; provid-

ing, inter alia for the reception, transportation, treatment and disposal of sewage from the sewage collection system by the Authority, together with any supplements and amendments from time to time made thereto.

SEWAGE — sanitary sewage and/or industrial wastes.

SEWAGE COLLECTION SYSTEM — all facilities, as of any particular time, for collecting and disposing of sewage, operated by this Borough.

SEWAGE DISPOSAL SYSTEM — all facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of sewage, acquired, constructed, owned and operated by the Authority.

SEWER — any pipe or conduit constituting a part of the sewage collection system used or usable for sewage collection purposes.

SUSPENDED SOLIDS — solids that either float on the surface or are in suspension in water, sanitary sewage, industrial wastes or other liquids and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

UNPOLLUTED WATER — any water or waste containing none of the following:

- A. Free of emulsified grease or oil.
- B. Acid or alkali.
- C. Phenols or other substances imparting taste and odor to receiving waters.
- D. Toxic or poisonous substances in suspension, colloidal state or solution.
- E. Obnoxious or odorous gases.

It shall not contain more than 10,000 ppm of dissolved solids of which not more than 2,500 ppm shall be as chloride and not more than 10 ppm each of suspended solids and B.O.D. The color shall not exceed 50 ppm. Analysis for any of the above mentioned substances shall be made in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

WATER COMPANY — any publicly or privately owned duly authorized agency, corporation or organization that supplies water to customers within this Borough.

(Ord. 822, 9/25/1975, §1)

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§18-202. Sewer Rentals and Charges.

Sewer rentals and other charges are imposed upon and shall be collected from the owner of each improved property which shall be connected to the sewage collection system, for use of the sewage collection system, whether such use shall be direct or indirect and for services rendered by this Borough in connection therewith, including any charges payable by this Borough to the Authority pursuant to the service agreement, which sewer rentals and charges shall commence and shall be effective as of the date of connection, directly or indirectly, of the sewage collection system to the sewage disposal system and shall be payable in accordance with the following schedule of rates and classifications.

(Ord. 822, 9/25/1975, §2)

§18-203. Computation of Sewer Rentals and Other Charges.

1. Flat Rates for Dwelling Units, Commercial Establishments, Industrial Establishments and Institutional Establishments. In addition to any other applicable charges imposed hereunder, sewer rentals and charges for sewage discharged into the sewage collection system from any improved property constituting a dwelling unit, a commercial establishment, an industrial establishment or an institutional establishment shall be on a flat-rate basis of \$420 per annum per equivalent dwelling unit, payable monthly at the rate of \$35 per month. Tap-on fees shall be established by Borough Council by resolution.¹

Classification	Equivalent Dwelling Unit(s)
Each Dwelling Unit	1
Commercial Establishments	
Each retail store not falling into any other classification set forth hereinafter	1
Each business or professional office:	
Five or less employees	½
Each additional five employees or fraction thereof	½
Each improved property having a commercial (1/2 horsepower or greater) garbage grinder, for each such grinder, which charge shall be in addition to any charge for any other classification applicable to such improved property as set forth herein	1
Each hotel or motel (in addition to any charge for restaurant facilities located therein) per rental room	1/2

¹ Editor's Note: The current fee resolution is on file in the office of the Borough Secretary.

Classification	Equivalent Dwelling Unit(s)
Each restaurant, club or tavern (whether a separate improved property or located within an improved property, per 20 seats or fraction thereof)	1
Each church	1
Each service station or automobile repair garage:	
Three bays or less (without car wash facilities)	1
Three bays or less (with car wash facilities)	2
Each additional bay over three	1/2
Each laundromat, per five washers or fraction thereof	1
Each separate car washing establishment not falling within the classification of a service station or automobile repair garage	1
Each bowling alley (in addition to any charge under a restaurant, club or tavern above, if applicable) per six lanes or fraction thereof	1
Each barbershop:	
Two chairs or less	1/2
Each additional chair	1/2
Each beauty shop:	
One chair	1/2
Each additional chair	1/2
Each retail store with meat and/or vegetable preparation facilities, per employee food preparation station	1
Doctor and dental offices.	
Two exam rooms	1/2
Each additional exam room	1/2
Each municipal building	1
Each fire house	1
Each post office	1
Each financial institution (banks, etc.)	1
Each funeral home	1

