

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

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Part 1

Sewer and Water System Connection^{*}A. Connection Required

§101. Connection With Sewer System Required. Each and every owner of Improved Property, whereon any part of the principal building, or other structure from which sewage or industrial waste is discharged, is within two hundred (200) feet from and accessible to any sewer which is ready to receive sewage through a service line installed by the Borough or Authority shall upon receipt of written notice from the Authority or the Borough Council or their agents, be required to connect such premises with the Sewer System without delay, in accordance with this Part and the rules and regulations of the Borough currently in effect covering such connection. (Reenacted by Ord. 88-3, 10/17/1988)

§102. Connection With Water System Required. Each and every owner of Improved Property, whereon and part of the principal building is within two hundred (200) feet from and accessible to any water line which is ready to distribute water through a service line installed by the Authority or the Borough shall upon receipt of written notice from the Authority or the Borough Council or their agents, be required to connect such premises with the water system without delay, in accordance with this Part and the rules and regulations of the Borough currently in effect covering such connection. (Reenacted by Ord. 88-3, 10/17/1988)

§103. Procedure To Enforce Connection. If any owner of Improved Property, who is required to connect his premises with the Sewer System or Water System shall neglect or refuse to connect with said Sewer System or Water System after notice to do so, the Authority or Borough Council may give such owner sixty (60) days written notice of this Part, and upon failure of such owner to make the required connection within said sixty (60) day period, the Authority or Borough Council or their agents, may in accordance with the provisions of the Borough Code and the Municipality Authorities Act of 1945, as amended, enter upon such property and construct such connection, and upon completion of the work, send an itemized bill of the cost of the construction of such connection to the property owner, including any necessary and reasonable engineer's or attorney's fees, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill the Authority or Borough Council may collect the cost thereof, including attorney's fees and other costs of suit, from such owner by a suit in assumpsit, or file municipal liens for said construction within six (6) months of the date of the completion of said construction. (Reenacted by Ord. 88-3, 10/17/1988)

§104. Abandonment Of Other Systems. It shall be unlawful, sixty (60) days from the receipt of written notice of this Part, for any owner of Improved Property who is required to connect his premises with the Sewer System to own, maintain, operate or use within the Borough, a privy,

* Editorial Note: No reference was found as to when this material was adopted, it is therefore being reenacted by the adopting ordinance.

cesspool, vault, septic tank or similar receptacle for sanitary sewage upon such property or to connect any such privy, cesspool, vault, septic tank or similar receptacle with any such sewer, or to discharge sewage or industrial wastes into any storm sewer or outlet other than the Sewer System, and it shall be unlawful, sixty (60) days from receipt of written notice of this part, or any owner of Improved Property who is required to connect his premises with the Water's System to use any private water system unless the same was approved in writing by the Borough prior to adoption hereof. (Reenacted by Ord. 88-3, 10/17/1988)

§105. Notice. Notice as required in this part may be given by personal service or by certified mail to the last known address of the owner, as appears on the public records of Snyder County, or by posting such notice in a conspicuous place on the Improved Property. (Reenacted by Ord. 88-3, 10/17/1988)

§106. Penalties. The failure of any owner to connect his property to the Sewer System or Water System, within the sixty (60) day period after notice as set forth in this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Reenacted by Ord. 88-3, 10/17/1988)

B. Applications for Connections.

§121. Application For Available Service. Service connections will be made and water or sewer service, or both, will be furnished upon written application to the Borough by the owner or the prospective owner of the property to be served, or his proper agency duly authorized in writing, on a form supplied by the Borough. The application for service shall state the purpose or purposes for which the water or sewer will be used and such other appropriate information as shall be required by the Borough. (Reenacted by Ord. 88-3, 10/17/1988)

§122. Connection Fees. The owner or person submitting an application to the Borough for service connections will pay a connection fee, as established by resolution of Borough Council, for each connection. (Ord. 74-4, 6/3/1974; as amended by Ord. 88-3, 10/17/1988)

§123. Service Connections and Lines.

1. The Borough or its duly authorized representatives will make all connections to the sewer and water mains and shall provide for the furnishing, installation and maintenance of all service lines from the sewer and water mains to the curb line. (Curb line means either the road side of an established curb or the equivalent thereof.) All service lines from the curb line to the structure to be served shall be installed by the owner or person to be served at his expense and shall be of a pipe approved by the Borough. No service connection facility between the curb line and the structure to be served shall be covered up in the process of installation until inspected and approved by the Borough or its duly authorized representative.

2. No sewer service line shall be laid in the same trench with gas lines, water lines or any other facilities of a public service company. The size of the service connection from the sewer main to the curb line will be a minimum diameter of six (6) inches and the service connection from the curb line to the structure to be served will be a pipe of PVC (polyvinyl chloride) or other type specifically authorized and approved by the Borough and with a minimum inside diameter of four (4) inches and will have a type O ring joint or leaded joint. Only persons properly authorized by the Borough shall be permitted to make service line connection installations. The Borough shall not be responsible for the maintenance of any service line or any other line, pipe or fixture from the curb line to the structure to be served, nor shall the Borough be responsible for any damages resulting from the escape of water or sewage from any service connection from the curb line to the structure to be served. The owner and any other person being served at all times shall comply with all Federal, State and municipal regulations and shall make any and all changes to their service connections between the curb line and the structure to be served, which shall be required or shall be made necessary as a result of any change of grade of the main lines or otherwise.

