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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 289 Session of  
2015

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INTRODUCED BY FONTANA, YUDICHAK, HUGHES, SCHWANK, BOSCOLA,  
SMITH, COSTA, WILLIAMS AND TARTAGLIONE, JANUARY 20, 2015

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 20, 2015

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AN ACT

1 Amending the act of April 8, 1949 (P.L.418, No.58), entitled,  
2 "An act to provide for and regulate the accumulation,  
3 investment, and expenditure of funds by cities, boroughs,  
4 incorporated towns and townships for preparing plans for  
5 sewage disposal systems, and for the construction,  
6 improvement or replacement of sewage disposal systems for  
7 which plans have been approved by the Sanitary Water Board of  
8 the Commonwealth," further providing for definitions, for  
9 creation of a Sewage Disposal System Fund and for expenditure  
10 of fund; providing for expenditure of public funds for  
11 private lateral sewer lines; and further providing for grants  
12 of moneys.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 1 of the act of April 8, 1949 (P.L.418,  
16 No.58), entitled, "An act to provide for and regulate the  
17 accumulation, investment, and expenditure of funds by cities,  
18 boroughs, incorporated towns and townships for preparing plans  
19 for sewage disposal systems, and for the construction,  
20 improvement or replacement of sewage disposal systems for which  
21 plans have been approved by the Sanitary Water Board of the  
22 Commonwealth," is amended to read:

23 Section 1. Definitions.--[As used in this act, the word or

1 phrase] The following words and phrases when used in this act  
2 shall have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 "Department" means the Department of Environmental Protection  
5 of the Commonwealth.

6 "Municipality" means any city, borough, incorporated town, or  
7 township.

8 "[Municipality] Municipal Authority" means a body politic and  
9 corporate created pursuant to the provisions of the former  
10 Municipality Authorities Act of 1945 [or], the former  
11 Municipality Authorities Act of 1935[.] or 53 Pa.C.S. Ch. 56  
12 (relating to municipal authorities).

13 "Private Lateral Sewer Line" means a private sewer line  
14 serving a structure or dwelling and carrying sewage wastes from  
15 the structure or dwelling to a sewage disposal system.

16 "Sewage Disposal System" means a public system for the  
17 disposal of sewage, including all mainlines, pipes, pump  
18 stations and related facilities transporting or carrying the  
19 sewage and all sewage treatment works.

20 "Special Fund" means a sewage disposal system fund created,  
21 invested and expended in accordance with this act.

22 "Sanitary Water Board" means the Sanitary Water Board of the  
23 Commonwealth.

24 Section 2. Sections 2 and 4 of the act are amended to read:

25 Section 2. Creation of a Sewage Disposal System Fund.--Any  
26 municipality shall have power to create a special fund and to  
27 accumulate therein moneys for expenditure in accordance with the  
28 provisions of this act. [Such] The special fund may consist of,  
29 (1) moneys transferred during any fiscal year from  
30 appropriations made for any particular purpose, which may not be

1 needed, (2) surplus moneys in the general fund of the treasury  
2 of the municipality at the end of any fiscal year, and (3)  
3 moneys appropriated to the fund in the annual budget. All moneys  
4 appropriated or transferred to this special fund shall be used  
5 only for the planning, construction, improvement or replacement  
6 of a sewage disposal system: Provided, That no moneys shall be  
7 used for any construction, improvement or replacement unless the  
8 plans therefor have been approved by the [Sanitary Water Board]  
9 department.

10 Section 4. Expenditure of Fund.--The moneys in any such  
11 special fund may be expended by the municipality singly, or  
12 jointly with the Federal Government, the Commonwealth or any  
13 department or agency thereof, or with one or more other  
14 municipalities or [municipality] municipal authorities, only for  
15 preparing plans for a sewage disposal system and for the  
16 construction, improvement or replacement of a sewage disposal  
17 system for which plans have been approved by the [Sanitary Water  
18 Board.] department.

19 Section 3. The act is amended by adding a section to read:

20 Section 4.1. Expenditure of Public Funds for Private Lateral  
21 Sewer Lines.--(a) A municipality or municipal authority may use  
22 public funds for the improvement, extension, repair or  
23 rehabilitation of private lateral sewer lines connected to  
24 sewage disposal systems, where the municipality or municipal  
25 authority determines that those activities will benefit the  
26 sewage disposal system or the public health, or will prevent  
27 damages to public property.

28 (b) Before using public funds under subsection (a), the  
29 municipality or municipal authority shall consider the available  
30 public funds, equipment, personnel and facilities and the

1 competing demands of the municipality for the public funds,  
2 equipment, personnel and facilities.

3 (c) No municipality or municipal authority that has  
4 completed the improvement, extension, repair or rehabilitation  
5 of private sewer lines under subsection (a) shall be deemed to  
6 be the owner of the private lateral sewer lines, or to have any  
7 further responsibility to conduct those activities, unless the  
8 municipality or municipal authority makes an affirmative  
9 determination to accept such obligations.

10 Section 4. Section 5 of the act is amended to read:

11 Section 5. Grants of Moneys.--Any municipality may  
12 appropriate or transfer moneys to a [municipality] municipal  
13 authority to be used by it for planning, constructing, improving  
14 or replacing a sewage disposal system to serve such  
15 municipality.

16 Section 5. This act shall take effect in 60 days.