

**LEMOYNE BOROUGH**  
**Cumberland County, Pennsylvania**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO DELETE AND REPLACE IN ITS ENTIRETY  
CHAPTER 420, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF  
ORDINANCES OF THE BOROUGH OF LEMOYNE**

**BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, as follows:

**Section 1.** Chapter 420, Sewers and Sewage Disposal, is hereby deleted in its entirety and replaced with the following:

**ARTICLE I - SEWER CONNECTIONS AND USE**

**420-1 Definitions**

**A.** As used in this article, the following words shall have the meanings indicated unless a different meaning clearly appears from the context:

**APPROVED**

The words "approved," "accepted," "satisfactory," or words of like import mean approved by, accepted by or satisfactory to the Borough, unless another meaning is plainly intended or otherwise specifically stated.

**AUTHORITY**

The Municipal Authority of the Borough of Lemoyne.

**BOD (BIOCHEMICAL OXYGEN DEMAND)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million by weight.

**BOROUGH**

The Borough of Lemoyne.

**BOROUGH ENGINEER**

A person or organization duly employed by the Borough as a consultant and authorized to inspect the results of the performance of any act required herein, acting directly or through properly authorized agents, engineers, assistants, inspectors or other representatives acting severally within the scope of the particular duties entrusted to them. The word "engineer" includes the officer, agents and employees of the engineer. In the event that the Borough does not employ an engineer, the word "Borough" shall be substituted for "engineer."

**BOROUGH INSPECTOR**

The authorized representative of the Borough who is assigned to the project site or any part thereof for the purpose of supervision.

**BUILDING**

Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING CONNECTION**

The pipe extending from the outer wall of the building to be served to the service lateral.

**COMPLETION CERTIFICATE**

The certificate of the engineer approved by the Borough indicating the completion and acceptance of all specified and performed work.

**CONTRACTOR**

The person with whom the Borough, owner or developer has executed an agreement for the performance of the acts required herein.

**DEVELOPER**

Any owner or other person with the permission of owner intending to or actually developing land situated within the Borough.

**DRAWINGS-PLANS COLLECTIVELY**

All the drawings and plans or reproductions of same pertaining to the construction of a project and such supplementary drawings as may be issued from time to time in an order to elucidate or clarify said drawings, or for showing details. Said drawings include record drawings, contract drawings and any other drawings referred to in applicable specifications.

**EQUIVALENT DWELLING UNIT (EDU)**

A unit of measure of the wastewater discharge and demand upon the sewer system approximating the typical usage of a median single-family home.

**IMPROVED PROPERTY**

Any property within the Borough upon which there is erected a structure intended for occupancy or use by human beings or animals and from which structure sewage or industrial waste, or both, may be discharged.

**INDUSTRIAL ESTABLISHMENT**

Any building, or part thereof, used or intended for use in the operation of a business enterprise for manufacturing, compounding, processing, cleaning, laundering, treating of materials, articles or merchandise or assembling any product, commodity or article and including all establishments permitted by Chapter 550, Article V, General Business and Other Districts, of the Code of the Borough of Lemoyne.

**INDUSTRIAL WASTE**

All wastes discharged from an industrial establishment, other than sewage.

**INSPECTION**

The examination of the work performed required herein to ascertain conformity with specifications, this article and other applicable laws, rules, and regulations.

**ON-LOT SEWAGE SYSTEM**

Any system that collects, treats, and disposes of sewage in whole or in part into the soil, or retention in a retaining tank.

**OWNER**

Any person vested with ownership, legal or equitable, sole, or partial, of any property located in the Borough, including a lessee authorized to exercise the right of an owner.

**PERSON**

Any natural person, association thereof, partnership or corporation.

**PROJECT**

All the necessary performances, services and materials required for the satisfactory completion of the work included herein.

**SERVICE LATERAL**

The pipe extending from the sewer system main line to the curb line or, if there shall be no curb line, to the property line.

**SEWAGE**

Any substance containing liquid household waste, drainage from building plumbing or equipment, human excreta, or other discharge from the bodies of human beings or animals, industrial waste, and any noxious or deleterious substances potentially harmful or inimical to the public health, or to animal or aquatic life, or to the use of the water for domestic water supply or for recreation.

**SEWER MAIN**

Any pipe or conduit constituting a part of the Borough sewer system used or usable for collection or transportation of sewage.

**SEWER SYSTEM**

Facilities for collecting, transporting, and treating of sewage which is owned or operated by the Borough or Authority

**SPECIFICATIONS**

Collectively, all of the definitions, descriptions, directions, provisions, requirements, terms, and stipulations referred to in the standard specifications set forth herein, and all written supplements thereto, made or to be made, pertaining to the project, and the materials and workmanship to be furnished for the workmanship to be furnished for the completion of the project.

**TAX PARCEL**

A parcel of property which has a distinct ad valorem property identification number.

**B. Interpretation of definitions:**

- 1) Words used in the present tense include the future tense.
- 2) The singular includes the plural and the plural the singular.
- 3) The word "building" includes the word "structure" and shall be construed as if followed by the words "or part thereof." The word "occupy" includes the words "designed or intended to be occupied."
- 4) The word "lot" includes the word "plot" or "parcel."

- 5) The term "shall" is always mandatory.
- 6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- 7) The word "includes" shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character.
- 8) Gender. Reference to one sex is a reference to any.

