

Chapter 18

Sewers and Sewage Disposal

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Part 1**Small Sewage Treatment Facilities****§18-101. Title.**

This Part shall be known as the "Small Flow Sewage Facilities Ordinance" of the Township.

(Ord. 1-1997, 12/2/1997, §1)

§18-102. Definitions.

1. *General Terms.* As used in this Part, words in the singular include the plural, and those in the plural include the singular. The words "shall" and "will" for the purpose of this Part are mandatory.

2. *Specific Terms.* As used in this Part, additional specific terms or words shall be defined as follows: Unless otherwise expressly stated, the following definitions shall for the purpose of this Part have the meaning herein indicated. Any pertinent word or term not defined herein shall be construed to have the meaning attributed to it under the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and the regulations promulgated thereunder.

Township - the Township of Covington, Tioga County, Pennsylvania.

Board of Supervisors - the Board of Supervisors of the Township.

Effluent - liquid sewage discharged as waste.

Landowner - the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary or possessory interest in the land.

Local agency - the North Central Sewage Agency or its successor.

DEP - the Pennsylvania Department of Environmental Protection or its successor.

Official Sewage Facilities Plan - a comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board of Supervisors and approved by the DEP, pursuant to the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*

Regulations - the official regulations of DEP as set forth in Pa.Code, Title 25, as amended and supplemented from time to time, and all future regulations of the DEP pertaining to small flow sewage facilities.

SEO - a Sewage Enforcement Officer having jurisdiction in the Township.

Small flow sewage facility - an individual or community sewerage system designed to adequately treat sewage flows not greater than 2,000 gallons per day for final disposal using stream discharge or discharge to the surface of the ground as presently described in 25 Pa.Code §71.1.

System - the small flow sewage facility to be designed, installed, operated and/or maintained by a landowner upon any property in the Township.

Township official - a sewage enforcement officer, code enforcement officer, certified sewage treatment plant operator, employee of the Township, professional engineer, plumbing inspector, or other qualified or licensed person who is authorized to function within specified limits as an agent of the Township to administer or enforce the provisions of this Part.

Written notice - a notice in writing sent to the landowner at his or her last known address by United States mail, first class postage prepaid. Such notice shall be effective upon mailing, regardless of the date of receipt.

(Ord. 1-1997, 12/2/1997, §2)

§18-103. Design Standards.

The system shall be designed in accordance with the design standards, regulations and requirements of the DEP. In addition to all other requirements, the system shall be designed and constructed to include the following:

A. Easy access for inspection and periodic maintenance shall be provided for all systems. A readily accessible effluent sampling point, located at the discharge end of the chlorine contact tank shall be provided.

B. An alarm, including both visual and audible devices, shall be provided for all pumps and aeration devices. Alarms shall be located so as to be readily noticeable by occupants of property. An appropriate high level alarm in the dosing tank and an alarm for the aeration motor (if used) are needed.

C. Reasonable vehicular access shall be provided to the system for periodic removal of sludge.

(Ord. 1-1997, 12/2/1997, §3)

§18-104. Pre-construction Approvals and Permits.

1. The landowner must submit a sewage planning module to the Board of Supervisors, the DEP and the local agency. The planning module must be approved by the Board of Supervisors and by the DEP, and the landowner must obtain all required DEP permits.

2. A pre-construction meeting shall be held. The meeting shall be attended by the system designer, the system contractor, the landowner, and may be attended by a SEO. If an aerobic treatment unit is used in the system, then the factory representative of the aerobic treatment unit shall also attend the pre-construction meeting. No construction may commence until after the pre-construction meeting has been held.

(Ord. 1-1997, 12/2/1997, §4)

§18-105. Pre-operation Inspection.

Upon completion of construction of the system but prior to the system being covered, the system designer, a SEO shall conduct an inspection of the system. The system designer and the landowner shall certify in writing that the construction of the system is in conformance with the system design and the permit issued by DEP before the system may be covered. Notice of the pre-operation inspection shall also be given by the landowner to DEP at least 72 hours prior to such inspection. A copy of the written certification signed by the system designer and the landowner (and the factory

representative if an aerobic treatment unit is used) shall be sent to the DEP and the local agency by the landowner within 10 days of completion of inspection. If an aerobic treatment unit is used, a service contract consistent with the requirements of the National Sanitation Foundation must be signed by the landowner and a copy sent to the DEP and the local agency.