3. In the event any existing service line is determined to be defective in that it is leaking sewage or allowing the infiltration of ground water, the property owner is required to replace the defective service line with a pipe of PVC (polyvinyl chloride) and no other type.

(Reenacted by Ord. 88-3, 10/17/1988; as amended by Ord. 98-4, 12/7/1998, §1)

§124. Application When Service Is Not Available. If sewer or water service is not available, any property owner or other proper person may make application to the Borough for service upon a form provided by the Borough setting forth the location, estimated date and type of proposed connection, together with such other information as the Borough may require. After receipt of such application, the Borough will determine whether the construction of an addition of the water or sewer system is economically feasible, based upon engineering estimates of costs of construction and revenues from proposed or expected use of such addition.

1. Extension of Water or System if Feasible. If in the opinion of the Borough the construction of an addition to then existing water or sewer system to serve the applicant is economically feasible and if the Borough or Authority has sufficient funds, or is able to borrow sufficient funds, to finance such construction, and the Borough and Authority can obtain permission from appropriate governmental agencies as required, the Borough or Authority may construct an addition to the existing water or sewer system.

Before construction of such addition is begun, the Borough or Authority may require the applicant to post a bond, either in cash or with other sufficient surety, guaranteeing and providing for the annual payment of a sum which together with the annual rental and charges for the use of the additional would be sufficient to amortize the cost of such construction with interest thereon, whether or not interest is actually paid by the Borough or Authority over the then projected useful life or such addition.

2. Extension Of Water Or Sewer System With Contribution Of Applicant. If in the opinion of the Borough the construction of an addition to the existing water or sewer system to serve the applicant is not economically feasible and the applicant nevertheless desires sewer service or water service, the Borough and Authority may require a cash contribution by the applicant toward the costs of constructing such additions so that the project would be economically feasible.

3. Borough Not Restricted To Financially Feasible Additions. Nothing in this section shall be construed as preventing the Borough from extending any water or sewer line beyond the then apparently financially feasible limits, if such extensions are needed for reasons of public health and water purity and are approved by holders of any revenue indentures, real estate mortgages or other security given by the Authority or Borough, or to require hookup after such construction and to require reasonable contributions from users for construction costs of such additions, in addition to normal rates and charges for hookup to and use of the water or sewer system.

(Reenacted by Ord. 88-3, 10/17/1988)

§125. Borough May Limit Size of Sewer Collector System. No sewer line extension may be added to the Borough's system without Borough approval and the Shamokin Dam Borough reserves the right to deny a connection of an extension to its collector system to limit the size of its collector sewer system for any reason without limitation including but not limited to the following:

Editorial Note: Information missing from original material.

A. the exceeding of the Borough's share of capacity in the Regional Sewer System;

B. the consideration of the excessiveness of the cost to replace existing sewer mains with larger size pipe to handle increased flows in the system; and

C. the reserving of capacity for extensions to property owners within Borough boundaries.

(Added by Ord. 87-7, 12/7/1987, §823.05)

§126. Prohibiting Connections of Sewer Extensions from Outside the Borough. In order to protect the Borough of Shamokin Dam's share of capacity in the Regional Sewer System and recognizing the limitations on the Borough's collection system, any further connections to the Borough sewer system from outside the Borough limits is hereby and hereinafter prohibited. For purposes of this prohibition, an extension of a sewer line is any of the following:

A. any sewer line constructed for which there is a possibility that other establishments or properties will connect into the sewer at some time in the future;

B. any sewer line laid in a public right-of-way;

C. any sewer line laid in streets which will eventually be turned over to a municipality and become public rights-of-way; and

D. any extensions of a line now outside the Borough boundary lines to any additional point outside the Borough boundary lines.

(Added by Ord. 87-7, 12/7/1987, §823.06)

§127. Sewer Line Extensions Within the Borough Regulated. Any sewer line extension to be constructed within the Borough shall comply with all State and Borough regulations before attachment to the Borough system is permitted. A sewer line extension is defined as:

A. any sewer line constructed for which there is a possibility that other establishments or properties will connect into the sewer at some time in the future;

B. any sewer line laid in a public right-of-way; and

C. any sewer line laid in streets which will eventually be turned over to the Borough as public ways.

(Added by Ord. 87-7, 12/7/1987, §823.07)

C. Sewer and Water System Rental Rates.

§131. Occasion and Time When Charges Begin. Water rentals and charges or sewer rentals and charges, or both, as the case may be, are imposed upon and shall be collected from the owner of each improved property served from the date when his property is connected to the water or sewer system. (Reenacted by Ord. 88-3, 10/17/1988)

§132. Water Rentals and Charges. Water rentals and charges shall be payable as provided in this Part, in accordance with the following schedule of rates and classifications:

A. Metered Water Service. Whenever water service is served on a metered basis, the minimum rental per quarter shall be fifty-five dollars and no cents (\$55.00) for the first six thousand five hundred (6,500) gallons of water served, or fraction thereof, and six dollars and seventeen cents (\$6.17) per thousand (1,000) gallons, or fraction thereof, for water served over and above the first six thousand five hundred gallons during each quarter. [Ord. 2011-2]

B. Non-Metered Water Service. Non-metered water service shall not be permitted in the Borough except under special conditions, and then only for the period of time necessary to procure and install a meter. Whenever water is served on a non-metered basis, the Borough shall estimate the number of gallons of water used per quarter by reference to quantities served to similar users and shall charge the rental rate established for metered service.

