

ORDINANCE NO. 285
SHINGLEHOUSE BOROUGH
POTTER COUNTY, PENNSYLVANIA

SEWER LATERALS ON PRIVATE PROPERTY

BE IT ORDAINED by the Council of Shinglehouse Borough as follows:

**ABATEMENT OF NONCONFORMING/SUBSTANDARD SEWER
LATERALS ON PRIVATE PROPERTY**

Sections

- §101 Purpose and Findings
- §102 Definitions
- §103 Standards for Maintenance of Private Sewer Laterals
- §104 Cleanouts Required
- §105 Public Nuisance Conditions
- §106 Determination of Public Nuisance by Borough – Appeal
- §107 Correction or Abatement
- §108 Inspection at Time of Sale
- §109 Inspection at Time of Major Remodel
- §110 Inspection and Repair – Requirements
- §111 Sewer Lateral Certificates
- §112 Fees
- §113 Violation
- §114 Remedies
- §115 Severability
- §116 Enactment

§101 Purpose and Findings

1. The purpose of this ordinance is to codify requirements for the testing, repair, replacement and ongoing maintenance of the privately owned sewer laterals within the Shinglehouse Borough.
2. The requirements of this ordinance are intended to comply with requirements of the U.S. Environmental Protection Agency (The Clean Water Act (CWA) Section 301(a)), and the Pennsylvania Clean Streams Law for reducing infiltration and inflow in the Shinglehouse Borough sanitary sewer collection system. To this end, this ordinance requires that all private sewer laterals be maintained by their owners in accordance with the standards set forth in this section.

3. In an effort to solve the problem of sewer overflows within the sewer system serving the Shinglehouse Borough and in compliance with the aforementioned Act and Law, this ordinance has been prepared for adoption by the Shinglehouse Borough. The Borough has found that a significant component of infiltration and inflow (I/I) is infiltration, consisting of groundwater or runoff from rainfall that passes through the soil and on the ground's surface into defects in privately owned sewer pipe and associated structures.

4. In addition, Borough staff has observed there exists in the Borough numerous non-conforming storm water inflow connections into sewer laterals, such as downspouts, storm drains, and sump pumps, etc., on private property.

5. Infiltration and non-sanitary sewer connections (inflows) are a major source of the I/I that occurs during the rainy season. Evidence supporting this conclusion includes leakage test data, internal inspection by closed circuit television, smoke test results, and direct flow measurements.

6. For reasons cited above, Shinglehouse Borough shall update and enforce their sewer ordinances as required to implement a program of sewer lateral replacement and/or repair on private property, including an ordinance requiring testing and repair of the privately owned portion of sewer laterals as a condition to the sale of property; and to require all property owners to disconnect non-conforming storm water connections and correct defective sewers identified through smoke testing or other means.

§102. Definitions

SEWER LATERAL CERTIFICATE – a certificate issued by the Borough indicating that the lateral is in “Satisfactory Condition” as defined herein.

MAIN LINE, SEWER MAIN, OR MAIN SEWER – a common sanitary sewer directly controlled by the Borough of Shinglehouse.

BOROUGH SEWER ORDINANCE – the Shinglehouse Borough sewer ordinance, Ordinance No. 128

LATERAL, BUILDING SEWER, OR LATERAL SEWER LINE – that part of the piping of a drainage system which extends from the end of the building drain to the main sewer tap and conveys the discharge of the building drain to the main sewer, as per section 403 of the Borough Sewer Ordinance. (At discretion of Borough representative and meets industry standard)

PRIVATE SEWER LATERAL – the portion of a building sewer from the building drain to a sewer main usually located near the curb line. When a building sewer connects to a rear yard sewer main, the entire building sewer or lateral, including the connection to the sewer tap, shall be considered a private sewer lateral.

SHARED LATERAL - a shared lateral is an existing sewer lateral that currently services two (2) or more structures that are not located on the same deeded property.

PUBLIC SERVICE LINE – a portion of a building sewer that is located in the public right of way or easement and extends from the Borough cleanout to the main sewer. This portion of the lateral will be maintained by the Borough because of its location in the public right of way.

BOROUGH TAP- a line extending from the sewer main to either the approximate curb line or the Borough cleanout. In the case of a back yard main approximately 5 feet from the main toward the lateral. The owner of the lateral will be responsible for connecting to the tap including any and all adapters required to accommodate different types or sizes of pipe.

