

Chapter 90
SEWERS

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[HISTORY: Adopted by the Borough Council of the Borough of Seven Valleys as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Individual Disposal Systems
[Adopted 3-3-1969 by Ord. No. 92]

§ 90-1. Permit required.

It shall be unlawful for any person, firm, association or corporation to erect, construct, alter, or extend any sewage disposal system of any kind within the limits of Seven Valleys Borough, York County, Pennsylvania, unless a permit to do shall first be secured as provided herein.

§ 90-2. Application.

All applications for permits shall be made to the Borough Secretary who shall refer such applications to the permit officer or enforcement official designated by the Borough Council.

§ 90-3. Issuance.

The permit officer or enforcement officer shall issue a permit upon compliance by the applicant with the revisions of the Pennsylvania Sewage Facilities Act of January 24, 1966, P.L. 1535, as amended, and any regulations adopted thereunder, all of which are hereby incorporated and made a part of this article; provided, however, that the provisions of said Act and the regulations adopted thereunder shall apply in every case regardless of the size lot or area to be served by the sewage system and notwithstanding any limitation to the contrary in said Act and any regulations adopted thereunder.

§ 90-4. Manner of application.

Applications for permits shall be in writing, shall be signed by the applicant, and shall be on the standard form adopted by or prescribed by the Department of Health of the Commonwealth of Pennsylvania.

§ 90-5. Fees.¹

The fee charged for the application required herein shall be as set from time to time by resolution of the Borough Council, and shall be paid by the applicant to the Borough Secretary at the time of filing of the application. The fee shall be used to defer in part the cost of processing the application and conducting the tests required for the granting of the permit, and shall not be refunded to the applicant in the event that a permit is not granted.

§ 90-6. Violations and penalties. [Amended 11-6-1989 by Ord. No. 89-2]

Any person, corporation, partnership, company, or other entity who shall violate the provisions of this article shall, upon conviction before a District Justice, be sentenced to pay a fine of not less than \$50 nor more than \$600, together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days. The aforesaid fine and costs shall be in addition to, and separate from, the right of the borough to collect any other costs or expenses authorized by this article.

ARTICLE II**Sewer Use and Connections****[Adopted 9-30-1997 by Ord. No. 97-2]****§ 90-7. Definitions.**

The words and phrases set forth below shall have the meanings and interpretations, for purposes of this article, as set forth in this section, except in those instances where the context clearly indicates a different meaning.

AUTHORITY — The Springfield Township, York County, Sewer Authority, which is an Authority duly organized by Springfield Township under the Municipality Authorities Act of 1945 and located in York County, Pennsylvania.

BUILDING — Any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage or industrial waste, or both, is, or may be, discharged.

INDUSTRIAL WASTE — Any liquid, gaseous or water borne waste from industrial processes or commercial establishments having unacceptable quality or character different from and requiring treatment or a degree of treatment different from the sanitary sewage typically discharged into the sewer system.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

PERSON — An individual, partnership, firm, company, association, society, corporation or group.

SANITARY SEWAGE — The normal water-carried household and toilet wastes from residences, business buildings, institutions, commercial and industrial establishments.

SEWER SYSTEM — Refers to the public sanitary sewer system for which the Authority is undertaking the construction, ownership and operation of sanitary sewage collection, transportation, treatment and disposal facilities to serve certain areas of Springfield Township, Loganville Borough, Seven Valleys Borough and Jacobus Borough, together with any improvements, additions or extension that hereafter may be made thereto by the Authority, or to any part or parts of any or all thereof.

§ 90-8. Connection to sewer system.

- A. Construction of the sewer system is anticipated to be substantially completed in the second half of 1998. All persons owning property in Seven Valleys Borough improved with a building which is located within 250 feet of the sewer system as of the date of substantial completion of the sewer system, shall, at their own expense, connect such building with the sewer system within 120 days after written notice to such person or persons to do so from the authority, unless such deadline is extended for good cause shown in the sole discretion of the Authority following hearing therefor.
- B. Following the date of substantial completion of the sewer system, all persons owning property in Seven Valleys Borough upon which a building is erected within 250 feet of the sewer system or an extension thereof, shall at the time of the erection of such building and at their own expense, connect such building with sewer system.
- C. All persons owning property in Seven Valleys Borough now or hereafter improved with a building which, following the date of substantial completion of the sewer system, becomes located within 250 feet of the sewer system or any extension thereof shall, at their own expense, connect such building with the sewer system within 30 days after written notice to do so from the Authority.
- D. Each dwelling, business, retail, education, industrial and commercial unit shall be separately and independently connected with the sewer system. In the event a building contains more than two such units a single common connection to the lateral of the sewer system may be made for all such units contained in such building upon obtaining a written permit therefor from the Authority if the Authority approves the same; however, all such units shall be separate and treated separately for all purposes.
- E. All persons shall, by acquiring a connection permit, indemnify and save harmless Springfield Township, Seven Valleys Borough, Loganville Borough, and the Authority from all loss or damage that may be occasioned, directly or indirectly as a result of any connection to the sewer system.

§ 90-9. Compliance.

