

Chapter 18

Sewers and Sewage Disposal

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Part 1**Sewers****A. Mandatory Connection****§18-101. Sewer System Defined.**

All sewers for the disposal of sanitary sewage within the Township, heretofore and hereinafter constructed or otherwise acquired by the Township and/or the Cambria Township Sewer Authority are hereby declared to be for the purposes of this Part and the subject matter hereof a common system of sanitary sewers for the Township and are hereinafter called the “sewer system.”

(*Ord. 31, 8/13/1973, §1*)

§18-102. Mandatory Connection.

The owner or owners of each property in the Township of Cambria, whose principal building is within 150 feet of any public sanitary sewer presently in existence or to be constructed in the future by the Cambria Township Sewer Authority shall connect, at its own cost, the house, building, or other structure located on said property with the sewer system. The terms “connect” and “connection” shall mean the extension of the sanitary sewage system of the house, building, or other structure to the “Y’s” or “T’s” or extensions thereof forming a part of the sewer system.

(*Ord. 31, 8/13/1973, §2*)

§18-103. Unlawful Acts.

It shall be unlawful for any owner or occupier of any property in the Township abutting upon any public sanitary sewer to employ any means for the disposal of acceptable sanitary sewage other than into and through the sewer system.

(*Ord. 31, 8/13/1973, §3*)

§18-104. Notification.

Where any house, building or other structure in the Township abutting upon any public sanitary sewer is now or hereafter may be using any method for the disposal of acceptable sanitary sewage other than through the sewer system, it shall be the duty of the Township or the Cambria Township Sewer Authority (hereinafter called the “Authority”) to notify the owner or occupier of such house, building, or other structure in writing, either by personal service, certified mail, or registered mail, to disconnect and abandon same and make proper connection for the discharge and disposal of all acceptable sanitary sewage through the sewer system, as herein provided, within 60 days after receipt of such notice. Any owners or occupier of a house, building, or other structure who cannot comply with the above requirements due to causes beyond their control, shall apply to the Township or the Authority within said 60-day period for a time extension not to exceed 6 months duration. Said application shall be made on a form furnished by the Township or the Authority and shall contain a voluntary agreement whereby the applicant agrees to commence payment of the regular monthly

sewer rates immediately, even though actual connection to the sewer system will not be accomplished until some later date within the said 6 months extension period.

(*Ord. 31, 8/13/1973, §4*)

§18-105. Prohibited Connections.

No privies, cesspools, sinkholes, septic tanks, or other receptacle for human excrement shall at the present time or at any time in the future be connected with the sewer system.

(*Ord. 31, 8/13/1973, §5*)

§18-106. Procedures for Connecting.

No person, firm, or corporation shall connect to the sewer system until the following has been complied with:

A. Application shall be made to the Authority, as the Township agent, upon a permit form supplied by the Authority for permission to connect to the sewer system. Said permit form shall include the character and use of each structure located upon the property.

B. Payment of the required tap fee imposed by the Authority shall be made for each structure to be connected to the sewer system at the time of making application therefore.

C. No work shall be done prior to the payment of the tap fee and the issuance of the permit.

D. At least 24 hours notice of the time when a connection is to be made shall be given to an Inspector designated by the Township or the Authority, so that said Inspector can be present to inspect and approve the building sewer line and connection. The Inspector shall signify his approval by endorsing his name and the date of approval on the permit in the possession of the owner or occupier.

E. At the time of inspection, the Inspector shall be permitted complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be back-filled, or in any manner concealed, until after approval by the Inspector.

(*Ord. 31, 8/13/1973, §6*)

§18-107. Sewer System Rules and Regulations.

The construction of all building sewer lines shall be done in accordance with the specifications, plans, and procedures established by the Township and the Authority as set forth in the sewer system rules and regulations, as the same may from time to time be published and amended, copies of which, upon adoption, shall be maintained on file with the Township Secretary and the Authority.

(*Ord. 31, 8/13/1973, §7*)

§18-108. Noncompliance.

In case any owner of any occupied house, building, or other structure in the Township shall refuse or neglect to comply with the provisions of this Part to connect to the sewer system, the Township or the Authority may enter upon such property and

construct such sewer connection at the sole cost and expense of such owner, together with 10 percent additional thereof and all charges and expenses incidental thereto, which said sum shall be collected from said owner for the use of the Township or the Authority as debts are by law collectible, or the Township or the Authority, as its agent, may, by its proper officer, file a municipal lien therefor against the premises as provided by law.

(*Ord. 31, 8/13/1973, §8*)

§18-109. Additional Prohibited Connections.

It shall be unlawful for any person, firm, or corporation connected to the sewer system to connect any roof drain thereto or permit any roof drain to remain connected thereto or to permit, allow or cause to enter into said sewer system any stormwater, foundation water, spring water, surface water, or any sewage or industrial waste from any property other than that for which a permit is issued.

(*Ord. 31, 8/13/1973, §9*)

§18-110. Definitions.

Unacceptable sanitary sewage and other terms used herein shall have the same meaning as those which are set forth in the sewer system rules and regulations, said rules and regulations shall apply to all users of the sewer system.

(*Ord. 31, 8/13/1973, §10*)

§18-111. Fines and Penalties.

In addition to any penalty herein above prescribed, any person, firm, or corporation failing to make a proper connection within the time specified, after due notice, upon conviction thereof in an action brought before a magisterial district judge 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. 31, 8/13/1973, §11; as amended by Ord. 199, 2/9/2009*)

B. Regulating Use of Public and Private Sewers

§18-121. Definitions.

1. *Specific Definitions.* Unless the context of usage indicates otherwise, the meaning of specific terms in this Part 1B shall be as follows:

Act - the Federal Water Act, as amended.

ASTM - the American Society for Testing and Materials.

BOD (denoting Biochemical oxygen demand) - the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C expressed in milligrams per liter.

Borough - the Borough of Ebensburg, Cambria County, Pennsylvania.

Building sewer - the extension from a building wastewater plumbing facility to the public wastewater facility.

Chairman - the Chairman of the Borough Council of the Borough of Ebensburg or an authorized designee.

Combined sewer - a sewer intended to receive both wastewater and storm or surface water.

Commercial User (Class II) - include any property occupied by a nonresidential establishment not within the definition of an “Industrial User (Class III),” and which is connected to the wastewater facilities.

Day - the 24-hour period beginning at 12:01 a.m.

Easement - an acquired legal right for the specific use of land owned by others.

EPA - the United States Environmental Protection Agency.

Garbage - the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking, and serving of foods.

Groundwater - water within the earth.