**§ 420-2 Properties to be connected to sewer by owner.**

Any existing improved property having a property line within 150 feet of a sewer main shall be connected to the sewer system at the expense of the owner.

**§ 420-3 Time of connection.**

Required connections to the sewer system shall be made prior to occupancy and use of any improved property. Any improved property presently occupied or in use which is not connected to the sewer system, but which is required to be connected, shall be promptly connected at the expense of the owner.

**§ 420-4 Certain receptacles prohibited; abandonment of same.**

No privy, cesspool, septic tank, sink hole, or similar receptacle shall be used and maintained at any time on any improved property which has been connected to the sewer system or which is required by §420 to be connected to the sewer system. All such receptacles in existence shall be abandoned and, at the discretion of the Borough, shall be cleansed and filled at the expense of the owner of such improved property, under the direction and supervision of the Borough.

**§ 420-5 Certain receptacles not to be connected to sewers.**

No receptacle referred to in § 420-4 hereof nor any other such receptacle for sewage shall be connected to the sewer system.

**§ 420-6 Separate and independent connection required; exceptions.**

Each improved property, whether constructed as a detached unit or as one of a pair or row, shall be connected separately and independently to the sewer system through a building connection and service lateral. A single building connection shall be permitted to serve an apartment house or other permanent multiunit structure wherein the individual apartment or units are not subject to separate ownership. The owner is responsible for construction of a separate building connection and service lateral if not originally installed. Exceptions to this provision may be made by Borough Council pursuant to an owner application to the Borough.

**§ 420-7 Permit; supervision; owner responsibility.**

- A. Permit required. A permit issued by the Borough shall be required for any mobile home connection, building connection or service lateral connection, disconnection, repair, replacement, or alteration. A permit shall be valid for one year from the date of its issuance and upon application within said year may be extended for an additional 365 days, provided

that construction has in fact started. If, within one year of the date of issuance of the original permit, construction has not started, the permit shall automatically lapse, and the owner must obtain a new permit and pay the then applicable fees. If construction is not completed within 760 days from the date of original issuance of the permit, said permit automatically lapses and the owner must obtain a new permit and pay the then-applicable fees. No credit shall be given for previous fees paid.

- B. Borough supervision. All connections, disconnections, repairs and replacements, or alterations are subject to the supervision, control, and approval of the Borough.
- C. Owner responsibility. The owner is responsible for the following:
  - 1) Applying for and obtaining all necessary permits and paying all fees.
  - 2) Construction and connection of all mobile home connections, building connections and in circumstances deemed necessary by the Borough pursuant to this Chapter all service laterals, and construction of and connection of any required sewer system in all subdivision and land development plans, including the payments of all costs, fees and expenses involved therewith.

Construction, connection, repair, replacement, or alteration of a service lateral shall require the supervision and installation responsibility of a licensed master plumber, according to the latest municipal, state, or federal standards and subject to the Borough's approval. The Borough shall be exempt from this requirement.
  - 3) Complying with all applicable laws, ordinances, resolutions, rules, regulations, and specifications of the Borough.
  - 4) Timely notifying the Borough so that it can supervise and inspect.
  - 5) Indemnifying and saving harmless the Borough and the Authority from all losses, expenses, damages and claims therefor that result, directly or indirectly from owner's acts.

#### **§ 420-8 Specifications.**

All building connections, service laterals, and all other required sewer work shall comply with the provisions of this article and the Borough's "Specifications for Extensions to the Sanitary Sewer System" and "Specifications for Service Laterals, Building Connections, and Mobile Home Connections," as applicable.

#### **§ 420-9 Place of connection to sewer system.**

Connection to the Borough sewer system shall be at the place designated by the Borough and only after the Borough has inspected and approved same.

#### **§ 420-10 Borough rights to refuse connection or to compel disconnection where industrial waste is involved; pretreatment.**

- A. Industrial wastes. The Borough reserves the right to refuse connection to the sewer system or to compel discontinuance of use of the sewer system or to compel pretreatment of industrial waste by any industry, in order to prevent discharge to the sewer system of any

waste deemed to be harmful to the sewer system or sewage treatment plant or to have a deleterious effect on the sewage treatment processes.

- B. Council of the Borough shall have the right to require pretreatment of industrial process and manufacturing waste where such waste has a higher concentration of suspended solids, five-day biological oxygen demand (BOD), phosphorus and ammonia and chlorine demand exceeding those of normal domestic sewage, and Council of the Borough shall also have the right to impose a surcharge for industrial process and manufacturing waste, said surcharge to be applied in accordance with a formula to be developed for each individual waste with higher concentration of suspended solids, etc., five-day biological oxygen demand (BOD), phosphorous and ammonia and chlorine demand exceeding those of normal domestic sewage. Upon approval by Council of the Borough, such rentals, including surcharges, shall deemed to be imposed under this article.

**§ 420-11 Maintenance, repair, replacement is owner's responsibility.**

Owner is responsible for maintenance, repair and replacement of the building connection and clean-out(s) (that part of the sewer line from the service lateral to the building served). The Owner is also responsible for maintenance, repair, and replacement of any service lateral damaged or impaired by actions of the Owner, Owner's lessees or Owner's Contractor. In all other cases, the Borough is responsible for repair and replacement of service laterals.