- A. No connection to the sewer system shall be made without first obtaining a permit therefor from the Authority. No connection shall be made to the sewer system, except in compliance with the ordinances and resolutions, as well as such rules and regulations as may, from time to time, be enacted, adopted, approved or promulgated by Seven Valleys Borough or the Authority. Any connection or tapping fee and any balance due for any reservation fee for the building being connected to the sewer system shall be paid in full prior to issuance of a connection permit.
- B. Once a building is connected to the sewer system in compliance herewith, no person shall thereafter uncover, connect with, or make any opening into or use, alter or disturb in any manner any lateral or any part or component of the sewer system without first obtaining a sewer connection permit or other written permit for the same from the Authority.

§ 90-10. Failure to connect.

After the expiration of the particular periods specified in § 90-8 of this article, if the owner of a building which is required to be connected to the sewer system shall have failed to connect such building with the sewer system as required, the Authority shall cause to be served on such owner, and also upon the occupants of such building, a copy of this article and a written notice requiring such connection to be made within 30 days of such notice. Failure to comply shall constitute a violation punishable under the terms of this article. Furthermore, if the owner fails to connect such building within said thirty-day period, the Authority shall have the power and is hereby authorized to take all lawful action to connect such building, and in such event, may collect the expense, costs and attorney's fees incurred therein as a municipal claim.

§ 90-11. Unlawful facilities and use.

- A. All buildings required by this article to be connected to the sewer system shall discharge any and all sanitary sewage and industrial waste generated therein into the sewer system. It shall be unlawful for any person owning any property in Seven Valleys Borough with a building thereon required by this to be connected to the sewer system to erect, construct or use or maintain or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sanitary sewage or industrial waste after the expiration of the particular period specified in § 90-8 hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters or storm sewers of the borough or upon public or private property or otherwise, except into the sewer system.
- B. Every privy, cesspool, sinkhole, septic tank or other receptacle located on property in the Borough of Seven Valleys for the purpose of receiving sanitary sewage or industrial waste from a building required by this article to be connected to the sewer system shall be abandoned and shall be disconnected at the time such building is connected to the sewer system, and, at the discretion of the Authority, shall be cleaned and filled under the observation of the Authority. In addition to other punishments or remedies, in the event any such privy, cesspool, sinkhole, septic tank or other such receptacle is not so abandoned or disconnected, or is not so cleaned and filled if required by the Authority, the same shall

constitute a nuisance which nuisance may be abated by the Borough or the Authority in the manner provided by law, and the expense, costs and attorney's fees incurred therein may be collected as a municipal claim.

- C. It shall be unlawful for any person to discharge, cause to be discharged or allow to be discharged any storm water, surface water, ground water, roof runoff or subsurface drainage into the sewer system or any lateral or part or component of the sewer system.

§ 90-12. Nuisance.

- A. Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any property with a building thereon required to be connected to the sewer system pursuant to § 90-8 of this article, or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of sanitary sewage in violation of this article, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the borough or the Authority may abate in the manner provided by law.
- B. For any property in Seven Valleys Borough improved with a building required by this article to be connected to the sewer system, in the event any malfunction, problem, infiltration or other unsatisfactory condition occurs or arises, after the deadline for connecting such building, with respect to the lateral or the connection to the sewer system shall be remedied by the owner of such property at such owner's expense within 30 days of written notice thereof from the Authority. If the foregoing is not remedied within the time period stated, the Authority may refuse to permit any sanitary sewage or industrial waste to be discharged into the sewer system from the building involved or the building on the property involved until the same has been remedied to the satisfaction of the Authority. If such owner does not remedy the same, the Authority shall have the power and is hereby authorized to take all lawful action to remedy the same to abate any such subsequent malfunction, problem, infiltration or other unsatisfactory condition.
- C. In the event of any abatement under this section, the expense, costs, and attorneys fees incurred in or relating thereto shall be paid by the owner of the property involved, and the borough or Authority, as the case may be, may collect the same as a municipal claim. In the event a municipal claim is filed hereunder or under § 90-10 or 90-11 of this article, attorney's fees incurred with regard thereto or in the collection of expenses and costs incurred with regard thereto shall be charged to the owner of the property involved, and shall be assessed as part of the municipal claim at the hourly rate established by the borough or Authority, as the case may be, and then in force.

§ 90-13. Release of liability.

Loganville Borough, Seven Valleys Borough, Springfield Township and the Authority shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any property or within any building, nor for any damage or expense resulting from leaks, breaking or stoppage of, or any damage or expense to, any lateral or any pipe or line inside a building where the cause thereof is found to be in or with regard to such lateral, pipe or line; nor shall they be liable for any deficiency or failure of service when

occasioned by an emergency, required repairs or failure for any cause beyond their or any of their control.

§ 90-14. Violations and penalties.

The provisions of this article are declared to be for the health, safety and welfare of the citizens of Seven Valleys Borough and to prevent water pollution; and any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not less than \$150 nor more than \$1,000, together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for not more than 30 days. Each day that such violation continues shall be deemed to be a separate offense. The owner of a building containing more than one dwelling, business, retail, education, industrial or commercial unit who violates any of the provisions of this article shall be subject to the aforesaid penalty for each and every one of such units which are in violation of the provisions of this article, regardless of whether such building is permitted to have a single common connection to the sewer system. Nothing herein contained shall prevent the borough or the Authority from also seeking equity relief to enforce the provisions of this article.