NON-SANITARY SEWER CONNECTIONS – any facility, pipe, or other means of conveyance that directly or indirectly conveys storm water, surface water, roof run off, intercepted groundwater or subsurface drainage into sanitary sewers, including but not limited to, downspouts, yard drains or other sources of storm water or other run off.

CLEANOUT – a pipe fitting and associated piping connected to a building sewer or lateral sewer line that provides access to the line for purposes of routine flushing, rodding, cleaning and other maintenance and diagnostic procedures purposes.

TWO-WAY BOROUGH CLEANOUT OR BOROUGH CLEANOUT – a cleanout at or near the property line or street curb line or near the sewer tap when the private sewer lateral connects to the rear yard sewer main which allows flushing, rodding, cleaning, televising, measuring flow and other maintenance and diagnostic procedures in the lateral sewer line as illustrated in drawing “Attachment A” or future revisions approved by the Borough.

PRIVATE CLEANOUT – a cleanout located near the building being serviced by the lateral sewer line, as illustrated in drawing “Attachment A” or future revisions approved by the Borough.

BUILDING CODE REQUIREMENTS – requirements defined in this ordinance or the Borough Sewer Ordinance do not supersede any requirements of the “PA Unified Building Code; nor do requirements of the “Building Code” supersede any requirements of the Borough ordinances.

SATISFACTORY CONDITION – a condition indicated by fulfilling either:

1. Final inspection and approval of a Borough Building Permit that specifically calls for replacement of the private sewer later and disconnection of any area or roof water collection system, including approved redirection of any storm water connections.
2. Approval by the Borough of a tape video record of Closed Circuit Television (CCTV) inspection of the private sewer lateral by a contractor approved by the Borough to accomplish such inspection or by Borough personnel.

STRUCTURE – any structure or building that is provided with public sewer service by the Shinglehouse Borough.

BOROUGH – is the Shinglehouse Borough as represented by the Borough Council or an approved representative of the Borough as designated by a resolution enacted by the Council.

§103. Standards for Maintenance of Private Sewer Laterals

1. The standards for maintenance of private sewer laterals are as follows:
 - a. The private sewer lateral shall be kept free from roots, grease deposits, and other solids, which may impede the flow or obstruct the transmission of waste;
 - b. All joints shall be water tight and all pipes shall be sound.
 - c. The private sewer lateral shall be free of any structural defects such as cracks, breaks, openings, rodent holes or missing portions, and the grade shall be uniform without sags or offsets;

d. The private sewer lateral shall have cleanouts as defined by this ordinance and illustrated in drawing "Attachment A" or future revisions approved by the Borough. All cleanouts shall be securely sealed with a proper cap at all times.

e. All non-sanitary connections shall be disconnected and such connections shall be rerouted in accordance with local, state and other applicable standards.

2. All new private sewer lateral construction or replacement of existing private sewer laterals shall comply with the requirements of this ordinance and the Borough Sewer Ordinance.

§104. Cleanouts Required

1. Each sewer lateral shall have a standard two-way cleanout located at the Borough sewer tap. Such cleanouts shall be installed and maintained by the property owner after obtaining all applicable permits from the Borough.

2. Each private sewer lateral shall have a privately maintained cleanout as illustrated in drawing "Attachment A", or as may be required by building code, whichever is more restrictive. Such cleanouts shall be installed by the property owner consistent with details contained herein, after obtaining all applicable permits from the Borough.

3. Installation of cleanouts under this section may be undertaken at any time with applicable permits, but shall not be required until testing and/or inspection is completed pursuant to Section 110.

§105. Public Nuisance Conditions

1. a private sewer lateral constitutes a public nuisance when either of the following conditions exists:

a. The piping and fittings have a leak or breaks, or it is otherwise subject to exfiltration or leakage of sewage; or disruption of service due to a blockage that requires excavation of any portion of the line for repair.

b. The piping and fittings provide connections other than those permitted by this Ordinance, the Borough Sewer ordinance and the Building Code as adopted by the Shinglehouse Borough, or are otherwise subject to inflow and infiltration, whether accidentally, negligently, or intentionally.

2. A cleanout constitutes a public nuisance if it:

a. Is uncapped or improperly capped;

b. Has leaks or breaks or is otherwise subject to exfiltration, or leakage of sewage; or

c. Has non-sanitary sewer connections or is otherwise subject to inflow and infiltration, whether accidentally, negligently intentionally.

