

Chapter 118 SEWERS

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[HISTORY: Adopted by the Borough Council of the Borough of Montoursville: Art. I, 7-11-1994 as Ord. No. 354; Art. II, 10-16-1995 as Ord. No. 361; Art. III, 10-16-1995 as Ord. No. 362. Amendments noted where applicable.]

GENERAL REFERENCES

Plumbing — See Ch. 110.
Solid waste — See Ch. 126.

Water — See Ch. 154.

ARTICLE I Holding Tanks

[Adopted 7-11-1994 as Ord. No. 354]

§ 118-1. Purpose.

The purpose of this Article is to provide for and regulate the use, maintenance and removal of existing and new holding tanks to protect the residents and inhabitants of the Borough of Montoursville from danger and harm due to inadequate or malfunctioning on-site septic systems, to permit the development of lands with the use of holding tanks under carefully controlled and regulated circumstances, to regulate the use and maintenance of existing and new holding 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 Montoursville Borough.

§ 118-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ACT — The Pennsylvania Sewage Facilities Act, 35 P.S. § 750.1-750.20, as amended from time to time.

BOROUGH — The Borough of Montoursville, Lycoming County, Pennsylvania.

COUNCIL — The Borough Council of the Borough of Montoursville.

DEPARTMENT — The Pennsylvania Department of Environmental Protection or its successor state 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.

HOLDING TANK — A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another sight. The term shall include a retention tank, a holding tank to which sewage is conveyed by a water carrying system.

HOLDING TANK CLEANER — A municipality, county, municipal authority or person, natural or a legal entity, including the holding tank owner, who removes the contents of a holding tank for the purpose of disposing of the sewage at another site.

LANDOWNER — The natural person or persons, partnership, corporation or legally existing organization who owns legal and/or equitable title to the land for which a holding tank permit is sought or issued.

LOT — A parcel of land under single ownership regardless of acreage. In the event that the subject lands are a portion of a larger parcel of ground, the larger parcel of ground shall be considered as the lot.

OFFICER — The duly appointed Sewage Enforcement Officer of the borough.

REGULATIONS — The regulations of the Pennsylvania Department of Environmental Protection, Pa. Code, Title 25, Subpart C. Chapters 71 and 73, as adopted; and, all future regulations of the Department pertaining to holding tanks.

SEWAGE — Any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animal and noxious or deleterious substances being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation or which constitutes pollution under an ordinance or state or federal law.

§ 118-3. Use of holding tanks.

Holding tanks may be used subject to the provisions of this Article to serve as a temporary sewage disposal from existing structures within the Borough of Montoursville where on-lot sewage disposal facilities are not feasible due to unsuitability of soils, for a temporary sewage disposal from existing structures where a malfunction in the presently installed on-site sewage treatment system cannot be suitably repaired or replaced due to unsuitability of soils or temporarily serve for sewage disposal for new construction in any area of the borough until said new construction can be hooked up to a sewage treatment system.

§ 118-4. Application for permit.

- A. Any landowner seeking to use a holding tank for sewage disposal on any lot situated in the borough shall, after receipt of municipal and Department official sewage facilities plan approval, obtain a permit from the Municipal Sewage Enforcement Officer.
- B. Permit application shall be made upon a form to be supplied by the Sewage Enforcement Officer to any landowner upon such landowner's request.
- C. The landowner shall file the complete and executed application for permit with the Sewage Enforcement Officer and, shall pay to the said office such application fees as the borough may from time to time prescribe by resolution or such fees are required by the Sewage Enforcement Officer.
- D. The landowner shall cooperate with the Sewage Enforcement Office at all stages of the application process.
- E. A permit shall be issued to the landowner upon proper application after approval of the Sewage Enforcement Officer, Council and after approval by the Department.
- F. Prior to grant of permit, the landowner shall obtain and file with the Borough Secretary a certified copy of each of the following documents:
 - (1) A completed application.
 - (2) A written contract between the landowner and a qualified and responsible holding tank cleaner for the term of the holding tank permit which contract shall provide for the timely and regular removal of the contents of the holding tank by the holding tank cleaner and for the removal of said contents to an approved disposed site providing the holding tank cleaner with the right to dispose of the holding tank contents.
 - (3) A certified copy of a written contract between the holding tank cleaner and the disposal site providing the holding tank cleaner with the right to dispose of the holding tank contents.
 - (4) Fees as established by resolution of the borough.
 - (5) An agreement to reimburse and indemnify the borough for any liability, costs and expenses which shall or may be incurred by the borough in actions to enforce compliance by the landowner or to remove the contents of the holding tank or the holding tank upon default or failure of the landowners to perform or for any fines incurred by the borough by reason of the landowner's failure to comply with this