Industrial User (Class III) - any nonresidential user identified in Division A, B, C, D, E or 1 of the Standard Industrial Classification Manual. Class III shall also include any user which discharges wastewater containing toxic or poisonous substances, or any substance(s) which cause(s) interference in the wastewater facilities.

Interference - inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation, which substantially contributes to a violation of applicable discharge permits.

“*May*” is permissible. “*Shall*” is mandatory.

Municipality - the Borough of Ebensburg, Cambria County, Pennsylvania.

Natural outlet - any outlet into a watercourse, pond, ditch, lake, or any other body of surface or groundwater.

NPDES - National Pollutant Discharge Elimination System permit program, whether administered by the EPA or by the Commonwealth of Pennsylvania.

Owner - the person or persons who legally own, lease, or occupy private

property with wastewater facilities which discharge or will discharge to the owner's wastewater facilities. The Borough may at times create a funding authority, known as the Municipal Authority of the Borough of Ebensburg. The Municipal Authority would then be the owner and the Borough the operator.

Person - any individual, firm, company, association, society, partnership, corporation, municipality, or other similar organization, agency or group.

pH - the logarithm of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution as determined by *Standard Methods*.

Pretreatment standard - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act, which applies to industrial users.

Properly shredded garbage - garbage that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in the wastewater sewers, with no particle greater than ½ inch in dimension.

Right-of-way - an acquired legal right for the specific use of land owned by others.

Residential User (Class I) - all premises used only for human residency and which is connected to the wastewater facilities.

Sanitary wastewater - wastewater discharged from the sanitary conveniences of dwellings, office buildings, industrial plants, or institutions.

"*Shall*" is mandatory. "*May*" is permissible.

Standard methods - the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

State - Commonwealth of Pennsylvania.

Storm sewer - a sewer for conveying storm, surface, and other waters, which is not intended to be transported to a treatment facility.

Surface water - water which occurs when the rate of precipitation exceeds the rate at which water may infiltrate into the soil.

Suspended solids - the total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater as determined by *Standard Methods*.

Township - the Township of Cambria, Cambria County, Pennsylvania.

Toxics - any of the pollutants designated by Federal regulations pursuant to §307(a) (1) of the Act.

Wastewater - a combination of liquid and water-carried wastes from residences, commercial buildings, industries, and institutions, together with any groundwater, surface water, or stormwater that may be present.

Wastewater facility - the combination of the wastewater sewers and treatment facilities.

Wastewater sewer - the structures, processes, equipment and arrangements necessary to collect and transport wastewater to the treatment facility.

Wastewater treatment facility - the structures, processes, equipment, and arrangements necessary to treat and discharge wastewaters.

WPCF - the Water Pollution Control Federation.

2. *General Definitions.* Unless the context of usage indicates otherwise, the meaning of terms in this Part and not defined in subsection .1, above, shall be as defined in the *Glossary: Water and Wastewater Control Engineering*, prepared by Joint Editorial Board of the American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation, copyright 1969.

(*Res. 252, 11/30/1989, Art. I*)

§18-122. General Provisions.

1. *Purpose.* The purpose of this Part is to provide for the maximum possible beneficial public use of the Municipality's wastewater facilities through regulation of sewer construction, sewer use, and wastewater discharges; to provide for equitable distribution of the costs of the Municipality's wastewater facilities; and to provide procedures for complying with the requirements contained herein.

2. *Scope.*

A. The definitions of terms used in this Part are found in §18-121. The provisions of this Part shall apply to the discharge of all wastewater to facilities of the Municipality. This Part provides for use of the Municipality's wastewater facilities, regulation of sewer construction, control of the quantity and quality of wastewater discharges, wastewater pretreatment, equitable distribution costs, assurance that existing customers' capacity will not be preempted, approval of sewer construction plans, issuance of Wastewater Discharge Permits, minimum sewer connection standards and conditions, and penalties and other procedures in cases of violation of this Part.

B. The ordinance shall apply to the Municipality and to persons outside who are, by contract or agreement with the Municipality, users of the Municipality's wastewater sewers or wastewater treatment facilities.

3. *Administration.* Except as otherwise provided herein, the Municipality and its agents shall administer, implement, and enforce the provisions of this Part.

4. *Notice of Violation.* Any person found in violation of this Part or any requirement of a permit issued hereunder, may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Any such notice given shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the Municipality. Where the address is unknown, service may be made upon the owner of record of the property involved. If satisfactory action is not taken in the time allotted by notice, subsection .5 of this Section shall be implemented.

5. *Violations.*

A. Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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. 199*]

6. *Fees and Charges.*

A. All fees and charges payable under the provisions of this Part shall be paid to the Municipality. Such fees and charges shall be as set forth herein or as established in the latest edition of the Municipality's wastewater service and user charge ordinance.

B. All fees, penalties, and user charges collected under this Part and the wastewater service charge ordinance shall be used for the sole purpose of construction, operating, or maintaining the wastewater facilities of the Municipality, or the retirement of debt incurred for same or payment of industrial cost recovery if required pursuant to Federal law.

C. All fees and charges payable under the provisions of this Part are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest edition of the Municipality's wastewater service and user charge ordinance.

7. *Inspections.*

A. Borough personnel, bearing proper credentials and identification, shall be permitted to enter properties at any reasonable time for purposes of inspection, observation, measurement, and sampling of the wastewater discharge to ensure that discharge to the Municipality's wastewater facilities is in accordance with the provisions of this Part.

B. Borough personnel, bearing proper credentials and identification, shall be permitted to enter all private property through which the Municipality holds an easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any of the Municipality's wastewater facilities lying within the easement. All entry and any subsequent work on the easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

C. While performing the necessary work on private properties referred to in subsections .7A and .B above, Borough personnel shall observe all safety rules established by the owner or occupant of the property and applicable to the premises.

D. During the performance on private properties of inspections, wastewater sampling, or other similar operations referred to in subsections .7.A and .B above, the owner and occupant shall be: (1) held harmless for personal injury or death of Borough personnel and the loss of or damage to Authority supplies or equipment; (2) indemnified against loss of or damage to property of the owner or occupant by Borough personnel; (3) indemnified against liability claims asserted against the owner or occupant for personal injury or death of Borough personnel, or for the loss of or damage to property of the Municipality, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions as required by §18-127 of this Part.

8. *Vandalism.* No person shall maliciously, willfully, or negligently break,

damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Municipality's wastewater facilities. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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. 199]

9. *Severability.* A finding by any court or other jurisdiction that any part or provision of this Part is invalid shall not affect the validity of any other part or provision of this Part which can be given effect without the invalid parts or provisions.

10. *Amendments of the Ordinance.* Public notice shall be given in accordance with applicable provisions of the Borough Code, other ordinance, State, and Federal law prior to adoption of any amendments of this Part.

