

ORDINANCE NO. 209

AN ORDINANCE REQUIRING ALL OWNERS OF IMPROVED PROPERTY WITHIN THE OBROUGH OF SOUTHMONT ABUTTING ON OR ADJOINING ANY STREET OR RIGHT OF WAY IN WHICH IS A SANITARY SEWER OF THE BOROUGH OF SOUTHMONT TO CONNECT THEREWITH; PROHIBITING THE DISCHARGE OF HARMFUL SUBSTANCES INTO SUCH SEWER; IMPOSING SEWER RENTALS; PROVIDING FOR THE COLLECTION OF SEWER RENTALS AND PENALTIES AND THE FILING OF LIENS THEREFOR; DIRECTING AND REQUIRING OWNERS OF ALL BUILDINGS ON PREMISES ACCESSIBLE TO CONNECT WITH THE SAID SEWERS; DIRECTING AND REQUIRING THE ABANDONMENT OF AND PROHIBITING THE ERECTION AND CONSTRUCTION OF PRIVY VAULTS, CESSPOOLS, AND SEPTIC TANKS ON SUCH PREMISES PROVIDING FOR INSPECTION OF SEWERS; REQUIRING THE REMOVAL OF DOWNSPOUT, ROOF SURFACE OR AREAWAY DRAINAGE FROM THE SANITARY SEWERS; PROVIDING FOR THE ISSUING OF PERMITS; PROVIDING PENALTIES FOR VIOLATION THEREOF; CONTAINING A REPEALER AND SERVANCE CLAUSE.

Whereas, a Sewage Service Agreement has been entered into between the Borough of Southmont and the Johnstown Municipal Authority for the construction of a Sewer System and Sewage Treatment Works, and for the furnishing of sewer lines and sewage treatment services for the benefit of the Borough of Southmont and the inhabitants thereof; and

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Whereas, under the Agreement, the Johnstown Municipal Authority will operate and maintain a Sewer System and a Sewage Treatment Plant for the benefit of the inhabitants of the area to be served, in return for which, the inhabitants of the Borough of Southmont will pay to the Authority annually a service rental all as set forth in and subject to the terms and conditions of the said Service Agreement; and

Whereas, under the Agreement, the Borough of Southmont has agreed to enact effective immediately, and to enforce and keep in effect at all times during the term thereof, an ordinance or ordinances imposing sewer rentals upon the users of the Sewer System within the Borough of Southmont, and requiring all owners of improved property within the Borough abutting on, or adjoining any street in which is an accessible sanitary sewer to connect therewith, and providing for the enforcement thereof; and

Whereas, under the Agreement, the Borough may authorize and appoint the Authority, for and on its behalf as agent of the Borough to bill and collect sewer rentals from the users of the said system, separate and distinct from all other accounts of the Borough; and

Whereas, under the Agreement, the Borough has agreed to enforce the collection of the sewer rentals in the event the authority is unable to collect them as agent, to take all necessary steps to reduce them to liens to enforce the collection of the liens and pay to the Authority the amounts of any such collections.

Therefore, it is hereby ordained and enacted, by the Borough of Southmont, Cambria County, Pennsylvania, as follows:

Section 1. Definitions

D (1) "Agreement" means the Service Agreement, dated December 31, 1960 between the Borough of Southmont and the Johnstown Municipal Authority.

(2) "Authority" means the Johnstown Municipal Authority as presently or hereafter constituted.

(3) "Borough" shall mean the Borough of Southmont, in Cambria County, Pennsylvania.

(4) "Persons" includes natural persons, partnerships, organizations, corporations and associations.

(5) "Regulations of the Authority" means such reasonable rules and regulations as the Authority may from time to time adopt, or promulgate with respect to any matter affecting the maintenance and operation of the Sewage System and the Sewage Treatment Plant, and with respect to the collection of sewer rentals imposed by this ordinance.

(6) "Sewer" or "Sewers" means all sanitary sewers, all lateral sewer service connections, connecting sewer and trunk lines included in the Sewage System.

(7) "Sewage System" means the existing trunk sewer facilities within the service area of the Borough and of the Authority with all renewals, replacements, additions, extensions and enlargements from time to time made with respect thereto; but does not include storm sewers.