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Classification	Equivalent Dwelling Unit(s)
Institutional Establishments	
Each public or private day school per pupil, based upon the daily average number of pupils enrolled on days when the school was in session during the immediately preceding full school term (teachers and employees shall be classified and treated as pupils for purposes of this part), including day care centers.	1 per 22 pupils
Each public or private resident school per pupil, based upon the daily average number of pupils enrolled on days when the school was in session during the immediately preceding full school term (teachers and employees shall be classified and treated as pupils for purposes of this Part)	1 per 22 pupils
Industrial Establishments	
Industrial establishments not providing showers for employees:	
Ten or less employees	1
Each additional five employees over ten or fraction thereof	1/2
Industrial establishments providing showers for employees:	
Ten or less employees	1 1/2
Each additional five employees over ten or fraction thereof	1

2. If use or classification of any property should change within any monthly period, the difference in the sewer rental shall be prorated in accordance with the Moshannon Joint Valley Sewer Authority regulations. Additional classifications or changes in classifications may be established by this Borough, from time to time.
3. Additional Flat Rate Classifications and Modification of Flat Rate Classifications. This Borough reserves the right, from time to time, to establish additional flat rate classifications and to establish monthly rates therefor, and this Borough further reserves the right, from time to time, to alter, modify, revise and/or amend flat rate classifications and the rates applicable thereto.
4. Multiple Users. The foregoing sewer rentals and charges, as appropriate, shall be used in computing the sewer rentals or charges applicable to each billing unit located in a multiple unit connected to the sewage collection system as though such billing unit was in a separate structure and had a direct and separate connection to the sewage collection system.

5. Special Agreements. Notwithstanding any provision in this Part to the contrary, this Borough shall have the right, based upon good reasons and circumstances existing, to enter into special agreements with the owner of any improved property, with respect to terms and conditions upon which sewage may be discharged to the sewage collection system and with respect to payments to be made to this Borough in connection therewith. In such event, such service and payments with respect thereto shall be governed by terms and conditions of such special agreement.

(Ord. 822, 9/25/1975, §3; as amended by Ord. 890, 5/18/1981, §1; by Ord. 958, 1/9/1995, Arts. I and II; by Ord. 1010, 5/13/2002, §1; by Ord. 1039, 4/10/2006; by Ord. 1045, 4/9/2007, §1; and by A.O.

§18-204. Surcharge for Certain Industrial Wastes.

1. Any person discharging industrial wastes to the sewage collection system having a B.O.D. in excess of 300 ppm shall pay a strength-of-waste surcharge in an amount equal to the product of the actual volume of wastes in thousand gallons per monthly billing period, discharged to the sewage collection system and the "B.O.D. surcharge rate." The "B.O.D. surcharge rate" shall be determined by this Borough pursuant to the following formula:

$$Rc = 0.00834 P (C300)$$

Rc = the B.O.D. surcharge rate in center per 1,000 gallons of waste discharged.

P = the average annual fixed operation and maintenance cost of secondary treatment processes per pound of B.O.D. received at the treatment plant of the Authority, such secondary processes shall include chlorination as well as activated sludge processes (prior to completion of the first year of operation of the Authority's treatment plant, the value of "P" shall be assumed to be 0.05 dollars).

C = the average B.O.D. of abnormal industrial wastes expressed in ppm as determined in accordance with subsection (5) hereof.

The figure "300" appearing on the above formula corresponds to the maximum B.O.D. permissible without surcharge. The figure "0.00834" is the factor to convert ppm to pounds per 1,000 gallons. No discount will be permitted for any industrial wastes having a B.O.D. less than 300 ppm.

2. Any person discharging industrial wastes to the sewage collection system having a suspended solids concentration in excess of 350 ppm shall pay a strength-of-waste surcharge in an amount equal to the product of the actual volume of wastes in thousand gallons per billing period, discharged to the sewage collection system and the "suspended solids surcharge rate." The "suspended solids surcharge rate" shall be determined by this Borough pursuant to the following formula:

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$R_s = 0.00834 B (S-350)$.

R_s = the suspended solids surcharge rate per 1,000 gallons of water discharged.

B = the average annual fixed operation and maintenance cost of sludge digestion, sludge drying and sludge disposal operations per pound of suspended solids received at the treatment plant of the Authority (prior to completion of the first year of operation of the Authority's treatment plant the value of " B " shall be assumed to be 0.05 dollars).

S = the average suspended solids concentration of abnormal industrial wastes expressed in ppm as determined in accordance with subsection (5) hereof.

The figure "350" appearing on the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. The figure "0.00834" is the factor to convert ppm to pounds per 1,000 gallons. No discount will be permitted for any industrial wastes having a suspended solids concentration of less than 350 ppm.

In the case of industrial wastes containing heavy metals, either in suspension or solution or when in the opinion of this Authority the suspended solids do not represent the true characteristics of the solids loading, this Borough reserves the right to use total solids instead of suspended solids in the formula provided above for surcharge purposes under this subsection.