(Res. 252, 11/30/1989, Art. II; as amended by Ord. 199, 2/9/2009)

§18-123. Use of Municipality's Wastewater Facilities, Building Sewers, and Connection.

1. *Waste Disposal.* It shall be unlawful for any person to place, deposit in any unsanitary manner on public or private property within which the Municipality, or in any area under the jurisdiction of said Municipality, any human or animal excrement, garbage, or other objectionable waste.

2. *Wastewater Discharges.* It shall be unlawful to discharge without an NPDES permit to any natural outlet within the Municipality, or in any area under its jurisdiction. Wastewater discharges to the Municipality's wastewater facilities are not authorized unless approved by the Municipality in accordance with provisions of this Part.

3. *Connection to Wastewater Sewer Required.* The owner of any house, building, or property which is used for human occupancy, employment, recreation, or other purposes, under the jurisdiction of this Part, and abutting on any street, alley or rights-of-way in which there is or may be located a wastewater sewer connected to the treatment facility of the Municipality is required at the owner's expense to install suitable toilet facilities and to connect such facilities directly to the proper sewer in accordance with the provisions of this Part, within 60 days after official notice to do so, provided the property is accessible to the proper wastewater sewer and the principal building is within 150 feet from said sewer.

4. *Wastewater Disposal.*

A. Except as provided in this Part, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

B. Except as provided in this Part, after 60 days have lapsed since such owner received notice to connect to wastewater sewer as above provided, such owner shall forthwith abandon all privies, cesspools, sinkholes, septic tanks and other receptacles on the premises for receiving wastewater and shall not at any time thereafter erect, construct, use or maintain any pipe, conduit, drain or other facility

for the discharge of wastewater except into the wastewater facility and all privy vaults or cesspools or similar receptacles for human excrement shall be cleansed and filled under the direction of the Municipality or its agent for the Municipality; and no connection shall be permitted from any privy vault or cesspool to the sewer system.

5. *Failure to Connect.* In case said owner of any house, building, or property shall neglect or refuse to connect with the proper wastewater sewer within the 60-day period immediately following service of the notice to connect with the sewer system, the Municipality or its agent, may enter upon such property and construct such sewer connection. Upon construction of such sewer connection by the Municipality or its agent, the Municipality shall send an itemized bill of costs of the construction of such sewer connection plus a charge of 10 percent of the cost of construction for administrative overheads to the owner or owners of such property which bill shall be payable forthwith. In case such owner or owners neglect or refuse to pay such bill of costs, the Municipality may file a municipal lien for the costs of said construction within 6 months after the completion of the construction of such sewer connection, as provided by law, or the Municipality may pursue any other legal or equitable remedy available to them to collect such bill of costs. This subsection is not intended to restrict or limit any legal or equitable remedy that the Municipality or its agent may have with respect to the failure of an owner to connect to the proper wastewater sewer. Any owner or lessee or occupier of a structure who cannot comply with the provisions of this section as to connection within the 60-day period stipulated above due to causes beyond his control shall apply to the Municipality within said 60-day period for time of extension of up to 6 months in duration. Said application shall be made on a form to be furnished by the Municipality and shall contain a voluntary agreement on the part of the applicant under which the applicant shall agree to commence paying the regular monthly sewer rates upon connection to the proper wastewater sewer.

6. *Connection Permit.*

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disrupt any wastewater sewer or a storm sewer without first obtaining a written permit from the Municipality.

B. There shall be three classes of permits for connection to the Municipality's wastewater facilities: Class I - Residential, Class II - Commercial, and Class III - Industrial. In all cases, the owner shall make application for a permit to connect to the Municipality's wastewater facilities on special forms furnished by the Municipality. The permit application shall be supplemented by wastewater information required to administer this Part. A permit and inspection fee in an amount as established from time to time by resolution of the Board of Supervisors shall be paid to the Municipality at the time the application is filed, along with the sewer connection charges as established by the latest edition of the Municipal wastewater sewer and user charge ordinance. [Ord. 199]

7. *Connection Costs.* The costs and expenses incidental to the building sewer installation and connection to the Municipality's wastewater facilities shall be borne by the owner. The owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

8. *Separate Connections Required.* A separate and independent building sewer

shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be connected to the rear building through an adjoining alley, court yard, or driveway, the building sewer serving the front building may be extended to the rear building and the whole considered as one building sewer. The Municipality assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two buildings.

9. *Existing Building Sewers.* Existing building sewers may be used for connection of new buildings only when they are found, on examination and test by the Municipality, to meet the requirements of this Part.

10. *Building Sewer Design.* The size, slope, alignment, construction materials, trench excavation and backfill methods, pipe placements, jointing and testing methods used in the construction and installation of a building sewer shall conform to the building and plumbing code or other applicable requirements of the Municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and the Water Pollution Control Federation (WPCF) shall apply.

11. *Building Sewer Elevation.* Whenever practicable, the building sewer shall be brought to a building at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the Municipality's wastewater sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to a building gravity sewer draining to the Municipality's sewer.

12. *Surface Runoff and Groundwater Drains.*

A. No person shall connect roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains to any sewer which is connected to a wastewater treatment facility unless such connection is authorized in writing by the Municipality.

B. Except as provided in subsection .12.A above, roof, foundation, areaway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm sewers.

C. Upon notification that an illegal connection or illegal discharge exists, the person shall immediately disconnect said illegal connection or discharge. If said disconnection is not made within 7 days, the Municipality or its agent may enter upon such property and disconnect such illegal sewer connection. Upon disconnection of such sewer connection by the Municipality or its agent, the Municipality shall send an itemized bill of costs of disconnecting said illegal connections plus a charge of 10 percent of the cost of construction for administrative overhead to the same person which the bill shall be payable forthwith.

13. *Conformance to Applicable Codes.*

A. The connection of a building sewer into a wastewater sewer shall conform to the requirements or the building and plumbing code or other applicable requirements of the Municipality, or the procedures set forth in appropriate specifications of the ASTM or the WPCF. The connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved in writing by the Municipality before

installation.

B. The connection of a surface runoff or groundwater drain to a storm sewer or natural outlet designed to transport surface runoff or groundwater drainage shall conform to the requirements of the Municipality. The connection of any such drain to a wastewater sewer under a special permit as provided under subsection .12.A of this Part shall conform to the requirements specified by the Municipality as a condition of approval of such permit.

14. *Connection Inspection.* The applicant for a building sewer or other drainage connection permit shall notify the Municipality when such sewer or drainage connection is ready for inspection 24 hours prior to its connection to the Municipality's facilities. Such connection and testing as deemed necessary by the Municipality shall be made under the supervision of the Municipality. At the time of inspection of the connection, the applicant shall permit the inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by said inspector.

