

## Chapter 86

### SEWERS

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 3-7-1960 by Ord. No. 141. Amendments noted where applicable.]

#### GENERAL REFERENCES

Sewer Authority — See Ch. 24.  
Building construction — See Ch. 34.

Holding tanks — See Ch. 58.  
Plumbing — See Ch. 75.

#### ARTICLE I Definitions

§ 86-1. Terms defined.

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

**AUTHORITY** — Upper Montgomery Joint Authority,<sup>1</sup> a Pennsylvania municipality authority.

**BOROUGH** — The Borough of Pennsburg, Montgomery County, Pennsylvania, a Pennsylvania municipal corporation, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

**BUILDING SEWER** — The extension from the sewage drainage system of any structure to the lateral of a sewer.

**IMPROVED PROPERTY** — Any property 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 sewage and/or industrial wastes shall be or may be discharged.

**INDUSTRIAL WASTES** — Any solid, liquid or gaseous substance or form of energy rejected 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 sewage, including such groundwater, surface water or stormwater as may be present.

**LATERAL** — That part of the sewer system extending from a sewer to the curblin or, if there shall be no curblin, 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.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any property located in this borough.

**PERSON** — Any individual, partnership, company, association, society, corporation or other group or entity.

**SEWAGE** — Normal water-carried household and toilet wastes from any improved property. [Amended 6-6-1960 by Ord. No. 142]

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

**SEWER SYSTEM** — All facilities, as of any particular time, for collecting, pumping, treating and disposing of sewage and industrial wastes, situate in or adjacent to this borough and owned, maintained and operated by the Authority.

**STREET** — Includes any street, road, lane, court, alley and public square.

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<sup>1</sup> Editor's Note: See Ch. 24, Sewer Authority.

ARTICLE II  
Use of Public Sewers Required

**§ 86-2. Connection to sewers required.**

- A. The owner of any improved property abutting on or adjoining any street in which is a sewer shall connect such improved property therewith, in such manner as this borough and the Authority may require, within 60 days after notice to such owner from this borough to make such connection, for the purpose of discharge of all 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 or the Authority from time to time.
- B. All sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under Subsection A, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this borough or the Authority from time to time.

**§ 86-3. Prohibited deposits and discharges.**

- A. No person shall place or deposit or permit to be placed or deposited upon public or private property within this borough any sewage or industrial wastes in violation of § 86-2A.
- B. No person shall discharge or permit to be discharged to any natural outlet within this borough any sewage or industrial wastes in violation of § 86-2A, except where suitable treatment has been provided which is satisfactory to this borough.

**§ 86-4. Private sewage disposal prohibited; abandonment; connection prohibited.**

- A. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under § 86-2A to be connected to a sewer.
- B. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this borough, shall be cleansed and filled 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.
- C. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

**§ 86-5. Notice to connect.**

The notice by this borough to make a connection to a sewer, referred to in § 86-2A, shall consist of a copy of this chapter, including any amendments at the time in effect, and a written or printed document requiring the connection, and may be given at any time after a sewer is in

place which can receive and convey sewage and industrial wastes for treatment and disposal from the particular improved property.

ARTICLE III  
**Building Sewers and Connections**

**§ 86-6. Separate connections required; exception.**

Except as otherwise provided in this section, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of this borough and the Authority, in writing, shall have been secured.

**§ 86-7. Costs; indemnification of borough and Authority.**

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 borough 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.

**§ 86-8. Location of connection and lateral. [Amended 6-6-1960 by Ord. No. 142]**

- A. A building sewer shall be connected to a sewer at the place designated by the Authority and where the lateral is provided.
- B. The lateral shall be provided at the place designated by the owner of each improved property if such owner shall designate to the Authority such place prior to the time construction is begun in front of the particular improved property and such place designated by the owner is feasible; otherwise, the lateral shall be provided at a place designated by the Authority.
- C. The invert of a building sewer at the point of connection shall be at the same elevation as 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.

**§ 86-9. Connection by borough; collection of costs.**

If the owner of any improved property abutting on or adjoining any street in which there is a sewer, after 60 days' notice from this borough, in accordance with § 86-2A, shall fail to connect such improved property as required, this borough may make such connection and may collect from such owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

ARTICLE IV  
**Building Sewer and Sewer Connection Regulations**

**§ 86-10. Modification and use of existing sewer lines. [Amended 6-6-1960 by Ord. No. 142]**

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 structure sewer line shall be broken at the structure line and attachment shall be made, with proper fittings, to continue such existing structure sewer line as a building sewer.

**§ 86-11. Inspection of work prior to covering.**

No building sewer shall be covered until it has been inspected and approved by this borough 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.

**§ 86-12. Maintenance of building sewer.**

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

**§ 86-13. Guarding and restoring excavations.**

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.

**§ 86-14. Failure to remedy unsatisfactory conditions upon notice.**

If any person shall fail or refuse, upon receipt of a notice from this borough or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer within 60 days of receipt of such notice, this borough or the Authority may refuse to permit such person to discharge sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this borough and the Authority.

**§ 86-15. Promulgation of additional rules and regulations.**

This borough reserves the right to adopt from time to time additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this chapter.

ARTICLE V  
Penalties

**§ 86-16. Violations and penalties.**

- A. Any person who shall violate any provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$300 and costs of such proceedings or, upon default in payment of such fine and costs, by imprisonment in the county jail for a term of not more than 30 days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. **[Amended 4-4-1977 by Ord. No. 2-77]**
- B. Fines and costs imposed under the provisions of this chapter shall be enforceable and recoverable in the manner and at the time provided by applicable law.