

Chapter 18

Sewers and Sewage Disposal

Part 1

Lewisberry Joint Authority Sewer Management District

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Part 1**Lewisberry Joint Authority Sewer Management District****§18-101. Short Title.**

This Part shall be known as the “Lewisberry Area Joint Authority Sewer Management District Ordinance.”

(*Ord. 1986-2, 3/10/1986, §1*)

§18-102. Purpose.

The purpose of this Part is to establish a sewage management district under the Authority of the Lewisberry Area Joint Authority within Lewisberry Borough, in order to establish the right of the Authority to construct a sewage system within said district and to regulate the installation, inspection, maintenance, operation, rehabilitation and replacement of the sewage system, including the collection, transmission, and treatment of sewage within said district, including the right and power to fix, alter, charge, collect rates, assessments and other charges for such service or services.

(*Ord. 1986-2, 3/10/1986, §2*)

§18-103. Definitions.

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

Authority - Lewisberry Area Joint Authority.

Improved property - any property located within the area served by the Authority upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure or structure sewage or industrial wastes shall be or may be discharged.

Industrial wastes - any solid, liquid or gaseous substance 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 sewage, excluding any ground, surface or stormwater.

Municipality - Lewisberry Borough, York County, Pennsylvania.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any improved property located within the area served by the Authority.

Person - any individual, partnership, company, association, society, trust, corporation or other group or entity, public or private.

Sewage - normal water-carried household and toilet wastes from any improved property, excluding any ground, surface or stormwater.

Sewer - any pipe 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, pumping,

treating and disposing of sewage and industrial wastes.

Street - include any street, road, lane, court, alley and public square.

(*Ord. 1986-2, 3/10/1986, §3*)

§18-104. Creation of Management District.

A sewer management district is hereby created for the Borough of Lewisberry, York County, Pennsylvania, which said sewer management district shall consist of all of the area within the corporate limits of Lewisberry Borough. Such area is hereby designated as the Authority's sewer management district of the municipality (hereinafter referred to as "the district.") All real property situate in whole or in part within the management district shall be under and subject to the terms of this Part.

(*Ord. 1986-2, 3/10/1986, §4*)

§18-105. Rights and Privileges Granted to Authority.

Municipality hereby grants to Authority the right and privilege to install sewer lines and other appurtenances necessary to the sewer system in the right-of-way of streets of municipality without obligation to the Authority for any payment therefor. The Authority shall restore any said streets in which sewer lines or other appurtenances are so installed.

(*Ord. 1986-2, 3/10/1986, §5*)

§18-106. Connection of Improved Property to Sewage System.

The owner of any improved property within the Borough which property is benefitted, improved or accommodated by the sewer system shall connect such improved property with such sewer system, in such manner as the Authority may require, within 60 days after notice to such owner from the Authority to make such connection, for the purpose of discharge of all sewage and, to the extent permitted by the Authority, industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time. The Authority is hereby empowered to require the owner of any improved property within the management district to connect said property to sewage system.

(*Ord. 1986-2, 3/10/1986, §6*)

§18-107. Sewage and Certain Industrial Wastes to Be Discharged into Sewers.

All sewage and, to the extent permitted by the Authority, industrial wastes from any improved property, after connection of such improved property with a sewer system shall be discharged into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time.

(*Ord. 1986-2, 3/10/1986, §7*)

§18-108. Unlawful Discharge or Deposit of Sewage and Industrial Wastes.

1. No person shall place or deposit or permit to be placed or deposited upon public or private property within the area served by the Authority any sewage or industrial

wastes in violation of the rules, regulations or resolutions of the Authority.

2. No person shall discharge or permit to be discharged to any natural outlet within the area served by the Authority any sewage or industrial wastes in violation of the rules, regulations or resolutions of the Authority except where suitable treatment has been provided which is satisfactory to the Authority.

(Ord. 1986-2, 3/10/1986, §8)

§18-109. Unlawful Discharge into Sewer.

No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff or subsurface drainage into any sewer.

(Ord. 1986-2, 3/10/1986, §9)

§18-110. Rules and Regulations.

The Authority shall have the right to establish such rules and regulations for the operation and maintenance of the sewer system as are deemed appropriate and necessary provided that at least 40 days prior to the adoption thereof, the municipality has received a copy of the same and upon request the municipality shall be afforded an opportunity to meet with the Authority to discuss same.

(Ord. 1986-2, 3/10/1986, §10)

§18-111. Issuance of Certificate of Availability of Sewer.

Before the commencement of any construction within the district the proposed use of which will generate sewage the owner of the involved real estate shall obtain a certificate from the Authority certifying that there is or will be sewage capacity available for such improved property to be connected to the sewage system operated by the Authority. A municipality shall not issue a zoning/use permit for said construction unless the property owner attaches said certificate to the zoning/use permit application. Provided, however, if the property owner demonstrates to the satisfaction of the municipality that said property owner was unable to obtain said certificate due to the unavailability of capacity in said sewage system and is under the applicable ordinances, laws, rules and regulations entitled to an on-site system, municipality will issue a zoning/use permit.

(Ord. 1986-2, 3/10/1986, §11; as amended by Ord. 2007-2, 12/17/2007)

§18-112. Limited Authority.

This Part shall apply only to the district as set for herein and shall in no way limit or affect municipality's right to install, operate, repair, replace, regulate a sewer system or otherwise regulate sewage treatment, in other portions of the municipality.

(Ord. 1986-2, 3/10/1986, §12)

§18-113. Penalty for Violation.

Any person who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$25 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.

(*Ord. 1986-2, 3/10/1986, §13; as amended by Ord. 2007-2, 12/17/2007*)

§18-114. Enforcement and Recovery of Fines 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. Furthermore, the Authority is hereby empowered to enforce this Part on behalf of municipality; provided, that before such enforcement proceedings are begun by the Authority a written notice of the alleged violation and intended action by the Authority shall be given to the municipality at least 30 days prior to the Authority beginning enforcement proceedings and the municipality shall have the right to maintain the prosecution in its own right, in which event the Authority shall not proceed with enforcement proceedings.

(*Ord. 1986-2, 3/10/1986, §14*)

§18-115. Declaration of 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 inhabitants of Lewisberry Borough.

(*Ord. 1986-2, 3/10/1986, §16*)