(Amended by Ord. 84-2, 12/19/1983; by Ord. 87-2, 12/8/1986; and reenacted by Ord. 88-3, 10/17/1988; and amended by Ord. 91-2, 12/17/1990, §1; by Ord. 94-2, 12/6/1993, §1; by Ord. 96-2, 12/18/1995, §1; by Ord. 97-2, 12/16/1996, §1; by Ord. 98-2, 12/15/1997, §1; by Ord. 99-2, 12/7/1998, §1; by Ord. 00-2, 12/20/1999, §1; by Ord. 01-2, 12/18/2000, §1; by Ord. 02-2, 12/17/2001, §1; by Ord. 03-2, 12/16/2002, §1; by Ord. 04-2, 12/15/2003, §1; by Ord. 05-2, 12/6/2004, §1; by Ord. 06-2, 12/8/2005, §1; by Ord. 08-2, 12/10/2007, §1; by Ord. 09-2, 12/8/2008, §1; by Ord. 2010-2, 12/7/2009, §1; and by Ord. 2011-2, 12/6/2010, §1)

§133. Sewer Rental Charges. Sewer rentals and charges shall be payable as provided in this Part, in accordance with the following schedule of rates and classifications:

A. Sewer Service to Improved Property with Water Meters. Whenever sewer service is provided to an improved property which also receives metered water service, the minimum rental per quarter shall be sixty-three dollars and thirty cents (\$63.30) for the first six thousand five hundred (6,500) gallons of water served, or fraction thereof, and seven dollars (\$7.00) per thousand (1,000) gallons, or fraction thereof, of water served over and above the first six thousand five hundred gallons during each quarter. [Ord. 2011-2]

B. Sewer Service to Improved Property Without Water Meter. Whenever sewer service is provided to an improved property which does not have metered water service, the Borough shall estimate the number of gallons of water used per quarter at the improved property by reference to quantities served to similar users and shall charge the

rental rate established for metered water service for the estimated gallonage in determining the rental charge per quarter for said property. Owners of improved properties who are dissatisfied with the Borough's estimate of gallonage may be billed on a metered basis if they consent to the installation of meters on their water service and pay a meter installation fee, as established by resolution of Borough Council, or the Borough's costs of installation, whichever is greater.

C. Eastern Snyder County Regional Authority Surcharges. Any surcharge imposed upon the Borough of Shamokin Dam by the Eastern Snyder County Regional Authority on account of nitrogen and/or phosphorus concentrations in Borough sewer system effluent, shall be passed through to property owners prorated on the basis of water consumed, billed with the quarterly bill and collected as a regular sewer charge. [Ord. 2011-2]

(Ord. 72-24, 11/7/1972; as amended by Ord. 82-2, 12/28/1982; by Ord. 84-2, 12/19/1973; by Ord. 88-3, 10/17/1988; by Ord. 94-2, 12/6/1993, §2; by Ord. 96-2, 12/18/1995, §2; by Ord. 97-2, 12/16/1996, §2; by Ord. 98-2, 12/15/1997, §2; by Ord. 99-2, 12/7/1998, §2; by Ord. 00-2, 12/20/1999, §2; by Ord. 01-2, 12/18/2000, §2; by Ord. 02-2, 12/17/2001, §2; by Ord. 03-2, 12/16/2002, §2; by Ord. 04-2, 12/15/2003, §2; by Ord. 05-2, 12/6/2004, §2; by Ord. 06-2, 12/8/2005, §2; by Ord. 08-2, 12/10/2007, §2; by Ord. 09-2, 12/8/2008, §2; by Ord. 2010-2, 12/7/2009, §2; and by Ord. 2011-2, 12/6/2010, §§2, 3)

§134. Time and Method of Payment.

1. Quarterly Bills. All bills for water or sewer rentals or charges shall be rendered quarterly in arrears on the tenth day of January, April, July and October, or on such other dates as the Borough by resolution shall specify, and shall cover a quarterly billing period consisting of the three immediately preceding calendar months or meter reading period.

