

## CHAPTER 18

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Part 1

Connections

§101. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this part shall be as follows:

AUTHORITY - the Borough of Everett Area Municipal Authority, a municipality authority of the Commonwealth.

BOROUGH - the Borough of Everett, Bedford County, Pennsylvania, a municipal corporation of the Commonwealth, 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.

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 industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT - any improved property located in this Borough used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property located in this Borough from which wastes, in addition to or other than sanitary sewage, shall be discharged.

INDUSTRIAL WASTES - any and all wastes discharged from an industrial establishment other than sanitary sewage.

LATERAL - that 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 that 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, municipality, municipality authority or other group of entity.

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

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 and disposing of sanitary sewage and/or industrial wastes situate in or adjacent to this Borough and owned by the Borough.

STREET - any street, road, lane, court, cul-de-sac, alley, public way or public square.

(Ord. 269, 1/9/89, Art I)

§102. Use of Public Sewers Required.

1. Exceptions. The owner of any improved property benefited, improved or accommodated by a sewer shall connect such improved property with such sewer, in such manner as this Borough or the Authority may require, within forty-five (45) days after notice to such owner from this Borough or the Authority to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough or the Authority, from time to time.

2. Limitations and Restrictions. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under §102 (1), shall be conducted into a sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough or the Authority, from time to time.

3. Violation.

A. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of §102 (1).

B. No person shall discharge or shall permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of §102 (1), except where suitable treatment has been provided that is satisfactory to this Borough and the Authority.

4. Connection.

A. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be maintained at any time upon any improved property that has been connected to a sewer or that shall be required under §102 (1) to be connected to a sewer.

B. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Borough and the Authority, shall be cleansed and shall be filled, at the expense of the owner of such improved property, under the direction and supervision of this Borough or the Authority; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough or the Authority, not 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. Limitation. No privy vault, cesspool, sinkhole, septic tank

or similar receptacle at any time shall be connected with a sewer.

6. Notice. The notice by this Borough of the Authority to make a connection to a sewer, referred to in §102 (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 thereof, 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 forty-five (45) days from the date such notice is given. Such notice may be given at any time after a sewer is in place that can receive and can 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. 269, 1/9/89, Art. II)

§103. Building Sewers and Connections.

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

2. Application. Application for a permit required under §103(1) shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

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

A. Such person shall have notified the Authority of the desire and intention to connect such improved property to a sewer;

B. Such person shall have applied for and shall have obtained a permit as required by §103(1);

C. Such person shall have given 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 and inspected the work of connection and necessary testing; and,

D. If applicable, such person shall have furnished satisfactory evidence to 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 a sewer has been paid.

4. Grouping. Except as otherwise provided in §103(4), each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one (1) improved property on one (1) building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Authority in writing, shall have been secured and only subject to such

rules, regulations and conditions as may be prescribed by the Authority.

5. Costs and Expenses. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be done by the owner of the improved property to be connected; and such owner shall indemnify and shall 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.

6. Connection.

A. A building sewer shall be connected to a sewer at the place designated by the Authority and where, if applicable, the lateral is provided.

B. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

7. Claim. If the owner of any improved property benefited, improved or accommodated by a sewer, after forty-five (45) days notice from this Borough or the Authority, in accordance with §102(1), shall fail to connect such improved property, as required, this Borough or the Authority 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. 269, 1/9/89, Art. III)

§104. Rules and Regulations Governing Building Sewers and Connections to Sewer.

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

2. Covered for Inspection. No building sewer shall be covered until it has been inspected and approved by this Borough of 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. Safe Operating Conditions. 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. Excavation. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other 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 and the Authority.

5. Access. This Borough and the Authority shall have the right to gain access to and upon the improved property, at all reasonable times, after connection of the building sewer to the sewer for the purposes of inspection, observation, measurement, sampling and testing, and the performance of all other functions relating to sewer service rendered by the Authority. If at any time said building sewer and the waste being discharged therein from the improved property does not comply with the rules and regulations set forth herein or hereinafter adopted, notice of same, in writing, shall be given to the owner of the improved property to make the necessary change or repairs within forty-five (45) days of receipt of such notice. If the owner shall fail or shall refuse to make said necessary change or repairs within said time period, the Borough or the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such change or repairs shall have been remedied to the satisfaction of this Borough and the Authority.

