

Chapter 18

Sewers and Sewage Disposal

Part 1

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Part 1**Borough Sanitary Sewers; Use, Rentals and Construction****A. General Provisions****§18-101. 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 Carroll Valley Sewer and Water Authority, a municipal authority of the Commonwealth of Pennsylvania. [Ord. 5-92]

Billing unit - a commercial establishment, a dwelling unit, an industrial establishment or an institutional establishment.

BOD (Biochemical Oxygen Demand) - the oxidation of organic matter under standard laboratory procedure for 5 days at 20 degrees Centigrade. The standard laboratory procedure shall be that found in the latest edition of *Standard Methods for the Examination of Water and Sewage*, as published by the American Public Health Association.

Borough - the Borough of Carroll Valley, Adams County, Pennsylvania, a municipal corporation of the Commonwealth.

Commercial establishment - any room, group of rooms, building or enclosure connected, directly or indirectly, to the sewer system and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service.

Commonwealth - the Commonwealth of Pennsylvania.

Dwelling unit - any room, group of rooms, house trailer, building or other enclosure connected, directly or indirectly, to the sewer system and occupied or intended for occupancy as separate living quarters by a family or any other group of persons living together or by a person or persons living alone, excluding institutional establishments.

Family members, immediate - refers to a mother, a father, a daughter, a son, a sister, or a brother of an owner-occupier of a duplex. [Ord. 12-99]

Improved property - any property 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 connected, directly or indirectly, to the sewer system and used or intended for use, in whole or in part, in the operation of a business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which industrial wastes, as distinct from sanitary sewage, shall be or may be discharged.

Industrial wastes - any wastes and all liquids discharged from any industrial establishment, other than sanitary sewage.

Institutional establishment - any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system, including institutional dormitories, which do not or does not constitute a commercial establishment, a dwelling unit or any industrial establishment.

Multiple unit - any improved property in which shall be located more than one billing unit.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any improved property which shall be connected, directly or indirectly, to the sewer system.

Person - any individual, partnership, company, association, society, municipality, corporation or other group or entity.

pH (hydrogen ion content) - 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.

Sanitary sewage - all normal water-carried household, lavatory, laundry and toilet wastes discharged from any improved property.

Sewage treatment plant - the facilities for treatment and disposal of sanitary sewage and industrial wastes which are operated and maintained in and for the Borough by the Borough.

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

Sewer system - all facilities, as of any particular time, for collecting, pumping, transporting and disposing of sanitary sewage and/or industrial wastes, to be acquired and to be constructed and to be owned by the Authority and to be leased to this Borough for maintenance, operation and use.

Suspended solids - such solid matter as is found floating or in suspension in sanitary sewage or in industrial wastes, and which is removable by laboratory filtering.

(Ord. 9-77, 9/10/1977; as amended by Ord. 5-92, 6/8/1992; and Ord. 12-99, 12/13/1999)

§18-102. Applicability, Posting and Filing.

This Part, together with the rules and regulations Parts 1B to 1D, from time to time adopted by the Borough pursuant to this Part, shall form and become part of the contract with every consumer who utilizes these sewer facilities and every such consumer, by utilizing the facilities, agrees to be bound thereby. A copy of this Part and the rules and regulations shall be filed and maintained with the Borough Secretary and its duly authorized collection agent for the inspection of any interested party.

(Ord. 9-77, 9/10/1977)

§18-103. Sewer Rentals or Charges.

Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sewer system, for use of the sewer system, whether such use shall be direct or indirect, and for services rendered

in connection therewith, which sewer rentals or charges shall commence and shall be effective as of the date of connection of each such improved property to the sewer system and shall be payable in the amounts and at the times and in the manner provided in this Part and in the rules and regulations adopted pursuant hereto.

(Ord 9-77, 9/10/1977)

§18-104. Computation of Sewer Rentals or Charges.

1. Sewer rentals or charges shall be in accordance with this Part and the rules and regulations adopted pursuant hereto.

2. Classification of use of the sewer system shall be in accordance with this Part and the rules and regulations adopted pursuant hereto.

3. Sewer connection charges shall be according to this Part and the rules and regulations adopted pursuant hereto.

4. If two or more billing units shall be connected to the sewer system through a single lateral, or if two or more types of use are made of the same improved property, the sewer rentals or charges shall be computed as though each such billing unit and each such type of use were a separate improved property or user with a separate connection to a sewer. Provided the secondary unit of a duplex residential dwelling is occupied by no more than two immediate family members of the owner/occupier of the dwelling, as defined in §18-101, and provided the secondary unit is not used primarily for income producing purposes, an exemption may apply to the double billing provision. Application for exemption must be made to the Zoning Officer on a form to be furnished by the Borough. Once an exemption is granted, it shall be the responsibility of the property owner to immediately notify the Borough of any change in the conditions under which the exemption was granted. Failure to provide such notification shall subject the property owner to full charges for the exempt unit retroactive to the date the exemption was granted. The filing of municipal liens and the procedures for collection of delinquent amounts, including collection charges and attorney's fees as described under §18-106, shall apply to these retroactive charges. [Ord. 12-99]

5. Additional classifications or schedules and sewer rentals or charges or modifications of sewer rentals or charges may be established or may be made by this Borough, from time to time, as shall be deemed necessary or desirable by this Borough.

6. This Borough may require the owner of a commercial establishment, an industrial establishment or an institutional establishment, to install, to pay for, and to maintain a meter approved by this Borough for measuring monthly volumes of sanitary sewage and/or industrial wastes discharged into the sewer system, in which case the sewer rentals or charges shall be such as may be established or may be made by this Borough, from time to time, as shall be deemed necessary or desirable by this Borough and in accordance with the rules and regulations adopted pursuant hereto.

7. The owner of any commercial establishment, industrial establishment, or institutional establishment discharging sanitary sewage and/or industrial wastes in the sewer system shall furnish to this Borough, upon written request, all information deemed essential by this Borough for the determination of applicable sewer rental surcharges for excess strength wastes, as provided by this Part and the rules and regulations adopted pursuant hereto. The costs of obtaining such information shall be borne by such owner of such commercial establishment, industrial establishment or

institutional establishment.

8. In the event that the owner of any improved property shall discharge sanitary sewage and/or industrial wastes into the sewer system that originate in more than one dwelling unit, commercial establishment, industrial establishment and/or commercial establishment located upon such improved property, the appropriate sewer rentals or charges shall be computed, for each billing unit, as set forth in this Part and in the rules and regulations adopted pursuant hereto. Separate sewer rentals or charges so computed for each billing unit shall be consolidated into a single total amount for the purpose of determining the aggregate sewer rentals or charges to such owner of such improved property.

9. If the owner of any improved property shall fail to provide this Borough with any and all information required to compute the sewer rentals or charges applicable to such improved property, this Borough may reasonably estimate appropriate sewer rentals or charges for such improved property and such estimated sewer rentals or charges shall be the actual sewer rentals or charges payable until required information is filed with this Borough; provided, however, that no rebates will be paid by this Borough if the information subsequently filed would support lower indicated sewer rentals or charges than those estimated by this Borough.

10. Nothing contained in this Part shall be construed as prohibiting special agreements between this Borough and the owner of any improved property constituting a commercial establishment, an industrial establishment or any institutional establishment when conditions and circumstances making such special agreements advisable and/or necessary, in the opinion of the Borough, are present.

(*Ord. 9-77, 9/10/1977; as amended by Ord. 12-99, 12/13/1999*)

§18-105. Time and Method of Payment.

1. The procedure for the payment of sewer rentals shall be in accordance with the rules and regulations from time to time adopted by the Borough, pursuant to this Part.

2. The owner of any improved property which shall be connected to the sewer system for only a part of a billing period shall pay pro rata sewer rentals or charges for the portion of the billing period during which such connection was in effect.

3. Sewer rentals or charges shall be due and payable upon the applicable billing date, at the place which shall be specified, from time to time, in the bills to be rendered by or in behalf of this Borough, and the appropriate amount, computed in accordance with this Part and the rules and regulations adopted pursuant hereto, shall constitute the net bill.

4. The owner of an improved property which is connected to the sewer system initially shall provide this Borough with and thereafter shall keep this Borough advised of the correct address of such owner. Failure of any person to receive bills for sewer rentals or charges shall not be considered an excuse for nonpayment, nor shall such failure result in the extension of the period of time during which the net bill shall be payable.

(*Ord 9-77, 9/10/1977*)

§18-106. Liens for Sewer Rentals. Filing and Collection of Liens.

