

## Chapter 149

### SEWERS

**[HISTORY: Adopted by the Borough Council of the Borough of Chester Heights as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 61.

Plumbing — See Ch. 135.

Utility poles, wires and lines — See Ch. 171.

#### ARTICLE I

##### Cesspools, Septic Tanks and Similar Receptacles

**[Adopted 11-5-1956 by Ord. No. 32]**

##### **§ 149-1. Covering or fencing required.**

No person or persons, firm, business, activity or corporation shall construct, repair, maintain, create, enlarge or permit to exist any cesspool, septic tank, privy vault or other similar receptacle for human excrement and/or waste, or any well, cistern, or any similar excavation or hole within the Borough of Chester Heights, Delaware County, Pennsylvania, nor shall they permit the construction, repair, maintenance, creation, enlargement or existence thereof on land or property owned, controlled, supervised or leased by him, her, them or it, within said Borough unless the cesspool, septic tank, privy vault, well, cistern, excavation or hole shall be covered by a suitable covering, hereinafter defined, or surrounded by a wooden or metal fence in good repair of not less than five feet in height at all times.

##### **§ 149-2. Covering specifications.**

A suitable covering as used herein, shall be a cement concrete slab, at least six inches in thickness, reinforced with reinforcing iron rods criss-crossed at least no more than one foot apart in each direction, or with a metal manhole cover approved by the Building Inspector of the Borough. Wood shall never be used as a permanent covering.

##### **§ 149-3. Covering required during temporary cessation of work.**

Any such opening in the earth described in § 149-1 hereof, while in the process of actual construction or repair, shall be covered during any temporary cessation of work, as overnight, with a temporary covering of wood, not less than two inches in thickness, which covering shall fully cover said opening and which covering must be of a single-unit construction.

##### **§ 149-4. Covering required upon abandonment or termination of use.**

Any such opening in the earth, described in § 149-1 hereof shall, within 20 days after any abandonment or termination of use as such, be cleaned and filled under the direction and supervision of the Building Inspector of the Borough.

**§ 149-5. Nonconforming openings.**

Any such opening in the earth, described in § 149-1 hereof which shall be constructed, repaired, maintained, created, enlarged or permitted to exist contrary to the provisions of this article, shall immediately be abated, filled and/or covered in accordance with § 149-2 hereof, and any building permit issued therefor shall forthwith be revoked.

**§ 149-6. Declaration, notice and abatement of nuisances.**

Any such opening in the earth described in § 149-1 hereof which shall be constructed, repaired, maintained, created, enlarged or permitted to exist without the coverings hereinbefore provided in §§ 149-1, 149-2 and 149-3 hereof, or without being surrounded by a fence hereinbefore provided in § 149-1, hereof is hereby declared and determined to be a nuisance; and the Building Inspector of the Borough is hereby required to give notice to the builder or other person engaged in the work of constructing, etc., the same, or to the owner or lessee of the property on which the same is being constructed, repaired, maintained, created, enlarged or permitted to exist to abate said nuisance; and in default of such abatement by said party responsible, the Building Inspector is hereby required to remove and abate said nuisance by filling the same and by covering the same as hereinbefore provided.

**§ 149-7. Recovery of costs.**

Any nuisance so abated shall be at the cost of the builder or owner or lessee of the real estate upon which the nuisance is located; and such cost shall be paid by said builder, owner or lessee; and in default of payment of said cost after having been billed by the Borough, said sum or sums shall be collected either by suit in assumpsit or under the provisions of the Municipal Claims and Liens Act.<sup>1</sup>

**§ 149-8. Violations and penalties.**

Any person or persons, firm, business activity or corporation who shall violate or fail to conform to or comply with the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$50 and costs of prosecution and, in default of such payment of such fine and costs, be imprisoned in the county jail for not more than one day for each \$1 of fine imposed; and provided, further, that each day's continuance of such violation, after notice thereof by said Building Inspector, shall constitute a separate offense.

ARTICLE II  
**Dumping of Sewage**  
[Adopted 3-4-1968 by Ord. No. 59]

**§ 149-9. Restricted acts.**

It shall be unlawful for any person, partnership, organization, corporation, or other business entity, to dump or cause to be dumped, any sewage of any kind, anywhere or at any time within the territorial limits of the Borough of Chester Heights.

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1. Editor's Note: See 53 P.S. § 7101 et seq.

**§ 149-10. Exceptions.**

This article shall not apply to the waste or manure from farm or domestic animals, nor prohibit any property owner in the Borough of Chester Heights from moving or dumping said manure or wastes on the property of said resident of Chester Heights.

**§ 149-11. Violations and penalties.**

For any and every violation of the provisions of this article, any person, partnership, corporation, organization, or other entity, who knowingly commits, takes part or assists in such violation, shall be liable on conviction thereof to pay a fine or penalty not less than \$25 or more than \$300 for each and every offense. Such fines or penalties shall be collected as like fines or penalties are collected by law.

ARTICLE III  
**Public Sanitary Sewer Services**  
[Adopted 11-6-1995 by Ord. No. 142]

**§ 149-12. Authorization to enter into agreement.**

The Borough shall be authorized to enter into an intergovernmental agreement with Southwest Delaware County Municipal Authority whereby the Southwest Delaware County Municipal Authority shall provide public sanitary sewer service to the areas of the Borough of Chester Heights bounded and designated in accordance with the Borough Map which is attached hereto marked Exhibit "A" and made a part hereof.<sup>2</sup>

**§ 149-13. Service area.**

The area of service shall include but not be limited to existing dwelling units along Lenni Road from its intersection with Llewelyn Road, to the Borough line, and the Rolling Heights Estates Community.

**§ 149-14. Expansion of service area.**

The service area may be expanded by further agreement of the parties.

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2. Editor's Note: Said map is on file in the Borough offices.