15. *Excavation Guards and Property Restoration.* Excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Municipality.

16. *Protection of Capacity for Existing Users.* The Municipality shall not issue a permit for any class of connection to the Municipality's wastewater sewers or wastewater treatment facilities unless there is sufficient capacity, not legally committed to other users, in the wastewater sewers and treatment facilities to convey and adequately treat the quantity of wastewater which the requested connection will add to the system. The Municipality may permit such a connection if there are legally binding commitments to provide the needed capacity.

(*Res. 252, 11/30/1989, Art. III; as amended by Ord. 199, 2/9/2009*)

§18-124. Conditions to Use of the Municipality's Wastewater Sewers.

1. *Special Uses of Wastewater Sewers.* All discharges of stormwater, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility shall be made to storm sewers or natural outlets designed for such discharges, except as authorized under §18-123.7. Any connection, drain, or arrangement shall be deemed to be a violation of this Section and this Part.

2. *Restricted Discharges.*

A. No person shall discharge or cause to be discharged to any of the Municipality's wastewater facilities any substances, materials, waters, or wastes in such quantities or concentrations which will:

(1) Create a fire or explosion hazard including, but not limited to gasoline, benzene, naphtha, fuel oil, or other flammable explosive liquid, solid or gas.

(2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities but in no case discharge with the following properties:

(a) Having a pH lower than 5.0 or greater than 10.0 for more than 10

percent of the time in a 24-hour period.

(b) Having a pH lower than 3.5 or greater than 12.0 for any period exceeding 15 minutes.

These requirements may be modified for facilities designed to accommodate greater ranges.

(3) Cause obstruction to the flow in sewers, or other interference with the operation of wastewater facilities due to accumulation of solid or viscous materials.

(4) Constitute a rate of discharge or substantial deviation from normal rates of discharge, ("slug discharge"), sufficient to cause interference in the operation and performance of the wastewater facilities.

(5) Contain heat in amounts which will accelerate the biogradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater sewer or inhibit biological activity in the wastewater treatment facilities, but in no case shall the discharge of heat cause the temperature in the Municipality's waste water sewer to exceed 58°C.(150°F) or the temperature of the influent to the treatment facilities to exceed 40°C. (104°F) unless the facilities can accommodate such heat.

(6) Contain more than 100 milligrams per liter of nonbiodegradable oils or minerals of petroleum origin.

(7) Contain floatable oils, fat or grease.

(8) Contain noxious, malodorous gas, or substance which is present in quantities that create a public nuisance or a hazard to life.

(9) Contain radioactive wastes in harmful quantities as defined by applicable State and Federal regulations.

(10) Contain any garbage that has not been properly shredded.

(11) Contain any odor or color producing substances exceeding concentration limits which may be established by the Authority for purposes of meeting the Municipality's NPDES permit.

B. If, in establishing discharge restriction, discharge limits, or pretreatment standards pursuant to this article, the Municipality establishes concentration limits to be met by an industrial user, the Municipality in lieu of concentration limits, shall establish mass limits of comparable stringency for an individual user at the request of such user.

3. *Federal Categorical Pretreatment Standards.*

A. No person shall discharge or cause to be discharged to any wastewater facilities, wastewater containing substances subject to an applicable federal categorical pretreatment standard promulgated by EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this Section. Compliance with such applicable pretreatment standards shall be within 3 years of the date the standard is promulgated; provided however, compliance with a categorical pretreatment standard for new sources shall be required upon promulgation.

B. Upon application by a Class III user, the Municipality shall revise any

limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. The revised discharge limit for specified substances shall be derived in accordance with Federal law.

C. Upon application by a Class III user, the Municipality shall adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such person which are fundamentally different from the factors considered by EPA during the development of the pretreatment standard. Request for and determinations of the fundamentally different adjustment shall be in accordance with Federal law.

D. The Municipality shall notify any Class III user affected by the provisions of this Section and establish an enforceable compliance schedule for each.

4. *Special Agreements.* Nothing in this article shall be construed as preventing any special agreement or arrangement between the Municipality and any user of the wastewater facilities whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

5. *Water and Energy Conservation.* The conservation of water and energy shall be encouraged by the Municipality establishing discharge restrictions upon industrial users, which shall take into account already implemented or planned conservation steps revealed by the Class III user. Upon request of the Municipality each industrial user will provide the Municipality with pertinent information showing that the quantities of substances or pollutants have not been nor will be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Municipality, adjustment shall be made to discharge restrictions, which have been based on concentrations to reflect the conservation steps.

(Res. 252, 11/30/1989, Art. IV)

§18-125. Class III - Industrial Discharges.

1. Information Requirements.

A. All Class III discharges shall file with the Municipality wastewater information deemed necessary by the Municipality for determination of compliance with this Part, the Municipality's NPDES permit conditions, and State and Federal law. Such information shall be provided by completion of a questionnaire designed and supplied by the Municipality and by supplements thereto as may be necessary. Information request in the questionnaire and designed by the discharger as confidential is subject to the conditions of confidentiality as set out in subsection .1.C of this Section.

B. Where a person owns, operates or occupies properties designated as Class III discharger at more than one location separate information submittals shall be made for each location as may be required by the Municipality.

C. The Municipality shall implement measures to ensure the confidentiality of information provided by a Class III discharger pursuant to this Part. In no event shall the Municipality delegate this responsibility or disclose any claimed confidential information to any person without prior notice in writing to the owner and without providing the owner with the opportunity to protect such confidential

information, including the right to seek judicial relief.

2. *Provision for Monitoring.*

A. When required by the Municipality, the owner of any property serviced by a building sewer carrying Class III wastewater discharges shall provide suitable access and such necessary meters and other appurtenances in the building sewer facilities observation, sampling, and measurement of the wastewater. Such access shall be in accordance with plans approved by the Municipality. The access shall be provided and maintained at the owner’s expense so as to be safe and accessible at reasonable times.

B. The Municipality shall consider such factors as the volume and strength of discharge, rate of discharge, quantities of toxic materials in the discharge, rate of discharge, quantities of toxic materials in the discharge, wastewater treatment facility removal capabilities, and costs effectiveness in determining whether or not access and equipment for monitoring Class III wastewater discharge shall be required.

C. Where the Municipality determines access and equipment for monitoring or measuring Class III wastewater discharges is not practicable, reliable, or cost effective, the Municipality may specify alternative methods of determining the characteristics of the wastewater discharge which will, in the Municipality’s judgment, provide an equitable measurement of such characteristics.