1. Sewer rentals or charges imposed by this Part shall be a lien upon the improved property connected to and served by the sewer system and any such sewer rentals or charges which are delinquent shall be filed as a lien against the improved property so connected to and served by the sewer system, which lien shall be filed in the appropriate office of the County of Adams, Pennsylvania, as provided by law for the filing and collecting of municipal claims.

2. As authorized by Act 1 of 1996 amending the Municipal Claim and Tax Lien Law, 53 P.S. §7101 *et seq.*, reasonable attorney's fees charged in the collection of delinquent accounts shall be included in the lien amount. The Borough shall adopt a schedule of attorney fees from time to time as well as a written policy establishing procedures for providing the delinquent property owner with advance notice of the levying of said fees and with the opportunity to contest the reasonableness of said charges. [Ord. 13-99]

3. The filing of municipal liens and the procedures for collection of delinquent amounts, including collection charges and attorney's fees as described under §18-106, shall apply as well to fees and charges related to use of the Carroll Valley wastewater treatment system and to holding tank sewer rentals in any area in which said holding tanks are served by the Borough's sanitary sewer facilities.

(Ord. 9-77, 9/10/1977; as amended by Ord. 13-99, 12/13/1999)

§18-107. Prohibited Discharges and Industrial Waste. [A.O.]

1. No person shall discharge or shall cause to be discharged any stormwater, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, or drainage from roof leader connections into any sewer.

2. This Borough reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system, to compel the use of the sewer system or to compel the pretreatment of industrial wastes by any owner of an improved property, in order to prevent discharges deemed to be harmful or to have a deleterious effect upon any sewer system or the sewage treatment plant.

3. Where necessary, in the opinion of this Borough, the owner of an improved property shall provide, at the expense of the owner, suitable pretreatment facilities in order to comply with this Part and the rules and regulations adopted pursuant hereto.

A. Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of industrial wastes shall be submitted for approval of this Borough; and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from this Borough, and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction.

B. Whenever facilities for preliminary treatment and handling of industrial wastes shall have been provided by an owner, such facilities continuously shall be maintained, at the expense of such owner, in satisfactory operating condition; and this Borough shall have access to such facilities at reasonable times for the purposes of inspection and testing.

4. Nothing contained in this Part or in the rules and regulations adopted pursuant hereto shall be construed as prohibiting any special agreement or arrangement between this Borough and any owner whereby industrial wastes of unusual

strength or character may be admitted into the sewer system of this Borough, either before or after preliminary treatment.

(Ord. 9-77, 9/10/1977; as amended by A.O.)

§18-108. Service Connections.

1. No sewer connection, or disconnection, shall be made except under the supervision, control and approval of the Borough's authorized representative, and in accordance with the rules and regulations from time to time adopted by the Borough, pursuant to this Part.

2. No repairs, alterations, or additions to any sewer lateral or sewer connection with the public sewer system shall be made, unless the person desiring to make the same shall first make application to and receive permission from the Borough for doing so.

3. Permits authorized for sewer connection, disconnection, repairs, alterations, or additions to any lateral or sewer connection with the public sewer system shall be issued by the Borough upon compliance of the applicant with the provisions of this Part and the rules and regulations promulgated hereunder.

(Ord. 9-77, 9/10/1977)

§18-109. Extension of Street Mains.

1. When application has been received for sewer service requiring an extension of the public sewer system, a deposit may be required by the Borough from the applicant covering the entire estimated cost, or part thereof as the Borough deems proper, of installation of the necessary pipelines and appurtenances other than service connections, as determined by the Borough.

2. Such deposit will not bear interest.

3. The provisions stated herein requiring a deposit shall not in any way be construed to be affected by any rules, regulations or requirements adopted by the Planning Commission or adopted by ordinance by the Borough Council designed to implement any recommendation of the Planning Commission.

4. Upon such completion and occupancy, refunds shall be made to the depositor in amounts calculated as set forth in the rules and regulations.

(Ord. 9-77, 9/10/1977)

§18-110. Sewer Connections Required.

The owner of improved property abutting or adjoining any street, alley, lane or other public highway in which there is a sewer shall, upon receipt of written notice from the Borough ordering connection, be required to connect his or her premises with the sewer system without delay.

(Ord. 9-77, 9/10/1977)

§18-111. Connection Required Upon Extension of Sewage Collection System; Notice.

As from time to time sewer service becomes available to additional properties within the Borough by reason of the improvement of properties abutting on or adjoining

any street, alley, lane or other public highway in which there is a sewer, or by reason of the extension of the sewage collection system so as to make sewer service available to additional improved properties, each and every owner of such additional properties shall likewise, upon receipt of written notice from the Borough ordering connection, be required to connect his or her premises with the sewer system without delay.

(Ord. 9-77, 9/10/1977)

§18-112. Service upon Delinquent Property Owners of Notice to Connect, Performance of Work by Borough; Costs.

If, after the sewer system has been completed and or where sewer service is available, any owner of improved property within the Borough abutting on or adjoining any street, alley, lane or other public highway in which there is a sewer shall have failed to connect therewith within the prescribed period of time as set forth in the rules and regulations adopted pursuant to this Part, the Borough may give such owner written notice of this Part as prescribed in the rules and regulations adopted pursuant hereto, either by personal service or by registered mail sent to the last known address of such owner, and upon the failure of such owner to make the required connection within the designated period of time as set forth in the rules and regulations, the Borough may make such connection and collect the costs thereof from such owner by municipal claim or in an action in assumpsit. In the event that sewer service becomes available to additional properties as provided in §18-111 and the owner of any such property shall fail to connect his or her premises with the sewer system without delay, the Borough may likewise give such owner written notice of this Part as prescribed in the rules and regulations adopted pursuant hereto, either by personal service or by registered mail sent to the last known address of such owner, and upon the failure of such owner to make the required connection within the designated period of time as set forth in the rules and regulations, the Borough may make such connection and collect the cost thereof from such owner by a municipal claim or an action in assumpsit.

(Ord. 9-77, 9/10/1977)

§18-113. Use of a Privy or Septic Tank Prohibited after Expiration of Time Allowed for Connection.

After the expiration of time within which each owner is required to connect with the sewer system under the provisions of this Part and the rules and regulations adopted pursuant hereto, it shall be unlawful for any person, firm or corporation to own, maintain, operate or use within the Borough a privy, cesspool, vault, septic tank or similar receptacle for sanitary sewage upon any property now or hereafter improved which abuts on or adjoins any street, alley, lane or public highway in which a sewer is constructed, to connect any such privy, cesspool, vault, septic tank or similar receptacle with any such sewer or to discharge sewage into any storm sewer or other sewer or outlet other than the sewer system.

(Ord. 9-77, 9/10/1977)

§18-114. Admission of Industrial Wastes Into the Sewer System.

1. Any person desiring to make or to use a connection to the sewer system through which industrial wastes shall be discharged into the sewer system shall file

with this Borough an application for a permit and other appropriate documents to be furnished by this Borough, which shall supply to the Borough pertinent data including, inter alia, estimated quantities of flow, characteristics and constituents, with respect to industrial wastes proposed to be discharged into the sewer system and shall obtain a written permit from this Borough to do so before making or using such connection. The cost of obtaining all such data shall be borne by the person desiring to make or to use such a connection to the sewer system.

2. Any person who shall discharge industrial wastes into the sewer system, when required by this Borough, shall construct, at the expense of such person, and thereafter shall properly maintain, at the expense of such person, a suitable control manhole and other devices as shall be approved by this Borough to facilitate observation, measurement and sampling by this Borough of sanitary sewage and industrial wastes discharged into the sewer system. Any such control manhole, when required by this Borough, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans to be approved by this Borough prior to the commencement of construction.

3. Any industrial establishment that, at any time, shall be discharging sanitary sewage and/or industrial wastes into the sewer system and shall contemplate a change in the method of operation which materially will alter the characteristics and/or volumes of wastes at the time being discharged into the sewer system, shall notify this Borough, in writing, at least 10 days prior to consummation of such change in the method of operation.

4. This Borough reserves the right to require any commercial establishment, industrial establishment, or institutional establishment which may have large variations in rate of waste flow, to install suitable regulating devices for equalizing waste flow to the sewer system.

(Ord. 9-77, 9/10/1977)

§18-115. Access.

This Borough shall have the right of access, at all reasonable times, to any part of any improved property served by the sewer system as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by this Borough through the sewer system.

(Ord. 9-77, 9/10/1977)

§18-116. Measuring Devices, Meter Readings and Access.

1. The furnishing and installation of meters or other devices which shall not be owned by this Borough, but which shall be installed under the provisions of this Part, shall be the sole responsibility of the owner. The installation or use of such meters or other measuring devices at all times shall be subject to the approval of this Borough and may be treated and inspected by this Borough whenever necessary. The owner shall be responsible for the maintenance, safe-keeping and repair of any such meters or other measuring device, whether such repairs shall be made necessary by ordinary wear and tear or other causes.