In all cases the Owner is responsible for construction of separate and independent service laterals if not originally installed, as required by §420-6

**§ 420-12 Prohibited waters.**

No person shall discharge or cause to be discharged any spring water, stormwater, surface water, groundwater, roof runoff, subsurface drainage, building foundation drainage, drainage from roof leader connections, cooling water or industrial process waters into the sewer system

**§ 420-13 Prohibited wastes.**

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the sewer system:

- A. Any liquid or vapor having a temperature higher than 150° F. or 68° C.
- B. Any water or waste which may contain more than 100 parts per million by weight of tar, fat, oil, or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gases.
- D. Any solid wastes resulting from preparation, cooking and dispensing of food from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground by household type disposal units or other suitable garbage grinders.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, wipes, feathers, tar, plastics, wood, manure, cotton, wool or other fibers, or any other solid or viscous

substances capable of causing obstruction or other interference with proper operation of the sewer system.

- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or operating personnel of any part of the sewer system.
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the biosolids or waters receiving the sewage treatment plant effluent.
- H. Any noxious or malodorous gas or substance capable of creating a public nuisance.
- I. Any solid of such character and quantity that special and unusual attention is required for their handling.
- J. Any waters or wastes which are prohibited or exceed defined limits in the PA DEP National Pollutant Discharge Elimination System (NPDES) permit.

Any violations shall be subject to the penalties listed in Article 420-26.

#### **§ 420-14 Interceptors.**

- A. Grease, oil and sand interceptors shall be provided by and at the expense of the property owner when, in the opinion of the Borough, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or containing any flammable wastes, sand, and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Borough and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. All costs involved therewith shall be the responsibility of the owner, including any costs incurred by the Borough.
- B. All grease, oil and sand interceptors shall be maintained in continuously efficient operation by the owner, at owner's expense.
- C. Borough personnel shall have the right to make periodic inspections of the installed facilities and associated records to ensure that proper installation, maintenance, and disposal procedures are being practiced. During these inspections, the Borough may sample and test the wastewater discharge and observe the performance of the grease trap or interceptor.
- D. The owner shall maintain complete and accurate records of the dates and means of disposal, person performing maintenance, estimated volume of fats, oil and grease (FOG) removed, hauler receipts or manifests, disposal locations and the name and the signature of the person(s) responsible for supervising the cleaning/maintenance and the proper disposal of the accumulated materials. Inspection, cleaning, and repair records shall be

maintained by the owner for a minimum of three years and are subject to review by the Borough.

- E. The owner of grease traps/interceptors and oil/water separators shall submit each year a fats, oils and grease (FOG) annual report by January 31 for the previous calendar year, including copies of all invoices/manifests related to oil and grease removal. Copies of the FOG annual report are available at the Borough Office. The report will include the name of the person who performed the cleaning, the amount removed, and where the grease trap, grease interceptor or oil/water separator contents were disposed of. Records of the cleaning shall be maintained for at least three years at the site of the grease trap, grease interceptor or oil/water separator.

**§ 420-15 Restrictions on certain discharges; preliminary treatment.**

- A. The admission into the sewer system of any waters or wastes having any of the following characteristics shall be subject to the review and approval of the Borough:
  - 1) A five-day BOD greater than 300 ppm weight.
  - 2) Containing more than 350 ppm by weight of suspended solids.
  - 3) Containing any quantity of substances having the characteristics described in § 420-13 of this article.
  - 4) Having an average daily flow greater than 2% of the average daily sewage flow of the Borough.
- B. Where necessary to ensure proper treatment as determined by the Borough, owner shall provide such preliminary treatment as may be necessary to:
  - 1) Reduce the BOD to less than 300 ppm by weight and suspended solids to less than 350 ppm by weight.
  - 2) Reduce objectionable characteristics or constituents to within the maximum limits provided in § 420-13 of this article.
  - 3) Control the quantities and rates of discharge of such waters or wastes.
  - 4) All costs involved therewith, including Borough costs, shall be the responsibility of owner.
- C. Plans and specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Borough, and no construction of such facilities shall be commenced until approval is obtained in writing. All costs involved therewith shall be responsibility of the owner, including costs incurred by the Borough.

**§ 420-16 Maintenance of preliminary treatment facilities.**

Preliminary treatment facilities for any waters or wastes shall be maintained continuously in satisfactory and effective operation by the owner at owner's expense.

**§ 420-17 Manholes.**



When required by the Borough to facilitate observation, sampling and measurement of the wastes, the owner of any improved property discharging industrial wastes shall install a suitable sampling and control manhole in the building connection. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Borough. The manhole shall be installed by the owner at owner's expense and shall be maintained by owner so as to be safe and accessible at all times. All costs, including Borough costs, shall be the responsibility of owner.

#### **§ 420-18 Measurements and tests.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article I shall be in accordance with standard methods for the examination of water and sewage, and shall be determined at the control manhole provided for in § 420-17, or if there is no control manhole as provided for in § 420-17, the control manhole shall be considered to be the nearest manhole in the sewer system downstream from the point at which the building sewer is connected, and the matter shall be determined upon suitable samples taken from that point. The timing of sampling is at the discretion of the Borough but will be no less frequent than annually. All costs involved, including Borough's costs, shall be the responsibility of the owner.