3. In the case of industrial wastes containing substances or materials which can be treated by the Authority only with extra care and costs and where neither surcharge state above shall apply, this Borough reserves the right to accept such industrial wastes only after a study of the same has been made and a formula for discharge and regulations applicable to such discharge have been made.
4. All surcharges provided for in this Section will be in addition to the rentals and charges provided for in §18-203.
5. The strength of any industrial wastes shall be determined monthly or more frequently, by samples taken at the manhole provided for in §18-205(3) or at any other sampling point agreed to by the Authority, this Borough and the person discharging the industrial wastes. The frequency and duration of the sampling period shall be such as, in the opinion of the Authority, will permit a reasonably reliable determination of the average composition of the said wastes. Samples shall be collected by a representative of the Authority in proportion to the flow of waste composited for analysis in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association. Except as herein provided, the strength of the waste as found by analysis shall be used for establishing any applicable surcharge or surcharges herein provided for. however, the Authority may, if it so elects, accept the results of routine sampling and analysis by the person discharging said wastes in lieu of making its own samplings and analysis.

(Ord. 822, 9/25/1975, §4)

§18-205. Regulations Governing Admission of Industrial Wastes Into the Sewage Collection System.

1. No person shall discharge or cause to be discharged into the sewage collection system any industrial wastes except upon application to this Borough and the Authority and upon receipt of a written permit therefor from this Borough and the Authority.
2. Required Survey Data. Any person desiring to make or use a connection to the sewage collection system through which industrial wastes shall be discharged into such sewage collection system shall file with this Borough and the Authority an "industrial wastes questionnaire," to be furnished by the Authority, which shall supply to this Borough and the Authority pertinent data, including estimated quantity of flow, characteristics and constituents, with respect to industrial wastes proposed to be discharged into the sewage collection system. The cost of obtaining all such data shall be borne by the person desiring to make or use a connection to the sewage collection system.
3. Control Manholes. Any person who shall discharge industrial wastes into the sewage collection system, when required by the Authority, shall construct and thereafter properly maintain, at his own expense, a suitable control manhole and other devices as may be approved by the Authority to facilitate observation, measurement and sampling by the Authority of industrial wastes discharged to the sewage collection system. Any such control manhole, when required by the Authority, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by the Authority prior to commencement of construction.
4. Changes in Types of Wastes. Any industrial establishment discharging sanitary sewage and/or industrial wastes into the sewage collection system and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes at the time being discharge into the sewage collection system shall notify this Borough and the Authority, in writing, at least 10 days prior to consummation of such change.
5. Interceptors. Grease, oil and sand interceptors shall be provided by the owner of any industrial establishment, when required by the Authority, for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand or other harmful ingredients. Any intercept, when required by the Authority, shall be of a type and capacity approved by the Authority and constructed or installed at any accessible, safe, suitable and satisfactory location in accordance with plans approved by the Authority prior to installation or commencement of construction.

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6. This Borough reserves the right to require industrial establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewage collection system.
7. This Borough reserves the right to refuse connection to the sewage collection system or to compel discontinuance of the use of the sewage collection system for deleterious industrial wastes or to require pretreatment and equalization of flow of such wastes in order to prevent harmful or adverse effect upon the sewage collection system and/or the sewage disposal system. The design, construction and operation of such pretreatment and flow equalization facilities shall be made at the sole expense of the person discharging said wastes and subject to the approval of the Authority or its designated representatives.
8. In general, any industrial wastes will be considered harmful to a sewage collection system and/or the sewage disposal system that may cause any of the following damaging effects:
 - A. Chemical reaction either directly or indirectly with the materials of construction of the sewage collection system in such a manner as to impair the strength or durability of any sewage structures.
 - B. Mechanical action that will destroy any sewerage structures.
 - C. Restriction of the hydraulic capacity of any sewerage structures.
 - D. Restriction of the normal inspection or maintenance of sewerage structures.
 - E. Danger to public health and safety.
 - F. Obnoxious conditions inimical to public interest.
9. Any person discharging to the sewage collection system industrial wastes or industrial wastes and sanitary sewage together shall:
 - A. Permit the employees or authorized representatives of the Authority to enter upon the property of the person discharging said wastes at reasonable times for the purpose of making such tests of the industrial wastes or sanitary sewage and making inspections of any facility of the person discharging said waste which contributes wastes to the sewage collection system as the Authority may deem necessary or appropriate. A representative of the person may accompany any Authority inspection of the facilities.
 - B. Analyses.
 - (1) Make analyses of the discharge or discharges to the sewage collection system at intervals required by the Authority to ensure that the restrictions on the nature or composition of the discharge defined herein are met.