(Ord. 1-1997, 12/2/1997, §5)

§18-106. Plans.

The landowner shall provide to the Township and the local agency a complete set of "as built" plans for the system as finally approved by DEP and as actually constructed.

(Ord. 1-1997, 12/2/1997, §6)

§18-107. Inspections.

1. The landowner shall test chlorine residual levels on a weekly basis for the first month of system operation, and then monthly thereafter. The landowner shall keep a permanent written record of the date and results of each test, and shall, upon request, allow a SEO to review the written record and provide to a SEO a complete copy of the written record. The landowner must take all actions necessary to ensure that chlorine residual levels are in compliance with all relevant DEP standards.

2. A SEO shall inspect the system three times per year. At least two inspections shall be conducted between April 1 and August 31, and one inspection shall be conducted during the remaining portion of the year.

3. A SEO may perform additional inspections of the system if there is any reason to believe that the system is not operating properly.

4. An inspection by a SEO shall include, but need not be limited to, testing for an adequate chlorine residual at levels required by the DEP permit, as well as the collection of a sample for fecal coliform analysis shall be performed by an EPA approved laboratory.

5. The Township and the local agency shall retain copies of all inspection reports and laboratory analysis in a permanent file. These records shall be available to the DEP upon its request.

(Ord. 1-1997, 12/2/1997, §7)

§18-108. Repairs and Replacement of System.

In the event a SEO or DEP inspection indicates the need for repair or replacement of any component part or all of the system in order to bring the system into compliance with the DEP permit or regulations, the landowner shall be given written notice thereof. The landowner shall complete such repairs or replacement and obtain written certification from the system designer or a certified professional engineer, and a SEO, that the work has been completed in accordance with all applicable standards and regulations. Written certification shall be provided to the DEP and the local agency within 30 days of the date of the SEO or DEP notice.

(Ord. 1-1997, 12/2/1997, §8)

§18-109. Maintenance of System.

In the event a SEO or DEP inspection indicates the need for maintenance on any component part or all of the system in order to bring the system into compliance with DEP permit or regulations, the landowner shall be given written notice thereof. The landowner shall complete such maintenance and-obtain written certification from the system designer or a certified professional engineer, and a SEO, that the work has been completed in accordance with all applicable standards and regulations. Written certification shall be provided to the DEP and the local agency within 15 days of the date of SEO or DEP notice.

(Ord. 1-1997, 12/2/1997, §9)

§18-110. Failure to Timely Complete Repairs, Replacement or Maintenance.

1. If the landowner fails or refuses to timely comply with the provisions of §18-108 or §18-109 hereof, the Township and its agents, employees or independent contractors shall have the right to enter upon the land and to perform all necessary repairs, replacement and/or maintenance with respect to the system. The landowner shall pay to the Township within 15 days all costs incurred by the Township in performing such necessary repairs, replacement and/or maintenance.

2. Township action to effectuate needed repairs or replacement of the system or any component thereof shall commence no sooner than 30 days and later than 45 days after written notice was sent to the landowner, and shall be completed as soon thereafter as reasonably possible. Township action to effectuate needed maintenance on the system or any component part thereof shall commence no later than 15 days after notice was sent to the landowner, and shall be completed as soon thereafter as reasonably possible.

(Ord. 1-1997, 12/2/1997, §10)

§18-111. Effluent Removal.

1. During any time when the system is inoperable or incapable of treating the discharged effluent so as to meet or exceed the standards and regulations of the DEP, the landowner shall make all necessary arrangements to remove said effluent and dispose of same at a DEP permitted sewage disposal facility. The landowner shall continue such hauling of effluent until such time as the system has been properly certified as being legally operable by a SEO or the DEP.