#### **§ 420-19 Tapping fee and connection fee.**

- A. The owner of an improved property required to be connected with the Borough's sewer system shall pay an initial connection fee for a building connection to an existing service lateral, or for a new building connection and service lateral as is necessary to pay the total cost incurred by the Borough in issuing permits, supervising, inspecting and doing other acts involved with said connections. The connection fee is set annually by the Borough. The initial fee shall be payable to the Borough when the connection application is filed with the Borough. The additional fee shall be invoiced, and payment is due on the date of said invoice.
- B. The Owner of an improved property making an initial connection to the sewer system or modifying the use of the property to increase the EDUs must pay a tapping fee intended to cover the costs of infrastructure to manage, collect, treat, and discharge the wastewater. The tapping fee per EDU is set by the Authority, shown on the Borough Fee Schedule, and collected by the Borough at the same time and manner as the connection fee described in Part A.

#### **§ 420-20 Development inspection fee.**

All owners of property involved with construction of sewer facilities that involve more than just a building connection and a service lateral shall pay an inspection fee as outlined in the fee schedule. No construction of any kind shall take place until said fee is paid. No connection to the Borough sewer system, or use thereof, may be made until all fees due to the Borough are

paid. Total costs to the Borough will be calculated by the Borough. If said costs are less than fees paid pursuant to this section, Borough will refund the difference to payer of said fees.

**§ 420-21 Disconnect fee.**

An applicant for a permit to disconnect shall pay a fee as outlined in the fee schedule at the time of application and such additional fee as is necessary to pay the total costs incurred by the Borough in issuing permits, supervising, inspecting, and doing other acts involved therewith. Said additional costs shall be due upon approval of the permit application.

**§ 420-22 Repair fee.**

An owner of an improved property desiring to repair, replace or alter a building connection or service lateral must obtain a permit and pay an initial fee as outlined in the fee schedule at the time of application and an additional fee of such greater amount as is necessary to pay the total cost incurred by the Borough in issuing permits, supervising, inspecting, and doing other acts involved with said work. All fees are due upon approval of permit application.

**§ 420-23 Change in fee.**

Fees shall be sufficient to cover costs of the procedures. Fees may be changed from time to time by Borough resolution

**§ 420-24 Noncompliance constitutes violation.**

Failure to comply with any provisions of this article shall be a violation. Enforcement shall be controlled by §420-25 and §420-26 herein.

**§ 420-25 Notice of violation; connection.**

Any property determined to be in violation of any provision of this Section 420 shall be provided an enforcement notice by the Borough. The enforcement notice shall be sent to the owner of record of the tax parcel on which the violation has occurred. If it is unclear which tax parcel is in violation, the Borough may send enforcement notices to all tax parcels affected by the violation.

The enforcement notice shall state: a) owner of the tax parcel, b) address/tax parcel identification number of tax parcel in violation c) the specific violation describing what provisions of this §420 have not been met d) the date before which remediation must be commenced, e) that the recipient has the right to appeal this determination to Borough Council within forty-five (45) days of the date of the enforcement notice, and f) failure to comply with the requirements in the enforcement notice shall constitute a violation and may subject the owner to penalties as outlined in §420-26.

**§ 420-26 Violations and penalties.**

Upon failure of a property owner to comply with the requirements of an enforcement notice issued pursuant to this §420, the Borough may make the connection or repair as required and

outlined in the enforcement notice and collect the cost from the owner by a municipal claim or by an action in assumpsit.

The Borough may also, by penalties, enforce the provisions of this Section. Any person who violates the provisions of this Section shall be issued a summary violation notice in addition to the enforcement notice. Penalties upon conviction of the summary violation shall result in imposition of a fine as established by the Borough of not less than \$100 and not more than \$600 for each violation. Each day that a violation continues shall constitute a separate violation subject to additional daily penalties. Unpaid penalties shall be collected from the property owner by municipal claim or by an action in assumpsit.

## **ARTICLE II – SEWER RENTALS**

### **§ 420-27 Sewer rentals.**

- A.** All owners of property connected to the sewer system, all owners of property who may hereafter connect and have the use of said sewer system, and all owners of property who have received a notice to connect said property to the sewer system, shall pay the applicable sewer rental set forth in the Borough Fee Schedule, which shall be established, and amended from time to time, by resolution of the Council.
- B.** Sewer rental charges will be billed to the property owner by the Borough, commencing on the date the certificate of occupancy is issued, the date connection to the public water system is established with the installation of a water meter, or the date a notice to connect is issued by the Borough to the property owner, whichever shall first occur.

### **§ 420-28 Penalties, interest, and service cutoff.**

- A.** Borough Council shall establish by resolution the manner, method, and frequency by which sewer rentals shall be billed to property owners. In all cases, sewer rental bills shall be payable within 30 days from the date the bill is mailed. Failure to receive a sewer rental bill does not excuse a property owner's obligation to pay said sewer rental bill or affect the imposition of penalties and interest hereunder. All sewer rental bills will be subject to a penalty as outlined in the fee schedule if not paid within 30 calendar days of the date the sewer rental bill was mailed. The interest charges are to be calculated on the overdue principal of the delinquent sewer rental bill and shall not be charged against any sum that falls due during the current billing period.
- B.** In the event a sewer rental bill remains delinquent for more than 30 days beyond its due date, the Borough shall have the right to cause public water service to the property cut off, in accordance with state regulations. In the event public water service is cut off as provided for herein, public water service shall not be restored until all delinquent bills and the cost of cutting off and restoring service shall have been paid.