§106. Determination of Public Nuisance by Borough – Appeal

1. The Borough may require the inspection and/or testing of any private sewer lateral, and may determine and declare that a private sewer lateral or cleanout is a public nuisance as defined in this chapter. Testing, inspection and repairs shall be conducted as set forth in regulations adopted by the Borough.

2. If the Borough determines and declares that a private sewer lateral or cleanout is a public nuisance, the Borough may issue a written notice ordering the property owner to make whatever repairs and or complete replacement as the Borough deems necessary, within a reasonable period of time that shall be specified in the notice, however the time period shall not exceed six (6) months. Reasonable extension of time may be granted by the Borough if weather conditions make the repair or replacement impractical.

3. Temporary repairs to accommodate use of the property will be allowed until permanent repair or replacement can be completed as specified in the notice.

4. Determinations under this section may be appealed to Borough, in person, and decision of Borough shall be final. Decisions by Borough will be made within sixty (60) days of appeal.

§107 Correction or Abatement

1. Owners shall obtain all required plumbing and sewer permits and notify the Borough prior to making such repairs, and shall allow for the inspection of any installation by a Borough designated official.

2. Upon approval of such repairs, the Borough shall issue a Sewer Lateral Certificate of Compliance.

3. In the event a property does not comply with a written notice and order under Section §106 within three (3) weeks from the time said landowner and/or possessor are notified, the Borough shall proceed with the repair or new construction of the sewer lateral and assess said landowner and/or possessor with the cost thereof plus ten percent (10%) additional and shall invoke either of the two (2) remedies set forth hereinafter.

a. The Borough may file a municipal lien against the owner or owners or anyone having an interest in the property;

b. Any owner or owners or other persons having a legal interest in the property in question or possessor as notified above shall be personally liable for the assessment above mentioned.

4. The Borough may recover any costs incurred in abating a public nuisance under §107.

5. The Borough retains the right under this ordinance to discontinue water service to a structure that is in violation of this ordinance until such time the private sewer lateral is brought into compliance with this and other applicable ordinances.

§108. Inspection at Time of Sale

1. Prior to the sale of property that contains any structure with a building sewer line, the owner shall have the sewer lateral inspected and determined to be in satisfactory condition as per the requirements of this ordinance. Upon satisfactory determination under the ordinance the Borough will issue a "Sewer Lateral Certificate Of Compliance", which hereafter will become a requirement for transfer of title of real property that includes a private sewer lateral which conforms to this ordinance.

2. All required repair or replacement work shall be completed prior to transfer of title. Alternatively, funds may be retained in escrow sufficient to complete the work within six (6) months thereafter, if permitted by, and subject to, any conditions required by the Borough.

Except as otherwise provided in this chapter or by the Borough, the owner of the property is responsible for compliance with this section.

3. The seller of any real property shall be responsible for disclosing to prospective purchasers the requirements of this section and the compliance status of the real property in question.

4. Any property under contract by a licensed realtor or listed as "For Sale by Owner" prior to the date of approval by the Borough of this ordinance shall be exempt from its requirements until said contract expires.

§109. Inspection at Time of Major Remodel, Sewer Service Disruption, or Remodeling that includes adding additional plumbing fixtures.

1. The following conditions will require that the private sewer lateral be inspected as per the requirements of this ordinance.

a. Whenever a person applies for a building and/or plumbing permit for a construction valuation that exceeds \$30,000 in 2018 dollars, adjusted every year for inflation according to Engineering News Record Quarterly Construction Cost Index.

b. Whenever a person applies for a building and/or plumbing permit that requires the moving and or disruption of an existing sewer lateral.

c. Whenever a person applies for a building and/or plumbing permit that results in an increased quantity of plumbing fixtures within the structure, including but not limited to toilets, sinks, tubs, showers, etc.

d. Whenever there is a disruption in sewer service that is caused by a deficiency in the private sewer lateral and results in a repair call to restore service. This would include but not limited to blockages caused by tree roots, stones, and other debris, broken pipes, bad pipe joints or any other repairs that would require line cleaning or digging up any portion of the line to make repairs.

2. In order to ensure compliance with this section, the property owner shall obtain a Sewer Lateral Certificate prior to approval of a building permit application for any of the above work.

3. The Shinglehouse Borough Building Code Inspector is hereby authorized to implement this section.

§110 Inspection and Repair – Requirements.

1. All testing and inspection procedures shall be in accordance with standard procedures or reviewed and approved by the Borough.