2. Where the landowner causes the effluent to be removed, the landowner shall provide to the Township and the local agency a copy of an agreement with a licensed hauler providing for the removal and lawful disposal of the effluent. The landowner shall also provide to the Township and the local agency copies of all pumping receipts.

3. In the event the landowner shall refuse or fail to accomplish removal of said effluent within the time limit specified by a SEO (which time limit shall not exceed 48 hours), the Township shall have the right, upon 48 hours written notice to landowner, to enter upon the land and cause said effluent to be removed and lawfully disposed of. The landowner shall pay to the Township within 15 days all costs incurred by the Township in removing and disposing of the effluent.

(Ord. 1-1997, 12/2/1997, §11)

§18-112. Inspection Fees.

1. The landowner shall pay to the local agency a fee in an amount as established from time to time by resolution of the Board of Supervisors for the pre-operation inspection required by §18-105 hereof. This fee shall be paid prior to the performance of the pre-operation inspection. The landowner shall pay to the local agency an additional fee in an amount as established from time to time by resolution of the Board of Supervisors for each additional pre-operation inspection which is required because the system fails a previous pre-operation inspection. This fee shall be paid prior to the performance of the additional pre-operation inspection. [Ord. 1-2004]

2. On or before January 1 of each year, the landowner shall pay to the local agency a fee in an amount as established from time to time by resolution of the Board of Supervisors for the three inspections required by §18-107.2 hereof. [Ord. 1-2004]

3. The landowner shall pay to the local agency a fee in an amount as established from time to time by resolution for each inspection performed pursuant to §18-107.3 hereof, if it is determined that the system is not operating properly. This fee shall be paid no later than 15 days after the inspection. [Ord. 1-2004]

4. The landowner shall reimburse the local agency for fecal coliform analysis performed pursuant to §18-107.4 hereof. This fee shall be paid no later than 15 days after notice by the local agency to the landowner of the cost of the analysis.

(Ord. 1-1997, 12/2/1997, §12; as amended by Ord. 1-2004, 6/21/2004)

§18-113. Recovery of Costs and Expenses Incurred by the Township.

1. The landowner shall timely pay to the Township all costs and expenses as set forth herein. In the event the landowner shall fail to timely pay such costs and expenses to the Township, the Township may institute suit against the landowner in a civil action or cause a lien to be recorded against the land in accordance with the Municipal Lien Law, 53 P.S. §7101 *et seq.* Further, the Township shall have all other rights and remedies, whether at law or in equity, which may now be or hereafter become available to it.

2. If the landowner fails or refuses to timely pay to the Township any required cost or expense, the landowner shall also be liable for the Township's attorney fees and expenses in collecting the same, as well as all court costs.

(Ord. 1-1997, 12/2/1997, §13)

§18-114. Recovery of Fees and Expenses by the Local Agency.

1. The landowner shall timely pay to the local agency all fees and expenses as set forth herein. In the event the landowner shall fail to timely pay such fees and expenses to the local agency, the Local agency may institute suit against the landowner in a civil action or cause a lien to be recorded against the land in accordance with the Municipal Lien Law, 53 P.S. §7101 *et seq.* Further, the local agency shall have all other rights and remedies, whether at law or in equity, which may now be or hereafter become available to it.

2. If the landowner fails or refuses to timely pay to the local agency any required fee or expense, the landowner shall also be liable for the local agency's attorney fees and expenses in collecting the same, as well as all court costs.

(*Ord. 1-1997, 12/2/1997, §14*)

§18-115. Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 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. 1-2004*]

2. In addition, there shall be available to both the Township and the local agency the rights and remedies as set forth in the Sewage Facilities Act and all other laws of the Commonwealth of Pennsylvania and ordinances of the Township and the County of Tioga.

(*Ord. 1-1997, 12/2/1997, §15; as amended by Ord. 1-2004, 6/21/2004*)

§18-116. Indemnification.