### **§ 420-29 Lien collection of sewer rentals, penalties, and interest.**

- A. In accordance with Pennsylvania law, the sewer rentals and penalties shall be a lien on the property served as soon as the service is provided or the penalty amount becomes payable, and all delinquent bills for sewer rentals and penalties imposed herein, together with lien costs and costs of collection, including attorney fees, may be entered as a lien of record against the property served in the Office of the Prothonotary for Cumberland County, Pennsylvania, which liens may be collected in the manner provided by law for the filing and collection of municipal claims. In addition to filing a lien of record for delinquent sewer rentals, the Borough also shall have the right to pursue any such delinquent accounts through an action in assumpsit.
- B. The Borough may employ the services of a debt collection agency or other agents appointed by the Borough Council to collect delinquent sewer rental bills through legal means and actions, and to have such debts reported publicly to credit reporting agencies or other means.

### **ARTICLE III – ON-LOT SEWER SYSTEMS**

#### **§ 420-30 Short title.**

This article shall be known and may be cited as "The On-Lot Sewage System Management Program for Lemoyne Borough."

#### **§ 420-31 Purpose.**

- A. As mandated by the municipal codes, the Clean Streams Law (35 P.S. §§ 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966. P.L. 1535 as amended, 35 P.S. § 750.1 et seq., known as "Act 537"), municipalities have the power and the duty to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for the Borough of Lemoyne indicates that it will formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- B. The purpose of this article is to provide for the inspection, maintenance, and rehabilitation of on-lot sewage systems; to further permit the Borough to intervene in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of an on-lot sewage system management program.

#### **§ 420-32 Word usage; definitions.**

- A. General terms. In the interpretation of this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.
- B. Specific terms. For the purposes of this article, the following terms shall be construed to have the meanings set forth below:

**ACT**

The Pennsylvania Sewage Facilities Act, Act of January 24, 1966 (1965 P.L. 1535, No. 537), as amended, 35 P.S. § 750.1 et seq., also referred to as "Act 537."

**ALTERNATE SEWAGE SYSTEM**

A demonstrated method for the treatment and disposal of sewage that meet the criteria in Title 25, Chapter 73.72, of the Pennsylvania Code and are described in the Alternate Systems Guidance published by DEP.

**AUTHORIZED AGENT**

A certified Sewage Enforcement Officer, Building Inspector, soils scientist, or any other qualified or licensed person who is delegated by Borough Council to function within the specified limits as the agent of Lemoyne Borough to carry out the provisions of this article.

**BOROUGH**

The Borough of Lemoyne.

**BOROUGH COUNCIL**

The Council for the Borough of Lemoyne.

**BUILDING CODE OFFICIAL**

An official agent of Lemoyne Borough that is charged with the responsibility of reviewing and inspecting building design and construction to ensure compliance with the current building codes that are in force.

**CODES ENFORCEMENT OFFICER (CEO)**

An individual employed or retained by Lemoyne Borough to administer and enforce other ordinances in the Borough.

**COMMUNITY SEWAGE SYSTEM**

A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units, and the treatment and/or disposal of the sewage on one or more of the lots or at another site.

**DEP or DEPARTMENT**

The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

**EQUIVALENT DWELLING UNIT (EDU)**

A unit of measure of the wastewater discharge and demand upon the sewer system approximating the typical usage of a median single-family home.

**LAND DEVELOPMENT**

A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq.

**LOT OR TAX PARCEL**

A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit and which has a distinct ad valorem property identification number

**MALFUNCTION**

The condition that occurs when an on-lot sewage system discharges sewage onto the surface of the ground, into the groundwater or surface waters, contaminates private or public drinking water supplies, or causes nuisance problems or hazards to public health for any length of time during any time of the year.

**MUNICIPALITY**

Lemoyne Borough, Cumberland County, Pennsylvania.

**OFFICIAL SEWAGE FACILITIES PLAN (OFFICIAL PLAN or ACT 537 PLAN)**

A comprehensive plan for the provision of adequate sewage systems adopted by the Borough and approved by the Department in accordance with Act 537 and with applicable Department regulations.

**ON-LOT SEWAGE SYSTEM**

Any sewage system that collects, treats, and disposes of sewage in whole or in part into the soil, or retention in a retaining tank.

**OWNER**

Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough, including a lessee authorized to exercise the right of an owner.

**PERSON**

Any natural individual, association thereof, partnership or corporation.

**PLANNING MODULE FOR LAND DEVELOPMENT**

A revision to, or exception to the revision of, the Borough's Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

**REHABILITATION**

Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage system.

**REPLACEMENT AREA**

An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot sewage system installed or to be installed fails or otherwise becomes inoperable and which shall meet all the regulations of the Department and all applicable Borough ordinances for an individual on-lot sewage system, and shall be protected from encroachment by an easement recorded on the final plan as filed with the Cumberland County Recorder of Deeds.

**SEPTAGE**

Solids or semi-solid residual material stored in a septic tank or other subsurface waste disposal system tank.

**SEWAGE**

Any substance containing liquid household waste, drainage from building plumbing or equipment, human excreta, or other discharge from the bodies of human beings or animals, industrial waste, and any noxious or deleterious substances 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.