2. CCTV inspections shall be performed by a qualified contractor or utility evaluation service approved by the Borough or by Borough personnel.

3. All repair or replacement work identified by the testing procedure as necessary to prevent infiltration and inflow must be completed and then inspected and approved by the Borough.

4. If non-sewer connections to the private sewer lateral line are found, the property owner will be required to disconnect them and contain, disperse on site, or redirect, storm water run-off within six months, as required by the Borough.

5. If during an inspection a shared lateral is discovered and is determined to be in violation of this ordinance it shall be replaced with individual laterals unless the Borough determines that this is not physically possible because of the location of the sewer main or other limitations. Each property owner will be individually responsible under the requirements of this ordinance for the installation and associated cost. Under this circumstance the Borough will provide any necessary Borough taps at no cost to the property owners.

6. The property owner shall submit a copy of the Sewer Lateral Inspection Form, signed and approved by a Borough inspector as proof of compliance.

7. Failure to comply with an order issued under this section shall be deemed a violation of this ordinance and the condition of the private sewer lateral line in such cases shall be deemed and is hereby, declared a public nuisance.

§111. Sewer Lateral Certificates

1. All properties governed by this chapter are required to obtain Sewer Lateral Certificates. Sewer Lateral Certificates shall be issued by the Borough upon sufficient proof that a property owner has complied with this section, and upon payment of any required fee.

2. Sewer Lateral certificates shall be effective for the following periods of time:

A. A period of ten (10) years after:

1. Inspection and approval by the Borough of completed alterations, partial, repairs, or connections to a lateral.
2. Inspection and approval by the Borough of completed repairs to a lateral or cleanout ordered by the Borough.

§112 Fees

1. Fees for compliance with this Ordinance shall be established by resolution of Shinglehouse Borough and may be changed without prior notification to public.

§113. Violation – Penalty.

1. This Ordinance is intended to, and will be, enforced in accordance with 53 P.S. §48301 et seq. as same may be from time to time amended, supplemented or replaced and in accordance with the following provisions of this Ordinance.

2. Any person that violates any provision of this Ordinance will upon conviction thereof be sentenced to pay a fine of not less than \$300.00 nor more than \$1,000.00 per violation or to imprisonment for a term not to exceed ninety (90) days, or both.

3. A separate offense will arise for each section of this Ordinance which is found to have been violated, and each day or portion thereof that a violation continues will constitute a separate offense as to each section of this Ordinance which is found to have been violated.

4. The Borough may also enforce this Ordinance through an action in equity brought in the Court of Common Pleas of Potter County, Pennsylvania, as an alternative to, or in addition to, any other enforcement actions or proceedings.

§114. Remedies.

1. The remedies specified in this chapter are cumulative.

§115. Severability

1. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of this chapter. The Council of Shinglehouse Borough hereby declares that it would have passed this Ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that anyone or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

§116. Enactment

1. This Ordinance shall be effective on the 1st day of January, ²⁰¹⁹~~2018~~ and remain in force until modified, amended or rescinded by the Shinglehouse Borough, Potter County, Pennsylvania.

ENACTED AND ADOPTED BY THE Borough Council this 9th day of Oct., 2018.

ATTEST:

Deborah C. Reig
Borough Secretary

SHINGLEHOUSE BOROUGH COUNCIL

By: Benny Chubb
Council President

By: Earl Bell
Mayor



SHINGLEHOUSE BOROUGH

P.O. Box 156

Shinglehouse, PA 16748

Borough Office: (814)697-6711

Borough Shop: (814) 697-6912

Fax No.: (814)697-6712

Email: shingleboffice@gmail.com

Website: www.shinglehouseborough.org

Subject: Sewer Lateral

Dear:

The Borough is implementing a comprehensive program to reduce extraneous water (referred to as infiltration and inflow or I & I) from its sewage collection system. As part of the program, the Borough has recently completed internal televising of a substantial portion of the public sewer system and a large number of private sewer line laterals.

The televising of the sewer lateral serving the building you own at the above address has been determined to be a public nuisance as defined under Ordinance No. 285 of 2018. The Ordinance requires you to repair or replace the private sewer line lateral within six months of the date of the attached "Notice to Repair or Replace Private Sewer Lateral".

