

ORDINANCE NO. 2 OF 2019

AN ORDINANCE OF THE BOROUGH OF LARKSVILLE, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF LARKSVILLE BY ADDING THERETO A "CHAPTER 400-A" FOR THE PURPOSE OF ESTABLISHING REGULATIONS FOR THE USE AND MAINTENANCE OF THE SANITARY SEWER SYSTEM AND TREATMENT WORKS CONSTRUCTED TO SERVE THE FIVE (5) EXISTING RESIDENTIAL STRUCTURES HERETOFORE ERECTED ON LOTS WITHIN THE LANDS COMMONLY KNOWN AND REFERRED TO AS "VALLEY VIEW ESTATES", SPECIFYING THE EXTENT OF THE LANDS AND STRUCTURES PERMITTED TO UTILIZE THE SAID SYSTEM AND REQUIRING CONNECTION THERETO, SETTING THE CHARGE FOR THE MAKING OF SUCH CONNECTIONS, SPECIFYING THE MATERIALS AND SUBSTANCES WHICH MAY OR MAY NOT ENTER THE SEWER SYSTEM, AND ESTABLISHING ENFORCEMENT PROVISIONS AND PENALTIES FOR VIOLATIONS.

WHEREAS, Larksville Borough did, on June 27, 2011, enter into a "Consent Order and Agreement" by and between the Borough and the Commonwealth of Pennsylvania, Department of Environmental Protection, under which the Borough became obligated, *inter alia*, to construct and operate a Department-approved sewage disposal system to remedy certain unlawful discharges of sewage which have been determined to be produced by and result from the five (5) existing residences constructed on lots within the lands commonly known and referred to as "Valley View Estates" (though no known subdivision approval has been found to exist); and,

WHEREAS, Larksville Borough has submitted plans for the design and construction of a sewage collection and treatment system to abate such unlawful discharges and the Department of Environmental Protection has approved the same; and,

WHEREAS, Pursuant to such approval, Larksville Borough has completed the construction of the approved collection and treatment system; and,

WHEREAS, the Borough Code of the Commonwealth of Pennsylvania (8 Pa.C.S. §101, *et seq.*, April 18, 2014, P.L. 432, No. 37, as amended) provides in §2001(c) "Regulations.", that:

"Council may, by ordinance, make regulations respecting the use and maintenance of the sanitary sewer system and treatment works. Violations of the ordinance may be enforced by penalties. The regulations may do all of the following:

- (1) Specify materials and substances which may or may not enter the public sewer system.
- (2) Require that certain types or classes of waste be subjected to treatment or to grinding or other reduction in size before entering into the sewer.
- (3) Restrict the quantity of waste material that may enter a sanitary sewer system from any premises within any time interval.
- (4) Require that property owners provide means other than the public sanitary sewers for disposal of storm, surface or roof water originating upon their property."; and,

WHEREAS, The Borough Code further provides, in §2051 "Ordinances to require sanitary sewer connections", that:

"A borough may, by ordinance, require any owner of property benefited, improved or accommodated by a sanitary sewer to make connections with the sanitary sewer, in the manner as the borough may order, for the purpose of discharge of drainage or waste matter as the borough may specify. All connections required shall be uniform. The owner shall be given at least 45 days' notice of any ordinance requiring a sanitary sewer connection. Upon failure of the owner to make the connection, the borough may make the connection and collect the cost from the owner by a municipal claim or by an action of assumpsit. The borough may, by penalties, enforce any ordinance it enacts with reference to any sanitary sewer connections."; and,

WHEREAS, Larksville Borough Council deems it to be more desirable and most cost-effective for the purpose of complying with the intent of the aforesaid "Consent Order and Agreement" to enact a single ordinance for the purposes of both establishing (1) the regulations authorized by §2001(c) of the Borough Code and (2) as authorized by §2051, to require the making of sanitary sewer connections and setting forth the fee to be charged for the same and the penalties for failure to connect after proper notice.; and,

WHEREAS, Larksville Borough Council has determined that the most logical place in the Code of the Borough of Larksville to place the terms and provisions of this Ordinance is in a new "Chapter 400-A Valley View Estates Sewers" so that such terms and provisions will appear immediately following the existing Chapter 400 "Sewers" in the said Code;

**NOW, THEREFORE,** it is hereby ENACTED and ORDAINED by the Borough Council of the Borough of Larksville, Luzerne County, Pennsylvania, as follows:

SECTION 1. Addition of new Chapter 400-A Valley View Estates Sewers.