- (2) Furnish to the Authority the results of such tests.
 - (3) Promptly investigate all complaints made by the Authority as to the nature or composition of the wastes discharged to the sewage collection system.
 - (4) Take steps promptly to exclude or reduce to acceptable limits, waste which may overload or adversely affect the proper and sufficient operation of the sewage collection system and/or the sewage disposal system or otherwise violate the limits provided herein. Said tests shall be made in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association.
- C. Be solely responsible for any damages which occur to the sewage collection system and/or the sewage disposal system and are directly attributable to wastes discharged by said person in excess of the limits provided herein or provided by separate agreement with this Borough and/or the Authority. It is understood that commonly accepted scientific methods shall be used in determining the cause of any damage.
10. This Borough reserves the right to discontinue all service to persons discharging industrial wastes or industrial wastes and sanitary sewage upon a 72 hour written notification to the person prior to its discontinuance of service upon the happening of any one or more of the following conditions:
- A. Upon notice of a violation of any Federal, State, County or municipal law or ordinance or resolution or rule or regulation of any duly constituted authority relating to the discharge of effluent from the sewage collection system which violation is directly attributable to the industrial wastes of said person. In such event, this Borough shall notify said person of discontinuance of service based upon such violation.
 - B. In the event that the industrial wastes discharged exceed the concentration limitations imposed herein.
 - C. In the event that the industrial wastes discharged cause any damage whatsoever to the sewage collection system and/or the sewage disposal system and such damage is directly attributable to such discharge. Service may be resumed upon the correction of any such deficiency.

(Ord. 822, 9/25/1975, §5)

§18-206. Measuring of Volume of Industrial Wastes and Sanitary Sewage.

Whenever volume of industrial wastes and/or sanitary sewage is required under this Part to compute sewer rentals and other charges imposed hereunder or required in connection with any other provision contained herein, the provisions of this Section shall be applicable.

A. Methods of Measuring Volume.

- (1) Whenever the entire water supply of an improved property or, if applicable, a billing unit or billing units located therein, constituting a commercial, institutional or industrial establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewage collection system, is supplied by the water company, the volume of water furnished, as determined from meter readings of the water company, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals and charges, subject to adjacent, if appropriate, as provided in this Part.
- (2) Whenever an improved property or, if applicable, a billing unit or billing units located therein, constituting a commercial, institutional or industrial establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewage collection system, shall have a source or sources of water supply in addition to or other than that supplied by the water company, the owner of such improved property shall provide a meter or meters on such additional or other source or sources of water supply. The total volume of water consumed, as determined from the meter readings of the water company and the meter readings of the meter or meters on such additional or other source or sources of water supply or the meter readings of the meter or meters on such other source or sources of water supply, as appropriate, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing the sewer rentals and charges, subject to adjustment, if appropriate, as provided in this Part.
- (3) Whenever an improved property or, if applicable, a billing unit or billing units located therein, constituting a commercial, institutional or industrial establishment shall use water supplied by the water company and/or water from a source or sources of supply in addition to or other than that supplied by the water company for cooling or unpolluted commercial or industrial process purposes and all or part of the water so used shall not be discharged into the sewage collection system, the volume used as the measure of discharge of sanitary sewage and/or industrial waste in computing sewer rentals and charges may be adjusted by one of the following methods:
 - (a) By installing a meter or other measuring device on the connection to the sewage collection system. The readings from such

meter or measuring device shall be used as the measure of discharge or sanitary sewage and/or industrial wastes in computing sewage treatment rates and charges.

(b) By installing a meter or other measuring device to measure the volume not being discharged into the sewage collection system. The readings from such meter or measuring device shall be deducted from the total water meter readings and the remainder shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals and charges.

(c) If it is not practical, in the opinion of this Borough, to install a meter or other measuring device to determine continuously the volume not discharged into the sewage collection system, this Borough shall determine in such manner and by such method as it may prescribe, the percentage of metered water which is being discharged into the sewage collection system. The quantity of water used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals and charges shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to such estimated percentage shall be submitted to this Borough, after notice of such estimate. The decision of this Borough with respect to the matter shall be final for the then current calendar year.

(4) Whenever an industrial establishment shall discharge only industrial wastes into the sewage collection system, the volume of water used, measured as herein provided, shall be used as a measure of the quantity of industrial wastes so discharged.

(5) Whenever an industrial establishment shall discharge combined sanitary sewage and industrial wastes into the sewage collection system the volume of water used, measured as herein provided, chargeable as industrial wastes shall be the total volume of water used, less the volume of water determined to be sanitary sewage.

