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## **Article III — Required Connection to and Use of Borough System**

### **§ 65-301 Connection of Improved Properties to System.**

(a) **Connection to Available Sewers Required.** The Owner of any Improved Property benefited, improved or accommodated by a Sewer shall connect such Improved Property with such Sewer, in such manner as this Borough may require, within forty-five (45) days after notice to such Owner from this Borough to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property, subject to such limitations and restrictions as shall be established in this Chapter or as otherwise shall be established by this Borough from time to time.

(b) **Notice to Connect.** The notice by this Borough to make a connection to a sewer, referred to in subsection (a), shall consist of a copy of this Chapter, including any amendments and/or supplements at the time in effect, or a summary of each section of this Chapter, and a written or printed document requiring the connection in accordance with the provisions of this Chapter and specifying that such connection shall be made within forty-five (45) days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

(c) **Connection by Borough.** If the Owner of any Improved Property benefited, improved or accommodated by a Sewer, after forty-five (45) days' notice from this Borough requiring the connection of such Improved Property with a Sewer, in accordance with this Section, 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.

### **§ 65-302 Required Use of System for All Sanitary Sewage and Industrial Wastes.**

(a) **Wastes Must Be Conducted to Sewer.** All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer shall be required under § 65-301, shall be conducted into a Sewer, subject to such limitations and restrictions as shall be established in this Chapter or as otherwise shall be established by this Borough from time to time.

(b) **Wastes May Not Be Deposited On Property.** No Person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any Sanitary Sewage or Industrial Wastes in violation of § 65-301.

(c) **Wastes May Not Be Discharged to Natural Outlets.** No Person shall discharge or permit to be discharged to any natural outlet within this Borough any Sanitary Sewage or Industrial Wastes in violation of § 65-301, except where suitable treatment has been provided which is satisfactory to this Borough.

### **§ 65-303 Privy Vaults, Cesspools, Septic Tanks, etc.**

(a) **Use Prohibited.** No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under § 65-301 to be connected to a Sewer.

(b) **Abandonment; Cleansing.** 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 at the expense of the Owner of such Improved Property and 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) **Connection to Sewer Prohibited.** No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

### § 65-304 Permit and Notice Required For Connection.

(a) **Permit Required.** No Person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any Sewer or any part of the Sewer System without first obtaining a permit in writing from this Borough.

(b) **Application by Owner.** Application for a permit requested with respect to the connection of an Improved Property to a Sewer shall be made by the Owner of the Improved Property.

(c) **Tapping Fees.** No permit shall be issued under this Section unless the applicant shall have furnished satisfactory evidence to the Borough Manager of this Borough that all connection, customer facilities, and tapping fees imposed by the Borough and/or the Authority against the Owner with respect to the connection of the Owner's Improved Property to the Sewer System has been paid.

(d) **Notice of Connection.** No Person may act under any permit issued under this Section unless such Person shall have given the Borough Manager of this Borough at least twenty-four (24) hours' notice of the time when such actions will be taken, so that this Borough may supervise and inspect the work of connection and necessary testing.

### § 65-305 Building Sewers.

(a) **Separate Connection for Each Property.** 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 (1) Improved Property on one Building Sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of this Borough, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Borough.

(b) **Point of Connection.** A Building Sewer shall be connected to a Sewer at the place designated by this Borough and where the Lateral is provided. The invert of a Building Sewer at the point of connection shall be at the same or a higher elevation than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Building Sewer to the Lateral shall be made secure and watertight.

(c) **Pre-Existing House Sewer Lines.** Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own Sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such Sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a Building Sewer.

(d) **Inspections.** No Building Sewer shall be covered until it has been inspected and approved by this Borough. 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.

(e) **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 all other public property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to this Borough.

(f) **Costs of Construction and Connection.** All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer, including testing, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless this Borough 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.

(g) **Maintenance.** Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

(h) **Unsatisfactory Conditions.** If any Person shall fail or refuse, upon receipt of a notice from this Borough, in writing, to remedy any unsatisfactory conditions with respect to a Building Sewer within forty-five (45) days of receipt of such notice, this Borough 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 Borough.

## **§ 65-306 Responsibility of Owner for Tenants and Others.**

The Owner of each Improved Property connected to the Sewer System shall be responsible for all acts of tenants or other occupants of such Improved Property insofar as such acts shall be governed by provisions of this Chapter.

## **§ 65-307 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 and/or to the use and operation of the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as a part of this Chapter.

## **§ 65-308 Inspection Required Upon Transfer of Improved Property.**

(a) **Inspection.** Prior to any sale or transfer of any Improved Property connected to the Sewer System, the selling or transferring Owner of the Improved Property shall retain the services of a licensed master plumber acceptable to the Borough's Plumbing Inspector for the purposes of conducting an inspection of the Improved Property, the sewage drainage system of any structure on the Improved Property, the Building Sewer, and the Lateral, to insure compliance with the requirements of § 65-601(a) (relating to Prohibited Discharge Standards—Stormwater, etc.). The inspection of the Building Sewer and the Lateral shall include a video inspection at an appropriate time to determine whether such pipes or their connections admit stormwater, groundwater, or other drainage prohibited by § 65-601(a).

**(b) Report.** If the retained master plumber shall identify any deficiencies or violations as a result of his/her inspection, he shall immediately notify the selling or transferring Owner, the prospective purchaser or transferee, and the Borough (through the office of the Borough Manager) of all such deficiencies/violations and the actions needed to correct the deficiencies/violations. Although retained and paid for by the selling or transferring Owner, the master plumber is acting as the agent of the prospective purchaser or transferee and the Borough in conducting the inspection and has a professional obligation to them.

**(c) Correction of Deficiencies/Violations.** All deficiencies and violations identified by the master plumber's inspection shall be corrected prior to the settlement on the sale or transfer of the Improved Property. If the Building Sewer, the Lateral, or their various connections shall be found defective so as to admit any stormwater, etc. prohibited by § 65-601(a), the connections shall be repaired, and/or the pipe shall be replaced, relined, or, in limited situations where appropriate, spot repaired, as approved by the Borough Plumbing Inspector, by a certified plumber in accordance with the applicable Code requirements of the Borough.

**(d) Certification.** If the retained master plumber shall not identify any deficiencies or violations as a result of his/her inspection, or if all identified deficiencies and violations shall have been corrected, the master plumber shall prepare and certify a report to the selling or transferring Owner, the prospective purchaser or transferee, and the Borough (through the office of the Borough Manager), that the Improved Property is in compliance with § 65-601(a). The Improved Property may not be sold or transferred prior to the issuance of this certification.

**(e) Transfer Without Certification.** In the event that a sale or transfer of any Improved Property occurs prior to or without a certified report of compliance with § 65-601(a) as required under this Section, the purchaser or transferee of the Improved Property shall be responsible for obtaining an inspection, correcting deficiencies and violations, and providing a certification to the Borough under this Section to the same extent as the seller or transferor.

**(f) Exception.** This Section shall not apply to the initial transfer of an Improved Property from the developer/contractor who constructed new improvements on the property and first connected the property to the Sewer System, to the first occupant of the improvements on the property.