

**CHAPTER 18**

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## Part 1

### Connections to Sewers

#### §1. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part 1 shall be as follows:

- A. “Authority” shall mean Millersburg Area Authority, a Pennsylvania municipality authority.
- B. “Building sewer” shall mean the extension from the sewage drainage system of any structure to the lateral of a sewer.
- C. “Improved property” shall mean any property located within this Township 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.
- D. “Industrial wastes” shall mean any solid, liquid or gaseous substance or form of energy ejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.
- E. “Lateral” shall mean that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then “lateral” shall mean that portion of or place in a sewer which is provided for connection of any building sewer.
- F. “Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any improved property.
- G. “Person” shall mean any individual, partnership, company, association, society, corporation or other group or entity.
- H. “Sanitary sewage” shall mean normal water-carried household and toilet wastes from any improved property.
- I. “Sewer” shall mean any pipe or conduit constituting a part of the sewer system, used or usable for sewage collection purposes.
- J. “Sewer system” shall mean all facilities, as of any particular time, for collecting, pumping, transporting, treating and/or disposing of sanitary sewage and/or industrial wastes, situate in or adjacent to this Township and owned, maintained and operated by the Authority.

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- K. "Township" shall mean the Township of Upper Paxton, Dauphin County, Pennsylvania, a political subdivision, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.<sup>1</sup>

(Ord. 9-76, 9/9/1976, Art. I, §1.01)

### **§2. Use of Public Sewers Required.**

1. The owner of any improved property which is located in this Township and is accessible to and whose principal building is within 150 feet of the sewer system, shall connect such improved property therewith, in such manner as this Township and the Authority may require, within 60 days after notice to such owner from this Township 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 by this Township or the Authority, from time to time.
2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection 1, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Township or the Authority, from time to time.
3. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of subsection 1.

No person shall discharge or permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of subsection 1, except where suitable treatment has been provided which is satisfactory to this Township.

4. 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 subsection 1 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 Township, shall be cleansed and filled at the expense of the owner of such improved property and under the direction and supervision of this Township; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, cleansed and filled, shall constitute a nuisance and such nuisance shall be a public nuisance.

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<sup>1</sup> Article VI of Ordinance 9-76 provided that the ordinance become effective five days after adoption; Article IX repealed all inconsistent ordinances and parts of ordinances.

sance may be abated as provided by law, at the expense of the owner of such improved property.

5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
6. The notice by this Township to make a connection to a sewer, referred to in subsection 1, shall consist of a copy of this Part 1, including any amendments at the time in effect, and a written or printed document requiring such connection in accordance with the provisions of this Part 1 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 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 or by such other method as at the time may be provided by law.

(Ord. 9-76, 9/9/1976, Art. II)

### **§3. Building Sewers and Connections.**

1. Except as otherwise provided in this subsection 1, 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 Township and the Authority, in writing, shall have been secured.
2. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.
3. A building sewer shall be connected to a sewer at the place designated by the Authority and where the lateral is provided.

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

4. If the owner of any improved property located in this Township and accessible to and whose principal building is within 150 feet of the sewer system, after 60 days' notice from this Township, in accordance with Section 2(1), shall fail to connect such improved property, as required, this Township may make such connection

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and may collect from such owner the costs and expenses thereof. In such case, this Township 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 forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Township shall file a municipal lien for said construction within six 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 provided for the filing and recovery of municipal liens.

(Ord. 9-76, 9/9/1976, Art. III)

### **§4. Rules and Regulations Governing Building Sewers and Connections to Sewers.**

1. 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.
2. No building sewer shall be covered until it has been inspected and approved by this Township and the Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.
3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and all 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 the Township.
5. If any person shall fail or refuse, upon receipt of a notice from this Township or the Authority, in writing, to remedy any unsatisfactory conditions with respect to a building sewer, within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of this Township and the Authority.
6. This Township 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 Part 1.

(Ord. 9-76, 9/9/1976, Art. IV)

**§5. Enforcement.**

1. Any person who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$300 and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than 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.
2. Fines and costs imposed under provisions of this Part 1 shall be enforceable and recoverable in the manner at the time provided by applicable law.