A new Chapter, entitled "Chapter 400-A Valley View Estates Sewers" is hereby added to the Code of the Borough of Larksville, the terms and provisions of the said Chapter 400-A shall read as set forth on the attached Exhibit "A", the same being incorporated herein and made a part hereof of this Ordinance as if the same were more fully set forth at length in this Section.

SECTION 2. Savings Clause - Severability.

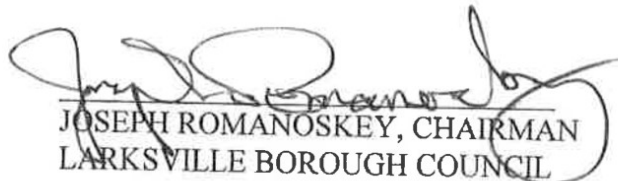
The provisions of this Ordinance are hereby declared to be severable. In the event that any one or more of the provisions of this Ordinance shall, for any reason, be held to be unconstitutional, invalid, illegal or unenforceable in any respect, such unconstitutionality, invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein. It is the intention of Larksville Borough Council that this Ordinance would have been adopted had such unconstitutional, invalid, illegal or unenforceable provision or provisions not been included herein.

SECTION 3. Repealer.

Any and all prior Ordinances and/or Resolutions and/or any and all portions of prior Ordinances and/or Resolutions that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining provisions of such prior Ordinances and/or Resolutions, not modified herein, shall be and remain in full force and effect.

SECTION 4. Effective date: This Ordinance shall take effect immediately upon its final passage, enactment and advertisement by Larksville Borough Council.

ENACTED and ORDAINED at a regular meeting of Larksville Borough Council, this 19 day of November, 2019.

  
JOSEPH ROMANOSKEY, CHAIRMAN  
LARKSVILLE BOROUGH COUNCIL

ATTEST:

Melissa Ames  
BOROUGH SECRETARY

APPROVED, as having been duly enacted and ordained this 11 day of November 2019.

  
JOSEPH ZAWADSKI, MAYOR  
LARKSVILLE BOROUGH

# Chapter 400-A Valley View Estate Sewers

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## Preamble

Section 203 of the Clean Streams Law, 35 P.S. §691.203, provides the Department of Environmental Protection with the authority to order a municipality to acquire, construct, repair, alter, complete, extend or operate a sewer system and/or treatment facility if the Department finds those actions necessary to properly provide for the prevention of pollution or prevention of a public nuisance.

Larksville Borough (the "Borough"), being subject to such and order, did enter into a "Consent Order and Agreement", dated the 27<sup>th</sup> day of June, 2011, by and between the Borough and the Commonwealth of Pennsylvania, Department of Environmental Protection (the "Department"), under which the Borough is obligated, *inter alia*, to construct and operate a Department-approved sewage disposal system to remedy certain unlawful discharge of sewage which has been determined to be produced by and result from the five (5) existing residences constructed within "Valley View Estates".

The Borough has submitted plans to the Department for the design and construction of a sewage collection and treatment system to abate such unlawful discharges and the Department has approved such plans. Pursuant to such approval, the Borough has completed the construction of the approved collection and treatment system and, by the enactment of this "Chapter 400-A", intends to provide for the regulation of the system and its use.

The Borough *does not*, by the enactment of this Chapter 400-A, or by any interpretation of the same, in any way intend that its aforesaid system shall serve more than the five (5) existing residences within Valley View Estates, and no owner(s) of any property or properties other than those existing residences shall be authorized or entitled to connect to or be serviced by the sewage disposal system installed and operated, as aforesaid, by the Borough.

## Article I Terminology

### § 400-A-1 Definitions.

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

#### **BOROUGH**

The Sewer Borough of the Borough of Larksville, a Pennsylvania municipal Borough.