**SEWAGE ENFORCEMENT OFFICER (SEO)**

The Sewage Enforcement Officer, as agent of the Borough shall be a person certified by the Pennsylvania Department of Environmental Protection in accordance with Chapter 71, Administration of Sewage Facilities Program, of Title 25, Rules, and Regulations; to perform or review and approve percolation tests, site and soil evaluation, and issue permits for on-lot sewage systems.

**SEWAGE FACILITIES**

Any method of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage into the waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage.

**SEWAGE MANAGEMENT DISTRICT**

Any area or areas of the Borough designated in the Act 537 Plan adopted by Borough Council as an area where sewage management is to be implemented.

**SEWAGE MANAGEMENT PROGRAM**

A comprehensive set of legal and administrative requirements including this article, the Act, the Clean Streams Law,[1] and all regulations and requirements adopted by Borough Council to enforce and administer this article. The management program shall encompass the entire area of Lemoyne Borough served by on-lot sewage systems or any alternate systems which discharge into the soils of the Borough. All systems shall be operated and maintained under the jurisdiction of Borough Council regulating on-lot systems and/or alternate systems, and other applicable laws of this commonwealth.

**SUBDIVISION**

A division of a lot, tract or other parcel of land as defined by the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, 53 P.S. § 10101 et seq.

**C.** Reference source. All other definitions of words and terms used in this article shall have the same meaning as set forth in Chapters 71, 72, and 73 of Title 25, Environmental Protections, Rules and Regulations, Department of Environmental Protection.

### **§ 420-33 Applicability.**

From the effective date of this article, its provisions shall apply to all persons owning any property served by an on-lot sewage system and to all persons installing or rehabilitating on-lot sewage systems in Lemoyne Borough.

### **§ 420-34 Permit requirements.**

- A.** No person shall install, construct or request bid proposals for construction, or alter an on-lot sewage system or community sewage system, or construct or request bid proposals for construction, or install or occupy any building or structure for which an on-lot sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Pennsylvania Sewage Facilities Act[1] and the standards adopted pursuant to that Act.
- B.** No system or structure designed to provide on-lot or community sewage disposal shall be covered from view until approval to cover the same has been given by the municipal Sewage Enforcement Officer. If 72 hours have elapsed, excepting Sundays and holidays, since the Sewage Enforcement Officer issuing the permit received written notification of completion of construction, the applicant may cover said system or structure, unless permission has been specifically refused by the Sewage Enforcement Officer.
- C.** Applicants for sewage permits shall notify the Borough's Sewage Enforcement Officer of the schedule for construction of the permitted on-lot sewage system so that inspection(s) in addition to the final inspection required by Act 537 may be scheduled and performed by the Borough's Sewage Enforcement Officer.
- D.** No building or occupancy permit shall be issued by the Borough or its Building Code Official for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Borough's Sewage Enforcement Officer.
- E.** No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing building, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until the Borough's Building Code Official and the Owner receive from the Borough's Sewage Enforcement Officer either a permit for alteration or a replacement of the existing sewage system or written notification that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- F.** Sewage permits may be issued only by a Sewage Enforcement Officer employed by the Borough for that express purpose. The Department of Environmental Protection shall be notified by the Borough as to the identity of their currently employed Sewage Enforcement Officer.
- G.** No sewage permit may be issued unless proof is provided that the owner of record has owned the lot since May 15, 1972, or that Act 537 planning for that lot has been provided by the Borough.



- H. No final Act 241 approval on a subdivision plan may begin until Act 537 planning is approved by the Borough.

**§ 420-35 Ground markers.**

Any person who shall install new or rehabilitated on-lot sewage systems shall provide a marker or markers at ground level locating the subsurface waste disposal tank and other important components of the system requiring periodic inspection and maintenance. Requirements for marker types and locations will be determined by the Borough's Sewage Enforcement Officer. In addition, a riser or access hatch shall be constructed so as to enable easy access to the waste disposal tank, prevent odors from escaping and prevent children from removing the hatch. Accessibility for visual inspection and maintenance shall be provided in the drainage fields via four-inch vertical, nonperforated PVC pipe connected directly to the drain tile at a minimum of four locations in the drainage field. If not installed by the Borough or its authorized agent, such installation shall be subject to its approval.

**§ 420-36 Inspections.**

- A. Any on-lot sewage system may be inspected by the Borough's authorized agent at any reasonable time as of the effective date of this article.
- B. The inspection shall include a physical tour of the property, the taking of samples from surface water, wells, other groundwater sources, the sampling of the contents of the sewage system itself and/or the introduction of a traceable substance into the interior plumbing of the structure served to ascertain the path and ultimate destination of wastewater generated in the structure. The owner will bear the cost of the inspection and the analysis of any sample(s). A copy of the inspection report shall be furnished to the owner and current resident which shall include all of the following information that is reasonably available to the individual or agency responsible for pumping the septic tank or other subsurface waste disposal system tank:
- 1) Date of inspection.
  - 2) Name and address of system owner.
  - 3) Description and diagram of the location of the system, including location of access hatches, risers, and markers.
  - 4) Size of tanks and disposal fields.
  - 5) Current occupant name and number of users.
  - 6) Indication of any system malfunction observed.
  - 7) Results of any and all soils and water tests.
  - 8) Any remedial action required.
- C. The Borough's authorized agent shall have the right to enter upon land for the purposes of inspections described above. In the event that access to inspect the property is denied, the following steps shall be taken:
- 1) The SEO will commence a procedure to obtain a search warrant from the Magisterial District Judge.

