

**HONESDALE BOROUGH**  
**WAYNE COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 722**

**AN ORDINANCE PROHIBITING THE DISCHARGES OF SURFACE, STORM,  
GROUND AND LIKE WATERS BY PRIVATE CONNECTIONS AND OTHER MEANS  
OF WATER CONVEYANCE INTO THE CENTRAL WAYNE REGIONAL  
AUTHORITY SANITARY SEWER SYSTEM; PROVIDING FOR THE INSPECTION  
OF PROPERTY TO DETERMINE ILLEGAL AND OR IMPROPER CONNECTIONS  
TO SAID SANITARY SEWER SYSTEM; VIOLATING AND PENALTIES  
THEREFORE, AND THE SEVERABILITY AND EFFECTIVE DATE THEREOF**

**WHEREAS**, the Borough of Honesdale (hereinafter Borough) is an incorporating member municipality of Central Wayne Regional Authority (hereinafter the Authority), a Pennsylvania general municipal authority engaged in the construction, operation, and maintenance of an intergovernmental public sanitary sewer system and as a conduit for the treatment of such public sanitary sewer system; the system infrastructure of which is embedded in the public streets and roads of this municipality and to which the residential, commercial and industrial buildings and improvements situated in the municipality have been long connected as the sole means of public sanitary sewer system treatment; and

**WHEREAS**, following extensive investigation, observation and experience, the Authority has concluded, and it has so advised the Borough, that the wide-spread private installation, use and maintenance of sump pumps, and other like water connection devices and systems for the purpose of the draining and conveyance of storm water, ground water, surface water, and cooling systems directly and indirectly into the public sanitary sewer system of the Authority has caused, and continues to cause, a persistent and severe degrading and failure of the infrastructure of the Authority's public sanitary sewer system, thus resulting in excessive infiltration and inflow into the public sanitary sewer system, excessive repair, maintenance and replacement of such infrastructure and the increased probability of the inflow of such effluent into the public waters of the Commonwealth of Pennsylvania; and

**WHEREAS**, it is the intent and purpose of this ordinance to protect the function and integrity of the infrastructure of the public sanitary sewer system of the Authority as it services the residents and property owners of the Borough, and, thereby, to promote the safety, health and welfare of the Borough by requiring that the residents and property owners of the Borough provide means other than the said public sanitary sewer system for the private disposal of storm, ground, surface, roof and cooling system water originating on or accumulating upon such private and public property; and

**WHEREAS**, this ordinance is enacted and ordained pursuant to the authority granted to this municipality by the Borough Code of the Commonwealth of Pennsylvania.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, and the same is enacted and ordained, by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, as follows:

**A. Name**

- 1). This ordinance is hereby named the Surface, Ground, Stormwater and Like-Water Discharge Prohibition Ordinance.

**B. Definitions**

- 1) As used herein, the following words shall have the following meanings;
- 2) Lateral: The part of the sanitary sewage system extending from a sewer to the curb line or, if there is no curb line, to the property line or, if no such lateral is provided, then “lateral” shall mean that portion of or place in a sewer, which is provided for connection thereto of any building sewer.
- 3) Owner: Any person, who occupies any building or premises with the right of occupancy therein vested by the owner.
- 4) Person: Any individual, partnership, company, association, trust, corporation, or other group or entity having charge of any improved premises within the Borough of Honesdale.
- 5) Public Sanitary Sewer System: All facilities as of any particular time of a system, for collecting, transporting, treating and disposing of sanitary sewage situated in or maintained by or designated by the Borough of Honesdale.
- 6) Sanitary Sewage: Normal water-carried household and toilet wastes discharged from any improved property.
- 7) Sewer: Any pipe, main, or conduit constituting a part of the public sanitary sewer system used or usable for public sewage collection purposes.
- 8) Regional Authority: Any regional authority, acting by and through its Borough of Directors, or an appropriate case acting by and through its authorized representative or operated by a municipal designated sewer service provider.

**C. Discharge of Certain Waters into Public Sewers or a Public Sanitary Sewer System**

- 1) It shall be unlawful for any person, occupant, or owner of any building, improvement, or premises situated in the Borough of Honesdale to use, install or maintain or have any connection by whatever means of roof drains, downspouts, foundation drains, areaway drain, basement drains, sump pumps, or other sources of surface water, runoff, stormwater or ground water flows to a pipe, the building sewer, building drain, or lateral, which is connected directly or indirectly to any part or portion of the public sanitary sewer system of the Authority for the purpose of discharging such waters therein.

**D. Inspection, Right of Entry, Enforcement, and the Delegation of Such Responsibilities Hereunder**

1) Inspection:

- a. The Authority, by its authorized officers(s), employee(s) or representative(s) or by its designated agent, may inspect periodically, or as may be deemed necessary by the Authority, any building, improvement, or premises situated in the Borough of Honesdale to determine compliance with the provisions of this ordinance and to determine if there exists therein any private connection or infiltration of any prohibited waters hereunder into a public sanitary sewer system.

2) Entry of Building and Premises:

- a. For the purpose of the conduct of any necessary inspection hereunder, the person, occupant or owner of a building or premises situated in the Borough of Honesdale or its designated agent hereunder, shall permit the Authority, upon the production of proper identification and credentials, access to afford any and all necessary inspection(s) of the subject premises during reasonable hours of the day and after reasonable notice any and all necessary access to the premises to make all necessary inspection(s) for the enforcement of this ordinance. The inspection(s) hereunder shall be conducted for the purpose of determining the existence within any such building or any premises of any private inflow or discharge of any prohibited effluent therefrom into any public sanitary sewer system of the Authority.
- b. The right of entry authorized hereunder shall also include the right to inspect any and all lateral sewer lines (and any connection thereto) through dye testing, air testing, smoke testing or utilization of one or more portable television cameras or such similar testing as may be used for time to time by the Authority and, also, to inspect roof, surface drains, and similar lines to determine whether or not the same are connected or intersect with any sanitary sewer lines as prohibited effluent therefrom, which enters any public sanitary sewer system.