3. *Determination of Wastewater Characteristics.*

A. Measurements, tests, and analysis of the characteristics of wastewater to which reference is made in this Part shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association of such alternative methods approved by the Municipality and which comply with State and Federal law. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Municipality. The discharger shall have the option to use, at his own expense, more complete sampling methods, location, times, durations, and frequencies than specified by the Municipality.

B. Measurements, tests, and analysis of the characteristics of wastewater required by this Part shall be performed by a qualified laboratory. When such analysis are required of a discharger the discharger may, in lieu of using the Municipality’s laboratory, make arrangements with any qualified laboratory, including that of the discharger, to perform such analysis.

C. Monitoring of wastewater characteristics necessary for determination of compliance with applicable pretreatment standards shall be conducted on the basis of the following schedule, unless more frequent monitoring is required by the Municipality other than this Part, or if the Municipality, in its judgment, determines that the characteristics of the specific discharge warrant a different frequency monitoring:

Actual Average Daily User Discharge	Monitoring Frequency
less than 100,000 gpd	semi-annually

Actual Average Daily User Discharge	Monitoring Frequency
100,001 - 999,999 gpd	quarterly
more than 999,999 gpd	monthly

D. Monitoring of wastewater characteristics for any purpose other than the determination of compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the Municipality.

E. Upon demonstration by any person that the characteristics of the wastewater discharge by that person are consistent, the Municipality may reduce the frequency as may be required by authority other than this Part, except in no case shall the frequency of monitoring be less than semi-annual for the determination of compliance with pretreatment standards.

F. In determining the discharge characteristics factors such as continuous or batch operation, and seasonal operation and the information requirements of other provisions of this Part shall be considered by the Municipality. The Municipality may obtain wastewater samples as required to verify the consistency of discharge characteristics.

G. Fees for any given measurement, test, or analysis of wastewater required by this Part and performed by the Municipality shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge and shall reflect only direct costs. Cost of analyses performed by an independent laboratory at the option of discharger shall be borne directly by the discharger.

4. *Costs of Damage.* If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the Municipality’s wastewater facilities, the Municipality shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost of such work, including materials, labor, and supervision shall be borne by the person causing such deposit, obstruction, or damage. (Res. 252, 11/30/1989, Art. V)

§18-126. Pretreatment.

1. *Wastewaters with Special Characteristics.*

A. While the Municipality should initially rely upon the Federal categorical pretreatment standards of subsection .3 to protect wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have deleterious effect upon the wastewater facilities, processes, equipment, or receiving water, or constitutes a public nuisance or hazard, is discharged or is proposed for discharge to the wastewater sewers, the Municipality may:

- (1) Require pretreatment to a condition acceptable for discharge to the wastewater sewers.
- (2) Require payment to cover added cost of handling and treating the wastewaters not covered by existing fees or charges.
- (3) Require control over the quantities and rates of discharge.
- (4) Require the development of compliance schedules to meet any

applicable pretreatment requirements.

(5) Require the submission of reports necessary to assure compliance with applicable pretreatment requirements.

(6) Carry out all inspection, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements.

(7) Obtain remedies for noncompliance by any user, such remedies may include injunctive relief, the civil penalties specified in §18-122 of this Part, or appropriate criminal penalties.

(8) Reject the wastewater if scientific evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities.

B. When considering the above alternatives, the Municipality shall assure that conditions of the Municipality's NPDES permit are met. The Municipality shall also take into consideration cost effectiveness and the economic impact of the alternatives on the discharger. If the Municipality allows the pretreatment or equalization of wastewater flows, the installation of the necessary facilities shall be subject to review. The Municipality shall review and recommend any appropriate changes to the program, within 60 days of submittal.

C. Where pretreatment of flow-equalizing facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner.

2. *Compliance with Pretreatment Requirements.* Persons required to pretreat wastewater in accordance with subsection .1 above, shall provide a statement, reviewed by an authorized representative of the user and certified to be a qualified person indicating whether applicable pretreatment requirements are being met on a consistent basis, and if not, describe the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements the user shall submit a plan (including schedules) to the Municipality. The plan (including schedules) shall be consistent with applicable conditions of the Municipality's NPDES permit or other local, State, or Federal laws.

3. *Monitoring Requirements.* Discharges of wastewater to the Municipality's wastewater facilities from the facilities of any user shall be monitored in accordance with the provisions of §18-127.2 and .3 of this Part.

4. *Effect of Federal Law.* In the event the Federal government promulgates a regulation for a given new or existing user in a specific industrial subcategory that establishes pretreatment standards or establishes that such a user is exempt from pretreatment standards, such Federal regulations shall immediately supersede subsection .1.A of this Section.

5. *Revision of Pretreatment Standards.* The Municipality shall promptly apply for and obtain authorization from the EPA to revise discharge limitations for those substances listed in the Federal categorical pretreatment standards for which consistent removal occurs in the wastewater treatment facilities of the Municipality. The Municipality shall not adopt or enforce discharge limitations more stringent than the requested limitations until the state or EPA acts on the application.

(Res. 252, 11/30/1989, Art. VI)

§18-127. Wastewater Service Charges and Industrial Cost Recovery.

1. *Wastewater Service Charges.* Charges and fees for the user on the public wastewater facilities shall be based upon the actual use of such system, or contractual obligations for a level of use in excess of current actual use. Property value may be used to collect the amount due as permitted by Federal law.

2. *Industrial Cost Recovery.* Users of the Municipality's wastewater facilities will also be assessed industrial cost recovery charges as required by Federal law.

3. *Determination of System Use.*

A. The use of the Municipality's wastewater facilities shall be based upon actual measurements and analysis of each user's wastewater discharge, in accordance with provisions of subsections .2 and .3 of this Section, to the extent such measurements and analysis is considered by the Municipality to be feasible and cost effective.

B. Where measurement and analysis is considered not feasible, determination of each user's use of the facilities shall be based upon the quantity of water used whether purchased from a public water utility or obtained from a private source, or an alternative means as provided by paragraph .C below.

C. The Municipality, when determining actual use of the Municipality's wastewater facilities based on water use, shall consider consumptive evaporative, or other use of water which results in a significant difference between a discharger's water use and wastewater discharge. Where appropriate, such consumptive water use may be metered to aid in determining actual use of the wastewater facilities. The meters used to measure such water uses shall be a type and installed in a manner approved by the Municipality.

Where no significant difference exists the actual water use by each user during each 3-month period shall be used as the measure of each respective user's actual use of the sewer system for that period.

(Res. 252, 11/30/1989, Art. VII)

§18-128. Surcharge for Certain Wastes.

1. *Reason for Surcharge.* Although the sewage treatment works will be capable of treating certain abnormal industrial wastes as defined in §18-121, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there will be imposed upon each person discharging such industrial waste into the public sanitary sewage system a surcharge, or surcharges, which are intended to cover such additional cost. Such surcharges shall be in addition to the regular sewage service charges set forth in the Sewer Rate Ordinance of the Borough, and shall be payable as provided.

