

Chapter 18

Sewers and Sewage Disposal

Part 1

On-Lot and Community Systems

- §18-101. Short Title
- §18-102. Definitions
- §18-103. Permits
- §18-104. Inspections
- §18-105. Adoption of State Regulations
- §18-106. Fees
- §18-107. Restraining Violations
- §18-108. Penalties

Part 2

Public Sanitary Sewers

A. Mandatory Connection

- §18-201. Definitions
- §18-202. Use of Public Sewers Required
- §18-203. Building Sewers and Connections
- §18-204. Rules and Regulations Governing Building Sewers and Connections to Sewers
- §18-205. Enforcement
- §18-206. Declaration of Purpose

B. Appointing Port Matilda Borough Authority as Agent of the Borough in Enforcing Mandatory Connection Ordinance

- §18-211. Authority Designated

Part 1**On-Lot and Community Systems****§18-101. Short Title.**

This Part shall be known and may be cited as the “Port Matilda Borough Ordinance Implementing Pennsylvania Sewage Facilities Act.”

(*Ord. 108, 6/4/1975, §1*)

§18-102. Definitions.

1. The definitions as set forth in §2 of the Pennsylvania Sewage Facilities Act, being the Act of January 24, 1966, P.L. 1535, 35 P.S. §750.2, as amended, are incorporated herein by reference.

2. In addition to the definition set forth in the Act, the following words and phrases shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

Act—the Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, P.L. 1535, 35 P.S. §750.1 *et seq.*, hereinbefore or hereinafter amended.

Approving body—Port Matilda Borough, Centre County, Pennsylvania.

Borough—the Borough of Port Matilda, Centre County, Pennsylvania.

(*Ord. 108, 6/4/1975, §2*)

§18-103. Permits.

1. Notwithstanding §7 of the Act, 35 P.S. §750.9, no person shall install an individual or community sewage disposal system or construct any building in which an individual or community sewage disposal system is to be installed within the Borough without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of this Part, the Act and the standards, rules and regulations adopted by the Commonwealth of Pennsylvania, Department of Environmental Protection. [*Ord. 178*]

2. Applications for a permit shall be in writing to the Secretary of the Borough and shall be made on a formal application blank which shall be furnished by the Secretary of the Borough and each application shall include such data as shall be prescribed by the technical standards adopted by the Commonwealth of Pennsylvania, Department of Environmental Protection. [*Ord. 178*]

3. Issuance of permits shall be in accordance with §7 of the Act, 35 P.S. §750.7, and all of the provisions of §7 of the Act are incorporated herein by reference.

(*Ord. 108, 6/4/1975, §3; as amended by Ord. 178, 9/15/2009*)

§18-104. Inspections.

Inspections of applications and the site and the installation itself shall be in accordance with the provisions of §7 of the Act, 35 P.S. §750.7. The Borough Council shall from time to time designate and appoint a Sewage Enforcement Officer who shall

carry out the inspections in accordance with this Part, with §7 of the Act, 35 P.S. §950.7, and also with the rules and regulations of the Commonwealth of Pennsylvania, Department of Environmental Protection, which are incorporated herein.

(*Ord. 108, 6/4/1975, §4, as amended by Ord. 120, 12/27/1979, §XVIII-4; and by Ord. 178, 9/15/2009*)

§18-105. Adoption of State Regulations.

This Borough hereby enacts and ordains and adopts as part of this Part, the rules and regulations of the Commonwealth of Pennsylvania, Department of Environmental Protection, including Title 25, Chapters 71 and 73, as amended. All such rules, regulations and standards are incorporated in this Part by reference. Copies of these regulations shall be available for inspection at the time of application for a permit.

(*Ord. 108, 6/4/1975, §5; as amended by Ord. 178, 9/15/2009*)

§18-106. Fees.

1. *Permit Fees.* The applicant shall pay a fee with the application for the permit, which fee shall be made payable to the Borough and shall cover the ordinary administration of this Part, including initial completion of the application, issuance of the permit, and closer inspection of premises by the sewage enforcement officer for a conventional subsurface sewerage system. Such fee shall be established from time to time by resolution of the Borough.

2. *Additional Inspections and Tests.* In the event the municipality deems it necessary to make additional inspections onto make additional percolation tests or any other tests as required to be made by the applicant under the Act and the regulations of the Department of Environmental Protection, the applicant shall pay to the Borough the actual cost of such additional inspections or such percolation tests or other tests made by the Borough, which shall be paid to the Borough prior to the issuance of the permit. [*Ord. 178*]

3. *Denial of Permit.* In the event the application for the subsurface sewerage system is denied and the applicant desires to install an alternate subsurface sewerage system a separate application and fee shall be required before a permit is issued. Such additional fees shall be established from time to time by resolution of the Borough.

