

BOROUGH OF SOUTHMONT, CAMBRIA COUNTY

ORDINANCE NO. 533

AN ORDINANCE OF SOUTHMONT BOROUGH, CAMBRIA COUNTY, PENNSYLVANIA, AMENDING SECTION 13, "PENALTIES AND REMEDIES," OF ORDINANCE 531, WHICH SETS FORTH PENALTIES FOR FAILING TO RESOLVE INFLOW AND INFILTRATION ISSUES ON A PROPERTY, TO INCLUDE SEWER SURCHARGES AND WATER SHUT-OFF.

WHEREAS, the Borough of Southmont, (the "Borough") passed Ordinance 531, known as the Inflow and Infiltration Ordinance, which set forth amended rules and regulations to assist with preventing Inflow and Infiltration ("I&I") of ground and surface storm water from entering into the Borough's sanitary sewer system; and

WHEREAS, Ordinance 531 was passed to update the prior Inflow and Infiltration Ordinance, No. 472 and to provide more appropriate regulations of the Borough's sanitary sewer system to meet the Borough's Consent Decree with DEP; and

WHEREAS, the Borough-wide sanitary sewer project has significantly reduced I&I into the Borough's sanitary sewer system, but monitoring of the system shows that I&I is still occurring at various properties within the Borough; and

WHEREAS, the Borough has performed Wet Weather testing in which it investigated the observation stacks connected to the sewer laterals of properties within the Borough after rainfall events and concluded that certain properties continue to contribute I&I into the sanitary sewer system due to the properties' under-slab sanitary lines being in disrepair and/or unlawful connections of sump-pumps, drains, downspouts, etc. to the sanitary system; and

WHEREAS, in order to comply with the Consent Decree and prevent the Borough and its residents from fines, penalties, surcharges and the like from DEP, the Borough desires to amend the penalty provisions of its I&I Ordinance (Ordinance No. 531) to implement different rules, regulations, penalties in order to better enforce its I&I Ordinance for its residents who are not in compliance with its I&I Ordinance and will assist in preventing violations of the its Consent Decree with DEP; and

NOW, THEREFORE, the Borough Council hereby ordains and enacts the following:

Section 1. Repeal and Replace. The penalty provisions of Ordinance 531, Section 13, is hereby repealed and shall be replaced with the penalty provisions set forth herein.

Section 2. Amended Penalty Provision.

Ordinance 531, Section 13, Penalties & Remedies shall be amended to now read as follows:

Penalties & Remedies. Any person and/or property who violates or is in non-compliance with any of the terms or provisions of this Ordinance, shall in addition to the regular, monthly sewage rent/charge owed to the Borough shall also be subject to a monthly surcharge/penalty of \$50.00 per month until such time that the property in question is in compliance with this Ordinance. This surcharge/penalty shall be added onto the regular sewage bill issued by the Borough.

If the property in question remains in violation for a period of four (4) months after the initiation of the surcharge/penalty, the Borough may notify and direct the applicable water authority/company to turn off water to the property where the violation is occurring.

At its sole discretion, the Borough may defer enforcement and/or initiation of the penalties and remedies available to it herein. The Borough's use of its discretion to defer enforcement and/or initiation of the penalties afforded to it shall not constitute a waiver of its rights herein and shall not preclude the Borough from enforcing and/or instituting penalties at its sole discretion when a property continues to be in violation of the Ordinance.

In addition to and not in lieu of the foregoing, the Borough may seek other relief to include, but is not limited to, equitable relief to compel compliance with this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect upon after adoption and ratification.

ORDAINED and ENACTED this 20th day of September, 2021, by the governing Body of the Borough of Southmont.

ATTEST:

BOROUGH OF SOUTHMONT:

Amanda D. Jayston
Borough Secretary (Seal)

By Sheree Speicher
Sheree Speicher, President

Approved this 20th day of September, 2021:

BY: Mark Yonko
Mark Yonko, Mayor