2. This Borough shall be responsible for the reading of all meters or other measuring devices and the same shall be available to employees and agents of this

Borough at all reasonable times.

3. Representatives of this Borough shall have the right of access at reasonable times to any part of any improved property served by the sewer system and any meters or other measuring devices used for purposes of establishing or determining strengths or volumes for purposes of this Part.

(Ord. 9-77, 9/10/1977)

§18-117. Responsibility of Owners of Improved Property.

1. The owner of any improved property connected to the sewer system shall be responsible for all acts of tenants or other occupants of such improved property in so far as such acts shall be governed by provisions of this Part and the rules and regulations adopted pursuant hereto.

2. Before service is initiated, the owner desiring such service shall make written application for service on a form to be provided by the Borough, and upon approval of such application by the Borough, such application, together with the rules and regulations adopted pursuant to this Part, shall become the service contract, and the applicant and the Borough shall thus become the contracting parties.

3. The new application shall be executed in any instance involving a change in the contracting parties, consumer's location, or in the class or scope of service to be taken.

4. Application from a tenant to use the Borough's sewage facilities must be signed by the owner as guarantor for the payment of all bills rendered. Neglect of a tenant to make payment under the terms of subsection .1 above, makes the owner liable for such payment.

5. No owner or tenant of any premises connected with the sewer lines of the Borough will be allowed to permit another person or premises to use or connect with his or her service line, except upon written permission from the Borough.

6. Any violation of this Part or the rules and regulations adopted pursuant hereto shall render the contract between the consumer and the Borough void. After due notice, sewer service may be cut-off, remaining cut-off until such time as the Borough is satisfied that the consumer will observe the rules and regulations.

(Ord. 9-77, 9/10/1977)

§18-118. Adoption of Additional Rules and Regulations.

This Borough reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall be, shall become, and shall be construed as part of this Part.

(Ord. 9-77, 9/10/1977)

§18-119. Violations and Penalties.

In addition to any civil remedy available to the Borough, any person violating the provisions of this Part, upon conviction, thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute

a separate offense.

(*Ord. 9-77, 9/10/1977; as amended by Ord. 5-92, 6/8/1992; and by A.O.*

§18-120. 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 the inhabitants of this Borough.

(*Ord. 9-77, 9/10/1977*)

B. Rents and Charges; Operation and Maintenance**§18-131. Intent of Rules and Regulations.**

1. These rules and regulations are intended to regulate and govern the installation and operation of sanitary sewer service lines required under existing and/or future ordinances of the Borough of Carroll Valley, Adams County, Pennsylvania (hereinafter the "Borough"). Where these rules and regulations may from time to time conflict with ordinances of the Borough, the requirements of such ordinances shall govern. Where these rules and regulations may from time to time conflict with other rules and regulations which have previously been adopted by the Borough, the provisions of these rules and regulations which are hereby adopted shall govern. In all other cases where there is no conflict between these rules and regulations and rules and regulations which have previously been adopted by the Borough, these rules and regulations shall supplement all previously enacted rules and regulations.

2. For any situation not governed or covered by ordinances of the Borough or by these rules and regulations or previously adopted rules and regulations, or where amplification thereof is required, the procedure: in appropriate specifications of the American Society for Testing and Materials ASTM and the Water Pollution Federation WPCF, *Manual of Practice No. 9*, shall apply.

(Ord. 6-76, 6/12/1976, Part II, §A)

§18-132. Sewer Rents and Charges.

All rents and charges for the use of the sanitary sewers serving the Borough shall be in such amounts as established from time to time by resolution of Borough Council.

(Ord. 6-76, 6/12/1976, Part II, §C; as amended by Ord. 5-92, 6/8/1992; and by A.O.)

§18-133. Meters.

This Borough shall require the owner of a commercial establishment, an industrial establishment or an institutional establishment to install, to pay for and to maintain a meter approved by this Borough for measuring volumes of sanitary sewage and/or industrial wastes discharged into the sewer system, or in lieu thereof, may permit such owner to provide and pay for such other means of determining the volume of sanitary sewage and/or industrial wastes discharged into the sewer system, as shall be permitted from time to time by this Borough by regulation or individual determination, as shall be approved by and satisfactory to this Borough, and subject to such conditions and requirements as shall be imposed by this Borough in connection therewith from time to time either by regulation or on an individual basis.

(Ord. 6-76, 6/12/1976. Part 11, §D)

§18-134. Sewage Surcharge.

1. The owner of any commercial establishment, industrial establishment, or institutional establishment which shall discharge sanitary sewage and/or industrial wastes into the sewer system having a BOD demand greater than 200 milligrams per liter or suspended solids content greater than 200 milligrams per liter, shall pay a strength of waste surcharge, in addition to sewer rates or charges otherwise provided by these rules and regulations, for each monthly billing period, which surcharge shall

be calculated in accordance with the following formula:

Adjustment Factor = $1 + (\text{BOD} - 200 \text{ 1,000} + - (\text{Suspended Solids} - 200 + 1,000))$. In no case may the adjustment factor be less than one.

2. The strength of sanitary sewage and industrial wastes to be used for establishing the amount of surcharge shall be determined at least once quarterly either:

A. By suitable sampling and analysis of such waste for a consecutive 3 day period during a time of normal business operation.

B. From estimates made by this Borough.

C. From known relationships of products produced to strengths of such waste for those industries where such factors have been established.

3. In establishing such waste strengths for surcharge purposes by analysis, analysis shall be made in accordance with procedures outlined in the latest edition of *Standard Methods for the Examination of Water and Waste Water* published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation.

(Ord. 6-76, 6/12/1976, Part II, §E)

§18-135. Prohibited Wastes.

No sanitary sewage or industrial wastes shall be discharged into the sewer system which:

A. Shall have a temperature higher than 150 degrees Fahrenheit.

B. Shall contain more than 100 milligrams per liter of fat, oil and/or grease; or which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit.

C. Shall contain any gasoline, benzene, naptha, fuel oil or other inflammable or explosive liquids, solids or gases.

D. Shall contain any solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground by household-type garbage disposal units or other suitable garbage grinders.

E. Shall contain any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, cotton, wool or other fibers, plastics, wood, paunch manure or other solid or viscous substances capable of causing obstructions to or other interference with proper operation of the sewer system or any sewer or the sewage treatment plant.

F. Shall have a pH lower than 6 or higher than 9, or shall have any other corrosive property capable of causing damage or hazards to structures or equipment of the sewer system or any sewer or the sewage treatment plant or to any person engaged in operation and maintenance of the sewer system or any sewer or the sewage treatment plant.

G. Shall contain toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process, to constitute hazards to humans or animals or create any hazards in waters which shall receive treated effluent from the sewer system and the sewage treatment plant. Toxic wastes shall include,

but shall not be limited to, wastes containing cyanide, chromium, copper and nickel ions.

H. Shall contain noxious or malodorous gases or substances capable of creating a public nuisance.

I. Shall contain a BOD of such strength or suspended solids of such character and quantity that special and unusual attention is required for handling at the sewage treatment plant.

(*Ord. 6-76, 6/12/1976, Part II, §F*)

§18-136. Time and Method of Payment; Nonresidential.

1. Sewer rentals or charges shall be rendered on a monthly basis, on or about the fifteenth day of each month, or on such other dates as this Borough shall specify, and shall cover a monthly billing period consisting of all or part, as applicable, of the immediately preceding calendar month.

2. Where sewer rentals or charges are not paid within 15 calendar days after each applicable billing date, an additional sum of 10 percent shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such 15 calendar day period shall constitute payment within such period. If the end of such 15 calendar day period shall fall on a legal holiday or on a Sunday, the payment made on or mailed and postmarked on the next succeeding regular business day shall constitute payment within such period.

3. Sewer rentals or charges which are not paid within 30 days after each applicable billing date shall bear interest at the rate of 1 percent per month or fraction thereof until paid, on the bill, plus the penalty.

(*Ord. 6-76, 6/12/1976, Part II, §G; as amended by Ord. 5-92, 6/8/1992*)

§18-137. Time and Method of Payment; Residential.

1. Sewer rentals or charges shall be rendered on a quarterly basis, on or about the fifteenth day of each quarter, or on such other dates as this Borough shall specify, and shall cover a quarterly billing period consisting of all or part, as applicable, of the immediately preceding calendar quarter.