#### **BOROUGH**

The Borough of Larksville, a Pennsylvania municipal corporation acting by and through its authorized representatives. The Borough owns and controls the sewer system as hereinafter defined.

#### **BUILDING SEWER**

The extension from the sewage drainage system of any structure to the service lateral of a collection sewer.

#### **COLLECTION SEWER**

The Borough's collection sanitary sewers located under highways, roads, streets and rights-of-way with branch service laterals that collect and convey sanitary sewage and into which stormwaters, surface waters and groundwaters or industrial wastes are not intentionally admitted.

#### **CONNECTION UNIT**

Each individual building or house presently constructed and existing on the five (5) lots located within the limits of land known as "Valley View Estates" whereon such building(s) or house(s) is/are located. It is not the intention of this ordinance to restrict any lawful use of those lots; however, and so as not to overburden the sewer system or to require that the Borough enlarge the same, no such "connection unit" as defined herein shall be permitted to produce or discharge into the sewer system any substances other than "sanitary sewage" as hereinafter defined resulting from residential occupancy.

#### **IMPROVED PROPERTY**

Any of the five (5) presently improved lots located within the limits of lands known as "Valley View Estates", whereon building(s) or house(s) now exist and from which structure(s) sanitary sewage wastes shall be or may be discharged.

#### **OWNER**

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

#### **PERSON**

Any individual, partnership, company, association, society, trust, corporation or other group or entity.

#### **SANITARY SEWAGE**

Normal water-carried household and toilet wastes discharged from any improved property.

### **SERVICE LATERAL**

That part of the sewer system extending from a collection sewer to the curblineline or, if there shall be no curblineline, to the property line or, if no such service lateral shall be provided, then that portion of or place in a collection sewer which is provided for connection of any building sewer.

### **SEWER**

Any pipe, main or conduit constituting a part of the sewer system, used or usable for sewage collection purposes.

### **SEWER SYSTEM**

All facilities, owned by the Borough of Larksville, as of any particular time, for collecting, transporting, pumping and disposing of sanitary sewage resulting from the use and occupancy of the five (5) presently improved lots located within and known as "Valley View Estates".

## **Article II**

### **Use of Public Sewers Required**

#### **§ 400-A-2 Owners of premises to make connections.**

The owner of any improved property whose principal building is located within the five (5) Valley View Estate lots intended to be served by the sewer system accessible to and whose principal building is within dedicated area of sewer system shall connect such improved property with and shall use such sewer system, in such manner as this Borough may require, within 60 days after notice to such owner from this Borough to make such connection, for the purpose of discharge of all sanitary sewage wastes from such improved property, subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough from time to time.

- A. There is hereby imposed upon each Owner of each improved property hereafter connecting to the sewer system a connection charge of \$500.00 for each connection made within 60 days of notice to connect and a charge of \$550.00 for each connection made after the expiration of the 60-day period.
- B. Sewer rentals or charges shall be paid monthly. Billing for sewer rentals shall be due and payable within thirty (30) days from the date of such billing. If a bill is not paid within the thirty (30) day period, the amount due will be subject to a three (3%) penalty per month until such bill is paid.
- C. All connection charges and/or sewer rentals, together with all penalties, not paid within three (3) months from the date of notice (for connection charges) or the date of billing (for sewer rentals) shall be deemed to be delinquent. All delinquent connection fees and/or sewer rentals, and all penalties thereon, shall be a lien on the property and shall subject the property to the filing of a municipal lien claim in the Office of the Prothonotary of Luzerne County for the amount of such delinquency, penalties and the fees required for the filing of such a lien claim, and shall be collected in the manner provided by applicable law.

**§ 400-A-3 Use of sewers after connection required.**

After connection of any improved property to the sewer system, all sanitary sewage from such improved property shall be conducted into the sewer system, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by the Borough from time to time. § 400-A-4 Unlawful deposits or discharges.

- A. 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 § 400-A-2.
- B. 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 § 400-A-2, except where suitable treatment has been provided which is satisfactory to this Borough.