2. Due Date; Penalty for Late Payment; Interest. Water and sewer rentals or charges shall be due and payable on the applicable billing date as provided for in subsection (1) of this Part and the appropriate amount computed in accordance with this Part shall constitute the net bill. If water and sewer rentals or charges are not paid within twenty (20) calendar days after each billing date an additional sum of five percentum (5%) shall be added to such net bill, which net bill, plus each additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such twenty (20) calendar day period shall constitute payment within such period. If the end of such twenty (20) calendar day period shall fall on a legal holiday or a Sunday, payment made on or mailed and postmarked and the next succeeding weekday which is not a legal holiday shall constitute payment within such period. Any bill not paid within said twenty (20) calendar day period shall be deemed delinquent and shall bear interest at the rate of one-half (½%) percent per month until paid.

3. Failure to Receive Bill. Every owner of improved property which is connected to the water system or sewer system shall initially provide the Borough with, and thereafter shall keep the Borough advised of, his correct address. Failure of any person to receive bills for water or sewer rentals or charges shall not be considered an excuse for non-payment nor shall failure result in an extension of the period of time during which the net bill is paid.

(Reenacted by Ord. 88-3, 10/17/1988)

§135. Filing and Collecting Liens for Water and Sewer Rentals or Charges. Water and sewer rentals or charges imposed by these regulations shall be a lien on the improved property connected to and served by the water and sewer system and any such water and sewer rentals or charges which are delinquent shall be filed as a lien against the improved property so connected to and served by the water system and sewer system, which lien shall be filed in the Office of the Prothonotary of Snyder County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims. (Reenacted by Ord. 88-3, 10/17/1988)

§136. Other Remedies for Non-Payment.

1. Discontinuance of Service. The Authority shall have the right after five (5) days notice to discontinue water service to any property for which the water or sewer rentals or charges are delinquent, and in such event shall charge a fee, as established by resolution, in addition to the delinquent amount due before again beginning service to the property.

2. Action in Assumpsit. The Authority may collect delinquent water and sewer rentals and charges by action in Assumpsit.

(Reenacted by Ord. 88-3, 10/17/1988)

Part 2

Regulation of Use of Public Sewer Systems
and Regulation for Industrial Waste Treatment§201. Definitions.

AUTHORITY - The Shamokin Dam Water and Sewerage Authority, a Pennsylvania Municipal Authority, or its successors or assigns.

BIOCHEMICAL OXYGEN DEMAND - The quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20°) degrees Centigrade. The standard laboratory procedure shall be found in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, Inc.

BOROUGH - The Borough of Shamokin Dam, Snyder County, Pennsylvania, a municipality organized and existing under the laws of the Commonwealth of Pennsylvania.

COLLECTION SYSTEM - The Shamokin Dam Borough Sewer system which discharges Sewage to the Regional System, consisting of collection-sewers, laterals, local pump stations, and other sewer facilities used in the collection of Sewage or the transmission thereof to the Regional System at the Connection Points.

CONNECTION POINTS - The several locations shown on the Index maps in Exhibit A attached to the Sewage Service Agreement, dated September 1, 1977, at which the Shamokin Dam Collection System is connected to the Regional System.

COUNCIL - The Council of the Borough of Shamokin Dam, Snyder County, Pennsylvania.

DER - The Department of Environmental Resources of the Commonwealth of Pennsylvania or its successor.

DOMESTIC SEWAGE - The normal water-carried household and toilet waste from residences, commercial establishments, institutions, industries, and other users of the Regional System.

DWELLING OR DWELLING UNIT - Any room, group or 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.

ENGINEER - A person, registered in Pennsylvania and employed by the Authority, who is qualified to pass upon engineering questions relating to sewers, sewer system, and sewage treatment plants.

EPA - The Environmental Protection Agency of the United States government or its successor.

IMPROVED PROPERTY - Any property upon which there is now or hereafter 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 premises used wholly or in part for the manufacture, processing, cleaning, laundering or assembly of any product, commodity or part or from which any process waste, as distinct from Domestic Sewage, shall be discharged.

INDUSTRIAL WASTE - Any solid, liquid or gaseous substance or form of energy rejected, escaping or discharged 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 Domestic Sewage.

OWNER - Any person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

PERSON - Any individual, partnership, firm, company, association, society, corporation, or other group or entity.

PLANT - The sewage treatment plant, owned by the Selinsgrove Authority and situated on the Isle of Que in Penn Township, south of the Borough of Selinsgrove.

"ph" - the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

"ppm" - Parts per million by weight.

REGIONAL SYSTEM - The sewer facilities owned by the Selinsgrove Authority and operated for the benefit of Shamokin Dam Borough and other Municipalities and Authorities, including the Plant, sewers, pumping stations, and force mains.

SELINGSGROVE AUTHORITY - The Selinsgrove Municipal Authority, a municipal authority of the Commonwealth of Pennsylvania, existing under provisions of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, of the Commonwealth of Pennsylvania.

SEWAGE - Normal, water carried, household and toilet waste from any Improved Property.

SEWER - Any pipe or conduit constituting a part of the Sewer System or usable for sewage collection purposes.

SEWER SYSTEM - All facilities, as of any particular time, for collecting, pumping, or disposing of Domestic Sewage and/or Industrial Waste, situate in or near the Borough of Shamokin Dam.

SUSPENDED SOLIDS - Suspended solids, expressed in milligrams per liter, in the Sewage as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, Inc.

