

MONTGOMERY TOWNSHIP
INDIANA COUNTY, PENNSYLVANIA

ORDINANCE NO. 28

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY GOVERNING THE DISCHARGE OF SEWAGE WASTES TO ANY PUBLIC SANITARY SEWER SYSTEM(S) IN THE TOWNSHIP; REQUIRING THE CONNECTION OF BUILDINGS TO THE PUBLIC SANITARY SEWER SYSTEM; REQUIRING THE ABANDONMENT AND PROHIBITING THE NEW CONSTRUCTION OF PRIVY VAULTS, CESSPOOLS, AND SEPTIC SYSTEMS ON PROPERTY ABUTTING A PUBLIC SANITARY SEWER; PROVIDING FOR THE CONNECTION OF BUILDINGS TO THE PUBLIC SANITARY SEWER SYSTEM AND THE INSPECTION OF SUCH CONNECTIONS; PROVIDING FOR THE ISSUANCE OF PERMITS AND PAYMENT OF FEES; ADOPTING THE RULES AND REGULATIONS OF THE INDIANA COUNTY MUNICIPAL SERVICES AUTHORITY BY REFERENCE; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted, by the Board of Supervisors of the Township of Montgomery, as follows:

Section I. Title.

This Ordinance shall be known as "The Montgomery Township Sanitary Sewer Ordinance".

Section II. Adoption of Rules and Regulations by Reference.

(a) The Township hereby designates the Indiana County Municipal Services Authority (the "Authority") as its agent to carry out the provisions of this Ordinance. Further, the officers and employees as designated by the Authority shall have full power to make all inspections, issue permits, and do all other official actions required under the rules and regulations as adopted.

(b) The Township hereby adopts by reference various rules and regulations formulated by the Authority (the "Authority's Rules and Regulations") which regulate the discharge of sanitary sewage to public sanitary sewerage systems within the Township; exclude storm water runoff from entering the public sanitary sewerage system within the Township; declare unacceptable certain types of sanitary sewage and industrial wastes; provide for general rules concerning sewage collection and for surcharges for certain types of industrial wastes; provide for general rules concerning billing and collection of treatment charges, sewage collection, transportation, and surcharges within the Township; regulate connections into the public sanitary sewerage system; regulate proposed extension of the public sewerage system by private developers; and provide general rules concerning delinquencies, violations, and remedies.

Section III. Required Connections.

(a) The owner of every property located within the Township which abuts on any existing or future public sanitary sewer system shall at his own cost connect any building or other structure on such property producing sanitary waste or capable of producing sanitary waste, to the public sanitary sewer system provided that the sanitary sewer system is available for the purpose of disposing of all acceptable sewage emanating from such property within One Hundred Fifty (150) feet (horizontal straight line measurement) of any part of the building or structure, including appurtenances thereto.

(b) It shall be the duty of the Authority to notify the owner of any structure required to connect to the public sanitary sewer system to disconnect and abandon any other sewage disposal system, and to make a proper connection for the discharge and disposal of all sanitary sewage into the public sanitary sewer system. Such notice shall be in writing and delivered either by personal service, or by certified or registered mail. Such owner shall be required to complete a proper connection and to pay all fees and other charges within ninety (90) days of such notice.

(c) Any owner who cannot comply with the provisions of (b) of this Section for reasons beyond owner's control, shall apply to the authority within the ninety (90) day period for a time extension of up to six (6) additional months. The application shall be made on a form to be furnished by the Authority and shall contain an agreement on the part of the applicant to commence paying the regular monthly sewer rates immediately even though actual connection to the public sanitary sewer will not be accomplished until some later date within the six (6) month extension period.

Section IV. Abandonment and Prohibition of Septic Tanks, Cesspools, and Privy Vaults.

It shall be unlawful for the owner of any property in the Township required to be connected to the public sanitary sewer system to employ any means, either by septic tank, cesspool, privy vault, minehole or other depository, for the disposal of sanitary sewage other than into and through said public sanitary sewer system. No septic tank, cesspool, privy vault, mine vault or other depository shall at any time be connected with the aforesaid public sanitary sewer system. Such existing depositories at the time of connection of the property to the public sanitary sewer system, shall be disconnected and properly abandoned.

It shall be the duty of the Authority to notify the owner of any structure required to connect to the public sanitary sewer system to disconnect and abandon any other sewage disposal system, and to make a proper connection for the discharge and disposal of all sanitary sewage into the public sanitary sewer system. Such notice shall be in writing and delivered either by personal service, or by certified or registered mail. Such owner shall be required to complete a proper connection within ninety (90) days of such notice.