**§ 400-A-5 Privy vaults, cesspools or similar facilities.**

- A. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to a sewer or which shall be required under § 400-A-2 to be connected to a sewer.
- B. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Borough, shall be cleansed and filled at the expense of the owner of such improved property and under the direction and supervision of this Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, cleansed and filled shall constitute a nuisance; and such nuisance may be abated as provided by law at the expense of the owner of such improved property.

**§ 400-A-6 Connecting cesspools or similar receptacles with sewers unlawful.**

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

**§ 400-A-7 Notices to connect.**

The notice by this Borough to make a connection to a sewer referred to in § 400-A-2 shall consist of a copy of this chapter, including any amendments and/or supplements at the time in effect, or a summary of each section hereof, and a written or printed document requiring the connection in accordance with the provisions of this chapter and specifying that such connection shall be made within 60 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 for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by certified mail or by such other method as at the time may be provided by law.



Article III  
**Building Sewers and Connections**

**§ 400-A-8 Permit required to use or disturb sewer.**

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 this Borough.

**§ 400-A-9 Applications for permits.**

Application for a permit required under § 400-8 shall be made by the owner of the improved property served or to be served.

**§ 400-A-10 Connection conditions.**

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

- A. Such person shall have notified this Borough of the desire and intention to connect such improved property to a sewer.
- B. Such person shall have applied for and obtained a permit as required by § 400-A-8.
- C. Such person shall have given this Borough at least 24 hours' notice of the time when such connection will be made so that this Borough may supervise and inspect the work of connection and necessary testing.
- D. Such person shall have furnished satisfactory evidence to this Borough that any tapping fee charged and imposed by the Borough against the owner of each improved property who connects such improved property to a sewer has been paid.

**§ 400-A-11 Separate and independent connections.**

Except as otherwise provided in this section, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of this Borough, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Borough.

**§ 400-A-12 Costs to be borne by owner.**

All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer, including testing, shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this Borough 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.

**§ 400-A-13 Connection locations designated.**

A building sewer shall be connected to a sewer at the place designated by this Borough and where the service 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 service lateral shall be made secure and watertight.

**§ 400-A-14 Construction of service lateral.**

- A. After construction of the sewer system has been completed, the service lateral shall be constructed from the collection sewer to the building sewer, by and at the expense of the owner who has obtained a permit, and, upon installation, shall become the property of the Borough.
- B. Connections to the collection sewer where no branch or Y-fitting has been previously provided shall be made and a service lateral provided by this Borough.

**§ 400-A-15 Connections with service laterals.**

- A. Connections to service laterals, if of the same pipe size, shall be made by properly joining to the bell end of the service lateral provided. Where different types or sizes of materials are to be joined, an approved adapting fitting shall be used.
- B. Projecting the smaller pipe into the larger and sealing will not be permitted. This applies also to the connection of the house drain to the building sewer pipe.

**§ 400-A-16 Enforcement for failure to connect.**

If the owner of any improved property located within the "Valley View Estates and accessible to and whose principal building is located within dedicated area of the sewer system, after 60 days' notice from this Borough requiring the connection of such improved property with a sewer, in accordance with § 400-A-2, 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, an action in assumpsit or such other legal proceeding as may be permitted by law.

## Article IV

### Rules and Regulations Governing Building Sewers and Connections

**§ 400-A-17 Internal diameter of building sewers.**

A building sewer shall be no less than four inches in internal diameter.

**§ 400-A-18 Pipe specifications for service laterals and building sewers.**

- A. All service laterals and building sewers shall be constructed of one of the following types of pipes:
  - (1) Extra-strength vitrified clay sewer pipe conforming to ASTM C-700, minimum six-inch diameter.
  - (2) PVC gravity sewer pipe conforming to ASTM D-3034.
  - (3) Ductile iron centrifugally cast soil pipe at least four inches in internal diameter conforming to ANSI A21.51, AWWA C151, Class 51.

B. Jointing materials for the various types of pipe shall be as follows:

- (1) Vitrified clay pipe shall have compression-type joints conforming to ASTM C-425, Type III.
- (2) PVC gravity pipe shall have joints consisting of a rubber gasket and conforming to ASTM D-1869, C361 or C443.
- (3) Ductile iron pipe shall have single neoprene rubber gaskets conforming to ANSI A21.11 (AWWA C111).