2. *Surcharge Rate Determination.*

A. The strength of any industrial waste, the discharge of which is to be subject to surcharge, shall be determined monthly, or more frequently as the Borough shall determine, from sampling points, or at any other sampling point mutually agreed upon by the Borough and the producer of such waste. The

frequency and duration of the sampling period shall be determined by the Borough and will permit a reasonably reliable determination of the average composition of such waste. Samples shall be collected or their collection supervised by a representative of the Borough and shall be in proportion to the flow of waste and composited for analysis in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, as cited above. Except as provided below, the strength of the waste so found by analysis shall be used for establishing the surcharge or surcharges. The Borough may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own samplings and analyses. The producer shall be responsible for all costs incurred in sampling and analyses and related work.

B. In the event any industrial waste is found, by the Borough, to have a BOD in excess of 300 milligrams per liter and/or total suspended solids (TSS) concentration in excess of 350 milligrams per liter, and/or total phosphorus (P) in excess of 20 milligrams per liter and/or ammonia nitrogen (NH₃N) in excess of 50 milligrams per liter, the producer of said waste shall pay a strength of waste surcharge in addition to the volume charge set forth in the Borough's Sewer Rate Ordinance. The surcharge shall be computed by using the following formula:

$$\text{Surcharge factor, (\%)} = \left[60 + 10 \left(\frac{BOD_5}{300 \text{ mg/l}} \right) + 10 \left(\frac{TSS}{350 \text{ mg/l}} \right) + 10 \left(\frac{P}{20 \text{ mg/l}} \right) + 10 \left(\frac{NH_3N}{50 \text{ mg/l}} \right) \right] - 100\%$$

C. Where the concentration of the waste is less than the values in parentheses for the various parameters, as applicable, the values in parenthesis shall be equal to one. The amount of the industrial waste surcharge shall be computed by multiplying the flat rate or volume charge, as set forth in the Sewer Rate Ordinance, by the surcharge factor derived above.

D. The waste surcharge amount determined in this Section shall be added to the flat rate service charges imposed by the Borough under the Sewer Rate Ordinance.

(Res. 252, 11/30/1989, Art. VIII)

Part 2**On-Lot Disposal Systems****A. Permitting of On-Lot Systems****§18-201. Short Title; Statutory Basis; Purpose.**

1. This Part shall be known as the “Cambria Township On-lot Sewage Disposal System Permit Ordinance.”

2. This Part is adopted pursuant to §7(a)(1) of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.7(a)(1).

3. The purpose of this Part is to provide for the permitting of all on-lot sewage disposal systems within the Township of Cambria 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 35 P.S. §750.7(a)(1).

(Ord. 165, 7/23/2001, §I)

§18-202. Permit Requirements.

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 of Cambria, 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 35 P.S. §750.7(a)(1), shall apply to the Township of Cambria and/or its designated representative, 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 of Cambria.

(Ord. 165, 7/23/2001, §II)

§18-203. 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 “Penalties” and §13(a) “Fines, Civil Penalties and Fees” of the Act, as amended, 35 P.S. §750.13; see also, 35 P.S. §750.13(a), (b), (c), (d), (e).

2. In addition to the penalties for noncompliance 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. 165, 7/23/2001, §III)

B. Privies**§18-211. Purpose.**

The purpose of this Part is to establish procedures for the use and maintenance of existing and new privies designed to receive and retain sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety, and welfare of the inhabitants of this Township.

(*Res. 486, 2/10/2003, §1*)

§18-212. Definitions.

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

Authority - the Township of Cambria and/or its agent, the Cambria County Sewage Enforcement Agency. [*Res. 486A*]

Improved property - any property withing the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure sewage shall or may be discharged.

Municipality - Cambria Township, Cambria County, Pennsylvania.

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.

Privy - a watertight receptacle, whether permanent or temporary, which receives and retains sewage where water under pressure or piped wastewater is not available and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

Sewage - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Streams Law, 35 P.S. §§691.1 - 691.1001.

(*Res. 486, 2/10/2003, §2; as amended by Res. 486A, 2/24/2003*)

§18-213. Rights and Privileges Granted.

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

(*Res. 486, 2/10/2003, §3*)

§18-214. Rules and Regulations.

The Authority is hereby authorized and empowered to adopt such rules and

regulations concerning sewage which it may deem necessary from time to time effect the purposes herein.

(*Res. 486, 2/10/2003, §4*)

§18-215. 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.

(*Res. 486, 2/10/2003, §5*)

§18-216. Rates and Charges.

The Authority shall have the right and power to fix, charge, and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

(*Res. 486, 2/10/2003, §6*)

§18-217. Condition of Privy Use.

1. The property owner must show that site and soil suitability testing of the lot has been conducted by the Sewage Enforcement Officer and that the site meets the 25 Pa.Code, Chapter 73, "Standards for Sewage Disposal Facilities," requirements for the ultimate sewage disposal by an approved on-lot system if water under pressure or piped wastewater becomes available to the lot.

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

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

A. To a privy to be used on an isolated lot which is 1 acre or larger and is not nor will not be served by water under pressure in the future.

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

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

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

(*Res. 486, 2/10/2003, §7*)

§18-218. Exclusiveness of Rights and Privileges.

The collection and transportation of all sewage from any improved property utilizing a privy shall be done solely by or under the direction and control of the Authority and/or their agent, the Cambria County Sewage Enforcement Agency, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environment Protection of the Commonwealth of Pennsylvania.

(*Res. 486, 2/10/2003, §8; as amended by Ord. 199, 2/9/2009*)

§18-219. Duties of Improved Property Owner.

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

A. Maintain the privy in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Authority and/or their agent, the Cambria County Sewage Enforcement Agency, and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Authority, or its agent to collect, transport, and dispose of the contents therein.

C. Abandon the privy consistent with applicable public health and environmental standards and obtain a permit for and install an approved on-lot system meeting 25 Pa.Code, Chapter 73, standards in the event that water under pressure or piped wastewater becomes available to the property.

D. Permit the Authority and/or their Agent, the Cambria County Sewage Enforcement Agency, to enter upon lands to inspect the privy for proper operation, maintenance, and contents disposal.

(*Res. 486, 2/10/2003, §9*)

§18-220. Violations.

Any person who violates any provisions of §§18-217–18-219, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000, and in default 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.

(*Res. 486, 2/10/2003, §10; as amended by Ord. 199, 2/9/2009*)

§18-221. Abatement of Nuisances.