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(8) "Sewage" shall mean a combination of water carried wastes from the residences, public and commercial buildings apartments, institutions, and industrial establishments.

(9) "Public Sanitary Sewer" shall mean a sanitary sewer which has been constructed or is owned by the Borough of Southmont or is owned by the Authority or has been constructed by private parties and has been accepted by the Borough or Authority as a Sanitary Sewer.

(10) "Building" shall mean any structure, occupied or vacant erected and maintained for continuous or periodic occupation, for business, industry or use by human beings or animals, or from which structure sewage or industrial wastes or both is or may be discharged.

(11) "Improved Property" shall mean land on which a building or buildings are erected.

(12) "Storm Sewer" or "Storm Drains" shall mean a sewer which carries storm or surface water, downspout, roof surface or areaway drainage, but excludes sewage and industrial wastes.

(13) "Garbage" shall mean solid wastes from the preparation and disposal of food, and from the handling and storage or sale of produce.

(14) "Building Drain" or "House Drain" shall mean the part of the lowest lateral piping of the drainage system, which receives, the sewage or discharge for the waste or other drainage pipes inside the walls of a building and conveys it to the sewer.

(15) "Premises Accessible to the Public Sanitary Sewer System" shall mean any building or buildings which adjoins, abutts, or is adjacent to a sewer served by the Sewage System or which might be connected to that system, if the said building or buildings are within 500 feet of a public sanitary sewer.

(16) "Inspector" shall mean the person appointed by the Borough or the authority to inspect sewers, including storm sewers, and including also the inspection of building drains and sewers and other connections, and the public sewers.

(17) The term "shall" is mandatory; and the term "May" is permissive.

Section 2. Sewer Connections

All persons owning improved property within the Borough which abutts or adjoins or which is accessible to the Public Sanitary Sewer System, shall, at their own expense, within three months after the effective date of this ordinance, or within three months after the new construction of an accessible sewer make connection of the improvement with the sewer in the manner prescribed by this ordinance, or in accordance with the regulations of the Authority for the purpose of discharging into such sewer such drainage or waste as is specified in this ordinance, or may from time to time be specified by the regulations of the Borough and the Authority.

Section 3. Prohibiting Dangerous Discharge into the Sewer.

It shall be unlawful for any person to discharge or to permit to be discharged into any sewer any matter determined by the regulations of the Authority to be dangerous or harmful to the Sewage System or the functioning thereof, or adversely

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affecting the process of sewage treatment and disposal; or to discharge or permit the discharge into any sewer, any harmful wastes which are not preliminarily treated in the manner prescribed by the regulations of the Authority, in order to make them reasonably harmless to the Sewage System and to the process of sewage treatment and disposal.

Section 4. It shall be unlawful for any person to discharge or to permit the discharge or infiltration into any sewer, of any of the following substances:

a. Mineral or waste acids, pickling or plating liquors from the pickling of or plating of any metals, or any other dissolved or solid substances which will endanger health or safety, interfere with the flow in sewers, attack or corrode sewers or sewage treatment structures or equipment, or otherwise interfere with the operation of the sewers or other facilities of the Borough and the Authority.

b. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification.

c. Gas tar, phenols, residues from petroleum storage, refining or processing, fuel or lubricating oil, gasoline, naphtha, benzene or explosive or inflammable liquids, solids or gases.

d. Ashes, cinders, sand, mud, lime or acetylene sludges, straw, metal, glass, rags, feathers, tar, wood, plastics, sawdust, fats, entrails, manure, hair, blood, hides, dead animals, spent mash and grain, pulp from food processing, water or wastes containing grease in excess of 100 parts per million or any other solids or viscous substances capable of harming or causing obstruction to the flow in sewers or other interference with the proper operation of the sewers.

e. Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants; provided however, that until January 1, 1963, but not thereafter the discharge of such sludges and other materials, may be permitted subject to existing legal restrictions and subject also to regulations and orders of the Borough and the Authority.

f. Garbage, except properly shredded or ground garbage from a private dwelling, apartment building, hotel, commercial restaurant or retail food store, resulting from the proper use of a garbage grinder or disposer of a type approved by the Borough and the Authority, and maintained in good operating condition; provided, however, that no retail food store shall operate more than one grinder or disposer which shall not be greater than three horsepower in size and, when so required by regulation, shall be equipped with an approved water meter and limited in use to the consumption of an average of not more than 1,500 gallons of water per day.

g. Water or wastes having a pH lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the Borough or of the Authority.

h. Any wastes will be considered harmful to the sewers or the Sewer System which may cause any of the following effects:

(1) Chemical or unchemical reaction or action, either directly or indirectly with the materials of construction of the sewers in such a manner as to impair the strength, durability or hydraulic capacity of the structure thereof.