Section V. Prohibition Against Infiltration.

It shall be unlawful for any person to connect, or permit the infiltration into the public sanitary sewer system of any roof drain water, storm water, foundation drain water, spring water, surface water, or any other source of water or any sewage or industrial waste from any property served by the public sanitary sewer system other than that which complies with the Authority's Rules and Regulations.

Section VI. Failure to Connect.

If the owner of any property required to be connected to the public sanitary sewage system shall neglect or refuse to comply with the provisions of this Ordinance or the written notice as prescribed, the Authority may perform or cause to be performed such work and labor and furnish or cause to be furnished such material as may be necessary to connect such property to the public sanitary sewage system at the cost and expense of such owner, together with ten (10%) percent additional thereof and all charges and expenses incidental thereto and the tap-in fee and any service fees due, which sum shall be collected from the owner for the use of the Authority as debts are by law collectible, and/or the Authority may file a municipal claim or lien against the premises as provided by law.

Section VII. Right to Inspect.

In accordance with applicable law, the Township and the Authority or their respective agents, employees and representatives shall be permitted to enter upon all property subject to this ordinance for the purpose of inspection, observation, sampling, testing and retesting building drains, sewers, connections and all other matters pertaining to the disposal of sanitary sewage and industrial wastes to insure compliance with the provisions of this Ordinance.

Section VIII. Maintenance and Repair.

The Authority shall have responsibility for the operation, maintenance, and repair of the public sanitary sewer system outside the property lines of properties required to be connected to such system. Within the property lines of properties required to be connected to the public sanitary sewer system, all connections and sewers shall be maintained and repaired by the owner at the owner's cost. All repairs shall be subject to the direction, approval and inspection of the Authority. The details of maintenance and repair within the property lines of property required to be connected to the public sanitary sewer system shall be as set forth in the Authority's Rules and Regulations.

Section IX. Conditions and Procedures for Service.

No unauthorized person shall make or cause to be made any connections with or

openings in the sewer system or otherwise use, alter, or disturb the sewer system without first obtaining a permit, and all persons shall adhere to the following:

(a) The owner shall make application to the Authority for a permit on a form to be furnished by the Authority. The charge for the permit set by the Authority to cover the inspection cost shall be collected at that time.

(b) No work shall commence before the issuance of a permit.

(c) Prior to the issuance of a permit, the applicant shall pay the required connection charge and expenses.

(d) The applicant shall give the sewer inspector at least forty-eight (48) hours notice of time when connection will be made. The sewer inspector shall be present to inspect and approve the connection. The Inspector shall signify his approval of the connection on the permit.

(e) At the time of inspection of the connection, the owner shall permit the Inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No connection shall be covered over or in any manner concealed until after it is inspected and approved by the Inspector.

(f) All inspection shall be made and scheduled by the Inspector during regular business hours of the Authority.

(g) Connections and building drains shall be hydrostatically, pneumatically, or smoke-tested for leaks at the discretion of, and in the manner specified in the Authority's Rules and Regulations.

Section X. Unlawful Use of Sewer.

(a) No storm water, surface water, roof runoff, subsurface drainage, basement floor drainage, cooling water or unpolluted industrial process waters shall be deposited in the public sanitary sewer system.

(b) No cross connection shall be made between the public sanitary sewage system and the potable water system whereby vacuums or back siphonage could permit sanitary wastes to enter the potable water system. No cross connections shall be made between the public sanitary sewer system and storm sewers.

(c) No person shall connect, cause, or permit to be connected with the public sanitary sewer system directly or indirectly, any steam exhaust, boiler, blow-off, sediment, drip or any pipe carrying or constructed to carry hot water, acid, germicide, grease, gasoline, naphtha, benzene, oil, or any other substance detrimental to the

public sanitary sewer system, except residential hot water tank or residential boiler discharges.

Section XI. Prohibited Wastes.

No person shall discharge, cause to be discharged, or permit the discharge of waters or wastes to any public sewers which are in violation of the Authority's Rules and Regulations. The Authority's Rules and Regulations prohibit, among other substances, the discharge of:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitutes a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of any wastewater treatment plan.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper dishes, cups, milk containers, either whole or ground by garbage grinders, etc.

(e) Any other materials, waters, or waste shall be limited in discharges to the system in concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, and will not cause the effluent from wastewater treatment works to be in violation of the requirements of state, federal, or any other agency having jurisdiction.