The Board of supervisors of the Township shall not approve the sewage planning module until the landowner and the person(s) or entity holding legal title to the property upon which the system is to be constructed execute and deliver to the Township an indemnification agreement in favor of the local agency and the Township. The Township shall promptly cause the agreement to be recorded in the Office of the Recorder of Deeds for Tioga County, indexed in the name of the landowner and all other persons or entities holding legal title to the property upon which the system is to be constructed. The recording fee imposed by the Recorder of Deeds for Tioga County shall be paid by the landowner to the Township at the time of delivery of the agreement to the Township. The indemnification agreement shall be signed by the landowner, and by all other persons or entities holding legal title to the property, notarized and in proper form for recording, and in the form as set forth on Exhibit "A" hereof and incorporated herein by reference.

(*Ord. 1-1997, 12/2/1997, §16*)

§18-117. Conveyance or Transfer.

1. If legal title to the property upon which a system is located is conveyed or transferred in any manner, the landowner shall deliver to the transferee the permit, system design, manual and operating instructions, and maintenance records of the system.

2. In each and every deed transferring or conveying the property, there shall be noted the existence of and the record book and page of recording of the indemnification agreement.

(*Ord. 1-1997, 12/2/1997, §17*)

§18-118. Effect on Other Ordinances.

Nothing in this Part shall be construed to waive, effect or alter any requirements of the Zoning, Land Development and Subdivision or other ordinances of the Township,

and nothing contained herein empowers any Township official to waive any requirements of this or such other ordinances.

(Ord. 1-1997, 12/2/1997, §18)

Exhibit "A"

INDEMNIFICATION AGREEMENT

THIS AGREEMENT, by and between the Township of Covington, Tioga County, Pennsylvania (hereafter "Township"), and the North Central Sewage Agency (hereafter "Local Agency"), a joint intergovernmental agency formed pursuant to the Pennsylvania Sewage Facilities Act, and the successor of each,

AND

_____ (hereafter "Owner"),
holders of legal title to a parcel of property situate in the Township, consisting of _____
acres, more or less, and being more particularly described in a certain deed recorded in
Tioga County Book _____ at _____ page (hereafter "property").

WHEREAS, Owner desires to construct, use and maintain on the property a small
flow facility (hereafter "system") for the on-lot treatment of sewage.

WHEREAS, Owner requests the Township to approve a sewage planning module
to allow the construction of the system.

NOW, THEREFORE, Owner, for good and valuable consideration, the receipt and
sufficiency of which is hereby acknowledged, and intending to be legally bound hereby,
agrees as follows:

1. Owner, for himself/herself/themselves, and their heirs, administrators,
executors, successors and assigns, agrees to and does hereby indemnify and hold
harmless the Township and the Local Agency, and their agents, servants, employees
and independent contractors (collectively, the Indemnees), of and from any and all
claims, demands, lawsuits (whether in law or in equity), damages, judgments and legal
expenses which may be claimed or brought against any or all of the Indemnees by any
person or entity, in any manner arising out of or related to the design, construction, use,
maintenance, repair, replacement, malfunction or existence of the system.

2. In the event Owner fails to undertake the defense of one or more of the
Indemnees, the Township or Agency may, at their sole option, defend such claim or suit,
and Owner shall reimburse the Township and the Agency for any expenses either may
incur, including legal fees and expenses, engineering fees, other expert witness fees and
court costs, and shall pay any judgment rendered against any of the Indemnees as a
result of such claim or suit. Payment by Owner shall be made no more than 30 days
after receipt of an itemized bill from one or more of the Indemnees.

3. If Owner shall fail to timely perform any duty set forth in this Agreement,
Owner shall be responsible for all costs and expenses including, but not limited to,
attorney's fees and expenses, incurred by any of the Indemnees in enforcing their rights
under this Agreement.

4. This Agreement shall be binding on Owner, and their heirs, administrators,
executors, successors and assigns.

5. Each and every deed transferring or conveying the property shall contain the
following notice, which shall contain the record book and page number of the recorded
Indemnification Agreement:

"NOTICE - this property is the subject of an Indemnification Agreement with the Township in which the property is located and North Central Sewage Agency. A copy of the Agreement is recorded in Tioga County Record Book_____ at page_____, and the terms and conditions of the Agreement are incorporated into this Deed by reference and are binding upon all owners of this property.