(*Ord. 108, 6/4/1975, §6, as amended by Ord. 120, 12/27/1979, §XVIII-6; and by Ord. 178, 9/15/2009*)

§18-107. Restraining Violations.

In accordance with §11 of the Act, 35 P.S. §750.11, the Borough shall have the power to institute in the Court of Common Pleas of Centre County, Pennsylvania, proceedings in law or in equity to restrain any and all violations of §7 of the Act, 35 P.S. §750.7, and the provisions of this Part. Such proceedings shall be instituted in the name of the Borough of Port Matilda.

(*Ord. 108, 6/4/1975, §7*)

§18-108. Penalties.

Any person who shall violate any of the provisions of this Part or of the Act or the

rules, regulations or standards promulgated hereunder, or who resist or interfere with any officer, agent or employee of the Borough in the performance of his duties upon conviction thereof, shall be sentenced to 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. 108, 6/4/1975, §8; as amended by Ord. 178, 9/15/2009*)

Part 2**Public Sanitary Sewers****A. Mandatory Connection****§18-201. Definitions.**

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

Authority—Port Matilda Borough Authority, a Pennsylvania municipality authority.

Borough—the Borough of Port Matilda, 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.

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

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 improved property used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering or assembly of any product, commodity or article, or any other improved property from which wastes in addition to or other than sanitary sewage are discharged.

Industrial wastes—any and all wastes discharged from an industrial establishment, other than sanitary sewage.

Lateral—part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then “lateral” shall mean that portion of, or place in, a sewer 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.

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, transporting, pumping, treating and disposing of sanitary sewage and industrial wastes, situate in this Borough, to be constructed, acquired, owned, maintained and operated by the Authority for rendering sewage service for this Borough.

(*Ord. 148, 4/29/1991, Art. I*)

§18-202. Use of Public Sewers Required.

1. The owner of any improved property located within this Borough and benefited, 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. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection .1, 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.

3. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of subsection .1. 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 subsection .1, except where suitable treatment has been provided which is satisfactory to this Borough.

4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to a sewer or which shall be required under subsection .1 to be connected to a sewer.

A. 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.

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

6. The notice by this Borough to make a connection to a sewer, referred to in subsection .1, 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 provisions of this Part and specifying that such connection shall be made within 45 days from the date such notice is given. Such notice may be given at any time after 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. 148, 6/4/1975, Art. II*)

§18-203. Building Sewers and Connections.

1. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any sewer or any part of the sewer system without first obtaining a permit, in writing from the Authority.

2. Except as otherwise provided in this subsection, 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.

3. 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 or of connection of a building sewer to a sewer.

4. A building sewer shall be connected to a sewer at the place designated by the Authority and where the lateral is provided. The invert of a building sewer at the point of connection to a lateral shall be at the same or a higher elevation than the invert of the lateral. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

5. 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 §18-202, 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 thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

(Ord. 148, 6/4/1975, Art. III)

§18-204. Rules and Regulations Governing Building Sewers and Connections to Sewers.

1. 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.

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

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

4. 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 property 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.

5. 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 may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Borough and the Authority.

6. 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. 148, 6/4/1975, Art. IV)

§18-205. Enforcement.

1. Any person, firm or corporation 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. 178*]

2. Fines and costs imposed under provisions be enforceable and recoverable in the manner at the time provided by applicable law.

(Ord. 148, 6/4/1975, Art. V; as amended by Ord. 155, 4/11/1995, Art. V; and by Ord. 178, 9/15/2009)

§18-206. 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 the inhabitants of this Borough.

(Ord. 148, 6/4/1975, Art. VIII)

B. Appointing Port Matilda Borough Authority as Agent of the Borough in Enforcing Mandatory Connection Ordinance**§18-211. Authority Designated.**

The Port Matilda Borough Authority is hereby appointed as agent for the Borough of Port Matilda for the enforcement of the Borough's Connection Ordinance, *Ord. 148*, 6/4/1975; as amended by *Ord. 155*, 4/11/1995 [Part 2A], and do hereby further authorize and direct the Authority's officers and employees to file such citations as may be necessary for the proper enforcement thereof.

(Res. 11/14/1995)