- 2) Upon receipt of a search warrant to inspect the property, the authorized agent of the Borough may be accompanied by a law enforcement officer, and the inspection shall be completed in accordance with this subsection.
- D. A schedule of routine inspections may be established by the Borough, if necessary, to assure the proper function of the septic systems in the Borough.
  - E. The Borough's authorized agent shall inspect on-lot systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning, the Borough shall take action to require the correction of the malfunction. If total correction is not technically or financially feasible in the opinion of the Borough or a representative of the Pennsylvania Department of Environmental Protection, action by the property owner to mitigate the malfunction shall be required.
  - F. There may arise geographic areas within the Borough where numerous on-lot sewage systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a Borough-sponsored revision to that area's Act 537 Official Sewage Facilities Plan. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken by the Borough, mandatory repair, or replacement of individual malfunctioning sewage systems within the study area may be delayed, at the discretion of the Borough, pending the outcome of the plan revision process. However, the Borough may compel immediate corrective action whenever a malfunction, as determined by Borough officials or the Pennsylvania DEP, represents a serious public health or environmental threat.
  - G. Inspections may be conducted as a result of a written complaint submitted by a resident of the municipality to the Borough or Borough's authorized agent. Persons providing a written complaint shall be required to sign a false swearing statement.

#### **§ 420-37 Operation.**

Only normal domestic wastes shall be discharged into any on-lot sewage system. The following shall not be discharged into the system:

- A. Industrial waste.
- B. Automobile oil and other nondomestic oil.
- C. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- D. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, wipes, feathers, tar, plastics, wood, manure, cotton, wool, or other fibers, or any other solid or viscous substances capable of causing obstructions or other interference with the proper operation of the on-lot sewage system.

#### **§ 420-38 Maintenance.**

- A. Any person owning a building served by an on-lot sewage system which contains a septic tank or other subsurface waste disposal system, shall have the septic tank pumped by a

designated pumper/hauler within 60 days of date shown on the pumping notification sent by the Borough. The septic tank or other subsurface waste disposal system shall be pumped at least once every three years, in accordance with a schedule established by the Borough utilizing the Sewer Management District Location Map of the Act 537 Plan. This requirement shall apply to both septic and dosing tanks for pressure-dosing systems.

- B. The required pumping frequency may be increased at the discretion of the authorized agent if the septic tank or other subsurface waste disposal system is undersized, if solids buildup in the tank is above average, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions, or for other good cause shown.
- C. The Borough may allow the owner's septic tanks or other subsurface waste disposal systems, to be pumped at alternating intervals after the initial pumping if the owner can demonstrate to the Borough that the system can operate properly without the need for pump-out for a period longer than three years. Such a request may be made at any time and must be in writing with all supporting documents attached. The Borough, in making its determination, shall take into account the information submitted by the applicant, the sewer permit issued by the Borough Sewage Enforcement Officer upon installation or rehabilitation of the system and supporting documentation, reports of inspection and maintenance of the system including documentation that the sludge depth and/or scum layer is less than 1/3 of the tank capacity as demonstrated and confirmed by a certified hauler, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purposes of evaluating the request. The applicant shall receive a decision within 30 days of accumulation of all necessary information by the Borough.
- D. Any person owning a property served by a septic tank or other subsurface waste disposal system shall obtain, with each pumping receipt, a written statement, from the pumper/hauler or from any other qualified individual acceptable to the municipality, that the baffles in the septic tank or other subsurface waste disposal system, have been inspected and found to be in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the municipality's certified Sewage Enforcement Officer for approval of the necessary repair.
- E. Each time a septic tank or other subsurface waste disposal system tank is pumped out, the septage waste hauler shall provide to the owner of the sewage system a signed receipt containing the following information:
  - 1) Date of pumping.
  - 2) Name and address of system owner.
  - 3) Address of tank's location, if different from owner's address.
  - 4) Description and diagram of the location of the tank, including the location of any markers, risers, and access hatches and size of the tank.
  - 5) Age of the system.
  - 6) Last date of pump-out.

- 7) List of other maintenance performed.
  - 8) Any indications of system malfunction observed.
  - 9) Amount of septage or other solid or semisolid material removed.
  - 10) Waste hauler's Borough permit number authorizing it to collect and haul septage in Lemoyne Borough.
  - 11) List of recommendations.
  - 12) Destination of the septage (name of facility, location of land application site).
  - 13) A copy of the pumper's report or receipt must be received at the municipal office within 30 days of the date of the pumping.
- F. Any person owning a building served by an alternate system or on-lot sewage system that contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Borough within six months of the effective date of this article. Thereafter, service receipts shall be submitted to the Borough at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals exceed those required for septic tanks or other subsurface waste disposal systems.
- G. Any person owning a building served by a cesspool or dry well pit privy shall secure a permit from the SEO for the installation of an on-lot sewage system. Any on-lot systems utilizing metal tanks shall be replaced with tanks of concrete construction. Permitting shall be obtained prior to the commencement of any replacement work.
- H. The Borough may require additional maintenance activity as needed, including but not necessarily limited to cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc. Permitting may be required for this work.