**§ 400-A-19 Uniform bearing.**

Uniform bearing shall be provided along the entire length of a building sewer by the use of six-inch stone bed, 1-B stone, and all joints of a building sewer shall be watertight and root-proof. No cement mortar joints shall be used.

**§ 400-A-20 Use of existing sewer lines.**

Where an improved property, at the time of securing a permit under § 400-A-8 to connect to a sewer, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings to continue such house sewer line as a building sewer, undiminished in inside diameter but not less than four inches, to the service lateral.

**§ 400-A-21 Adequate plumbing fixtures.**

- A. It shall be the duty of every person constructing or owning any building connected to the sewer system to assure that his building sewer, house drain and plumbing fixtures are adequate for the purpose and will allow free passage of any material that enters or should enter the system.
- B. No change of the building sewer of any building shall be permitted unless notice thereof shall have been given to the Borough and approval of the Borough thereto obtained in writing.

**§ 400-A-22 Fittings.**

Fittings in a building sewer shall conform to the type of pipe used in construction.

**§ 400-A-23 Changes in direction of building sewer.**

Changes in direction in a building sewer must be made only by use of Y-branches or of 1/8 or 1/16 bends. No 1/4 bends will be permitted. Caulking of lead joints or alignment of self-sealing joints to angles of less than 1/16 bend equivalent only shall be permitted.

**§ 400-A-24 Fittings and connections with enlargement or recessed chambers.**

Fittings or connections in a building sewer which have an enlargement, chamber or recess with a ledge shoulder reduction of pipe area that shall offer any obstruction to flow shall not be allowed.

§ 400-A-25 **Ductile iron pipe joints.**

- A. Ductile iron pipe joints will be the push-on type consisting of a single rubber gasket joint as described in ANSI A21.11 (AWWA C111).
- B. The building sewer must be tested and approved as provided in §§ 400-A-32, 400-A-33 and 400-A-34.

§ 400-A-26 **Basement floor drains.**

- A. Basement floor drains shall not be permitted to be connected to the building sewer except where it can be shown to the satisfaction of the Borough that their connection is absolutely necessary.
- B. A permit shall be obtained from the Borough before any floor drain may be attached to the building sewer drainage system.
- C. No permit for a basement floor drain shall be granted until the owner of the building or his agent has executed, signed and filed with the Borough a written statement releasing the Borough from any damage or personal injury that may result.

§ 400-A-27 **Cleanouts.**

Generally, cleanouts shall be provided in each building sewer and at intervals to permit complete rodding with a one-hundred-foot-long auger or tape. Cleanouts shall be constructed by using a Y-fitting in the run of pipe with a 45° bend and riser to the ground surface. The riser pipe must be provided with a standard four-inch screw-type ferrule and plug.

§ 400-A-28 **Special conditions.**

Wherever in the opinion of the Borough the trenching conditions require either a specific type of pipe, jointing material or encasement in concrete, such materials as it may direct shall be installed to protect the property owner and/or the Borough for special conditions as follows:

- A. Where the trench is over 12 feet deep, extra-strength PVC pipe or Class 51 ductile iron pipe must be used.
- B. Where the trench is less than four feet deep in a traveled roadway, special bedding consisting of crushed stone or concrete cradle, as directed by the Borough, must be used.
- C. Where lines are laid in fill, ductile iron with concrete encasement and neoprene rubber gaskets shall be used, at the direction of this Borough.
- D. Where foundation conditions are poor due to groundwater or subsurface materials, a bedding of Pennsylvania Department of Transportation 112A modified crushed stone at least eight inches in depth shall be installed beneath the pipe.
- E. Where rock is encountered, the trench shall be excavated to a depth of four inches below the bottom of the pipe and the trench refilled to the grade line with crushed stone.

§ 400-A-29 **Traps.**

A building sewer may be provided with a horizontal trap, known as a "house trap," of not less than four inches' inside diameter, of cast iron equivalent to cast iron soil pipe. Such trap

shall be provided with a vent and cleanout openings, each to be at a level of at least equal to the finished grade level and to be provided with bent cowls. Lines from such trap to finished grade level shall be of the same size and material as the building sewer.