IN WITNESS WHEREOF, Owners hereby set their hands and seals this_____ day of _____, 20_____ .

Commonwealth of Pennsylvania:
County of Tioga:

On this_____ day of_____, 20_____, before me, a notary public, the undersigned officer, personally appeared _____ and _____, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Agreement, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

My Commission Expires:

Commonwealth of Pennsylvania:
County of Tioga:

RECORDED in the office for Recording of Deed, in and for said County, in Record Book No. _____ at page _____ .

WITNESS my hand and official Seal this _____ day of _____, 20_____ .

Recorder of Deeds

Part 2**Privies****§18-201. Purposes.**

The purpose of this Part is to establish procedures for the use and maintenance of existing and new 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. 2-1990, 6/5/1990, §1)

§18-202. Definitions.

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

Authority - an SEO of Tioga County, Pennsylvania.

Privy - 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 the sewage at another site.

Improved property - 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.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

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 or any substance which constitutes pollution under the Clean Streams Law, 35 PS §§691.1-691.1001.

Municipality - Covington Township, Tioga County, Pennsylvania.

(Ord. 2-1990, 6/5/1990, §2)

§18-203. Right and Privileges Granted.

The Authority is hereby authorized and empowered to undertake within the Township the control and methods of privy use, sewage disposal and sewage collection and transportation thereof.

(Ord. 2-1990, 6/5/1990, §3)

§18-204. 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. 2-1990, 6/5/1990, §4*)

§18-205. 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. 2-1990, 6/5/1990, §5*)

§18-206. 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 as authorized by applicable law.

(*Ord. 2-1990, 6/5/1990, §6*)

§18-207. Condition of Privy Use.

1. 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, Pa.Code, 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.

2. At such time that water under pressure becomes available, the property owner must remove the privy and replace the privy with an approved on-lot system.

3. The conditions of use described in subsection .1 above do not apply:

A. To a privy to be used on an isolated lot which is not nor will not be served by water under pressure in the future.

B. To temporary use of portable retention tanks where their use is proposed at construction sites or at the site of public gatherings and entertainment.

4. Specific conditions for use of privies shall be incorporated in the permit application and permit for the proposed use of a privy.

5. The authority is provided the opportunity to inspect the privy for proper operation, maintenance and content disposal.

(*Ord. 2-1990, 6/5/1990, §7*)

§18-208. Exclusiveness of Rights and Privileges.

The collection and transportation of all sewage from any improved property utilizing a 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 Protection of the Commonwealth of Pennsylvania.

(*Ord. 2-1990, 6/5/1990, §8; as amended by Ord. 1-2004, 6/21/2004*)

§18-209. Duties of Improved Property Owner.

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

1. Maintain the privy in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.
2. Permit only the Authority or its agent to collect, transport, and dispose of the contents therein.
3. 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 the property.
4. Permit the Authority to enter upon lands to inspect the privy for proper operation, maintenance and contents disposal.

(*Ord. 2-1990, 6/5/1990, §9*)

§18-210. Violations.

Any person who violates any provisions of §18-207, §18-208 or §18-209, upon conviction thereof by summary proceedings commenced before a district justice in accordance with the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 and not more than \$1,000 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. 2-1990, 6/5/1990, §10; as amended by Ord. 1-2004, 6/21/2004*)

§18-211. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of §18-209 above shall constitute a nuisance and shall be abated by the Township or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(*Ord. 2-1990, 6/5/1990, §11*)

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

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 Township.

(Ord. 1-1990, 6/5/1990, §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 - SEO of Tioga 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 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.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

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.

Municipality - Covington Township, Tioga County, Pennsylvania.

(Ord. 1-1990, 6/5/1990, §2)

§18-303. Right and Privileges Granted.

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

(Ord. 1-1990, 6/5/1990, §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. 1-1990, 6/5/1990, §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 Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

(*Ord. 1-1990, 6/5/1990, §5*)

§18-306. Rates and Charges.

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.