#### **§ 420-39 System rehabilitation.**

- A. No person shall operate or maintain an on-lot sewage system in such a manner that it malfunctions. All liquid wastes, including kitchen and laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the commonwealth unless a permit to discharge has been obtained from the Pennsylvania Department of Environmental Protection.
- B. The Borough shall issue a written notice of violation to any person who is the owner of a property in the Borough which is found to be served by a malfunctioning on-lot sewage system or which is discharging raw or partially treated sewage without a permit.
- C. Within 15 days of notification by the Borough that a malfunction has been identified, the property owner shall make applications to the Borough's Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system. Within 60 days of initial notification by the municipality, construction of the permitted repair or replacement shall

commence. Within 90 days of the original notification by the Borough, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case the Borough shall set an extended completion date.

- D. The Borough's Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, expanding the existing disposal area, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, other alternatives as appropriate for the specific site.
- E. In lieu of, or in combination with, the remedies described above, the Sewage Enforcement Officer may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving appurtenances, or they may be required to be replaced by water-conserving devices and appliances. Wastewater generation in the structure may also be reduced by requiring changes in water usage patterns in the structure served. The use of laundry facilities may be limited to one load per day or discontinued altogether, etc.
- F. Should none of the remedies described above prove totally effective in eliminating the malfunction of an existing on-lot sewage system, the property owner is not absolved of responsibility for that malfunction. The Borough may require whatever action is necessary to lessen or mitigate the malfunction to the extent that it feels necessary.

#### **§ 420-40 Liens.**

The municipality, upon written notice from the Sewage Enforcement Officer that an imminent health hazard exists due to failure of a property owner to maintain, repair or replace an on-lot sewage system as provided under the terms of this article, shall have the authority to perform or contract to have performed, the work required by the Sewage Enforcement Officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered thereon in accordance with law.

**§ 420-41 Disposal of septage.**

- A. All septage pumper/haulers operating within the Borough shall be registered with the Borough and shall comply with all reporting requirements established by the Borough.
- B. All septage originating within the Borough shall be disposed of at sites or facilities approved by the Pennsylvania Department of Environmental Protection. Approved sites or facilities shall include the following: septage treatment facilities, wastewater treatment plants, composting sites, and approved farmlands.
- C. All septage pumper/haulers operating within the Borough shall complete a pumper's report and provide a copy thereof to the landowner and the Borough for each tank pumped.
- D. All septage pumper/haulers operating within the Borough shall provide annual licensing fee to the Borough.
- E. Septage pumper/haulers operating within the Borough shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P. S. §§ 6018.101 to 6018.1003). Any septage pumper/hauler who violates any of the provisions of this article or regulations of Lemoyne Borough, the conditions of its state permit, or of any state or local law governing its operation, shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and costs, and in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. If any pumper/hauler shall have been convicted on two occasions of any violation of this article, or for violating the conditions of its state permit, or of any state or local law governing its operation, Borough Council shall have the power to suspend said pumper/hauler from operating within the Borough for a period of not less than six months or more than two years for each violation, as determined by the Borough. Each day the violation continues shall constitute a separate offense.

**§ 420-42 Administration.**

- A. The Borough shall fully utilize those powers it possesses through enabling statutes and ordinances to affect the purposes of this article.
- B. The Borough shall employ qualified individuals to carry out the provisions of this article. Those employees shall include a certified Sewage Enforcement Officer and may include a Building Code Official, secretary, administrator, or other persons as required. The Borough may also contract with private qualified persons or firms as necessary to carry out the provisions of this article.
- C. All permits, records, reports, files, and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage systems in the Borough shall become the property of the municipality. Existing and future records shall be available for public inspection during required business hours at the Borough office. All records pertaining to sewage permits, building permits, occupancy permits, and all other aspects of the municipality's sewage management program shall be made available, upon

request, for inspection by representatives of the Pennsylvania Department of Environmental Protection.

- D. The Borough shall establish all administrative procedures necessary to properly carry out the provisions of this article.
- E. Borough Council shall establish by resolution a fee schedule, and subsequently collect fees, to cover the Borough's cost of administering this program.

**§ 420-43 Appeals.**

Any person aggrieved by an action of the Borough or Sewage Enforcement Officer in granting or denying a permit, issuing an order or other actions taken under this article shall have the right within 30 days after receipt of notice of the action to request a hearing before the Borough Council. Revocation of permits shall occur only after notice and opportunity for hearing has been given to the permittee. Hearings under this article shall be conducted pursuant to the act of December 2, 1968 (P.L. 1133, No. 353), known as the "Local Agency Law." [1] Any subsequent appeal shall be to the Court of Common Pleas for Cumberland County.

**§ 420-44 Violations and penalties.**

Any person failing to comply with any provisions of this article shall be subject to a fine of not less than \$100 and costs, and not more than \$600 and costs, or in default thereof shall be confined in the county jail for a period of not more than 90 days. Each day of noncompliance shall constitute a separate offense.

**Section 2.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**DULY ENACTED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_ 2022, by Borough Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, in lawful session assembled.

BOROUGH OF LEMOYNE

ATTEST: \_\_\_\_\_  
Secretary

BY: \_\_\_\_\_  
Council President

[BOROUGH SEAL]

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_ 2022.

BY: \_\_\_\_\_  
Mayor