**§ 400-A-30 Location of traps.**

The house trap described under § 400-A-29 shall be located at a point approved by the Borough in accordance with rules and regulations applicable thereto as adopted by this Borough. Such trap and its vent shall be on the property side of the curb.

**§ 400-A-31 Slope or grade of building sewer.**

The slope or grade of a building sewer, when the inside diameter is four inches or more, shall be no less than 1/4 inch per foot of length and shall be downward in the direction of flow. When physically required in order to connect with the sewer lateral, the slope of the building sewer may be reduced to 1/8 inch per foot, but only with the permission of this Borough.

**§ 400-A-32 Testing and observation.**

- A. This Borough shall observe all testing of a building sewer. All equipment and material required for testing shall be furnished by the owner of the improved property to be connected to a sewer.
- B. In the event that a building sewer is not approved by this Borough, further test or tests shall be made following completion of necessary corrections. A fee of \$10 will be charged by this Borough for observation of each test subsequent to the initial test.

**§ 400-A-33 Exposure for purposes of inspections.**

No building sewer shall be covered until it has been inspected, tested as provided in § 400-A-32 and approved. If any part of a building sewer is covered before so being inspected, tested and accepted, it shall be uncovered for inspection and testing at the cost and expense of the owner of the improved property.

**§ 400-A-34 Testing procedure.**

- A. Every building sewer shall be tested by filling the same with water, completely, so that every section shall be tested with not less than a ten-foot head of water. Water shall be kept in the building sewer for 15 minutes before inspection starts, and no leakage shall be observable at the time of inspection.
- B. Upon approval of the test of a building sewer by this Borough, a certificate of approval will be issued to the owner of the improved property to be connected to a sewer.

**§ 400-A-35 Defective building sewers.**

Whenever this Borough has reason to believe that any building sewer has become defective, such building sewer shall be subject to test and inspection. Defects found upon such tests and inspection shall be corrected, as required by this Borough in writing, at the cost and expense of the owner of the improved property served through such building sewer.

**§ 400-A-36 Maintenance in safe condition.**

Every building sewer of any improved property shall be maintained in a sanitary and safe

operating condition by the owner of such improved property.

**§ 400-A-37 Adequate barricades and protection.**

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.

**§ 400-A-38 Street opening permits.**

Whenever the surface of any public street, sidewalk or cartway is disturbed by construction of the building sewer, the surfacing material must be restored in kind and maintained to the satisfaction of this Borough. Any and all construction in a public street of this Borough shall be in compliance with the ordinances of this Borough, and any and all construction in a state highway shall be in compliance with Pennsylvania Department of Transportation requirements and specifications, and all necessary permits shall be obtained from this Borough before construction is commenced, including the permit required for opening or disturbing the surface of a street.

**§ 400-A-39 Construction supervision.**

The construction of building sewers shall, at all times, be subject to supervision and inspection by this Borough or its representative and shall conform to this Borough's specifications. The building sewer shall not be covered until permitted by this Borough, and all backfilling of trenches shall be under its supervision and shall be thoroughly compacted by tamping in six-inch layers to a minimum height of 12 inches above the top of the pipe.

**§ 400-A-40 Private property.**

Connections with sewers where same are run through private property shall in all respects be governed by these rules and regulations or subsequent revisions.

**§ 400-A-41 Roof drainage, surface water or groundwater.**

No roof drainage, cellar surface water, waste from hydrants or groundwater from underground drainage fields shall be permitted to drain into the sewer system. The sewer system is intended to convey sanitary sewage and liquid wastes only.

**§ 400-A-42 Disconnection of service laterals.**

This Borough shall have the right to close up or disconnect from the sewer system any service lateral or building sewer used for carrying rain, cellar drainage, surface water, groundwater or objectionable matter or whenever any violations of these rules and regulations are committed.

**§ 400-A-43 Liability for damage.**

This Borough shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any house or building; and it is expressly stipulated by and between this Borough and the owner that no claims shall be made against this Borough on account of the breaking or stoppage of, or any damage or expense to, any lateral, building sewer or house connection when the cause thereof is found to be in the lateral, building sewer or house connection.