2. Where sewer rentals or charges are not paid within 15 calendar days after each applicable billing date, an additional sum of 10 percent shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such 15 calendar day period shall constitute payment within such period. If the end of such 15 calendar day period shall fall on a legal holiday or on a Sunday, the payment made on or mailed and postmarked on the next succeeding regular business day shall constitute payment within such period.

3. Sewer rentals or charges which are not paid within 30 days after each applicable billing date shall bear interest at the rate of 1 percent per month or fraction thereof until paid, on the bill, plus the penalty.

(*Ord. 6-76, 6/12/1976, Part II; as added by Ord. 5-92, 6/8/1992*)

C. Sewer Construction; Permits, Materials and Construction**§18-161. General.**

These rules and regulations are intended to regulate and govern the installation of sanitary sewer service lines required under existing and/or future ordinances of the Borough of Carroll Valley, Adams County, Pennsylvania (hereinafter, "Borough"). Where these rules and regulations may from time to time conflict with ordinances of the Borough, the requirements of such ordinances shall govern. For any situation not governed or covered by ordinances of the Borough or by these rules or regulations or where amplification thereof is required, the procedures set forth in appropriate specifications of the ASTM and WPCF, *Manual of Practice No. 9*, shall apply.

(Ord. 6-76, 6/12/1976, Part II, Art. B, §A)

§18-162. Sewer Connection Charges.

The sewer connection charge for each connection from a property to the sewer system is hereby fixed at the following rates:

A. For all connection charges paid at or prior to the time the sewer main of the sewage collection system is laid in the street, alley, lane, or other public highway adjoining the property to be served, the charge shall be the cost of such installation to the Borough plus 10 percent.

B. For all connection charges paid after the sewer main of the sewage collection has been laid in the street, alley, lane or other public highway adjoining the property to be served, the charge shall be the cost of such installation to the Borough plus 15 percent.

(Ord. 6-76, 6/12/1976, Part II, Art. A, §H)

§18-163. Service Connections.

No sewer connection, disconnection, repair, alteration, or addition to any sewer lateral or sewer connection with the public sewer system shall be made except in accordance with the following:

A. The minimum size of a lateral shall be 4 inches for domestic service. Minimum size for industrial and commercial applicants shall be determined by the Borough and stated on the permit issued to such applicants.

B. No sewer lateral will be connected to the sewer system unless the house is fully roofed and the foundation around the house is graded. If any doors or windows are not installed the sewer lateral shall be plugged and this plug not removed until the house is fully sealed. When the above is completed, the plug will be removed by the Borough of Carroll Valley.

C. Any existing vent pipe from a trap which permits surface water to enter the sewer system shall be repaired so that the top of the said vent pipe is at least 6 inches above the top of the maximum high water table for the area and also at least 18 inches above finished grade elevations.

D. All sewer connections, as set forth under this Part, shall be made only upon the approval of the Borough's authorized representative and shall be under his supervision and control.

E. No house sewer installed by any consumer subject to the rules and regulations shall be in the same trench or within 5 feet of any water service line installed by any consumer.

(*Ord. 6-76, 6/12/1976, Part II, Art. A, §I*)

§18-164. Return of Deposit.

Where an applicant has made a deposit for the purpose of acquiring an extension of the public sewer system, such deposit may be returned to the depositor on the basis of separate agreements to be negotiated between the Borough and the applicant.

(*Ord. 6-76, 6/12/1976, Part II, Art. A, §K*)

§18-165. Permits.

Any person required or desiring to connect to an existing or proposed sanitary sewer operated by the Borough of Carroll Valley shall first secure an application and permit from the Borough. Applications and permits shall be of two types:

A. Domestic. [*Ord. 5-92*]

B. Nondomestic. [*Ord. 5-92*]

(*Ord. 6-76, 6/12/1976, Part II, Art. B, §B; as amended by Ord. 5-92, 6/8/1992*)

§18-166. Fees.

No permit to connect to the sewer system shall be issued until the applicant has presented sufficient evidence that all related fees and other charges including any applicable tapping or connection fee payable to the Borough has been either paid in full or otherwise provided for to the satisfaction of the Borough.

(*Ord. 6-76, 6/12/1976, Part II, Art. B, §C*)

§18-167. Pipe Size.

All building sewers, as defined herein, shall be adequately sized to be able to convey the intended hydraulic flow. In no instance shall the pipe be less than 4 inches in inside diameter.

(*Ord. 6-76, 6/12/1976, Part II, Art. B, §D*)

§18-168. Materials.

All building sewer pipes shall be of any of the following types of materials:

A. *Asbestos-Cement Pipe*. All pipe of this type shall conform to the following specifications and/or latest revision thereto:

- (1) Federal specifications: SS-P-351a and SS-P-331c.
- (2) AWWA: C4007.
- (3) ASTM: C296, C428, C500.

B. *Clay Pipe*. All pipe of this type shall conform to the following specifications and/or latest revision thereto:

- (1) Federal specifications: SS-P-361B.
- (2) ASTM: C12, C13, C200, C301, C425, C594.

C. *Cast Iron Pipe*. All pipe of this type shall conform to the following specifications and/or latest revisions thereto:

- (1) Federal specifications: WW-P-421b.
- (2) USASI: A21.2, A21.6, A21.8, A21.4, A21.10, A21.11.

D. *Ductile Iron Pipe*. All pipes of this type shall conform to the following specifications and/or latest revision thereto:

- (1) USASI: A21.51, A21.50.
- (2) ASTM: A536.

E. *ABS Composite Gravity Sewer Pipe (ABS Truss Pipe)*. All pipe of this type shall conform to the following specifications and/or latest revision thereto:

- (1) ASTM: D2680.
- (2) ABS: DWV Schedule 40 pipe with chemically welded fittings and joints. All pipe of this type shall conform to the following specifications and/or latest revision thereto:
 - (a) ASTM: D2661.
 - (b) Commercial Standard: CS270-65.

F. *Polyvinyl Chloride (PVC) Gravity Sewer Pipe*. All pipe of this type shall conform to the following specifications and/or the latest revision thereto:

- (1) ASTM: D3034, SDR35 with compression type gasketed joints.

(Ord. 6-76, 6/12/1976, Part II, Art. B, §E)

§18-169. Installation.

All building sewer lines, as defined herein, shall be installed in accordance with the following minimum requirements:

A. No building floor drain, sump pump, or any device permitting storm, water-table, or surface water to enter the sewer system shall be permitted.

B. All lines must be installed with the related couplings of the pipe material utilized excepting transitions to other pipe materials already in existence.

C. No lines shall be installed in unstable fill.

D. The minimum slope for 4 inch lines shall be 1/8 inch fall per lineal foot. Larger lines may have a flatter slope when approved by the Borough Engineer.

E. No line extending from the building through the lateral to the main sewer line shall have a straight run of pipe in excess of 75 lineal feet unless it be provided with a cleanout extending to ground level consisting of a 45 degree wye and ell. A 90 degree cleanout tee shall not be considered when calculating the length of the straight run of pipe. [Ord. 5-92]

F. No directional changes of more than 45 degrees will be permitted unless with a long radius fitting. All directional changes in excess of 45 degrees must be equipped with a cleanout extending to ground level.

G. No line shall be installed with less than 2 feet of cover unless special provisions are made that meet with the approval of the Borough's Engineer.

H. All lines immediately adjacent to building foundations shall be constructed

in accordance with the following in order to protect against excessive forces caused by backfilling and earth settlement:

(1) Be constructed of extra heavy cast iron or ductile iron pipe to a point at least 5 feet outside the building foundation wall.

(2) Be constructed of other approved materials provided the pipe is suitably protected against forces caused by backfilling and earth settlement by blocking or concrete encasement for the entire length subjected to these forces.

(3) In all installations the requirements and decisions of the Borough or their representative(s) shall be final and binding.

I. Any line passing under driveways or other areas of potential heavy wheel loading must be constructed of extra heavy cast iron pipe, ductile iron pipe, or protected by concrete encasement.

J. All lines shall be bedded in and covered with limestone dust or other approved fine material. The bedding and cover shall surround the pipe at least 4 inches.

K. No potable water service line may be installed in the same trench as a sewer service line unless separated by at least 3 feet as measured in a horizontal plane.

L. Each building sewer shall be equipped with a 4 inch clean-out tee at the right-of-way/lot line where the main sewer line is located in a roadway bordering the property. If the main sewer line is located in a side or rear lot line easement the cleanout tee shall be located as close as practical to the main sewer line. A 4-inch cleanout wye shall be located as close as practical to the outside wall or basement of the building being served. [Ord. 5-92]

M. Any sanitary sewage pumping device shall be constructed and installed in such a manner to preclude the introduction of any ground water or leakage of any fluid other than sanitary sewage into the building sewer. The bottom of any such sump, container, or wet well to house a pumping device shall be at least 6 inches above the finished floor elevation of that portion of the building in which it is located. [Ord. 5-92]

N. *Interceptors and Separators.*

(1) *Interceptors.* Interceptors (including grease, oil, and sand interceptors, etc.) shall be provided when, in the opinion of the Borough, they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, sand and other ingredients harmful to the building drainage system, the public sewer or sewage treatment plant or processes.