In addition to any other remedies provided in this Part, any violation of §18-219 above shall constitute a nuisance and shall be abated by the Township or the Authority by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

(*Res. 486, 2/10/2003, §11*)

Privy

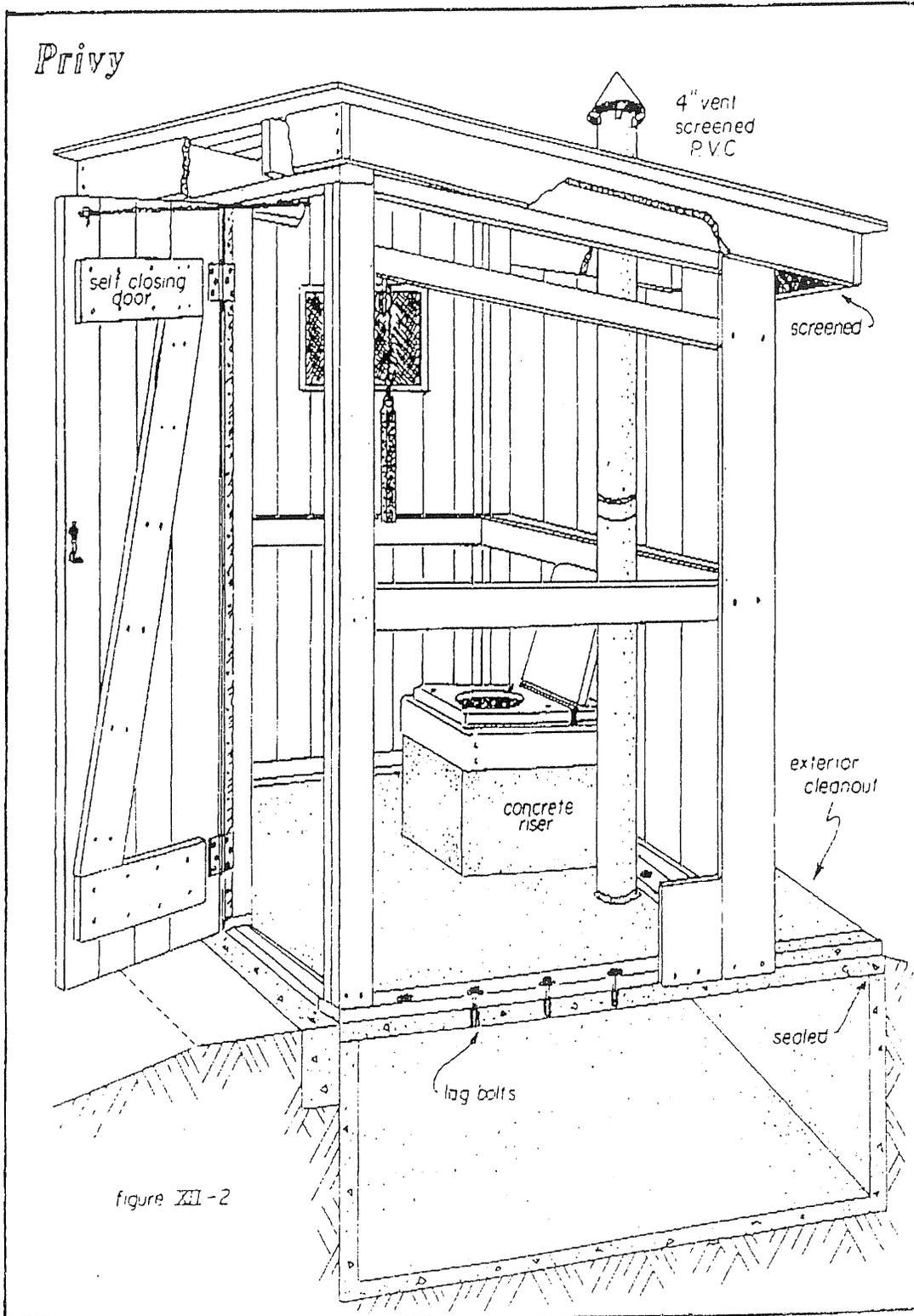


figure XII-2

B. *Privies.*

1. *Usage.*

A. Privies are to be used only where there is no water under pressure.

B. The restrictions which apply to holding tanks as discussed in Part 1A of this Chapter also apply to privies except when the privy usage is:

(1) Not part of a subdivision in which lots have been or will be offered for sale or lease as part of a common promotional plan.

(2) Proposed for use on an isolated lot (parcel of land which is 1 acre or larger and is to be used as a building site).

2. *Location.*

A. Isolation distances of at least 50 feet must be maintained between a privy and the building served and the water supply source.

B. Other considerations for determining the location of the privy include accessibility to the user, prevailing wind direction to reduce odor nuisances and, if possible, locating the privy downgrade of water supply sources.

3. *Construction.* (See Figure XII-2)

A. The vault of a privy must meet the same construction standards as septic tanks, Pa.Code §73.31(b), and must have:

(1) Roof vent stack (screened).

(2) Exterior clean out.

B. The superstructure of the privy must be made of substantial material and must be:

(1) Fly tight.

(2) Well ventilated.

(3) Solidly fastened to the vault.

(4) Equipped with a self-closing door (spring, counter weight, or plunger-type door closer).

(5) Weather stripped door.

(6) Smooth, easily cleanable seat and cover.

C. An earth mound or diversion ditch must be placed around the privy to divert surface water runoff.

Part 3**Cambria County Sewage Enforcement Agency****§18-301. Purpose.**

The Board of Supervisors of the Township of Cambria, Cambria County, Pennsylvania, finds it desirable to enact this Part to:

A. Protect the health, safety, and welfare of the residents and landlords of the Township.

B. Create a multi-municipal local agency for the administration of the Pennsylvania Sewage Facilities Act, as amended, 35 P.S. §750.1 *et seq.* and the regulations promulgated thereunder.

(*Ord. 153, 1/11/1999, Art. I*)

§18-302. Grant of Power.

This Part is adopted pursuant to power granted in:

A. The Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, as amended, or as it may be amended from time to time.

B. The Pennsylvania Clean Streams Law, 35 P.S. §691.1 *et seq.* as amended, or as it may be amended from time to time.

C. The Pennsylvania Local Agency Law, 2 Pa.C.S.A. §105 *et seq.*, as amended, or as it may be amended from time to time.

(*Ord. 153, 1/11/1999, Art. II*)

§18-303. Definitions.

The following words or phrases, when used in this Part, shall have the meanings indicated:

Act - the Pennsylvania Sewage Facilities Act, 35 P.S. §750 *et seq.*, as amended, or as it may be amended from time to time.

Board - the Governing Body of the Committee through which all policy making powers granted to the Committee are exercised.