Article, and properly enacted amendments hereto, or the laws and regulations of the Commonwealth of Pennsylvania. The agreement shall be in the form required by the Council.

- (6) A certified copy of the planning module approval from the borough and the Department if the holding tank is to have a flow in excess of four hundred (400) gallons per day or if the holding tank is to service a residential or potentially residential property.

§ 118-5. Removal of holding tank.

- A. In the event that a holding tank permit has been issued, the landowner shall remove or cause the removal of the holding tank within thirty (30) days after an off-site sewage disposal system is made available to the landowner and shall connect with the off-site disposal systems in the same time.
- B. The borough, at its election, shall have the right to enter upon the premises of a landowner for the purpose of removing or causing the removal of any holding tank which remains in place in violation of this Article. "Borough" as used herein shall mean the borough, its employees or third parties contracted by the borough for the purpose of removing the holding tank. All costs and expenses of removal shall be born by the landowner and may be collected by an action in assumpsit or by municipal lien.

§ 118-6. Requirements for holding tank.

- A. Any holding tank installed or maintained pursuant to a permit issued this Article shall comply, in all respects, to the specification set forth in Regulations of the Department, 25 Pa. Code Chapter 73, inclusive.
- B. The landowner shall cause the holding tank and all lines, pipes and conduits to the same to be maintained in a good watertight condition at all times.
- C. All holding tanks shall be installed on a firm and stable soil or subsoil and in such manner as to prevent settlement or movement.
- D. No holding tank or lines to the holding tank shall be covered until the Sewage Enforcement Officer and any other designated borough representative shall have first inspected and approved the installation and authorized covering the same. The landowner shall be responsible for furnishing reasonable notice of the installation for inspection.
- E. The landowner shall cause a holding tank to be cleaned as frequently as may be required to maintain the contents at a level less than seventy-five percent (75%) of the tank capacity.
- F. Holding tanks shall be installed at least fifty (50) feet downgrade from any source of water supply.

§ 118-7. Inspections and certification of pumping.

- A. Any landowner who applies for and receives a permit for holding tanks shall be deemed to have granted his consent for inspections of the holding tank and facilities used in connection with the holding tank by the Sewage Enforcement Officer of the borough. At reasonable times during the hours of 8 a.m. to 8 p.m., the landowner shall grant the Sewage Enforcement Office access to the premises for the purpose of making such inspections upon request of the Sewage Enforcement Officer verbally or in writing.
- B. Any landowner receiving a holding tank permit shall furnish to the borough a true and corrected copy of all pumping receipts for cleaning or removing the contents of the holding tanks. Such reports shall be made to the Borough Secretary within ten (10) days after the contents of the holding tank are pumped out. The borough shall receive, review and retain said pumping receipts in its file.
- C. The Sewage Enforcement Officer for the borough shall inspect each holding tank at least once a year and shall complete an annual inspection report which shall be retained by the borough. The cost of the inspection shall be established on an annual basis by Borough Council and shall be paid by the landowner receiving a holding tank permit. The landowner shall be responsible for scheduling the inspection with the Sewage Enforcement Officer. In the event that the landowner does not schedule an inspection with the Sewage Enforcement Officer, the borough shall initiate the inspection upon reasonable notice to the landowner.
- D. The failure of a landowner to permit inspection of holding tanks or equipment or facilities used in connection with the holding tanks or the failure of the landowner to have the holding tanks properly maintained and pumped out or the failure of the landowner to furnish pumping receipts to the borough in a timely fashion shall be grounds for immediate revocation of permit.
- E. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely pursuant to the rules and regulations established by Montoursville Borough and the disposal thereof shall be made solely at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

§ 118-8. Appeals.