**§ 400-A-44 Liability for deficiency or failure of service.**

This Borough shall not be liable for a deficiency or failure of service when occasioned by emergency, required repairs or failure from any cause beyond control. This Borough reserves the right to restrict the use of sewer service whenever the public welfare may require it. In consideration of the right to connect to the sewer system, this Borough shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any building; and it is hereby expressly agreed by all persons making connection with the sewer system that no claims shall be made against this

borough on account of the breaking or stoppage of, or any damage or expense to, any service lateral or building sewer where the cause thereof is found to be in such service lateral or building sewer.

**Article V**

**Persons Authorized to Make Connections**

**§ 400-A-45 Certificate to engage in construction work; fee.**

Any person desiring to carry on or work at the business of installing a building sewer for any improved property shall obtain a certificate to engage in or work at said business from the Borough. A certificate fee of \$50 to defray in part the administrative and enforcement costs shall be imposed annually. The certificate shall be effective only for the year in which it is issued.

**§ 400-A-46 Certificate for plumbing work; fee.**

A homeowner may secure a certificate to undertake plumbing work on his own property after registration for such work with the Borough. A fee of \$5 shall be imposed for a homeowner's certificate, which will be effective only for the year in which it is issued.

**§ 400-A-47 Engaging in work without certificates unlawful.**

No person not certified, as herein provided, shall be allowed to carry on or engage in the business relating to connections, unless he or they shall have first secured a certificate registered in the Borough office; nor shall any person or persons other than a certified person be allowed to alter, repair or make any connection with any facilities related to connections.

**§ 400-A-48 Issuance of certificates restricted.**

Certificates, other than homeowners', will be issued only to those persons or corporations earning their livelihood in the plumbing business and having a bona fide place of business.

**§ 400-A-49 Notices of change in place of business.**

Every certified person, firm or corporation shall give immediate notice of any change in his, their or its place of business.

**§ 400-A-50 Use of unauthorized names on certificates.**

No person, firm or corporation carrying on the business of plumbing and house drainage shall allow his or their name to be used by any person, directly or indirectly, either to obtain a permit or permits or to do any work under his or their certificate.

**§ 400-A-51 Revocation of certificates.**

The Borough reserves the right to revoke any certificates issued under this article for just cause, such notice or revocation to be given in writing to the certificate holder, stating the reasons for the action.

## Article VI Reservations

### § 400-A-52 **Failure to remedy unsatisfactory conditions.**

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

### § 400-A-53 **Right to refuse privilege of connection.**

This Borough reserves the right to refuse to any person the privilege of connection of any improved property to a sewer or to compel discontinuance of use of a sewer by any person, in order to prevent discharge into the sewer system of wastes which may be deemed by this Borough to be harmful to the sewer system or to have a deleterious effect on the sewage treatment process.

## Article VII Miscellaneous Provisions

### § 400-A-67 **Access at reasonable times.**

This Borough shall have the right of access at 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.

### § 400-A-68 **Variance from rules.**

No officer or employee of the Borough is authorized to vary these rules and regulations without action by the Borough.

### § 400-A-69 **Control of service.**

The Borough shall not be liable for a deficiency or failure of service when occasioned by an emergency, or required repairs, for any cause beyond control. The Borough reserves the right to restrict the use of sewer service whenever the public welfare may require it.

### § 400-A-70 **Property owner vacating premises.**

When premises are vacated, the owner must give notice at the Borough Office, and he will be responsible for the sewage charges until such notice is given.

### § 400-A-71 **Notice of change in ownership.**

Each property owner must give the Borough written notice of any change of ownership of any improved property.



Article VIII  
**Additional Rules and Regulations**

§ 400-A-72 **Right to adopt additional regulations.**

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 a part of this chapter.

Article IX  
**Enforcement**

§ 400-A-73 **Violations and penalties; recoverability.**

- A. Any person who shall violate this chapter shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than \$100 nor more than \$300, together with costs of prosecution in each case, or imprisonment for a term not to exceed 30 days. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.
- B. Fines and costs imposed under the provisions of this chapter shall be enforceable and recoverable in the manner at the time provided by applicable law.

Article X  
**Declaration of Purpose**

§ 400-A-74 **Purpose.**

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