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(2) Destruction of the methods of inspection of the sewage sewers or contents thereof.

(3) Danger or damage to the public health and safety or otherwise constituting a nuisance.

No statement contained in the section shall be construed as prohibiting any agreement between the Borough or the Authority and any person, whereby any industrial wastes or garbage may be admitted to the sewage system, either before or after pre-treatment by the producer of such wastes or conditions.

Section 5. Prohibiting of Ground Water Drainage, Downspout, Roof Surface or Areaway Drainage.

It shall be unlawful for any person to discharge or to permit or cause to be discharged into any sewer:

A. Basement seepage and ground water seepage or any other seepage of surface water discharged into the Sewers.

B. Downspout, roof surface, ground water collection system or areaway drainage discharged or running into the Sewers.

C. Each property owner whose property is presently connected to the Sewage System shall within 3 months after the enactment of this ordinance or within 30 days after receipt of notice from the Borough to do so, remove any connection of seepage or draining of the types set forth in A and B above, and shall construct adequately and properly his sewer system to prevent any further entrance of such seepage or drainage.

D. Each user of the Sewer System shall provide in his sewer, a proper trap and vent, in accordance with standards established by the Borough.

E. No cross connection shall be made between the Sanitary Sewer System and the Potable Water System, whereby vacuums or back siphonage could permit sewage to enter the Potable Water System. No cross connection shall be made between the Sanitary Sewer System and any storm or surface drains or storm sewers.

Section 6. Sewer Rents Imposed. On or after the date when the Authority Sewage Treatment Plant begins operations, all users shall pay an annual rental for sewage treatment and disposal service furnished by the Authority upon a schedule of rates and in accordance with the classifications and regulations to be established by the Borough and the Authority. Payments shall be made either to the Authority or the Borough, in accord with Borough Resolution.

A. Adjustment of Sewer Rental for Wastes Stronger than Sanitary Sewage. For users discharging wastes having a higher concentration of settleable solids and organic matter than domestic sewage as determined by the regulations of the Authority the rates set forth in the Service Agreement shall be adjusted for concentration in accordance with the regulations of the Authority.

B. Users Using Private Water Supplies. For users using water any part of which is from a source other than a public water company, there shall be a sewer rental separate from, and in addition to, any sewer rental based upon the consumption of Water from the Water Company. Such separate and additional sewer rentals shall be measured from the quantity of water from the private sources which is discharged into the Sewage Systems and shall be at the same rate as set forth in the Service Agreement, as the case may be. Each user shall, at his own expense install a meter or meters to measure the quantity of water received from sources other than the Water Company which are discharged into the Sewage System. No meters shall be installed or used for such purpose without the approval of the Borough or the Authority. If such user fails to install an approved meter or measuring device, the Borough or Authority shall determine the amount of waste discharged to the Sewage System and shall impose charges based upon such determination.

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C. Water Not Discharged Into the Sewage System.

Whenever a user uses water from the Water Company for an industrial or commercial purpose, but such water is not discharged into the Sewage System, the quantity of such water shall be excluded in determining the sewer rental payable by such user. The quantity of such water shall be measured by a device or devices approved by the Borough or the Authority and installed by the user without cost to the Borough or the Authority; provided, however, that when, in the opinion of the Borough or the Authority it is impractical to install a measuring device continuously to determine the quantity of such water the Borough or the Authority may determine the quantity in such reasonable manner as it may prescribe.

D. Inspection. The Authority or Borough or their authorized agents, shall be permitted to enter upon all properties for the purpose of inspection, observation, sampling and testing in accordance with the regulations of the Borough or Authority.