B. Measuring Devices. Meters or other measuring devices which shall not be available in connection with the water company, but which shall be required or permitted under provisions of this Part, shall be furnished and installed in accordance with specifications of this Borough and the Authority by the owner of the improved property at his expense, shall be under the control of this Borough and may be tested, inspected or repaired by this Borough whenever necessary. The owner of the improved property upon which such meter or other measuring device shall be installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made at

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the expense of the owner, whether such repairs shall be made necessary by ordinary wear and tear or other causes.

- C. Meter Readings. This Borough, except to the extent that meter readings are made by any other person in connection with the water company and are made available for this Borough for purposes of this Part, shall be responsible for the reading of all meters or other measuring devices and the same shall be available to this Borough and the Authority at all reasonable times.

(Ord. 822, 9/25/1975, §6)

§18-207. Prohibited Wastes.

1. The discharge of excessive amounts of unpolluted water or waste to the sewage collection system is expressly prohibited.
2. The discharge of garbage to the sewage collection system, except properly shredded garbage, is expressly prohibited.
3. No person shall discharge or cause to be discharged any stormwater, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, uncontaminated cooling water or unpolluted industrial process waters, cellar drainage or drainage from roof leader connections into any sewer.
4. No person shall connect or cause to be connected with a sewage collection system, directly or indirectly, any steam exhaust, boiler, blow-off, sediment, drip or any pipe carrying or constructed to carry hot water, acid, germicide, grease, gasoline, naphtha, benzene, oil or any other substance detrimental to the sewage collection system or the sewage disposal system.
5. Except as herein otherwise provided, no sanitary sewage and/or any industrial wastes shall be discharged into the sewage collection system having any of the following characteristics:
 - A. Wastes containing liquids, solid or gases which by reason of their nature or quality may cause fire, explosion or be in any other way injurious to persons, the structures of the sewage disposal system or its operation.
 - B. Wastes having a temperature in excess of 150 degrees Fahrenheit or less than 32 degrees Fahrenheit.
 - C. Wastes having a pH lower than 6.0 or higher than 9.0 or having a corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewage collection system and/or the sewage disposal system. This Borough reserves the right to require any person discharging industrial wastes into the sewage collection system to install and maintain, at his own expense, in a manner approved by this Borough and the Authority,

a suitable device to continuously measure and record the pH of the industrial wastes so discharged.

- D. Wastes containing any noxious or malodorous gas or substance which either singly or by interaction with sewage or other wastes, in the opinion of the Authority, is likely to create a public nuisance or hazard to life or prevent entry to sewerage structures for their maintenance and repair.
- E. Wastes containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime slurry or viscose material of such character or in such quantity that, in the opinion of the Borough and the Authority, they may cause an obstruction to the flow in any sewer or otherwise interfere with the proper operation of the sewage collection system or the sewage disposal system. Attention is called to the fact that the maximum permissible concentration will vary throughout the system, depending upon the size of the particular receiving sewer and the flows therein.
- F. Wastes containing insoluble, nonflocculent substances having a specific gravity in excess of 2.65.
- G. Wastes containing soluble substances in such concentrations as to cause the specific gravity of the waste to be greater than 1.1.
- H. Wastes containing any of the following substances in solution or in suspension, in concentrations exceeding those shown in the following table:

Substance	Maximum Permissible Concentration
Phenolic compounds C_5H_6OH	0.005 mg/l
Cyanides as CN	0.025 mg/l
Cyanates as CNO	1.0 mg/l
Iron as Fe	1.5 mg/l
Trivalent Chromium as Cr	1.0 mg/l
Hexavalent Chromium as Cr	0.05 mg/l
Nickel as Ni	1.0 mg/l
Copper as Cu	1.0 mg/l
Lead as Pb	0.10 mg/l
Tin as Sn	1.0 mg/l
Zinc as Zn	2.0 mg/l
Cadmium as Cd	0.1 mg/l
Methylene Blue Active Substances	1.0 mg/l

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Substance	Maximum Permissible Concentration
Sulfates	200.0 mg/l
Arsenic	0.1 mg/l
Barium	1.0 mg/l

- I. Wastes containing more than 30 ppm by weight of fat, oil or grease.
 - J. Wastes containing more than 10 ppm of any of the following gases:
 - (1) Hydrogen sulfide.
 - (2) Sulfur dioxide.
 - (3) Nitrous oxide or any of the halogens.
 - K. Wastes containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.
 - L. Any waste containing toxic substances in quantities sufficient to interfere with the biochemical processes of sewage treatment works or that will pass through the sewage treatment works and exceed State, Federal or interstate requirements for the discharge of effluent from the sewage treatment works into the receiving stream.
 - M. Any toxic radioactive isotopes without a special permit.
6. Where necessary, all owners shall install suitable pretreatment facilities in order to comply with subsection (5) of this Section.
- A. Plans, specification and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of this Borough and the Authority and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from this Borough and the Authority and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction.
 - B. Whenever facilities for preliminary treatment and handling of wastes shall have been provided by any owner, such facilities continuously shall be maintained, at the expense of such owner, in satisfactory operating condition and this Borough and the Authority shall have access to such facilities at reasonable times for purposes of inspection and testing.
7. Nothing contained in this Section shall be construed as prohibiting any special agreement or arrangement between this Borough and any person whereby indus-

trial wastes of unusual strength or character may be admitted into the sewage collection system by this Borough, either before or after preliminary treatment.

