

## **Chapter 18**

### **Sewers and Sewage Disposal**

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**Part 1****On-Lot Sewers and Sewage Disposal****§18-101. Short Title, Statutory Basis, Purpose.**

1. This Part shall be known as the "Cumberland Township On-Lot Sewage Disposal System Permit Ordinance."

2. This Part is adopted pursuant to §7(a)(1) of the Pennsylvania Sewage Facilities Act, as amended, 35 P.S. §740.7(a)(1).

3. The purpose of this Part is to provide for the permitting of all on-lot sewage disposal systems within the Township in accordance with the standards and regulations of 25 Pa.Code, Chapters 72 and 73, including those systems otherwise eligible for an exemption from the permitting requirements of the Act, as authorized by §7(a)(1) of the Act.

*(Ord. 89, 3/26/1996, §I)*

**§18-102. Permit Requirement.**

1. From and after the effective date of this Part, all persons proposing to install an on-lot sewage disposal system on any lot within the Township, including those persons proposing to install such a system on a lot 10 acres or larger and who are otherwise qualified for a permit exemption in accordance with the provisions of §7(a)(1) of the Act, shall apply to the Township for a permit for the installation of such system.

2. No person shall install or commence construction of any on-lot sewage disposal system for which a permit is required until such permit has been issued by a Sewage Enforcement Officer employed by or contracted to the Township.

*(Ord. 89, 3/26/1996, §2)*

**§18-103. Enforcement.**

1. Any person violating any of the provisions of this Part shall be subject to the civil and criminal penalties authorized pursuant to §§13 and 13.1 of the Act, as amended.

2. In addition to the penalties for non-compliance set forth in subsection .1 above, it is further provided that all of the civil and equitable remedies set forth in §§12, 14 and 15 of the Act, 35 P.S. §§750.12, 750.14 and 750.15, as amended, shall be applicable to violations of this Part.

*(Ord. 89, 3/26/1996, §3)*



**Part 2****Holding Tanks****§18-201. 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 for existing improved properties, whether from residential or commercial uses, where the existing on lot septic system is malfunctioning and there are no other means of correcting such malfunction, 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. 78, 12/17/1996, §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* - Supervisors of Cumberland Township, Adams 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 an existing 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* - Cumberland Township, Adams County, Pennsylvania.

(Ord. 78, 12/17/1996, §2)

**§18-203. 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. 78, 12/17/1996, §3)

**§18-204. Rules and Regulations.**

That 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. 78, 12/17/1996, §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. 78, 12/17/1996, §5*)

**§18-206. 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. 78, 12/17/1996, §6*)

**§18-207. 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. 05-112*]

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. 78, 12/17/1996, §7, as amended by Ord. 05-112, 7/26/2005*)

**§18-208. 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. 78, 12/17/1996, §8*)

**§18-209. Violations.**

Any person who violates any provisions of §18-208 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. 78, 12/17/1996, §9; as amended by Ord. 05-112, 7/26/2005*)

**§18-210. Abatement of Nuisances.**

In addition to any other remedies provided in this Part, any violation of §18-208 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. 78, 12/17/1996, §10*)



**Part 3****Mandatory Sewer Connection****§18-301. Definitions**

*Property owner* - when used in this Part shall mean any natural person, association, partnership, firm or corporation owning real estate in Cumberland Township, Adams County, Pennsylvania, whether or not a legal resident thereof.

*Public sewer* - shall include all sewers constructed, owned and operated by Cumberland Township Authority.

(*Ord. 11, 11/5/1960, §1; as amended by Ord. 16, 4/8/1965, §1*)

**§18-302. Connection Required**

Every building, structure or residential dwelling where toilet facilities exist or are required by law situated within 150 feet of a public sewer shall be connected with such sewer for the purpose of the discharge of all fecal matter, human excrement, kitchen and laundry waste and other sewage from such building, structure or dwelling. All connections to sewers of Cumberland Township Authority shall be made in accordance with the rules and regulations of the Authority.

(*Ord. 11, 11/5/1960, §2; as amended by Ord. 16, 4/8/1965, §2*)

**§18-303. Township May Make Connection**

If the property owner, within 60 days after receiving written notice from the Board of Supervisors of Cumberland Township to make connection with such public sewer shall fail to make such connection, the Township may make such connection and collect the cost thereof from such owner by a municipal claim or in an action of assumpsit as provided by law.

(*Ord. 11, 11/5/1960, §3; as amended by Ord. 16, 4/8/1965, §3*)

**§18-304. Penalties.**

Any person, firm or corporation who shall violate any provision of the 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 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. 11, 11/5/1960, §6; as amended by Ord. 05-112, 7/26/2005*)

**§18-305. Discharge.**

The discharge of roof drainage surface water and ground water from whatever source into a public sewer by sump pump or other means is specifically prohibited. The Board of Supervisors shall have the right to close up or disconnect any service lateral or house connection carrying anything other than sanitary wastes. The Board of

Supervisors or its designated agent shall have the right to inspect any premises and the plumbing system therein during reasonable working hours to ascertain that this provision of the ordinance is not being violated.

(*Ord. 11*, 11/5/1960; as added by *Ord. 24*, 12/8/1966, §8)