The procedure for appeal shall in all respects conform to the procedure for appeal from denial of a sewage permit by the Sewage Enforcement Officer of the borough, as provided by law and the agreement between the borough and the Lycoming County Sanitary Committee.

§ 118-9. Violations and penalties.

- A. Any person, firm or corporation violating any of the provisions of this Article shall be subject, upon conviction, to pay a fine of not more than one thousand dollars (\$1,000.), plus costs of prosecution and, in default of the payment of such fine and costs, to imprisonment for not more than thirty (30) days.

- B. Where the violation continues from day to day, and the landowner fails to correct or cease such violation, each day's continuance shall constitute a separate violation.
- C. In addition to any other remedies provided in this Article, any violation thereof shall constitute a nuisance and shall be abated by the borough by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a Court of competent jurisdiction.

ARTICLE II

Sewer Construction and Maintenance [Adopted 10-16-1995 as Ord. No. 361]

§ 118-10. Granting of authorization.

For the purpose of constructing, extending, installing, maintaining, safeguarding or repairing its sewer facilities, the Lycoming County Water and Sewer Authority (the "Authority") is authorized to enter in, under and upon any and all streets or other ways and other properties now or hereafter in public use within this borough; subject, however, to the following conditions:

- A. The Authority shall cause as little inconvenience to the public in the use of such streets and ways and properties as may be reasonably possible and shall comply with the reasonable requirements of the Borough Council in such regard.
- B. The Authority shall exercise caution and care toward existing utilities within all streets or other ways and other properties now or hereafter in public use within the borough. Any damage to existing facilities shall be repaired or replaced at the expense of the Authority.
- C. Upon completion of any work the Authority shall restore such streets and ways and properties as nearly as may be possible to the conditions prevailing before the work began.
- D. The Authority shall indemnify the borough and its Borough Council against all loss and expense by reason of injury to persons or damage to property resulting from operations of the Authority in such streets and ways and properties or the maintenance of its facilities thereunder and, upon request of the Borough Council, shall obtain insurance in reasonable amounts covering such risks.

§ 118-11. Rights of easement.

The aforesaid Authority is hereby granted the right and easement to construct and maintain its sewer facilities under any and all streets or other ways and properties now or hereafter in public use within this borough.

ARTICLE III

Sewer Connections [Adopted 10-16-1995 as Ord. No. 362]

§ 118-12. Definitions.

As used in this Article, the following terms shall have the meanings stated:

AUTHORITY — Lycoming County Water and Sewer Authority, a municipal authority organized and existing under the laws of the commonwealth.

BOROUGH — The Borough of Montoursville, Lycoming County, Pennsylvania, acting by and through its Council, or in appropriate cases, by and through its authorized representative.

COMMONWEALTH — The Commonwealth of Pennsylvania.

IMPROVED PROPERTY — Any property within this borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or wastewater shall be or may be discharged.

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

PERSON — Any individual, company, association, society, trust, corporation, municipality, municipality authority or any group or entity.

PROPERTY ACCESSIBLE TO THE SEWER SYSTEM — Property which is benefited, improved or accommodated by a sewer system.

SANITARY SEWAGE — The normal, water-carried household and toilet wastes resulting from human occupancy.

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, transmitting, treating or disposing of sanitary sewage and/or wastewater situate in or adjacent to this borough and owned by the Authority.

WASTEWATER — The liquid and water carried, industrial or domestic waste, from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated, which is contributed into or permitted to enter the sewer system.

§ 118-13. Mandatory sewer connection.

Upon completion of any Authority Sewer System, the Authority shall request the borough to cause notice to be published once in a newspaper of general circulation in the borough, such notice to state that owners of any improved property that is property accessible to the sewer system shall connect such improved property with and use such sewer system in such manner as this borough may require, within ninety (90) days after notice to such owner from this borough to make such connection, for the purpose of discharging all sanitary sewage and wastewater from such improved property. The Authority, as agent for the borough, shall cause a copy of such notice to be served, either by personal service or by registered mail, upon each person known to the Authority to own such property not then so connected.

§ 118-14. Connections at expense of owners.