(*Ord. 1-1990, 6/5/1990, §6*)

§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. [*Ord. 1-2004*]

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. 1-1990, 6/5/1990, §7; as amended by Ord. 1-2004, 6/21/2004*)

§18-308. Duties of Improved Property Owner.

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

A. Maintain the holding tank in conformance with this or any ordinance of this Township, 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. 1-1990, 6/5/1990, §8*)

§18-309. Violations.

Any person who violates any provisions of §18-308 shall, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay 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 90 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. 1-1990, 6/5/1990, §9; as amended by Ord. 1-2004, 6/21/2004*)

§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 Township or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(*Ord. 1-1990, 6/5/1990, §10*)

Part 4**Public Sewers****§18-401. Definitions.**

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

Building sewer—the sewage drainage system from a building constructed on any improved property to the lateral serving such improved property, including any grinder pump or pressure sewer or similar apparatus or facilities installed by the Township or the owner and which are located on such improved property.

Commonwealth—the Commonwealth of Pennsylvania.

Improved property—any property in the sewered area of 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.

Industrial establishment—any improved property located in this Township, used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property from which wastes, in addition to or other than sanitary sewage, shall be discharged.

Industrial wastes—any and all wastes discharged from an industrial establishment, and/or wastewater having characteristics which may have the potential to be detrimental to the sewer system.

Lateral—that part of the sewer system extending from a sewer to the curblin, or if there is no curblin, to the property line, or if no such extension is provided, then “lateral” shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer.

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, municipality, municipality authority or other group or entity.

Sanitary sewage—normal water-carried household and toilet wastes from any improved property.

Sewer—any pipe or conduit constituting a part of the sewer system, used or usable for sewage collection purposes.

Sewer system—all facilities owned or operated by the Township, as of any particular time, for collecting and transmitting sanitary sewage and/or industrial wastes discharged by an improved property, other than a building sewer or a lateral.

Sewered area—that geographic area or areas of the Township served or to be served by the sewer system and designated, from time to time, by the Board of Supervisors of the Township.

Street—includes any street, road, lane, court, cul-de-sac, alley, public way or public square.

Township—the Township of Covington, Tioga County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through its authorized representatives.

(Ord. 2-2005, 7/11/2005, Art. I, §1.01)

§18-402. Use of Public Sewers Required.

1. A. The owner of any improved property located in the sewer area of this Township which is adjoining and adjacent to the sewer system shall connect such improved property with and use such sewer system, in such manner as this Township may require, within 60 days after notice to such owner from this Township to make such connection, for the purpose of discharging all sanitary sewage and industrial wastes from such improved property; subject, however, to such rules and regulations as may be established by this Township, from time to time, prescribing the scope and manner of such connections.

B. Notwithstanding the provisions of subsection .1.A, this Township shall not require any commercial or industrial business to connect to the sewer system when such commercial or industrial business is operating a sewer treatment plant under mandate of any agency of the Federal or State government. This exemption shall last as long as such sewer treatment plant continues to meet the specifications and standards mandated by such Federal or State agency and for 45 days thereafter. If, during the days immediately subsequent to the day a business' sewer treatment plant is determined to be below Federal or State mandates, repairs cannot be made to bring the system back up to satisfactory condition, this Township may require such business to connect to the sewer system. In such case, the full costs of connection to, and any necessary refurbishing of, the sewer system shall be borne by such business.

C. The exemption provided for in subsection .1.B shall not be available in any situation where the business seeking to use it had notice, either actual or constructive, prior to construction of this sewage treatment plant, of this Township's intention to construct a sanitary sewer system, and to require that business to connect with the sewer system.

2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer, as required under subsection .1, shall be conducted into such sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township, from time to time.

3. No person shall place, shall deposit or shall permit to be placed or to be deposited upon any public or private property within this Township any sanitary sewage or industrial wastes in violation of subsection .1.

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

4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon an improved property that has been

connected to a sewer or that is 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 shall be filled with a non-compactable material (e.g., sand), at the expense of the owner of such improved property, 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, not 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.

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

6. The notice by this Township to make a connection to a sewer, referred to in subsection .1, shall include a reference to this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within the time limitations described herein. Such notice may be given or served at any time after a sewer is in place that can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be by personal service or by registered mail.