(2) *Approval.* The size, type and location of each interceptor or separator shall be approved by the Borough and no wastes other than those requiring treatment or separation shall be discharged into any interceptor.

(3) *Grease Interceptor.* No grease interceptor shall be hereinafter installed which does not comply, in all respects, with the type or model approved by the Borough.

(4) *Oil Separators.* An oil separator shall be installed in the drainage system or section of the system where, in the opinion of the Borough, a hazard exists or where oils or other flammables can be introduced or admitted into the

drainage system by accident or otherwise.

(5) *Where Required.* Oil separators shall be installed when required by the Borough and shall conform to requirements of minimum dimension.

(6) *Minimum Dimensions.* Oil separators shall have a depth of not less than 2 feet below the invert of the discharge drain.

(7) *Motor Vehicle Storage.* Interceptors shall have a capacity of 6 cubic feet where not more than three vehicles are serviced and 1 cubic foot in net capacity shall be added for each additional vehicle up to 10 vehicles. Where more than 10 vehicles are serviced and stored, the Borough shall determine the size of separator required.

(8) *Motor Vehicle Servicing.* Where storage facilities are not maintained, as in repair shops, the capacity of the separator shall be based on a net capacity of 1 cubic foot for each 100 square feet of surface to be drained into the interceptor with a minimum capacity of 6 cubic feet.

(9) *Special Type Separators.* Before installing any special type separator, a drawing including all pertinent information shall be submitted for approval of the Borough Engineer, as being in accordance with this code.

(Ord. 6-76, 6/12/1976, Part II, Art. B, §F; as amended by Ord. 5-92, 6/8/1992)

§18-170. Use of Existing Piping and Existing Tank.

1. All existing sewage disposal system piping may be retained and utilized as part of the connection to a sanitary sewer service line installed in the Borough provided it meets with the approval of the Borough inspector as capable of providing a trouble-free, workable sewage disposal system. However, if, in the opinion of the Borough inspector, there is evidence of a leak in the line prior to its entry into the tank, or if the existing pipe does not meet current standards for size and type of material, or if it does not meet the current minimum required fall per foot standard, or if for any other reason it will not meet current standards for a trouble-free sewage disposal system, then the use of the existing pipe shall not be allowed, unless proven acceptable by an exfiltration test as provided herein. If the existing line does not contain a cleanout as close as practical to the foundation as required under §18-169.L, then an approved cleanout shall be installed in said location.

2. The use of an existing tank when a pump is required may be considered provided it meets the approval of the Borough inspector and the Borough Engineer and provided it is proven to be leak-free. In all other cases, an existing tank must either be removed or it must be crushed or filled and bypassed during the connection process.

(Ord. 6-76, 6/12/1976, Part II, Art. B, §G; as amended by Ord. 5-92, 6/8/1992)

§18-171. Exfiltration Test.

All new building sewer connections and existing piping desired to be retained for usage shall be independently tested for leakage by an exfiltration test. The line to be tested shall be separated at both ends, the lower end shall be plugged with a water-tight stopper and the highest end of the piping subjected to a vertical water test of at least 8 feet of water column. All such piping tested shall not show leakage in excess of 100 gallons per inch of diameter per mile of sewer per day. Tests on new or existing

pipings shall be witnessed by the Borough or its appointed representative.

(*Ord. 6-76, 6/12/1976, Part II, Art. B, §H; as amended by Ord. 5-92, 6/9/1992*)

§18-172. Backfilling.

No building sewer or other line or portion thereof connected to the sewer system shall be backfilled until inspected by the Borough or its appointed representative. All backfilling shall be performed with materials and in accordance with procedures recommended by the manufacturer of the pipe being used. In no event shall stones in excess of 4 inches in diameter be allowed in the backfill of any building sewer trench.

(*Ord. 6-76, 6/12/1976, Part II, Art. B, §I*)

§18-173. Venting and/or Traps.

In order to protect against the possibilities of sewer gas and odors, all internal plumbing of buildings connected to the sewer system shall be provided with suitable traps and vents in accordance with the requirements of the Uniform Construction Code [Chapter 5, Part 1]. The responsibility of ascertaining the existence and/or need of vents and traps shall remain with the property owner. Failure by the property owner to provide proper vents and traps shall in no manner impose any liability upon the Borough.

(*Ord. 6-76, 6/12/1976, Part II, Art. B, §J; as amended by A.O.*)

§18-174. Inspection.

The Borough or its representative shall from time to time have the right to inspect the plumbing of all properties, buildings, systems, etc., connected to its sewer system to insure compliance to its rules, regulations and/or ordinances of the Borough. All inspections shall be performed during normal business hours or at other times mutually acceptable to the property owner and the Borough. All plumbing or other items found not to be in conformity with the rules and regulations of the Borough and/or ordinances of the Borough shall, within 30 days after receipt of written notice, be corrected to conform to said rules, regulations and/or ordinances.

(*Ord. 6-76, 6/12/1976, Part II, Art. B, §K*)

D. Standards and Specifications for Sanitary Sewer Extensions**§18-181. Design and Construction Standards and Specifications.**

All extensions to the sanitary sewer system of the Borough shall be designed and constructed in accordance with standards and specifications as provided by the Borough Council, by resolution, and such standards, specifications, rules and regulations as may be promulgated by the Pennsylvania Department of Environmental Protection, from time to time. Such standards and specifications shall include, but not be limited to, erosion and sedimentation control; pipeline construction, including excavation, laterals and appurtenances; backfilling and restoration of unpaved surfaces; backfilling and restoration of paved surfaces; materials and equipment; testing; and, topsoil preservation and reseeded of disturbed surfaces. Such standards and specifications shall be available at the Borough office, upon request.

(Ord. 5-92, 6/8/1992; as amended by A.O.

Part 2**Individual Sewage Disposal Systems****§18-201. Definitions.**

Aerobic tank - a wastewater treatment tank consisting of a settlement or pretreatment chamber, an aeration chamber, a clarification chamber and a combination filter and surge suppressor. [Ord. 7-98]

Carroll Valley wastewater treatment system - an on-site wastewater treatment system consisting of a Class 1 aerobic tank, a uniquely designed subsurface flow wetland, a subsurface soil absorption area, test facilities and interconnecting pipes. [Ord. 7-98]

Community sewage system - a sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site. [Ord. 3-01]

Department - Department of Environmental Protection of the Commonwealth of Pennsylvania.

Enforcement officer - a person or agency appointed to perform inspections and issue permits in connection with individual sewage systems and community sewage systems.

Holding tank - 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:

- A. *Chemical toilet* - toilet using chemicals that discharge into a holding tank.
- B. *Retention tank* - holding tank to which sewage is conveyed by a water-carrying system.
- C. *Privy* - holding tank designed to receive sewage where water under pressure is not available.

Holding tank cleaner - municipal authority or person, including a holding tank owner, who removes the contents of a holding tank for purposes of disposing of the sewage at another site.

Individual sewage system - A sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage into a subsurface absorption area or a retaining tank. [Ord. 3-01]

Lot - a part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

Person - any natural person, partnership, association or corporation. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall include the members of an association and the officers of a corporation.

Public sewage system - sewer system and the treatment facility owned, operated,

or maintained by the Borough of Carroll Valley approved by the Department under a permit issued pursuant to the Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, 35 P.S. §691.1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

Subsurface flow wetland - an area covered on the surface with cattails, reeds or other aquatic type of vegetation which is designed to cause all of the influent to flow underground. [Ord. 7-98]

Subsurface soil absorption area - a below the soil surface region designed with sufficient area to percolate the daily effluent from the on-site wastewater treatment system. Where permitted, stream discharge may be used in lieu of subsurface soil absorption for effluent disposal. [Ord. 7-98]

(Ord. 3-90, 3/12/1990, as amended by Ord. 7-98, 6/8/1998; and by Ord. 3-01, 6/11/2001)

§18-202. Sewage Facilities Act Implemented.

This Part shall be construed as implementing for the Borough of Carroll Valley the provisions of the Pennsylvania Sewage Facilities Act, P.L. 1535, No. 537, January 24, 1966, 35 P.S. §§750.1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 3-90, 3/12/1990)

§18-203. Connections with Individual Sewage Systems.