(Ord. 822, 9/25/1975, §7)

§18-208. Time and Method of Payment.

1. Sewer rentals or charges imposed by this Part shall be payable monthly.
2. Sewer rentals or charges shall be due and payable as provided in Subsection (1) of this Section and the appropriate amount computed in accordance with this Part shall constitute the net bill. If sewer rentals or charges are not paid within 30 calendar days after the same becomes due and payable, an additional sum of 10% shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill.
3. Every owner of an improved property which is connected to the sewage collection system initially shall provide this Borough with and thereafter shall keep this Borough advised of his correct address. Failure of any person to receive monthly bills for sewer rentals or charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(Ord. 822, 9/25/1975, §8; as amended by Ord. 913, 7/2/1984; by Ord. 916, 2/4/1985; and by A.O.

§18-209. Liens.

Sewer rentals and other charges imposed by this Part shall be a lien on the improved property connected to and served by the sewage collection system and any sewer rentals and other charges which are delinquent shall be filed as a lien against the improved property connected to and served by the sewage collection system, which lien shall be filed and collected in the manner provided by law for the filing and collecting of municipal claims.

(Ord. 822, 9/25/1975, §9)

§18-210. Access to Premises.

This Borough shall have the right to access, at reasonable time, to any part of any improved property served by the sewage collection system and any meters used for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by this Borough in connection with the sewage collection system and the Authority in connection with the sewage disposal system.

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(Ord. 822, 9/25/1975, §10)

§18-211. Additional Rules and Regulations.

This Borough reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewage collection system, which rules and regulations shall be, shall become and shall be construed as part of this Part.

(Ord. 822, 9/25/1975, §11)

PART 3
RETAINING TANKS

§18-301. Purpose.

The purpose of this Part is to provide for and regulate the use, maintenance and removal of retaining tanks, to protect the residents and inhabitants of Philipsburg Borough from danger, harm and health hazards due to inadequate or malfunctioning onsite sewage systems, to permit the development of lands with the use of retaining tanks under carefully controlled and regulated circumstances, to regulate the use and maintenance of retaining tanks in conformity with the law, statutes and regulations of the Commonwealth of Pennsylvania and the Department of Environmental Protection and to provide a temporary alternative to discontinuing otherwise lawful land use by the inhabitants and residents of the Borough of Philipsburg.

(Ord. 959, 11/13/1995, §1)

§18-302. Definitions.

For the purposes of this Part, the following words and phrases shall have the meaning ascribed to them by this Section, unless the context clearly indicates otherwise:

ACT — the Pennsylvania Sewage Facilities Act, 35 P.S. §§750.1 – 750.20, from time to time, amended.

BOROUGH — the Borough of Philipsburg, Centre County, Pennsylvania.

COUNCIL — the Council of the Borough of Philipsburg.

CERTIFICATE OF REGISTRATION — written approval as issued by the Borough of Philipsburg and the Department of Environmental Protection authorizing utilization of retaining tanks.

DEPARTMENT; DEP — the Pennsylvania Department of Environmental Protection or its successor agency.

DISPOSAL SITE — a suitable facility for the final disposition of human and animal sewage and wastes, which facility shall have been and remains approved for such purposes by the Department of Environmental Protection.

IMPROVED PROPERTY — any property or lot within the Borough upon which there is erected a structure or structures intended for periodic or continuous habitation, occupant or use by human beings or animals and from which sewage shall or may be discharged.

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OFFICER — the duly appointed Sewage Enforcement Officer of the Borough.

OWNER OR LANDOWNERS — any person or persons vested with ownership, legal or equitable, sole or partial of any property located either wholly or partially within the borders of the Borough of Philipsburg.

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

REGULATIONS — the regulations of the Department of Environmental Protection, Pa. Code, Title 25, subpart C, Chapters 71, 72 and 73, as adopted and amended and all future regulations of the Department pertaining to retaining tanks.