WATER SYSTEM - All facilities, as of any particular time, for collecting, impounding, pumping, treating or distributing water, situate in or near the Borough of Shamokin Dam.

(Ord. 82-6, 11/15/1982)

§202. General Rules and Regulations. The following acts by owners or occupiers of property connected to the water or sewer system are prohibited:

1. Misrepresentation of any fact in an application for connection to water or sewer system.
2. Use of water or sewer for any purpose or property other than that described in the application for connection.
3. Waste of water by reason of improper or defective pipes, fixtures or appliance.
4. Molesting any service pipe, curb stop or seal.
5. Failure to maintain service lines or fixtures.
6. Refusal of access of the property to agents of the Borough or Authority for the purpose of reading meters or making inspections.
7. Bypassing any meter installed by the Authority or Borough.
8. Installing a sewer service line or replacing a sewer service line with anything other than PVC (polyvinyl chloride) pipe without the written permission of the Borough for a special exception. [Ord. 98-4]
(Ord. 82-6, 11/15/1982; as amended by Ord. 98-4, 12/7/1998, §3)

§203. Natural or Artificial Overflow or Drainage Waters. No person shall discharge or cause to be discharged any storm water, surface water, spring water, ground water, roof runoff, sub-surface drainage, building foundation drainage, drainage from roof leader connections, drainage from basement, overflow or drainage from cesspools and unpolluted industrial process waters into any sewer. (Ord. 82-6, 11/15/1982)

§204. Harmful Waste. In addition to the specific prohibitions herein, the Borough reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system, or to compel pretreatment of industrial wastes by an industrial establishment, in order to prevent discharges deemed by the Borough to be harmful or to have a deleterious effect upon any sewer or the sewer system. (Ord. 82-6, 11/15/1982)

§205. Prohibited Sewage or Industrial Waste. No Domestic sewage or industrial waste shall be discharged into the Shamokin Dam or Regional sewer system:

1. Having a five (5) day Biochemical Oxygen Demand in excess of two hundred twenty-five (225) mg/1 as a weekly average value.
2. Having a Suspended Solids concentration in excess of two hundred fifty (250) mg/1 as a weekly average value.
3. Having a temperature higher than one hundred forty degrees (140°)F.
4. Containing more than one hundred (100) ppm by weight of fats, oils, and grease.
5. Containing any gasoline, benzine, naptha, fuel oil, or other inflammable or explosive liquids, solids, or gases.

6. Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solids or viscous substances capable to causing obstructions or other interferences with proper operation of the Shamokin Dam or Regional System.

7. Having a ph lower than 6.0 or higher than 9.0, or having any other corrosive property capable or causing damage or hazards to structures, equipment, or personnel of the Shamokin Dam or Regional System.

8. Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, or constitute hazards to humans or animals, or to create any hazard in waters which receive treated effluent from the Plant. Toxic wastes shall include, but not by way of limitation, wastes containing cyanide, chromium, copper, and nickel ions.

9. Containing noxious or malodorous gases or substances capable or creating a public nuisance or that will pass through the Plant and exceed the state or interstate requirements for the receiving stream.

10. Containing solids of such character and quantity that special and unusual attention is required for their handling.

11. Containing radioactive isotopes.

12. Containing any cooling water or unpolluted industrial or commercial process water.

13. Containing any substance which are not amenable to treatment or reduction by the biochemical wastewater treatment processes employed or are amenable to the treatment only to such a degree that the effluent of the Plant cannot meet the requirements of agencies having jurisdiction over the discharge to the receiving stream.

(Ord. 82-4, 11/15/1982)

§206 Pretreatment Facilities. Where necessary all owners shall install suitable pretreatment facilities in order to comply with Part 2, §205 of these regulations.

Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of the Borough and Selinsgrove Authority, operators of the Regional System, and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, from any governmental regulatory body having jurisdiction.

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 conditions; and the Borough and Selinsgrove Authority, operators of the Regional System, shall have access to such facilities at reasonable times for purposes of inspection and testing. (Ord. 82-4, 11/15/1982)

§207. Large Garbage Grinders. No person shall install, or operate in any improved property connected to the sewer system any garbage grinder equipped with a motor of 3/4 horsepower or greater, without prior written approval of the Borough. (Ord. 82-4, 11/15/1982)

§208. Requirements for Admitting Industrial Waste Into the Sewer System. No person shall discharge or cause to be discharged into sewer system any industrial waste, dangerous or toxic substances, or other materials incompatible with the regional plant until there has been first submitted to and approved by Selinsgrove Authority an application for an Industrial Waste permit. Such applications shall be submitted not less than two (2) months prior to the proposed discharge and shall set forth:

- A. Name and address of proposed user;
- B. Type of industry or other use of the property from which the Sewage is to be discharged.
- C. Description of process or processes which produced the Industrial Waste, or other material;
- D. Description of types and characteristics of the Industrial Waste or other material, volume and rates of flow and methods of measuring the same, time of discharge, whether the waste will contain any matter or characteristic prohibited under this Part and of any pretreatment facilities, whether existing or proposed; and
- E. Such additional information as may be required by Selinsgrove Authority or the Engineer.