Where public sewage services are not available to a property owner, the building sewer shall be connected to an individual sewage system complying with the provisions of this Part.

(Ord. 3-90, 3/12/1990)

§18-204. Testing Requirements for Individual Sewage Systems.

The following information supplements the Pennsylvania Department of Environmental Protection requirements under 25 Pa.Code, Chapter 73, "Standards for On-Lot Sewage Treatment Facilities," of the Act identified in §18-202 above. The minimum aggregate absorption area requirements of §73.16 were amended November 8, 1997, to allow two additional percolation rate ranges for elevated sand mounds (121-150 and 151-180 min/in) provided that the size of absorption areas shall increase at a ratio proportionate to the increase in the percolation rates. Additional testing, as determined by the Sewage Enforcement Officer (SEO) or authorized representative, may be required to insure uniformity of percolation over the entire absorption area.

(Ord. 3-90, 3/12/1990; as amended by Ord. 4-98, 5/11/1998)

§18-205. Permit Required for Installation; Systems Subject to Approval by DEP.

A permit shall be required for the installation of a community sewage system or new individual sewage system and building sewer prior to the construction of any building for which such system or systems will be installed, and prior to the alteration, replacement, repair or extension of any such existing sewage system; provided, every such sewage system shall be subject to approval by the Pennsylvania Department of

Environmental Protection.

(*Ord. 3-90, 3/12/1990, as amended by Ord. 4-98, 5/11/1998*)

§18-206. Application for Permit Conditions of Issuance.

1. Application for such permit to install a community sewage system or an individual sewage system and building sewer, shall be made prior to the expected date of commencement of construction of such facilities, on forms provided by the Borough of Carroll Valley, which the applicant shall submit with any plans, specifications or other information deemed necessary by the Borough Sewage Enforcement Officer. No person shall commence any construction requiring a written permit until such permit has been issued by the Borough Sewage Enforcement Officer and the fee for issuing such permit has been paid in full. (Refer also to §18-404 .1 and .2) [*Ord. 7-98*]

2. *Special Conditions For the Carroll Valley Wastewater Treatment System.*

A. *Slope Limitation.* A permit shall not be issued for the use of the Carroll Valley wastewater treatment system on sites where the slope exceeds 15 percent.

B. *Installation.* The Carroll Valley wastewater treatment system shall be installed by an excavator who has been trained and certified by the Borough or, if a noncertified installer is used, a Borough certified installer must be present throughout the course of the installation to assure conformity with the system design requirements. The permit holder shall be responsible for all the installation costs, including the cost of on-going inspection of installation by a certified installer when noncertified installers are used. A schedule of fees to cover such costs shall be established by the Borough Council and reviewed on an annual basis.

C. *Testing Inspection, Operation and Maintenance.* Acceptance of a permit for the construction and use of a Carroll Valley wastewater treatment system shall constitute agreement to participate as a recipient of the services rendered by the Borough of Carroll Valley, and/or the Borough agent, for the testing, inspection, operation and maintenance of the Carroll Valley wastewater treatment system. If the property transfers said agreement shall be binding upon transferee(s).

(*Ord. 3-90, 3/12/1990; as amended by Ord. 4-98, 5/11/1998; and by Ord. 7-98, 6/8/1998*)

§18-207. Permit Fees and Monitoring, Testing, Inspection, Operation and Maintenance Charges.

1. A permit and inspection fee in an amount as established, from time to time, by resolution of Borough Council shall be paid at the time the application is filed. [A.O.]

2. A monthly charge for the monitoring, testing, inspection, operation, and maintenance of the Carroll Valley wastewater treatment system shall be imposed by the Borough or the Borough agent, and the charge shall be reviewed at 3-year intervals [*Ord. 7-98*]

3. The provisions of §18-106, “Liens for Sewer Rentals, Filing and Collection of Liens,” under Part 1 of this Chapter shall apply also to rates and charges for the use of the Carroll Valley wastewater treatment system. [*Ord. 13-99*]

(*Ord. 3-90, 3/12/1990; as amended by Ord. 4-98, 5/11/1998; by Ord. 7-98, 6/8/1998; by Ord. 13-99, 12/13/1999; and by A.O.*)

§18-208. Effective Date of Permit Contingent Upon Satisfactory Completion of Work.

A permit for the community sewage system or an individual sewage system and building sewer shall not become effective until the installation is completed to the satisfaction of the Borough Sewage Enforcement Officer. He shall be permitted to inspect the work at any stage of construction, and the applicant shall notify him when the work is ready for final inspection, and before any underground portions are covered. (*Ord. 3-90, 3/12/1990; as amended by Ord. 4-98, 5/11/1998*)

§18-209. Conformity to All Regulations.

1. The type, capacities, location and layout of a community sewage system or an individual sewage system and building sewer shall comply with the recommendations of the Borough Sewage Enforcement Officer, the rules and regulations of the Borough of Carroll Valley, the Carroll Valley Sewer and Water Authority, and the Department, and applicable statutes of the Commonwealth of Pennsylvania. [*Ord. 7-98*]

2. The Carroll Valley wastewater treatment system does not use the soil in any phase of the treatment process, therefore the system shall be exempt from current regulations pertaining to percolation rates, soil types, distance to bedrock, and distance to the water table. To maintain the exemption from the regulations cited, the annual test results must meet or exceed the following:

CBOD5	20 mg/l
S.S.	20 mg/l
Fecal Colifom (geometric mean)	100/100 ml (5/1 - 10/31) 300/100 nil (11/1 to 4/30)
Ph	6 to 9 s.u.
Dissolved Oxygen	5 mg/l minimum

(*Ord. 3-90, 3/12/1990; as amended by Ord. 4-98, 5/11/1998; and by Ord. 7-98, 6/8/1998*)

§18-210. Inspection Testing Maintenance and Repair.

The Borough or its agent shall have the legal authority to enter lands, conduct tests and inspections, to order repairs, or to make repairs, to all community sewage systems and individual sewage systems including, but not limited to, the Carroll Valley wastewater treatment system, to assure the continuous, proper operation of said systems. All inspections shall be performed during normal business hours or at other times mutually acceptable to the property owner and the Borough. Owners of community or individual sewage systems that are not covered by a maintenance agreement, shall receive written notice of any violations found as a result of inspection or testing of the system and shall show evidence of corrections of said violations within 30 days after receipt of written notice. Extensions of time for the completion of repairs may be granted by the Borough or its agent for just cause.

(*Ord. 3-90, 3/12/1990; as amended by Ord. 7-98, 6/8/1998*)

§18-211. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 3-90*, 3/12/1990; as amended by *Ord. 5-92*, 6/8/1992; by *Ord. 4-98*, 5/11/1998; by *Ord. 7-98*, 6/8/1998; by *Ord. 13-99*, 12/13/1999; and by A.O.

Part 3**Holding Tanks****§18-301. Purpose.**

The purpose of this Part is to establish procedures for the use and maintenance of existing and new 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. 4-91, 6/10/1991, §1)

§18-302. Definitions.

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

Authority - the Council of the Borough of Carroll Valley, Adams County Pennsylvania.

Holding tank - a watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

Improved property - any property within the Borough upon which there is 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 - the Borough of Carroll Valley, Adams 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. 4-91, 6/10/1991, §2)

§18-303. Rights and Privileges Granted.

The Authority is hereby authorized and empowered to undertake within the Borough the control and methods of holding tank use, sewage disposal, and sewage collection and transportation.

(Ord. 4-91, 6/10/1991, §3)

§18-304. 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. 4-91, 6/10/1991, §4*)

§18-305. 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. 4-91, 6/10/1991, §5*)

§18-306. Rates and Charges.

1. 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.

2. The provisions of §18-106, “Liens for Sewer Rentals; Filing and Collection of Liens,” under Part 1 of this Chapter shall apply also to rates and charges for the use of holding tanks.

(*Ord. 4-91, 6/10/1991, §6; as amended by Ord. 13-99, 12/13/1999*)

§18-307. Exclusiveness of Rights and Privileges .

1. 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 Protection of the Commonwealth of Pennsylvania.

2. The Authority will receive, review and retain pumping receipts from permitted holding tanks.

3. The Authority will complete and retain annual inspection reports for each permitted tank.

(*Ord 4-91, 6/10/1991, §7; as amended by A.O.*)

§18-308. Duties of Improved Property Owner.

The owner of an improved property that utilizes a holding tank shall:

A. Maintain a 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 inspect holding tanks on an annual basis.

C. Permit only the Authority or its agent to collect, transport, and dispose of the contents therein.

(*Ord. 4-91, 6/10/1991, §8*)

§18-309. Violations.