(Ord. 2-2005, 7/11/2005, Art. II, §§2.01–2.06)

§18-403. Building Sewers and Connections.

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from this Township.

2. Application for a permit required under subsection .1 shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

3. No person shall make or shall 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 the Secretary or other designated representative of this Township of the desire and intention to connect such improved property to a sewer.

B. Such person shall have applied for and shall have obtained a permit as required by subsection .1.

C. Such person shall have given the Secretary or other designated representative of this Township at least 24 hours notice of the time when such connection will be made so that this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

D. If applicable, such person shall have furnished satisfactory evidence to the Secretary or other designated representative of this Township that any tapping fee, and any other applicable fee or charge that may be charged and imposed by this Township against the owner of each improved property who connects such

improved property to a sewer, has been paid.

4. Except as otherwise provided in this subsection, 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, but then only after special permission of this Township, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Township.

5. All costs and expenses of acquisition, construction, operation and maintenance of a building sewer and of the lateral serving any improved property shall be borne by the owner of the improved property served thereby, unless otherwise provided by this Township. All costs and expenses of connection of a building sewer to a lateral, and connection of a lateral to a sewer, including such costs and expenses of acquiring, installing, operating and maintaining a grinder pump or similar apparatus approved by the Township, shall be borne by the owner of the improved property so connected, unless otherwise provided by this Township. Each such owner shall indemnify and shall save harmless this Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction, connection, operation or use of a building sewer or of a lateral.

6. A building sewer and the appropriate lateral shall be connected to a sewer at the location designated by this Township. If this Township furnishes the lateral, the building sewer shall be connected to the sewer at the place where the lateral is located. The owner of each improved property shall provide this Township any information requested pertaining to the existing or proposed location of a building sewer and of the lateral.

The invert of a building sewer at the point of connection shall be at the same or a higher elevation (unless a grinder pump is required as part of the building sewer) than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer and lateral, or other designated point of connection, shall be made secure and watertight.

7. If the owner of any improved property located within this Township which is adjoining or adjacent to or whose principal building is within 150 feet from any part of the sewer system, after 60 days notice from this Township, either by personal service or by registered mail, requiring the connection of such improved property with a sewer, in accordance with §18-402.1, shall fail to connect such improved property and use the sewer system, as required, this Township may enter upon such improved property and construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

(Ord. 2-2005, 7/11/2005, Art. III, §§3.01–3.07)

§18-404. Rules and Regulations Governing Building Sewers, Laterals 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 sewage disposal device, the old building sewer shall be properly abandoned and a new one installed from the structure to the lateral and the sewer, in the manner approved by this Township.

2. No building sewer or any lateral constructed by the owner shall be covered until it has been inspected and approved by this Township. If any part of a building sewer or lateral 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 and every lateral serving any improved property shall be operated and maintained by the owner of such improved property in a sanitary and safe operating condition to the continuing satisfaction of this Township.

4. Every excavation for a building sewer or for a lateral shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other property disturbed in the course of installation of such facilities shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Township.

5. If any person shall fail or shall refuse, upon receipt of a written notice of this Township, to remedy any unsatisfactory condition with respect to a building sewer or with respect to a lateral, within 60 days of receipt of such notice, this Township may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township. In the event of a condition with respect to said facilities which threatens health or property, this Township may specify a lesser time or other manner of notice of such condition.

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 with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 2-2005, 7/11/2005, Art. IV, §§4.01–4.06)

§18-405. Enforcement.

1. Any person who shall violate this Part shall be subject, in a civil enforcement proceeding, to a fine of not more than \$1,000 for each offense, together with all court costs, including reasonable attorney fees incurred by this Township. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and the violator shall be liable for such.

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

(Ord. 2-2005, 7/11/2005, Art. V, §§5.01–5.02)

§18-406. Declaration of Purpose.

It is declared that enactment of this Part and the provisions hereof are necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

(Ord. 2-2005, 7/11/2005, Art. VIII, §8.01)