Also attached is an application form which must be completed by you and returned to the Borough office. If you need assistance in completing the application, you may contact the Borough office and a representative will assist you. When the application form is approved in writing by a Borough representative, the work may be initiated. Once the work is completed, you are required to contact the Borough and arrange for an inspection to be completed. After the repair or replacement is inspected and approved by the Borough, you will be issued a Certificate of Compliance by the Borough. You should maintain the Certificate as a permanent recorded that you are in compliance with Ordinance No. 285 of 2018. A copy of the Ordinance No. 285 of 2018 may be reviewed at the Borough office.

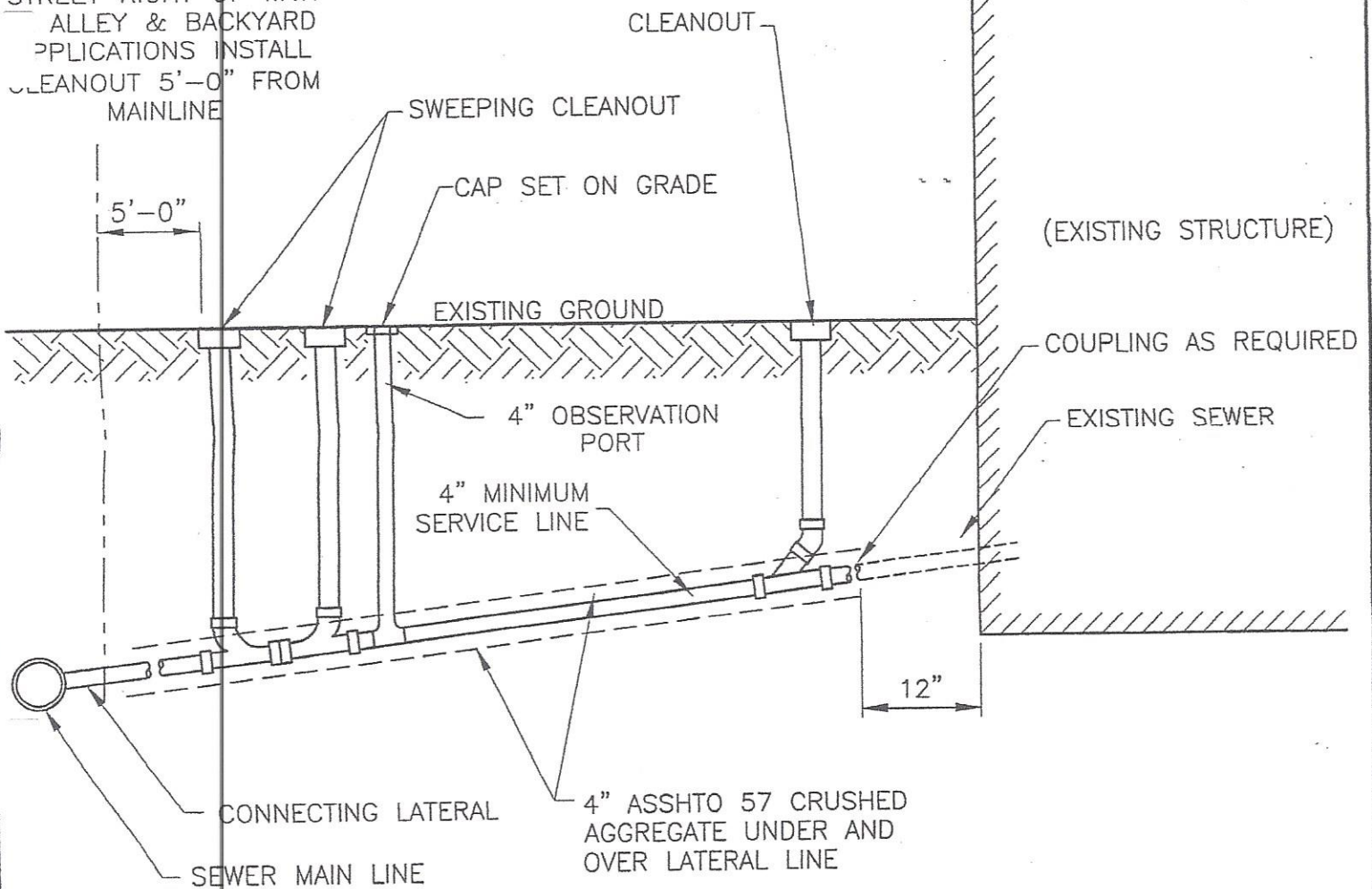
In most instances, sewers are cracked or broken or contain large root masses and are therefore susceptible to I&I. You may also contact the Borough regarding why your lateral must be repaired or replaced.