RETAINING TANK — a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. The term includes, but is not limited to, the following:

- A. **Chemical Toilet.** A permanent or portable nonflushing toilet using chemical treatment in the retaining tank for odor control.
- B. **Holding Tank.** A tank, whether permanent or temporary, to which sewage is conveyed by a water carrying system.
- C. **Privy.** A tank designed to receive sewage where water under pressure is not available.
- D. **Incinerating Toilet.** A device capable of reducing waste materials to ashes.
- E. **Composting Toilet.** A device for holding and processing human and organic kitchen waste employing the process of biological degradation through the action of microorganisms to produce a stable, humus like material.
- F. **Recycling Toilet.** A device in which the flushing medium is restored to a condition suitable for reuse in flushing.

RETAINING TANK CLEANER — a municipal authority, County authority, person, natural or legal entity, including the retaining tank owner or tenant in possession who removes the contents of a retaining tank for the purposes of disposing of the same at another site.

SEWAGE — normal water carried household and toilet wastes from any improved property.

VACATION HOME OR CAMP — structures intended for recreation uses only and not as permanent residences which are not occupied for more than 60 days in any calendar year.

(Ord. 959, 11/13/1995, §2)

§18-303. Use of Retaining Tanks.

Retaining tanks may be used subject to the provisions of this Part to serve as:

- A. Temporary sewage disposal from existing structures where a malfunction in the presently installed onsite sewage treatment system cannot be suitably repaired due to unsuitability of soils or other factors.
- B. Temporary sewage disposal for new construction in any area of the Borough for which a revision to the Borough's Official Sewage Facilities Plan has been approved by the Department.
- C. Temporary sewage disposal for new construction to permit use of a structure while the ultimate system is being installed. Provided, required Borough and Department Official Sewage Facilities Plan approvals are obtained.
- D. Disposal of sewage for new construction where such construction is to be used as a hunting camp or vacation home as defined in §18-302 of this Part. Provided, required Borough and Department Official Sewage Facilities Plan approvals are obtained.
- E. Sewage disposal from existing structures within the Borough where on-lot sewage disposal facilities are not feasible due to unsuitability of soils or other factors. Provided, Borough and Department Official Sewage Facilities Plan approvals are obtained.

(Ord. 959, 11/13/1995, §3)

§18-304. Application for Permit.

- 1. Any owner or landowner seeking to use a retaining tank for temporary sewage disposal on any lot situated wholly or partially within the Borough shall, after receipt of Borough and Department Official Sewage Facilities Plan approval, obtain a permit from the Borough Sewage Enforcement Officer.
- 2. Permit application shall be made on a form supplied by the Borough, available at the office of the Borough Secretary, upon request.
- 3. The landowner shall file a completed and executed application for permit with the Borough Secretary and shall pay to the Secretary such application and other fees as Council may, from time to time, prescribe by resolution.
- 4. The landowner shall cooperate with the Borough's Sewage Enforcement Officer and all other Borough officials at all stages of the application process.

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5. In addition to the completed application set forth in subsection (1) above, the owner shall provide the Borough with true and correct copies of the following, prior to any grant of permit:
 - A. A written contract between the land owner and a qualified and responsible retaining tank cleaner for the term of the retaining tank permit, which contract shall provide for the timely and regular removal of the contents of the retaining tank by the retaining tank cleaner and for the removal and transportation of said contents.
 - B. A copy of a written contract between the retaining tank cleaner and one or more disposal sites approved by Department of Environmental Protection, providing the retaining tank cleaner the right to dispose of the retaining tank contents for a time at least until the end of the period for which the retaining tank permit is requested, which contract shall conform to 25 Pa.C.S.A., Chapters 71, 72 and 73.
 - C. An agreement to reimburse and indemnify the Borough for any liability, costs and expenses, including legal fees and court costs and costs of Borough Engineer and Sewage Enforcement Officer's time, which shall or may be incurred by the Borough in actions to enforce compliance by the landowner or to remove the contents of the retain tank or the retaining tank itself upon default or failure of any landowner to comply with this Part of Department of Environmental Protection regulation or for any fines incurred by the Borough by reason of the landowner failure to comply with this Part, any properly enacted amendment hereto or the laws and regulations of the Commonwealth of Pennsylvania. The agreement shall be reviewed by the Borough Solicitor and accepted by Council.
 - D. When required by Council, bonding or other surety in such kind and amount as shall be acceptable to Council.
 - E. As a part of the permit application, the applicant shall consent and agree that the Borough, its employees, agents and assigns, at the Borough's election, shall have the right to enter at any time and without notice upon the premises of the applicant for the purpose of inspecting, testing, repairing, removing or causing the removal of any retaining tank which remains in place in violation of this Part. This right of entrance shall extend to all employees of the Borough, the Borough Engineer and Solicitor and any entity employed by the Borough with regard to the matter. All costs, fees and expenses incurred by the Borough, its agents and employees as set forth above shall be the responsibility of and shall be collectible from the applicant in addition to any other penalties under this Part or State law or regulation.
6. In the case of an existing or new privy being used at a vacation home or camp as defined herein, Council may authorize a short form application and renewal form and a reduced fee.