- A. The owner of any improved property that is property accessible to the sewer system shall, at his own expense, install sanitary facilities in such building and connect the same to the sewer system within ninety (90) days after publication of the notice of completion of the sewer specified in § 118-13.
- B. Any owner of improved property hereafter erected that is property accessible to the sewer system shall, at the time of erection and at his expense, install sanitary facilities in such building and connect the same to the sewer system.
- C. Any owner of improved property that is not property accessible to the sewer system who are nevertheless able to arrange for connections to the sewer system through adjoining properties may be permitted to make such connection.

§ 118-15. Construction and use of private device for sanitary sewage and wastewater disposal prohibited.

- A. It shall be unlawful for any person to construct or use on an improved property that is property accessible to the sewer system any privy vault, cesspool, sinkhole, septic tank or similar receptacle or device for the collection, storage, transportation or disposal of sanitary sewage and wastewater not connected to the sewer system. Any such privy vault, cesspool, sinkhole, septic tank or similar receptacle or device constructed or used in violation hereof is hereby declared to be a nuisance which shall be abated as provided by law. In addition, any such construction or use shall be reported to the proper law enforcement authorities for prosecution under any other applicable law of the Commonwealth of Pennsylvania. Violations of this Section shall also be subject to the penalties set forth in § 118-13 of this Article.
- B. The owner of each improved property within the borough required to be connected to the sewer system shall abandon every privy vault, cesspool, sinkhole, septic tank or similar receptacle or device in existence on or in the improved property from its use as such. Such abandonment shall be completed prior to the connection of the improved property to the sewer system. Thereafter, no such privy vault, cesspool, sinkhole, septic tank or similar receptacle or device shall be used in any manner for the collection, storage, transportation or disposal of sanitary sewage or wastewater, nor shall it be used by the owner of said improved property in the connection of such improved property to the sewer system.

§ 118-16. Procedure for connection.

No person shall make or shall cause to be made a connection of any improved property to the sewer system until such person shall have fulfilled each of the following conditions:

- A. Such person shall have notified the Secretary of the Authority, or the Secretary's designee, of the desire and intention to connect such improved property to the sewer system.
- B. Such person shall have given the Secretary of the Authority at least twenty-four (24) hours' notice of the time when such connection will be made so that the Authority may

supervise and inspect or may cause to be supervised or inspected the work of connection and necessary testing.

- C. If applicable, such person shall have furnished satisfactory evidence to the Secretary of the Authority that any tapping (or connection) fee that may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to the sewer system has been paid.

§ 118-17. System rules and regulations.

The Authority is hereby authorized to prepare rules and regulations regarding connections, fees, permits, service charges for and operation of the sewer system to be constructed, and regarding the constituents concentrations and quantities of sanitary sewage and wastewater permitted to enter the sewer system.

§ 118-18. Fees and permits.

No connection shall be made to the sewer system except upon payment to the Authority of the prescribed connection fee to be set by resolution from time to time by the Authority and upon permit issued by the Authority pursuant to its rules and regulations regarding connections. Violations of this section shall also be subject to the penalties set forth in § 118-20 of this Article.

§ 118-19. Enforcement of connections.

If any person required by § 118-14 hereof to make a connection to the sewer system fails to do so within ninety (90) days after the notice referred to in § 118-13 hereof has been served upon him, the Authority shall report such failure to the borough; and the borough shall be requested to proceed, in its own right or through its agents, as provided by law, to enter upon the property, to make such connection and collect from such owner the costs and expenses thereof by municipal claim, civil action at law or such other legal proceedings as may be permitted by law in the name of the borough. Such persons failing to make such connection shall also be subject to the penalties set forth in § 118-20 of this Article. The borough hereby appoints the Authority as its agent for purposes of this section. Any powers the borough possesses may be used by its agents in accordance with this section.

§ 118-20. Violations and penalties.

Any person who shall violate this Article shall be served, either by personal service or by registered mail, by the Authority with written notice stating the nature of the violation and prescribing a reasonable time limit for the correction thereof. Any person continuing such violation beyond such time limit shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine up to the maximum penalty permitted by law, together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such. Each separate building or dwelling unit in respect of which a violation

occurs shall also be deemed a separate offense. Fines and costs imposed under the provisions of this Article shall be enforceable and recoverable in the manner at the time provided by applicable law.

§ 118-21. Declaration of purpose.

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