BOROUGH OF FELTON,
York County, Pennsylvania

ORDINANCE NO. 2002-2

AN ORDINANCE

OF THE COUNCIL OF THE BOROUGH OF FELTON, YORK COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS BOROUGH AND BENEFITED, IMPROVED OR ACCOMMODATED BY THE SEWER SYSTEM TO BE CONSTRUCTED BY FELTON BOROUGH TO CONNECT THEREWITH UPON NOTICE BY THIS BOROUGH; REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THIS BOROUGH TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF AN IMPROVED PROPERTY WHO FAILS TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES TO ANY SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND REQUIRING ABANDONMENT THEREOF WHERE A SEWER IS AVAILABLE; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, the Borough of Felton has determined to design and construct a sanitary sewage collection and treatment system, including all related appurtenant facilities in, adjacent to and for rendering sewage service in and for this Borough.

The Council of Felton Borough, York County, Pennsylvania, enacts and ordains as follows:

ARTICLE I
DEFINITIONS

SECTION 1.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

A. "Borough" means the Borough of Felton Borough, York County, Pennsylvania, acting by and through its Council, or, in appropriate cases, by and through its authorized representatives.

B. "Building Sewer" means the extension from the sewage drainage system of any structure to the Lateral of a Sewer.

C. "Improved Property" means any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged and any Borough property that is within 150 feet of the Sewer (*i.e.,* the distance shall be the closest point between the perimeter of the Improved Property and the Sewer).

D. "Industrial Establishment" means any Improved Property located in this Borough used wholly or in part for the manufacturing, processing, cleaning, laundering or assembly of any product, commodity or article, or any other Improved Property located in this Borough from which wastes, in addition to or other than Sanitary Sewage, are discharged.

E. "Industrial Wastes" means any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage.

F. "Lateral" means that part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, extending to the property line or, if no such Lateral shall be provided, then "Lateral" shall mean that portion of, or place in, a Sewer which is provided for connection of any Building Sewer.

G. "Owner" means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

H. "Person" means any individual, partnership, company, association, society, corporation or other group or entity.

I. "Sanitary Sewage" means normal water-carried household and toilet wastes discharged from any Improved Property.

J. "Sewer" means any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

K. "Sewer System" means all facilities, as of any particular time, for collecting transporting, pumping, treating and/or disposing of Sanitary Sewage and/or Industrial Wastes, situate in this Borough, to be constructed, acquired, owned, maintained and operated by the Borough in, adjacent to and for certain portions of this Borough.

ARTICLE II
USE OF PUBLIC SEWERS REQUIRED

SECTION 2.01. The Owner of any Improved Property located in this Borough and benefited, improved or accommodated by the Sewer System, shall connect such Improved

Property to the Sewer System, in such manner as this Borough may require, within 90 days after notice to such Owner from this Borough to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough, from time to time.

SECTION 2.02. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer as required under Section 2.01, shall be conveyed into a Sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough from time to time.

SECTION 2.03. 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 Section 2.01.

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 Section 2.01, except where suitable treatment has been provided which is satisfactory to this Borough.

SECTION 2.04. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any Improved Property that has been connected to a Sewer or that shall be required under Section 2.01 to be connected to a Sewer.

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.

SECTION 2.05. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

SECTION 2.06. The notice by this Borough to make a connection to a Sewer, referred to in Section 2.01., shall consist of a copy of this Ordinance, including any amendments at the time in effect, or a brief summary of each section thereof, and a written or printed document requiring such connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within 90 days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by registered mail, hand delivery, or by such other method as at the time may be provided by law.

ARTICLE III
BUILDING SEWERS AND CONNECTIONS

SECTION 3.01. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any Sewer or the Sewer System without first making application for and securing a permit, in writing, from the Borough.

SECTION 3.02. Except as otherwise provided in this Section 3.02, 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 the Borough, in writing, shall have been secured.

SECTION 3.03. All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Lateral 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.

SECTION 3.04. A Building Sewer shall be connected to a Sewer at the place designated by the Borough and where the Lateral is provided.

The invert of a Building Sewer at the point of connection to a Lateral shall be at the same or a higher elevation than the invert of the Lateral. A smooth, neat joint shall be made, and the connection of a Building Sewer to the Lateral shall be made secure and watertight.

SECTION 3.05. A plumber licensed by the Commonwealth of Pennsylvania and approved by the Borough shall complete the work required to connect an Improved Property to the Sewer pursuant to the terms and conditions of this Ordinance and all other applicable law.

SECTION 3.06. If the Owner of any Improved Property located in this Borough and benefited, improved or accommodated by the Sewer System, after 90 days' notice from this Borough, in accordance with Section 2.01, shall fail to connect such Improved Property, as required, this Borough may make such connection and may collect from such Owner the costs and expense thereof. In such case, this Borough shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the Owner of the Improved Property to which connection has been so made, which bill shall be payable upon receipt. In case of neglect or refusal by the Owner of such improved Property to pay said bill, this Borough shall file a municipal lien for said construction within 6 months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

ARTICLE IV
RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND CONNECTION TO SEWERS

SECTION 4.01. Where an Improved Property, at the time connection to a Sewer is required, 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.

SECTION 4.02. No Building Sewer shall be covered until it has been inspected and approved by this Borough. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to Sewer.

SECTION 4.03. Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

SECTION 4.04. 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.

SECTION 4.05. If any Person shall fail or refuse, upon receipt of a notice of this Borough, in writing, to remedy an unsatisfactory condition with respect to a Building Sewer, within 90 days of receipt of such notice, this Borough may refuse to permit such Person to discharge Sanitary Sewer and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of this Borough.

SECTION 4.06. This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

ARTICLE V
ENFORCEMENT

SECTION 5.01. Any Person who shall violate this Ordinance 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 $600, together with costs of prosecution in each case, including, but not limited to, attorneys' fees. 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.

SECTION 5.02. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE VI
SEVERABILITY

SECTION 6.01. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE VII
DECLARATION OF PURPOSE

SECTION 7.01. It is declared that enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety and welfare of inhabitants of this Borough. This Ordinance is enacted pursuant to the powers granted to the Borough under the Borough Code, as amended.

ARTICLE VIII
REPEALER

SECTION 8.01. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same expressly are repealed.

ARTICLE IX
EFFECTIVE DATE

SECTION 9.01. This Ordinance shall become effective as provided by law.

Signature page follows.

DULY ENACTED AND ORDAINED this 7th day of October, 2002, by the Council of the Borough of Felton, York County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Louise A. Naugle
Secretary

BOROUGH OF FELTON
York County, Pennsylvania

By: [signature]
President of Council

(SEAL)

Examined and approved this 7th day of October, 2002.

Charles Lentz
Mayor