Respectfully,

Shinglehouse Borough

"ATTACHMENT A"

INSTALL CLEANOUT
5'-0" FROM ROAD OR
STREET RIGHT OF WAY.
ALLEY & BACKYARD
APPLICATIONS INSTALL
CLEANOUT 5'-0" FROM
MAINLINE



*ANY EXCEPTIONS FROM THIS DETAIL MUST BE RECEIVED IN WRITING BY THE BOROUGH

NOTES:

1. USE S.D.R. 35 P.V.C. OR SCH. 40 SEWER PIPE, 4" MINIMUM DIAMETER
2. PIPE SLOPE 1/4" PER FOOT RECOMMENDED MINIMUM.
3. BURY PIPE TO A DEPTH OF 4'-0" WHENEVER POSSIBLE.
4. OWNER MAY INSTALL SEWER TRAPS IN SERVICE LINE IF DESIRED. DO NOT USE 90° BENDS IN SERVICE LINE.
5. ADDITIONAL CLEANOUT MAYBE INSTALLED BY OWNER AND IS SUGGESTED IF LINE EXCEEDS 100 FEET IN LENGTH
6. TRAP NEEDED FOR SEWER GAS MAY BE LOCATED INSIDE OR OUTSIDE OF STRUCTURE.

**BOROUGH OF SHINGLEHOUSE
TYPICAL SEWER LINE LATERAL PROFILE**

SHINGLEHOUSE BOROUGH
NOTICE TO REPAIR PRIVATE SEWER LATERAL

Date: _____

Owner of Property: _____

Address of Property: _____

Owner's Address if Different than Property Address: _____

Owner Telephone Home: _____ Cell: _____ Work: _____

You are hereby notified the private sewer later serving the above property requires:

Repair ☐ Replacement ☐ on or before _____

Contact the Borough Barn at 814-697-6912 or the Borough office at 814-697-6711 prior to covering any portion of:

Repair ☐ Replacement ☐ work. An inspection will be made and when the lateral is in compliance with Ordinance # 285 of 2018, known as the Shinglehouse Borough Sewer Lateral Inspection and Compliance Ordinance, the Borough will issue a Certificate of Compliance to you.

Borough of Shinglehouse

By: _____

SHINGLEHOUSE BOROUGH

**APPLICATION FORM
PRIVATE SEWER LATERAL REPAIR/REPLACEMENT PROGRAM**

Owner of Property: _____

Address of Property: _____

Owner's Address if Different than Property Address: _____

Owner Telephone Home: _____ Cell: _____ Work: _____

Reason for Inspection

Sale ☐

Nuisance ☐

Anticipated Closing Date: _____

Realtor, if applicable Name: _____

Business Phone: _____

Contractor or Plumber: Name: _____

Address: _____

Business Phone: _____

Cell Phone: _____

Fax: _____

Processing Fee \$20.00 Received by: _____

Property Owner's Signature: _____ Date: _____

Approved by Borough - By: _____ Date: _____
work may begin

Date Inspection Scheduled by Borough - By: _____ Date: _____

Testing Observed by Borough Pass ☐ Fail ☐

By: _____ Date: _____

SHINGLEHOUSE BOROUGH
PRIVATE SEWER LATERAL INSPECTION FORM

Property Owner: _____

Address: _____

Address of Property to be inspected if different: _____

Telephone No.: _____

Date: _____

Present at Inspection Site:

Internal Inspection

If Yes, Location from Physical
Identifiable Object

Roots Present ☐ Yes ☐ No _____

Grease Present ☐ Yes ☐ No _____

Pipe Joints Tight ☐ Yes ☐ No _____

Pipes Free of Cracks, Breaks, Openings ☐ Yes ☐ No _____

External Inspection

Two-way Clean-out at Sewer Main (backyard) ☐ Yes ☐ No _____

Two-way Clean-out at ROW (front yard) ☐ Yes ☐ No _____

Sump Pump Connected to Sanitary Lateral or
Tributary ☐ Yes ☐ No _____

Clean-out Cap Tight and In Place ☐ Yes ☐ No _____

Clean-out at Building or Other ☐ Yes ☐ No _____

Roof or other Sources of Non-Sanitary Waste
Connections ☐ Yes ☐ No _____

Action Required: _____

Certification of Compliance Issues: ☐ Yes ☐ No

Inspected by Shinglehouse Borough

By: _____

Date: _____