(Ord. 959, 11/13/1995, §4)

§18-305. Permit Term and Renewal.

1. Each permit shall be issued for a term not to exceed one calendar year, except as specified herein. Terms of less than one year may be set by resolution of the Borough Council in specific cases. Term of up to two years may be set for specific permits for privies as set forth in §18-304 located at a vacation home or camp.
2. Permits may be renewed upon expiration of their term by application as set forth in §18-304.
3. In the event that a landowner retaining a valid permit shall intentionally or negligently violate the provisions of this Part during the term of his permit, as determined by a hearing before the Borough Council, no renewal permit shall thereafter be issued to such landowner and the current permit may be revoked.

(Ord. 959, 11/13/1995, §5)

§18-306. Removal of Retaining Tank.

1. Absent the grant of a renewal permit prior to the lapse of an existing permit or the revocation of an existing permit, the landowner shall remove or cause the removal of the retaining tank within 20 days of the end of the term for which the permit has been issued.
2. In the event a retaining tank permit has been issued for new construction pending the installation of offsite or other onsite disposal system, the landowner shall remove or cause the removal of the retaining tank within 20 days after the use of the offsite or other onsite disposal system is made available to the landowner and shall connect the offsite or other onsite disposal system at the same time.

(Ord. 959, 11/13/1995, §6)

§18-307. Requirements of the Retaining Tank.

1. Any retaining tank installed or maintained pursuant to a permit issued under this Part shall comply, in all respects, with the specification set forth in the regulations of the Department, 25 Pa. Code, Chapter 73, inclusive and all other applicable Department regulations.
2. The landowner shall cause the retaining tank and all lines, pipes or conduits to the same to be maintained in good, watertight condition at all times.

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3. All retaining tanks shall be installed on a firm and stable soil or subsoil and in such manner as to prevent settlement, movement, cracking or other damage.
4. No retaining tank or lines to the retaining tank shall be covered until the Borough's officer shall have first inspect and approved the installation and authorized the covering of the same. The landowner shall be responsible for furnishing the Borough's officer with reasonable notice of the installation.
5. The landowner shall cause the retaining tank to be cleaned or pumped out as frequently as may be required to maintain the contents at a level less than 75% of the tank capacity.
6. Retaining tanks shall be installed within the setback lines of the property and at least 50 feet and downgrade and away from any source of water supply.
7. Only sewage as defined herein may be discharged into a retaining tank.

(Ord. 959, 11/13/1995, §7)

§18-308. Inspections and Certification of Pumping.

1. Any landowner who applies for and receives a permit for the installation and use of retaining tanks shall be deemed to have granted his consent for inspections of the retaining tank and facilities used in connection with the retaining tank by the Borough, its employees, agents and assigns. No notice of inspection or formal request need be made.
2. Any landowner receiving a retaining tank permit shall furnish to the Borough a true and correct copy of all pumping receipts for cleaning or removing the contents of the retaining tank. Such copies shall be mailed to or delivered to the Borough Secretary within 10 calendar days after the contents of the retaining tanks are pumped out.
3. The failure of a landowner to permit inspection of retaining tanks or equipment or facilities used in connection with the retaining tanks or the failure of the landowner to have the retaining tanks properly maintained and pumped out or the failure of the landowner to furnish pumping receipt in a timely fashion shall be grounds for immediate revocation of the permit, in addition to any other penalties and costs assigned to the landowner hereunder.

(Ord. 959, 11/13/1995, §8)

§18-309. Fines and Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more

than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. For purposes of assessing fines, such continuous violation shall be counted from the day after the landowner receives written notice from the Borough of violation, served upon him in any manner prescribed by the Pennsylvania rules of Civil Procedure.

2. In addition to an penalties provided for herein, any violation of this Part shall be considered a public nuisance and may be abated by the Borough by seeking appropriate equitable and legal remedies from a court of competent jurisdiction.

(Ord. 959, 11/13/1995, §9; as amended by A.O.

§18-310. Appeals.

1. Any person aggrieved by any action of the Sewage Enforcement Officer or by denial of a permit hereunder, shall first appeal to Council.
2. The procedure for appeal shall in all respects conform to the procedure for appeal from denial of a sewage permit by the office of the Borough, as provided by ordinance and law.

(Ord. 959, 11/13/1995, §10)