Any person who violates any provision of §18-308, upon conviction thereof, shall be sentenced to pay a fine of not less than \$100 and not exceeding \$1,000 plus costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 4-91*, 6/10/1991, §9; as amended by *Ord. 5-92*, 6/8/1992)

§18-310. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of §18-308, above, shall constitute a nuisance and shall be abated by the Borough or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(*Ord. 4-91*, 6/10/1991, §10)

Part 4**Sewage Management Program****§18-401. Short Title; Introduction; Purpose.**

1. This Part shall be known and may be cited as “An Ordinance Providing for a Sewage Management Program for the Borough of Carroll Valley.

2. In accordance with municipal codes, the Clean Streams Law, Act of June 27, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §691.1 *et seq.*, and the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. §750.1 *et seq.*, known as “Act 537,” it is the power and the duty of the Borough of Carroll Valley to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The goal of this Part is to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage in the areas of the Borough identified hereinafter.

3. The purpose of this Part is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to further permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of the sewage management program.

(Ord. 3-01, 6/11/2001)

§18-402. Definitions.

When used in this Part, the following terms shall have the meaning ascribed to them herein:

Authorized agent - the Borough Sewage Enforcement Officer (SEO) and/or any other person or entity authorized by the Carroll Valley Borough Council to administer this Part.

Borough - the Borough of Carroll Valley, Adams County, Pennsylvania.

Community sewage system - a sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

Council - the Borough Council of the Borough of Carroll Valley, Adams County, Pennsylvania.

Department (DEP) - the Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

Individual sewage system - a sewage facility, whether publicly or privately owned, located on a single lot and serving one equivalent dwelling unit and collecting, treating and disposing of sewage into a subsurface absorption area or a retaining tank.

Malfunction - a condition which occurs when an on-lot sewage disposal system

discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

Nonsewered Toilet System ("NST") - a portable, self-contained holding tank/toilet unit that is designed to provide toilet facilities for a period of time, such as at events and building construction sites. [Ord. 5-05]

Official Sewage Facilities Plan - a comprehensive plan for the provision of approved sewage disposal systems adopted by the Council and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.

On-lot sewage disposal system - any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage-systems.

Person - any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

Rehabilitation - work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

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 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 the Act of June 22, 1937, P.L. 1987, No. 394, known as the "Clean Streams Law," as amended.

Sewage Enforcement Officer (SEO) - a person certified by DEP who is employed by the Borough, and is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Borough.

Sewage Management District - the Sewage Management District shall encompass the entire area of the Borough except those areas served by public sewer.

Sewage Management Program - a comprehensive set of legal and administrative requirements encompassing the requirements of this Part, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Council to effectively enforce and

administer this Part.

Subdivision - the division or re-division of a lot, as more specifically defined in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* A subdivision shall include as a lot the portion or portions of a source tract remaining after other lots have been subdivided therefrom.

For the purposes of this Part, any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and the regulations promulgated thereto.

(Ord. 3-01, 6/11/2001; as amended by Ord. 05-05, 5/10/2005)

§18-403. Applicability.

This Part shall apply to every area of the Borough that has been identified as a Sewage Management District. Within such districts, the provisions of this Part shall apply to all lands and to all persons who have an interest in those lands, whether by title ownership or by possession thereof (actual or constructive).

(Ord. 3-01, 6/11/2001)

§18-404. Permit Requirements.

1. No building or occupancy permit shall be issued for a new building that will contain sewage generating facilities until a valid sewage permit has been obtained from a Sewage Enforcement Officer. (Refer also to §18-206.1 of this Chapter.)

2. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Borough receive written notification from a Sewage Enforcement Officer that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows. (Refer also to §18-206.1 of this Chapter.)

(Ord. 3-01, 6/11/2001)

§18-405. Inspections and Access Requirements.

1. To facilitate the inspection and maintenance of on-lot sewage disposal systems, all real property owners within the Sewage Management District shall mark the location of the septic tank and provide access (by excavating, if necessary) to the large inner lid (approximately 24 inches in diameter) of the tank. Permanent access shall be provided through installation of one or more concrete risers as needed to permit the installation of an outer lid at a minimum level of 2 inches above grade at the lowest point, in addition to retaining the access port in the tank. The inner and outer lids shall remain permanently in place to enable easy access to the waste disposal tank; prevent odors from escaping; and prevent unauthorized entry. Note: each tank of a multiple tank system must be provided with the above-described risers and lids. Said inspection port shall be subject to approval by the Borough or its agent. Permanent access risers and an outer cover shall be provided in all newly installed or rehabilitated sewage disposal systems prior to the Sewage Enforcement Officer's (SEO) final inspection. [Ord.

7-02]

2. Any on-lot sewage disposal system within a Sewage Management District shall be subject to inspection by an authorized agent during normal business hours. Notice of intent to inspect shall, where possible, be given to either the owner of the property or to the person or persons in possession of the property at least 48 hours in advance. Notice shall not be required where there is reason to believe that a malfunction is existent.

3. Such inspection may include a physical tour of the property, the taking of samples from surface water, wells, other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure.

4. An authorized agent shall have the right to enter upon land for the purposes of inspections described in this Section.

5. An initial inspection of every individual system shall be conducted by an authorized agent within 3 years of the effective date of this Part for the purpose of determining the type and functional status of each sewage disposal system in the Sewage Management District. The inspection program shall be conducted in phases starting with the oldest systems first. A written report shall be furnished to the owner of each property inspected and a copy of said report shall be maintained in the Borough records.

6. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the Sewage Management District no less than once every 3 years, or on an as-needed basis.

7. An authorized agent shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the authorized agent shall order action to be taken to correct the malfunction in accordance with the regulations of DEP, including, but not limited to, those outlined in 25 Pa.Code, Chapter 73. If, in the opinion of the authorized agent and/or a representative of DEP, use of any of the above-referenced options is not technically feasible, then installation by the property owner of a holding tank shall be required to mitigate the malfunction.

8. There may arise geographic areas where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a revision of the portion of the sewage facilities plan pertaining to areas affected by such malfunctions. When a DEP authorized official sewage facilities plan revision has been undertaken, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action may be compelled whenever a malfunction, as determined by Borough officials and/or DEP, represents a serious public health or environmental threat.

(*Ord. 3-01*, 6/11/2001; as amended by *Ord. 8-01*, 10/12/2001; and by *Ord. 7-02*, 9/10/2002)

§18-406. Operation.

Only normal domestic wastes shall be discharged into any on-lot sewage disposal

system. The following shall not be discharged into the system:

- A. Industrial waste.
- B. Automobile oil and other nondomestic oil.
- C. Toxic or hazardous substances or chemicals including, but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface or ground water from roof or cellar drains, springs, basement sump pumps and French drains.

(*Ord. 3-01, 6/11/2001*)

§18-407. Maintenance.

1. Every property located in a Sewage Management District which contains a septic tank shall have the tank pumped by a qualified pumper/hauler, and shall have the baffles of the tank inspected by the Borough's agent, within the first 3 years after the adoption of this Part. If it can be demonstrated to the Borough's satisfaction that such a pumping and inspection (showing the baffles to be in good condition) occurred within the 3-year period since the adoption of this Part, then that property may forego the initial pumping and inspection provided herein, and may immediately join the 3-year pumping and inspection schedule provided for hereafter.

2. Every tank required to be pumped and inspected as provided above shall be pumped and inspected as provided above no less than every three years after the first such pumping and inspection or whenever an inspection reveals that the septic tank is filled with solids and/or scum in excess of one-third of the liquid depth of the tank. For multiple tank systems, all tanks shall be pumped during the first inspection cycle; during subsequent inspection cycles, pumping of the subsidiary tanks, in addition to the first tank, shall be at the discretion of the authorized agent. [*Ord. 7-02*]

3. Receipts showing that the pumping required by this Part has been performed, and a written report prepared by the Borough's agent showing that the baffles have been inspected and the condition of those baffles, shall be submitted for each property in any Sewage Management District within fourteen days of the pumping and inspection.

4. The required pumping and inspection frequency may be increased from the 3-year schedule stated above if it is determined by an authorized agent that the septic tank is undersized, or if the build up of solids in the tank is above average, or if the hydraulic load on the system increases significantly above average, or if a garbage grinder is connected to the system, or if the system malfunctions, or for any other good cause.

5. Any person owning a building served by an on-lot sewage disposal system that contains an aerobic treatment tank, other than the Carroll Valley on-site wastewater treatment system, shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Borough within 6 months of the effective date of this Part. Thereafter, service receipts shall be submitted to the Borough at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment exceed those required for septic

tanks.