3) Delegation of Inspection and Enforcement Responsibility

- a. The Central Wayne Regional Authority, through its authorized officer(s), employee(s) and representatives, is hereby delegated full and complete authority to act for and on behalf of the Borough of Honesdale to conduct all inspections, to issue all directives and notices necessary to enforce any and all provisions of this ordinance, and to undertake all other actions necessary to enforce and secure compliances with this ordinance.
- b. The delegation of the Authority of enforcement powers and responsibility hereunder shall include, but shall not be limited to, the commencement and prosecution of any civil or criminal proceeding(s) for the purpose of effecting the enforcement and compliance with and for any violation(s) of this ordinance.

- 4) Notwithstanding anything herein to the contrary, unless there is articulable evidence of any connections or discharges which are the subject of this Ordinance, no inspection shall be permitted or sanctioned hereunder.

#### **E. Removal of Prohibited Connections to the Public Sanitary Sewer System**

- 1) Any person, occupant, or owner of any building, improvement or premises in the Borough of Honesdale, who installs, uses, or maintains any private devices or connections for the infiltration of waters prohibited hereunder into the Authority's public sanitary sewer system in violation of this ordinance shall remove immediately such devices or connection to the public sanitary sewer system. Should such device or connection not be removed within thirty (30) calendar days following the receipt of written notice delivered personally or by USPS Certified Mail to the person, occupant or owner to cease and desist such action and to remove such device or connection, the person, occupant, or owner of any such building or premises shall be in violation of this ordinance and shall be subject to the penalties for such violations, as provided herein.
- 2) Should any kind, type, or manner of private device or connection system be found, upon inspection, to have been re-installed, re-maintained, or re-operated in any building(s) or premise(s) situated in this municipality by any person, owner or occupant thereof for the purpose of the discharge of prohibited waters hereunder into the Authority's public sanitary sewer system following the previous removal of a same or similar private device or water connection system from the building(s) or the premise(s) after written notice of removal was given, such private device or water connection system shall be removed immediately therefrom upon demand and without any prior written notice of removal, and such action and conduct shall constitute a violation of this ordinance, and it shall be subject to the penalties provided herein.

#### **F. Designation of Agent and Delegation of Powers**

- 1) The Borough of Honesdale hereby designates the Central Wayne Regional Authority as its agent to create, implement, conduct, and enforce a program relative to any and all circumstances regarding the draining and conveyance of storm water, ground water, surface water, and cooling systems directly and indirectly into the public sanitary sewer system of the Authority.
- 2) The basis of the designation of the Authority relative to the provisions herein is that the Borough of Honesdale is a constituent member of the Authority under the Articles of Incorporation of the Authority, and, further, the Authority has heretofore been designated by the Borough of Honesdale as its agent in the provision of all water quality management services and with the compliance with all terms and provisions of the Pennsylvania Sewage Facilities Act (Act 537) for which the Borough of Honesdale has primary statutory obligation and duty.

## **G. Violations and Penalties**

- 1) A violation of any provision of this ordinance shall constitute a summary offense and shall be enforced by commencement of an action before a District Justice having jurisdiction thereof by the Authority in a manner provided for the enforcement of summary offenses under the applicable provisions of the Pennsylvania Rules of Civil Procedure or any amendment thereof.
- 2) Any person, who shall be found to have violated any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than One Thousand and 00/100 (\$1,000.00) Dollars and all costs of prosecution. Each day that a violation of this ordinance continues shall constitute a separate offense.
- 3) In addition to all other remedies provided herein for violations of this ordinance, the Authority shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with the provisions of this ordinance. The remedies provided herein for the enforcement of this ordinance, or any remedy provided by law, shall not be deemed mutually exclusive, but rather they may be employed simultaneously or consecutively, at the option of the Authority or the Authority's authorized representative(s).

## **H. Savings Clause**

- 1) The provisions of this ordinance of the Borough of Honesdale, so far as they are they are the same as those ordinances and regulations enforced immediately prior to the adoption of this ordinance are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of this ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances, except as provided by law.

## **I. Repealer**

- 1) All ordinances and parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided; however, that such repeal shall only be to the extent of such inconsistencies and in all other respects, this ordinance shall be cumulative with the other ordinances regulating and governing the subject matter covered by this ordinance.

## **J. Enactment**


- 1) This Ordinance shall become effective five (5) days after the adoption thereof.

**ENACTED AND ORDAINED** into law by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, by a vote of 5 to 2 this 17 day of JANUARY, 2023.

## Honesdale Borough Council

Seal


Attest:


  
Judith Poltanis, Borough Secretary

  
James Hamill, Council President


Approved, this 26<sup>m</sup> day of January 2023, by the Mayor of Honesdale Borough, Wayne County, Pennsylvania.

Attest:

  
Judith Poltanis, Borough Secretary

  
Derek Williams, Mayor

I hereby certify that the foregoing ordinance was duly enacted and approved as set forth at the regular meeting of the Honesdale Borough Council held on January 17 2023.

  
Judith Poltanis, Borough Secretary