E. Any user who discharges industrial or process wastes into any sewer or who shall change his method of operation so as to alter the type of wastes previously discharges, shall notify the Borough Engineer and the Authority 10 days previous to such change, in order that the Borough or the Authority may have an opportunity to samplw the wastes and determine whether or not such wastes may be injurious to the Sewage System.

Section 7. Joint and Several Liability. The owners of property served by the Sewage System and the users of water in or on said properties shall be jointly and severally liable for the payment of the same sewer rentals and penalties hereby imposed.

Section 8. Authority To Collect Sewer Rentals. The Borough may authorize, empower and appoint for and on its behalf, the Authority to collect the sewer rentals and penalties hereby imposed, either from the owners of the properties receiving sewage service or from the users of water upon the properties or from both the owners and the water users, said rentals to be billed and collected in a manner agreed upon by the Borough and the Authority; and to enforce the payment of such sewer rentals and penalties in any manner now or hereafter authorized by the law.

Section 9. Sewer Rentals A Lien. The Sewer Rentals and penalties hereby imposed shall be a lien on the properties served, and all delinquent bills therefor may be entered in the proper office as a lien against such properties; and shall be collected in a manner provided by law for the filing of and collection of municipal claims.

Section 10 Abandonment of Privy Vaults, Cesspools and Septic Tanks, Etc. When connection has been made with the public Sanitary Sewer, the owner or owners of the connected properties shall forthwith abandon all privy vaults, cesspools and septic tanks existing on said proerty and shall use them no longer. Any and all connections between the cesspools or septic tank and the building which has been served shall be destroyed in such manner that sanitary sewage will not enter therein and it shall be unlawful to connect any privy vault, cesspools, receptacle or structure to any Sanitary Sewer in the Borough.

Section 11. Permits to Connect Into the Sewage System.

No person, firm, association or corporation shall after the enactment of this ordinance make or cause to be made, any connection of his property with any pyblic Sanitary Sewer until he has secured a permit to do so from the Borough and until the sewer tapping free prescribed by the Borough has been paid.

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Section 12. Failure, Neglect, or Refusal To Comply With the Provisions of this ordinance.

If the owner or owners of any building or buildings shall neglect or refuse to comply with the provisions of this Ordinance, the Borough shall serve a written notice upon the owner or the owners, or upon the tenants of the property in possession of the premises if the said owner or owners cannot be found on the said premises, or both, requiring compliance with all the provisions of this ordinance within three months after the service of such notice; and if said owner shall neglect or refuse to comply with the said notice, the Borough may perform or cause to be performed, such work and labor and furnish or cause to be furnished such materials as may be necessary to comply with the provisions of this Ordinance, at the cost or expense of such owner or owners together with ten percent additional thereof, and all service and expenses incidental thereto, which sum shall be collected from said owner or owners or tenants for the use of the Borough, as such debts are by law collectable. The Borough may have its proper officers file a municipal lien or claim against said property as provided by the appropriate Acts of the Assembly.

Section 13. Penalty for Violation. Any person, firm, association or corporation violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine not to exceed one hundred (\$100.00) Dollars, for each offense, recoverable with costs, and in default of payment of the fine, and costs shall be subject to imprisonment for a period not exceeding thirty days; each day that a violation is continued shall constitute a separate offense. In the case of firms, or associations, the penalties may be imposed upon the partners or members thereof, and in the case of corporations, upon the officers thereof.

Section 14. Severability. The provisions of this Ordinance are severable and the invalidity of any section, clause or provision of this Ordinance shall not effect or impair the validity of any other part of this Ordinance, which can be given effect without the invalid part or parts.

Section 15. Repealer. Any Ordinance or parts of Ordinances conflicting with any part of this Ordinance be, and the same are hereby repealed, and in particular Ordinance No. 200 as far as the same is inconsistent with this Ordinance.

Section 16. Effective Date. This Ordinance shall become and take effect upon the date of its enactment.

Enacted this 13th day of November, 1961.

Borough of Southmont

By: G. Martin Fox
Borough Council President

Attest:

Betty M. Sabo
Secretary

Approved:

Robert Moors
Mayor