The applicant shall also provide facilities to enable Selinsgrove Authority or the Borough to take samples of the material proposed to be discharged and to test and analyze the same, all at the expense of the applicant. Selinsgrove Authority may require pretreatment, at the expense of the applicant, of any Industrial Waste or other material as a condition of any permit requested hereunder and may prohibit the discharge of any Industrial Waste or other material which violates the provisions of this Part or any other rules and regulations of the Selinsgrove Authority if the pretreatment requirements are not satisfied for any reason.

(Ord. 82-4, 11/15/1982)

§209. Existing Industrial Waste Discharges or Existing Users Changing of Industrial Waste Discharges.

1. Any person, firm, or corporation now discharging Industrial Waste into the Borough Sewer System shall, within 90 days after notification by the Selinsgrove Authority or the Borough, file an application for the approval of an Industrial Waste permit in accordance with §208.
2. Any person, firm, or corporation that plans to change operations so as to materially alter the characteristics and volumes of Industrial Waste discharged to the Borough Sewer System shall file an application for the approval of an Industrial Waste permit in accordance with §208.
3. All industrial Establishments shall be required to comply with pretreatment regulations and requirements which may now be in effect or which may be later established by EPA or DER.

(Ord. 82-4, 11/15/1982)

§210. Regulating Rate of Discharge of Industrial Wastes. The Borough reserves the right to require industrial establishments having large variations in rates of waste discharged to install suitable regulating devices for equalizing waste flows to the sewer system. (Ord. 82-4, 11/15/1982)

§211. Surcharges and Changes in Charges for Industrial Wastes. The Borough reserves the right to impose surcharges in connection with any industrial waste discharge into the sewer system either by agreement with the owner of the industrial establishment or by additional regulations. (Ord. 82-4, 11/15/1982)

§212. Rights Reserved By Borough. Among others the Borough reserves the following specific rights and immunities:

1. The right to cut off water or sewer service without notice in case of breakdown or other emergency, or for the purpose of making necessary repairs, connections, or extensions, without liability for damage or inconvenience to property owners or users.

2. The right to restrict the quantity of water served or the uses for which water will be served in case of scarcity or whenever in the opinion of the Borough the public welfare requires such restriction.

3. The right of access at all reasonable hours of the day to all parts of any property connected to the water or sewer system, to make reasonable inspections or to shut off water.

4. Immunity from liability for any damage resulting from leaks, broken pipes or lines, or from any other cause, occurring to or within any building or improvement, or between the curb line and any building or improvement.

5. Immunity from liability for any damage to any connected property resulting from the bursting or breakage of any main or service pipe, or any appliance or attachment to the water or sewer system.

6. The right to refuse to connect to provide service to any property and the right to discontinue service to any property in order to enforce the Borough rules and regulations or to collect its rentals and charges.

(Ord. 82-4, 11/15/1982)

§213. Penalties. 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 three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 88-3, 10/17/1988)

Part 3

Individual Sewage Systems

§301. Title. This Part is adopted pursuant to the requirements of Act No. 537 of 1966, as amended, and shall be known as the Shamokin Dam Borough Sewage Facilities Act Enforcement Ordinance. (Ord. 77-4, 2/7/1977)

§302. Incorporation of Statute and Regulations. The provisions of Act No. 537 of 1966, as amended, and the Rules and Regulations promulgated by the Pennsylvania Department of Environmental Resources pursuant thereto are incorporated herein by reference and made a part of this Part. (Ord. 77-4, 2/7/1977)

§303. Intent of Ordinance. This Part is intended to provide a comprehensive administrative procedure whereby persons who desire permits for installing community sewage systems for individual sewage may obtain the same upon compliance with this Part and the Statute and Regulations incorporated herein pursuant to §302 hereof. (Ord. 77-4, 2/7/1977)

§304. Procedure Prior to Application. Prior to making application for a permit to install a community sewage system or an individual sewage system, the prospective applicant shall arrange with the Sewage Enforcement Officer for a general investigation of the site for the proposed system. Such investigation will usually include examination of a soil profile in a test pit and a series of percolation tests. All fees for service of the Sewage Enforcement Officer in connection with general site investigation shall be paid prior to or at the time of investigation. (Ord. 77-4, 2/7/1977)

§305. Applications, Permits and Inspection.

1. Every application for a permit to install a community sewage system or an individual sewage system shall be made in writing on an application form furnished by the Secretary or Sewage Enforcement Officer of this municipality. All data required to complete the application form shall be included thereon by the applicant. Each application shall be accompanied by an application fee. The application and application fee shall be delivered to the Secretary or Sewage Enforcement Officer of this municipality.

2. Each application shall be reviewed by the Sewage Enforcement Officer, who shall issue or deny a permit within seven (7) days after receipt of the same except that, upon receipt of an incomplete application or one containing information which the Sewage Enforcement Officer is unable to verify, the Sewage Enforcement Officer shall so notify the applicant within seven (7) days after receiving the application and the time for acting thereon shall be extended fifteen (15) days beyond the date of receipt of adequate supplementary or amendatory data. No application shall be determined to be complete unless all fees for service of the Sewage Enforcement Officer and the application fee have been paid. Denial of permit shall be supported by a statement in writing of the reasons for such action and the applicant shall have thirty (30) days after receipt of the same to request a hearing.

3. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover the same has been given the Sewage Enforcement Officer. If seventy-two (72) hours have elapsed, excepting Sundays and holidays, since the Sewage Enforcement Officer received notification of completion of construction, the applicant may cover the systems or structure unless permission to do so has been refused by the Sewage Enforcement Officer.

4. The Sewage Enforcement Officer may revoke a permit at anytime for any one or more of the following reasons, which shall be incorporated into the written revocation:

A. A change has occurred in the site which will materially affect the operation of the system covered by the permit.

B. A test material to the issuance of the permit has not been properly conducted.

C. Information material to the issuance of the permit has been falsified.

D. The original decision of the Sewage Enforcement Officer failed to conform to applicable law or regulations.

E. The permittee has violated the rules and regulations under which the permit was issued.

Revocation shall only occur after written notice to the permittee and ten (10) days opportunity to request a hearing.

5. A request for a hearing on the denial or revocation of a permit shall be in writing and delivered to the Secretary of this municipality. Within fifteen (15) days after receipt of such request, the governing body of this municipality will hold the hearing; and within seven (7) days after the hearing the decision of the governing body shall be transmitted to the applicant or permittee.

6. All individual sewage systems or community sewage systems to be installed, constructed or altered in the Borough of Shamokin Dam if and when permitted by the Borough of Shamokin Dam must first obtain a permit in accordance with the regulations in this Part. No person shall install, construct, or request binding proposals for construction, or alter an individual sewage system or community sewage system or construct or install or copy any building or structure for which an individual sewage system or community sewage system is to be installed, when such structure or building is a Rural Residence as defined in the Pennsylvania Sewage Facilities Act, Act of 1966, Jan. 24, P.O. (1965) 1535 No. 537, as amended, without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of said Pennsylvania Sewage Facilities Act and the standards adopted pursuant to said act.

7. A violation of this Part and specifically subsection 6 above shall constitute a nuisance and shall be abatable in the manner provided by law.

(Ord. 77-4, 2/7/1977; as amended by Ord. 80-7, 7/7/1980)

§306. Sewage Enforcement Officer.

1. The Sewage Enforcement Officer for the Borough shall be the Borough Code Enforcement Officer when the person holding that position is qualified and licensed to be a sewage enforcement officer or such other so qualified individual as designated by the Shamokin Dam Borough Council; the Snyder County Planning Commission shall be the alternate enforcement agency for the Borough of Shamokin Dam and its designated enforcement officer shall be the alternate sewage enforcement officer for the Borough of Shamokin Dam.

2. The Sewage Enforcement Officer and his alternate will serve at the will of the governing body of the municipality.

3. Where the Snyder County Planning Commission is requested to act in its capacity as alternate under this Part, said Commission or its agents shall charge fees according to the schedule herein provided and shall retain said fees toward the costs of its services. The Borough shall be responsible for any costs of administration incurred in the issuance of a permit by the County officer over and above the fees collected and the County shall submit an invoice to the Borough in the amount of the total cost of its administration for the use of the Borough in its application to the Pennsylvania Department of Environmental Resources for reimbursement of costs of administration of its Enforcement Program.

4. The Sewage Enforcement Officer shall account to the Borough for all fees collected or received by him.

(Ord. 77-4, 2/7/1977)

§307. Fees. Fees to be charged for services rendered pursuant to this Part shall be as established by resolution of Borough Council for the following activities:

1. New or Replacement System. This fee applies for sewage enforcement officer observation and inspection of up to two (2) backhoe probes; percolation test; preparation and/or review of application, issuance of a permit, administrative costs and final inspection of this system. Applicant is required to arrange and contract for all backhoe probes and digging of percolation holes as per Department of Environmental Resources Specifications.

2. Call-Back Charge This fee applies when sewage enforcement officer is required to make additional inspections at the site over and above those covered under the basic permit fee.

3. Malfunctions System Investigation and Repair Permit.

4. Additional Charge for Commercial and Other Non-residential Permits.

5. Percolation Holes (6 each). This fee applies when applicant requests and sewage enforcement officer agrees to dig percolation test holes.

6. Additional Charge for Design of System with Vertical Control Provided for Slopes.

7. Charge for Supervision of the Installation of Systems with Slopes of twenty (20%) percent to twenty-five (25%) percent by a Professional Engineer.