6. Right to Adopt. This Borough and Authority reserve 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 with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Chapter.

(Ord. 269, 1/9/89, Art. IV)

§105. Enforcement.

1. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

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

(Ord. 269, 1/9/89, Ar. V; as amended by Ord. 271, 6/8/1992)

§106. Declaration of Purpose. It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Borough. (Ord. 269, 1/9/89, Art. VI)

## Part 2

### Sewer Uses

§201. Downspouts, Roof Drainage or Surface or Areaway Drainage not to be Connected to Sanitary Sewerage System. No downspout, roof drainage, or surface or areaway drainage shall be connected into the sanitary sewerage system. (Ord. 6/14/65, §1)

§202. Removal of Prohibited Connections Following Notice. All property owners in the Borough of Everett having downspouts, roof drainage, or surface or areaway drainage connected to the sanitary sewerage system shall remove same within thirty (30) days of notice to do so. Ord. 6/14/65, §2; as amended by Ord. 261A, 3/24/86, §11)

§203. Manner of Removal of Prohibited Connections. Any property owner or applicant for service shall remove such connections and adequately and rightly plug his system to prevent the entrance of any downspout, roof, surface or areaway drainage into the sanitary sewerage system. (Or. 6/14/65, §3; as amended by Ord. 261A, 3/24/86, §11)

§204. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 6/14/65, §4; as amended by Ord. 261A, 3/24/86, §11; and by Ord. 271, 6/8/1992)

Part 3

Holding Tank Ordinance

§301. Purpose. The purpose of this Part is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses and it is hereby 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. 263, 8/27/86, §1)

§302. Definitions. Unless the content specifically and clearly indicated otherwise, the meaning of terms used in this Part shall be as follows:

AUTHORITY - Councilmen of the Borough of Everett, Bedford County, Pennsylvania.

HOLDING TANK - a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

CHEMICAL TOILET - a toilet using chemicals that discharge to a holding tank.

RETENTION TANK - a holding tank where sewage is conveyed to it by a water carrying system.

VAULT PIT PRIVY - a holding tank designed to receive sewage where water under pressure is not available.

IMPROVED PROPERTY - any property within the 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 sewage shall or may be discharged.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough.

PERSON - any individual, partnership, company, association, corporation or other group or entity.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance 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.

MUNICIPALITY - Everett Borough, Bedford County, Pennsylvania. (Ord. 263, 8/27/86, §2)

§303. Rights and Privileges Granted. The Authority is hereby authorized and empowered to undertake within the Borough the control and methods of holding tank sewage disposal and the collection and transportation thereof. (Ord. 263, 8/27/86, §3)



§304. Rules and Regulations. The Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. (Ord. 263, 8/27/86, §4)

§305. Rules and Regulations to be in Conformity with Applicable Law. All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Borough, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. (Ord. 263, 8/27/86, §5)

§306. Rates and Charges. The Authority shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law. (Ord. 263, 8/27/86, §6)

§307. Holding Tank Permits. All holding tank permits may be issued for a period not to exceed two (2) years and for use only where a public health nuisance is to be abated or where a person or persons applying for said holding tank permit made application for a permit for the installation of a sewage treatment facility and where connection to the municipal sewage treatment facility is unfeasible. (Ord. 263, 8/27/86, §7)

§308. Regulation of Public Sewage. The Borough of the Authority regulating public sewage may require the posting of a bond in a sufficient amount to insure the installation of a sewage treatment facility prior to the expiration of the holding tank permit. (Ord. 263, 8/27/86, §8)

§309. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania. (Ord. 263, 8/27/86, §9)

§310. Duties of Improved Property Owner. The owner of an improved property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any ordinance of this Borough, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Authority or its agent to collect, transport and dispose of the contents therein.  
(Ord. 263, 8/27/86, §10)

§311. Violation and Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty(30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 263, 8/27/86, §11; as amended by Ord. 271, 6/8/1992)

§312. Abatement of Nuisance. In addition to any other remedies provided in this Part, any violation of §310 above shall constitute a nuisance and shall be abated by the Borough or the Authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction. (Ord. 263, 8/27/86, §12)