(Ord. 9-76, 9/9/1976, Art. V, as amended under Adopting Ordinance)

**§6. Severability.**

In the event that any provision, section, sentence, clause or part of this Part 1 shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Part 1, it being the intent of this Township that such remainder shall be and shall remain in full force and effect. (Ord. 9-76, 9/9/1976, Art. VII, §7.01)

**§7. Declaration of Purpose.**

It is declared that the enactment of this Part 1 is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township. (Ord. 9-76, 9/9/1976, Art. VIII, §8.01)





**Part 2**

**Individual Sewage Disposal Systems**

**§51. Adoption of Sewage Facilities Act.**

The Act of Assembly No. 537, as approved January 24, 1966, known as the Pennsylvania Sewage Facilities Act, is hereby adopted by the Township of Upper Paxton, with the following additions and changes thereto.<sup>2</sup> (10/8/1969, §1)

**§52. “Individual Sewage System” Defined.**

“Individual sewage system” means the single system of piping, tanks or other facilities serving only a single lot or tract, or serving two lots or tracts and disposing of sewage in whole, or in part into the soil of the property, or into any waters of the Commonwealth. (10/8/1969, §2)

**§53. Permit Fee.**

All applications for a permit shall be accompanied by a fee of \$25, payable to the Township of Upper Paxton. (10/8/1969, §3, as amended under Adopting Ordinance)

**§54. Rural Residences.**

All the provisions of this ordinance [this Part 2], including the necessity for permits, shall apply to a rural residence as defined hereunder. (12/14/1981)

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<sup>2</sup> §4 of the ordinance of October 8, 1969 provided that the ordinance take effect October 18, 1969.



### Part 3

#### Holding Tanks and Privies

##### §71. Purposes.

The purpose of this Part is to establish procedures for the use and maintenance of existing and new holding tanks and privies 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 municipality. (Ord. 10/9/1991, §1)

##### §72. Definitions.

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

- A. “Authority” shall mean the Supervisors of Upper Paxton Township, Dauphin County, Pennsylvania.
- B. “Holding Tank” shall mean 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.
- C. “Privy” shall mean a watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or piped waste water is not available and is designed and constructed to facilitate the ultimate disposal of sewage at another site.
- D. “Improved Property” shall mean any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- E. “Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- F. “Person” shall mean any individual, partnership, company, association, corporation or other group or entity.
- G. “Sewage” shall mean 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

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recreation or any substance which constitutes pollution under the Clean Streams Law (35 P.S. §§691.11–691.1001).

H. “Municipality” shall mean the Township of Upper Paxton, Dauphin County, Pennsylvania.

(Ord. 10/9/1990, §2)

### **§73. Right and Privileges Granted.**

The Authority is hereby authorized and empowered to undertake within the Township the control and methods of holding tank and privy use, sewage disposal and sewage collection and transportation thereof. (Ord. 10/9/1990, §3)

### **§74. 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. 10/9/1990, §4)

### **§75. 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 Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. (Ord. 10/9/1990, §5)

### **§76. Rates and Charges.**

The Authority shall have the right and power to fix, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates authorized by applicable law. (Ord. 10/9/1990, §6)

### **§77. Condition Of Privy Use.**

A. The property owner must show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and that the site meets the Title 25, Chapter 73 (Standards for Sewage Disposal Facilities) requirements for the ultimate sewage disposal by an approved on-lot system if water under pressure or piped waste water becomes available to the lot.

- B. At such time that water under pressure becomes available, the property owner must replace<sup>3</sup> the privy with an approved on-lot system.
- C. The conditions of use described in Subsection (A) above do not apply:
  - 1. To a privy to be used on an isolated lot which is one acre or larger and is not nor will not be served by water under pressure in the future.
  - 2. To temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment.
- D. Specific conditions for use of privies shall be incorporated in the permit application and permit for the proposed use of privy.
- E. The Authority is provided the opportunity to inspect the privy for proper operation, maintenance and content disposal.

(Ord. 10/9/1990, §7)

**§78. Conditions Of Holding Tank Use.**

- A. The authority will receive, review and retain pumping receipts from permitted tanks.
- B. The Authority shall complete and retain annual inspection reports for each permitted tank.

(Ord. 10/9/1990, §8)

**§79. Exclusiveness Of Rights and Privileges.**

The collection and transportation of all sewage from any improved property utilizing a holding tank or privy shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania. (Ord. 10/9/1990, §9)

**§80. Duties Of Improved Property Owner.**

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

- A. Maintain the holding tank or privy in conformance with this or any Ordinance of this Township, the provisions of any applicable law, and the rules and regulations

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<sup>3</sup> Ordinance 10/9/1990 read “remove.”

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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.
- D. Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved on-lot system meeting Chapter 73 standards in the event that water under pressure or piped waste water becomes available to property.
- E. Permit the Authority to enter upon lands to inspect the privy for proper operation, maintenance and contents disposal.

(Ord. 10/9/1990, §10)

### **§81. Violations.**

Any person who violates any provision of this Part shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$100, and not more than \$300, and in default of said fine and costs to undergo imprisonment in the County Prison for a period not in excess of 30 days. (Ord. 10/9/1990, §11)

### **§82. Abatement Of Nuisances.**

In addition to any other remedies provided in this Part, any violation of §80, above, shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction. (Ord. 10/9/1990, §12)