The Authority may require testing at the cost of the owner prior to connection and may refuse connection to the public sanitary sewer system, or to compel discontinuance of the use of such system for deleterious industrial wastes, or to require pretreatment of such wastes in order to prevent harmful or adverse effects upon the system. The design, construction, and operation of the pretreatment facilities shall be subject to the Authority's Rules and Regulations.

Section XII. Connection Charge.

All property owners covered by this ordinance shall be subject to such connection fees and due dates as may be established from time to time in Authority's Regulations.

Section XIII. Separate Connection for Each Principal Building; Exception.

A separate sewer connection shall be provided for every principal building, except that when a building stands at the rear of another and no separate connection to the sewer system can be made through an adjoining alley, court, yard or driveway, the sewer connection from the front building may be extended to the rear building upon written approval of the Authority, provided that all charges and fees have been paid.

Section XIV. Authority Approval Required.

All public sanitary sewer connections, materials therefore, jointing materials and methods used shall at all times be subject to the direction, supervision, and approval of the Authority.

Section XV. Safety Requirements.

All excavations for public sanitary sewer connections shall be adequately guarded with barricades and lights to protect the public from hazards. All roadways, sidewalks, and public property disturbed in the course of making a sewer connection shall be restored in a manner as nearly as possible to the condition that it existed prior to the work being performed.

Section XVI. Sewer Fees.

All property owners covered by this Ordinance shall be subject to the sewer fees provided for in the Authority's Rules and Regulations as may from time to time be established.

Section XVII. Violations and Penalties.

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not more than Three Hundred (\$300) dollars for each offense together with costs, and in default of payment of the fine and costs, to be imprisoned in the Indiana County Jail for a period not exceeding thirty (30) days until such fine and costs are paid. Each day that the violation shall continue after receipt of written notice, a violation shall constitute a separate offense.

Violation of the Authority's Regulations shall be considered a violation of this Ordinance. Notice of the violation of the Authority's Regulations shall be sent through the U.S. mails and if, after thirty (30) days, no action has been taken on the violation, the Authority shall have the right to remove or close the sewer connection. Reconnection will not be made until after the violation is corrected. The expense of such removal or closing and the expense of reconnection of the sewer service shall be

paid by the user. If not promptly paid, the Authority may put a lien upon the user's the property which may be recovered by civil action in the name of the Authority.

Section XVIII. Provisions Applicable to Public Water Supplies.

In the event that any owner whose property is required to be connected to the public sanitary sewer system shall fail to pay any sewage charges or other charges as provided in the Authority's Rules and Regulations and the property to which public sanitary sewage disposal is provided is served by a public water system, the Authority, in addition to all other remedies provided in this Ordinance or at law may make or cause to be made modifications to the public water system of such property so that all water used which passes through the sanitary sewer shall be metered and water service shall be disconnected in accordance with applicable law if sewage bills or charges are not paid or this Ordinance is otherwise violated by the property owner or occupant of the property

Section XIX. Provisions Applicable to Non-Public Water Supplies.

In the event that any owner's property which is required to be connected to the public sanitary sewer system shall fail to pay any sewage charges or other charges as provided in the Authority's Rules and Regulations and the property to which the public sanitary sewage disposal is not served by a public water system, the Authority, in addition to all remedies provided in this Ordinance or at law, shall make or cause to be made modifications to the private water supply system so that all water use shall be metered and water service may be disconnected if sewage bills and charges are not paid or this Ordinance is otherwise violated by the property owner or occupant.

Section XX. Repealer.

All prior ordinances or resolutions or parts thereof pertaining to the subject matter of this Ordinance inconsistent with this Ordinance are hereby repealed and replaced by this Ordinance.

Section XXI. Savings Clause.

The provisions of this Ordinance are severable, and if any clause or provision shall be deemed invalid or unenforceable, in whole or in part, that clause or provision shall be ineffective only to the extent of such invalidity or unenforceability, without in any manner affecting the validity or enforceability of any other clause or provision or the validity or enforceability of this Ordinance.

Section XXII. Effective Date.

This Ordinance shall become effective immediately.

ORDAINED AND ENACTED this 16 day of July, 2002.

TOWNSHIP OF MONTGOMERY

Attest:

Mary Jo Engle
Secretary

Ronald F. Lowe
Supervisor

Rg - Gess
Supervisor

Joseph A. Bunker
Supervisor



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