Chapter 71, 72, or 73 - regulations adopted pursuant to the Act and more specifically identified as Pennsylvania Code, Title 25, Environmental Resources.

Committee - the Cambria County Sewage Enforcement Agency, the entity created by this Part.

Department - the Pennsylvania Department of Environmental Protection.

Governing Body - the Board of Supervisors of the Township of Cambria, Cambria County, Pennsylvania.

Multi-municipal local agency (MMLA) - the Cambria County Sewage Enforcement Agency, the entity created by the adoption of this Part - the committee.

Township - Cambria Township, Cambria County, Pennsylvania.

(Ord. 153, 1/11/1999, Art. III)

§18-304. Sewage Enforcement Agency Creation.

The Board of Supervisors hereby:

A. Creates, constitutes, and establishes the Sewage Enforcement Agency for the purposes described above.

B. As soon as possible, but not later than 30 days after the adoption of this Part, every member shall, by action of its Governing Body, appoint a representative and, at its option, may also appoint an alternate representative to the Board. Each representative and alternate shall be an individual who must be:

(1) A member of the Governing Body of the member municipality that he or she represents.

(2) The Municipal Secretary.

C. Conveys to the Sewage Enforcement Agency the enforcement and administration of all three aspects of the Act and regulations.

D. Directs the Board to, at all times, act in a manner consistent with the Act and regulations and the additional provisions in this Part.

E. Authorizes and directs the Sewage Enforcement Agency to act on behalf of the Governing Body through the appointed officers/Board to issue, deny, or revoke permits, conduct inspections, abate nuisances and health hazards arising from malfunctioning on-lot disposal systems, conduct hearings, prosecute violators and apply for operating grants from the Department or any other entity.

F. Directs the Board to establish, and, further, pledges to pay in a timely manner, initial and annual membership fees adequate to provide the Sewage Enforcement Agency with liquid fiscal resources to establish itself and continue to operate while awaiting receipt of reimbursement grants from the Department of Environmental Protection.

(Ord. 153, 1/11/1999, Art. IV)

§18-305. Powers and Duties of the Sewage Enforcement Agency.

In addition to the powers and duties enumerated above, the Sewage Enforcement Agency shall:

A. Prepare and adopt by-laws that:

(1) Define the method by which (future) Committee representatives will be appointed.

(2) Set forth the method by which the Committee will conduct business.

(3) Establish a quorum for the conduct of business.

(4) Establish meeting times and dates.

(5) Define the manner in which vacancies will be filled.

(6) Create any necessary subcommittees.

(7) Establish fees for the various permits and services performed by the Committee or its staff.

(8) Create a Hearing Board to conduct hearings regarding permit denials

and other SEO actions.

B. Prepare and adopt an annual budget.

C. Prepare an annual application to obtain a reimbursement grant from the Department.

D. Prepare and submit annual reports to participating municipalities.

E. Hire, fire, promote, and discipline personnel necessary to conduct the business of the Committee and set their rates of compensation.

F. Create a package of employee benefits, including:

(1) Sick and/or vacation leave and/or paid holidays.

(2) Health and/or life and/or disability insurance.

G. Create an employees' manual containing job descriptions, qualifications for employment and pay scales.

H. Secure by contract, or other arrangement, legal counsel, and the services of other professionals, as may be necessary or desirable to advance the work of the Committee.

(Ord. 153, 1/11/1999, Art. V)

§18-306. Term of Participation, New Members, Amendments.

1. The participation in the Committee by the Board of Supervisors shall begin on the effective date of this Part, and shall continue for a period of at least 2 years. Such participation shall include the fulfillment of all responsibilities including payment of assessments, costs, fees, and expenses.

2. After the expiration of the aforesaid 2-year period, the Board of Supervisors may, upon 90 days written notice to the Board, withdraw from the Committee through the repeal of this Part.

A. During the intervals between receipt of written notice pursuant to subsection .2 and the actual date of withdrawal, the Committee shall not accept, process, or otherwise act upon new applications for on-lot sewage disposal systems in the Municipality which has served notice of intent to withdraw.

B. The Committee shall notify interested parties and applicants of the impending change of administration and will, to the best of its ability, refer interested parties to the succeeding SEO/MMLA.

C. All applications in progress, when notice of intent to withdraw is received, shall be advanced through issuance/denial in a timely manner and, in all cases, before the withdrawal becomes effective.

D. The repeal of this Part shall take place 5 days after the adoption or enactment of any repealing ordinance; however, it shall be effective no less than 90 days following notice described in subsection .2.A.

3. After the effective date of this Part, any municipality may choose to become a member by adopting this Part in full.

A. All work on an application for an on-lot sewage disposal system permit then in progress where site testing has not been completed or a design has been submitted but a permit has not been issued, shall be turned over to the Committee

for completion by the Committee's SEO. The new Member will pay to the Committee any monies received from the permittee and/or the Commonwealth or any entity relative to any such applications for on-lot sewage disposal systems. The permittee shall be responsible for all fees and costs associated with the completion of the application which the permittee has not already paid or which have not been paid on the permittee's behalf.

B. In the event that a system is installed using a valid permit issued by a prior SEO, and in the event that the prior SEO has been compensated for the installation inspection portion of the application permitting process, the issuing SEO shall be responsible for the installation inspection, provided he/she is a currently certified SEO.

C. In the event that a system is installed using a valid permit issued by a prior SEO, and the issuing SEO is no longer a certified SEO by reason of retirement from the activities of SEO, then the matter shall be turned over to the Committee's SEO. The member shall pay to the Committee any monies received from the permittee and/or the Commonwealth or any entity relative to such permit. The permittee shall be responsible for all fees and costs associated with the permit and/or completion of the system which the permittee has not already paid or which have not been paid on the permittee's behalf.

D. In the event that a permit was issued by a prior SEO and the issuing SEO is no longer a certified SEO, by reason of a certification revocation action by the Department of Environmental Protection or the voluntary surrender of his certification to avoid prosecution, then the Committee shall, in its sole discretion, evaluate the outstanding permits and may require testing and/or system redesign by the Committee's employees, the costs of which shall be borne by the member on behalf of the permittee.

E. Nothing in this subsection shall prohibit the member from recovering any paid but unearned compensation or wages from the prior SEO.

F. Nothing in this subsection shall prohibit the member from recovering the costs of retesting or redesign when the actions of the former SEO were contrary to the Act or regulations.

4 In the event that it becomes necessary to change this Part in whole or in part, no changes shall become effective and no new or altered obligation or duty shall be placed upon the Committee, and no change in the terms of this Part shall become effective until such time as every participating municipality shall have adopted an identical amendatory ordinance or duly adopted resolution.

(Ord. 153, 1/11/1999, Art. VII)