

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

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Part 1  
Holding Tanks

§101. Purposes. 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. 261, 9/10/1984, §1)

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

AUTHORITY - the Elizabethville Borough Authority of Dauphin 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:

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

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

(3) 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.

MUNICIPALITY - Elizabethville Borough, Dauphin County, Pennsylvania.

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.

(Ord. 261, 9/10/1984, §2)

§103. 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. 261, 9/10/1984, §3)

§104. 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. 261, 9/10/1984, §4)

§105. 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. 261, 9/10/1984, §5)

§106. 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. 261, 9/10/1984, §6)

§107. 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. 261, 9/10/1984, §7)

§108. 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 Part 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 agents to collect, transport and dispose of the contents therein.

(Ord. 261, 9/10/1984, §8)

§109. 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 one thousand (\$1,000.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 261, 9/10/1984, §9; as amended by Ord. 288, 8/8/1994)

§110. Abatement of Nuisances. In addition to any other remedies provided in this Part, any violation of §108 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. 261, 9/10/1984, §10)

## Part 2

## Connections

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

AUTHORITY - the Elizabethville Area Authority. [Ord. 305]

BUILDING SEWER - the extension from the sewer drainage system of any structure to the lateral of a sewer.

BOROUGH - the Borough of Elizabethville, Dauphin County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

IMPROVED PROPERTY - any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT - any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

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

LATERAL - the part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

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

SANITARY SEWAGE - normal water-carried household and toilet wastes discharged from any improved property, including such ground, surface or storm water as may be present.

SEWER - any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM - all facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of sanitary sewage and industrial wastes, situate in or adjacent to this Borough and owned, maintained and operated by the Authority.

(Ord. 191, 8/14/1967, §1.01; as amended by Ord. 305, 10/9/2000, §1)

§202. Use of Public Sewers Required.

1. The owner of any improved property, accessible to and to whose principal building is within 150 feet from the sewer system, shall connect such improved property to and shall use such sewer system. The owner of any improved property shall connect such improved property in such manner as this Borough or the Authority may require within 60 days after notice to such owner from the Borough or the Authority to make a connection, for the purpose of discharge of all sanitary sewage and industrial waste from the improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough or the Authority, from time to time. [Ord. 305]

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

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

4. No privy vault, cesspool, sink hole, septic tank, or similar receptacle shall be used and maintained at anytime upon any improved property which has been connected to a sewer system or which is required under subsection (1) herein to be connected to a sewer system. Every such privy vault, cesspool, sink hole, septic tank, or similar receptacle in existence shall be abandoned and cleansed and filled at the expense of the owner of the improved property, under the supervision and direction of this Borough or the Authority; and such privy vault, cesspool, sink hole, septic tank, or similar receptacle not abandoned and cleansed and filled shall constitute a nuisance and such nuisance may be abated as provided by law at the expense of the owner of the improved property. [Ord. 305]

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

6. The notice by this Borough to make a connection to a sewer, referred to in subsection (1), shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the 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 which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner in accordance with law.

(Ord. 191, 8/14/1967, §§2.01-2.06; as amended by Ord. 305, 10/9/2000, §§2, 3)

§203. Building Sewers and Connections.

1. Except as otherwise provided in this §203(1), each improved property shall be connected 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 this Borough and the Authority, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Borough and the Authority.

2. 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 borne by the owner of the improved property to be connected and such owner shall indemnify and save harmless this Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly as a result of construction of a building sewer or of connection of a building sewer to a sewer.

3. A building sewer shall be connected to a sewer at the place designated by the Authority and where the lateral is provided. The invert of a building sewer at the point of connection 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.

4. If the owner of any improved property located within this Borough and benefitted, improved and accommodated by any sewer, after forty-five (45) days notice from this Borough, in accordance with §202, shall fail to connect such improved property, as required, this Borough may make such connection and may collect from such owner the costs and expenses thereof by a municipal claim, and action in assumpsit or such other legal proceeding as may be permitted by law.

5. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any sewer or any part of the sewer system without first obtaining a permit, in writing, from the Authority, and paying to the Authority any tapping fee charged and imposed by the Authority against the owner of each improved property who connects such improved property to a sewer.

(Ord. 191, 8/14/1967, §§3.01-3.05)

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

1. Where an improved property, at the time connection to the sewer system is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be abandoned and a new house sewer line shall be constructed from the building to a point of connection with the sewer system. [Ord. 305]

2. No building sewer shall be covered until it has been inspected and approved by this Borough and the Authority. If any part of a building sewer

is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

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

4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Borough.

5. If any person shall fail or refuse, upon receipt of a notice of this Borough or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within forty-five (45) days of receipt of such notice, this Borough or the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Borough and the Authority.

6. This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 191, 8/14/1967, §§4.01-4.06; as amended by Ord. 305, 10/9/2000, §4)

§205. Enforcement.

1. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand (\$1,000.00) dollars 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. 288]

2. 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. 191, 8/14/1967, §§5.01,5.02; as amended by Ord. 288, 8/8/1994)

§206. 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. 191, 8/14/1967, §8.01)