(Ord. 77-4, 2/7/1977; as amended by Ord. 88-3, 10/17/1988)

§308. Penalties. Any person, firm or corporation who shall violate any provisions of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00), and not more than three hundred (\$300.00) dollars; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 3 continues shall constitute a separate offense. (Ord. 77-4, 2/7/1977; as amended by Ord. 80-7, 7/7/1980; and by Ord. 88-3, 10/17/1988)

Part 4

Allotment of Reserve Capacity

§401. Purpose. That part of the Shamokin Dam Borough sewer system that connects to the Selingsgrove Municipal Authority Pumping Station, hereinafter called pump station tributary, has been determined to cause an hydraulic overload at the pump station. It is determined that this overload is the result of excessive inflow and infiltration of surface water and the ground water table into the Shamokin Dam Borough sewer system. Shamokin Dam Borough has been directed by the Pennsylvania Department of Environmental Resources to cease connection to sewers tributary to the pump station. The Borough recognizes that correction of the problem will take time and that with each element of correction some sewer capacity will become available for use. In the interest of fairness to all those who will seek the limited capacity to be made available by corrections to the system and to assure that such capacity is used and not returned for speculation, the Borough deems it necessary to regulate the awarding and use of the finite sewer capacity in the Shamokin Dam Borough sewer system that tributaries to the Selingsgrove Authority pump station. Another part of the Borough sewer system, hereinafter called the "gravity tributary" is not subject to capacity limitations. (Ord 91-4, 4/22/1991, §1)

§402. Determining Available Sewer Capacity. As of the date of passage of these regulations, Shamokin Dam Borough does not have sewer capacity available in that part of its sewer system that connects to the Selingsgrove Municipal Authority pump station, the pump station tributary, because of inflow/infiltration problems. The Borough is taking steps to correct the inflow/infiltration problems and as it does such corrections its available capacity will be determined and certified by Borough Engineers. When such certification is made:

A. In determining available capacity, the Borough shall identify all existing vacant lots entitled to connection to the Borough sewer system by virtue of their being part of the previously approved sewer planning module where they have been adjacent to existing Borough sewer mains for use as residential lots and reserve specific capacity for these lots thereby grandfathering their priority right for connection to the sewer system and omit that amount from available capacity.

B. After determining grandfathered capacity, the Borough will release capacity for development in quantities of no less than five thousand (5,000) gallons per day to persons whose sewer module plans show that their planned peak flows do not exceed the sewer capacity being made available, under the terms and conditions hereinafter set forth.

(Ord. 91-4, 4/22/1991)

§403. Announcement of Available Capacity. At such time as Borough Engineers certify to the Borough that it has sewer capacity available in its pump station tributary in the amount of six thousand two hundred fifty (6,250) gallons per day or more, the Borough will make public announcement

of the availability of eighty (80) percent of said capacity and invite persons to submit proposed sewer plan modules whose anticipated peak flows do not exceed the flow capacity made available. Such plan shall be filed within thirty (30) days of the public announcement advertised in a newspaper of general circulation in the Borough. Persons may submit modules for less than the amount of sewer capacity made available but not for more than the amount made available. Persons may submit plans for sewer capacity amounts greater than the capacity made available where they demonstrate a workable plan, subject to Borough engineering approval, for a system of flow equalization whereby the applicant's peak flows would be controlled so as to limit admission of flowage into the sewer system at a rate equal to or lesser than the announced capacity being made available. (Ord. 91-4, 4/22/1991, §1)

§404. Allotting Available Sewer Capacity to Active Development.

At such time as the Borough of Shamokin Dam determines that it has available sewer capacity, it shall allot that sewer capacity to those persons who file final approved subdivision and/or land development plans for recording and implementations with the sewer line having been constructed or appropriate bonds having been issued to assure their construction.

Sewer capacity shall be in the exclusive control of the Borough until it is allotted for actual use in an active subdivision or land development project. Furthermore, this allocation shall be in conjunction with the availability of capacity from the Eastern Snyder County Sewer Authority who operates the treatment plant that treats Shamokin Dam Borough sewage flows.

(Ord. 91-4, 4/22/1991, §1; as amended by Ord. 93-6, 12/6/1993, §1; and by Ord. 05-8, 12/5/2005, §2)

§405. Capacity not Transferable. Sewer capacity in Borough's pump station tributary or gravity tributary awarded under these regulations is not transferable to another module. It is required that the capacity be used for the project and land for which application was made in accordance with the time restrictions set forth in these regulations. (Ord. 91-4, 4/22/1991, §1)

§406. Time Limitation. All sewer capacity awarded in the Borough, whether it is pump station tributary or gravity tributary, shall be subject to recall if not used within two (2) years of the award of such capacity. For the purpose of these regulations, "used" shall mean the following:

A. In residential developments - when final subdivision plans have been approved and utility lines are in place and connected or bonds have been issued to assure construction and connection.

B. In commercial developments - construction must be commenced within one (1) year of the award and the project must be completed and operational with sewer connections, completed within two (2) years of the award.

(Ord. 91-4, 4/22/1991, §1)

§407. Failure to Utilize Capacity.

1. In the event projects for which capacity has been awarded have failed to complete the project and utilize the capacity, the award shall be considered withdrawn and shall be made available for other projects in the same manner as initial capacity is made available.

2. The Shamokin Dam Borough shall have the discretionary authority to extend the time limitation established in §406, above, for what it determines is a good cause shown. Such extensions shall not exceed the original time allotted.

(Ord. 91-4, 12/22/1991, §1; as amended by Ord. 93-6, 12/6/1993, §2)