6. Any person owning a building served by a cesspool or dry well shall apply for a sewage permit from a Sewage Enforcement Officer for a septic tank to be installed preceding the cesspool or dry well. Once installed, the septic tank preceding a cesspool or dry well must be pumped at the same prescribed interval as septic tanks connected to other approved types of systems.

7. Additional maintenance activity may be required as needed including, but not necessarily limited to, cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.

(Ord. 3-01, 6/11/2001; as amended by Ord. 7-02, 9/10/2002)

§18-408. System Rehabilitation.

1. The SEO shall have the authority to require the repair of malfunctions in accordance with the Sewage Facilities Act and DEP rules and regulations.

2. In lieu of, or in combination of required repairs, the Sewage Enforcement Officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.

3. Should none of the remedies described in this Section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Borough may require whatever action is necessary to lessen or mitigate the malfunction to the extent necessary, including the installation of an alternative, approved on-lot system.

(Ord. 3-01, 6/11/2001)

§18-409. Disposal of Septage.

1. It is the responsibility of both the lessor and owner of an NST to maintain such NST in a condition that does not create a nuisance by reason of discharge, leaks, overflow, or other cause.

2. Where toilet facilities are not available at a building construction site, NSTs shall be provided. Portable toilets shall be located on the property and may not sit in the right-of-way.

3. An owner or lessor of an NST shall not transport an NST with any sewage in the storage tank. All sewage removed from an NST shall be disposed of only in a manner permissible under State law or regulation.

(Ord. 3-01, 6/11/2001; as amended by Ord. 5-05, 5/10/2005)

§18-410. Administration.

1. The Borough shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this Part.

2. The Borough shall employ qualified individuals to carry out the provisions of this Part. Those employees shall include a Sewage Enforcement Officer and may

include an administrator and such other persons as may be necessary. The Borough may also contract with private qualified persons or firms as necessary to carry out the provisions of this Part.

3. All permits, records, reports, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems in the Sewage Management District shall become the property of, and be maintained by, the Borough. Existing and future records shall be available for public inspection during regular business hours at the official office of the Borough. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the sewage management program shall be made available, upon request, for inspection by representatives of the Pennsylvania Department of Environmental Protection.

4. The Borough shall establish all administrative procedures necessary to properly carry out the provisions of this Part.

5. The Borough shall charge such fees to cover the cost of administering this Part as are contained in a fee schedule to be adopted by resolution of the Borough Council from time to time.

(Ord. 3-01, 6/11/2001)

§18-411. Appeals.

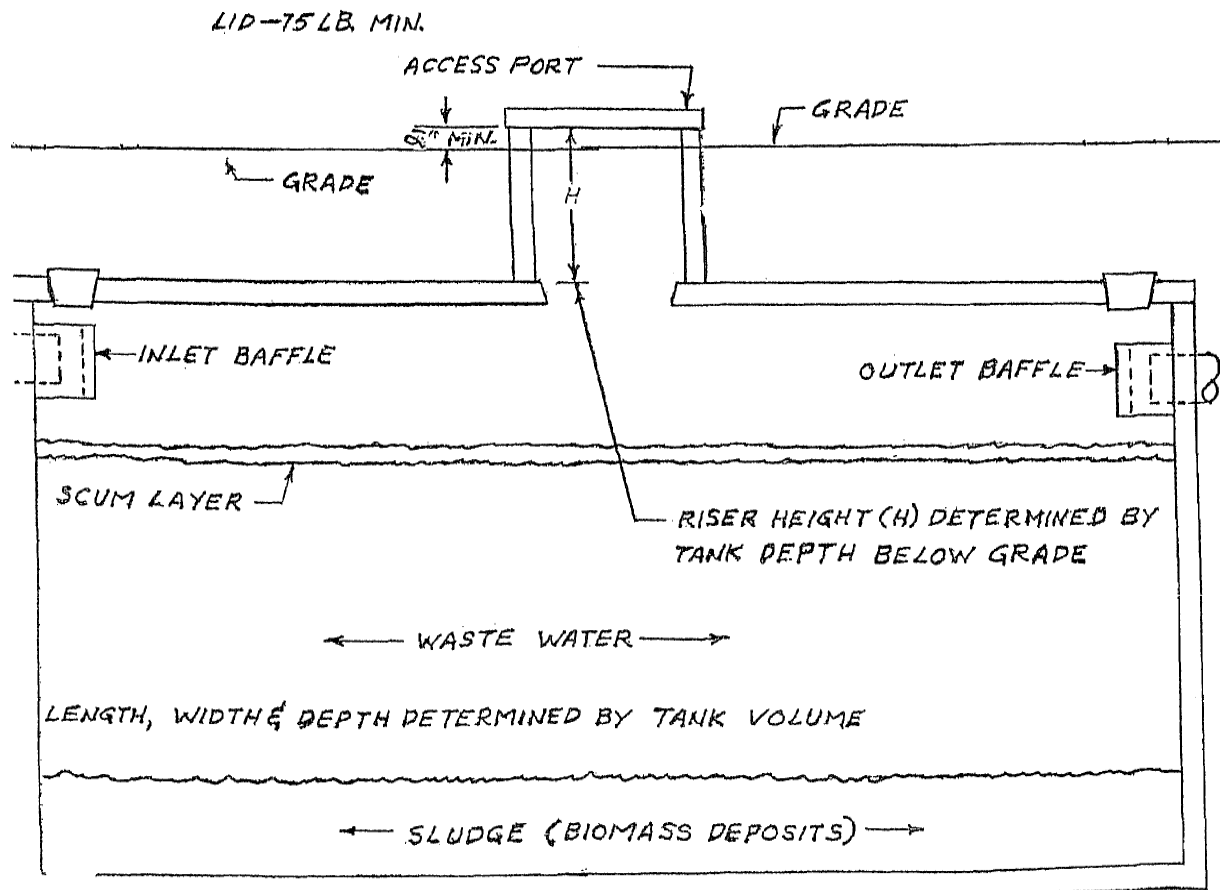
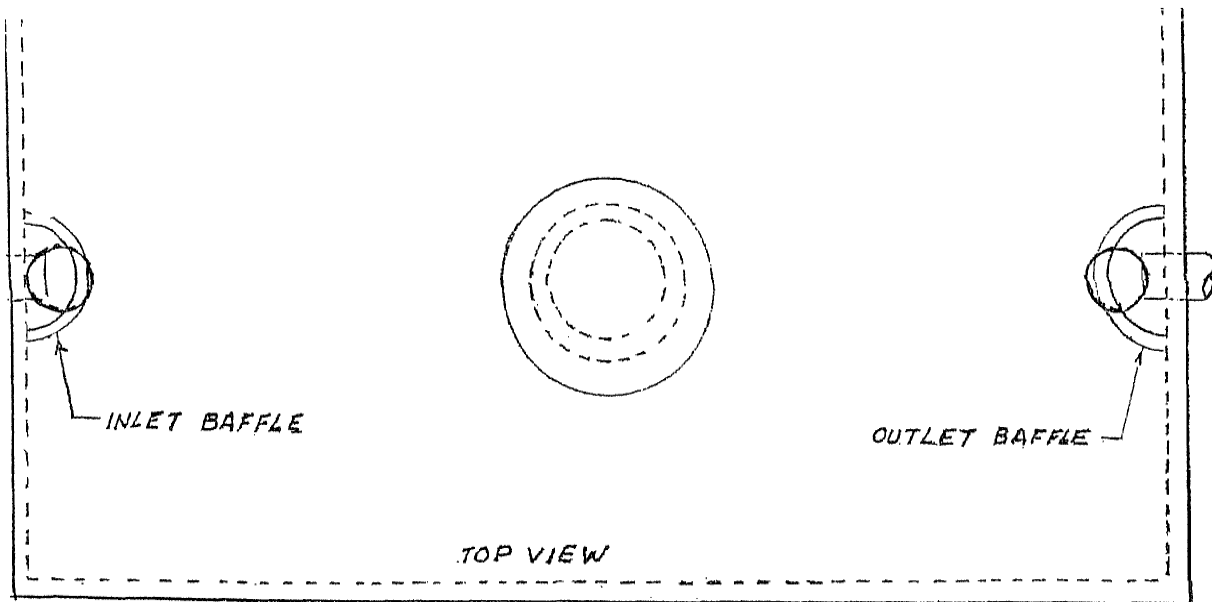
The appeal procedure shall be as prescribed by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.* (see §750.16).

(Ord. 3-01, 6/11/2001)

§18-412. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 3-01, 6/11/2001; as amended by A.O.



SIDE VIEW
CONCRETE SEPTIC TANK

NO SCALE
AUG. 27, 2001
Amended Sept. 10, 2003