

ORDINANCE NO. 532-12-01

AN ORDINANCE OF THE BOROUGH OF MANOR, WESTMORELAND COUNTY, PENNSYLVANIA, PROHIBITING THE INTRODUCTION, INFLOW OR INFILTRATION OF STORMWATER, SURFACE WATER OR GROUND WATER OR OTHER DELETERIOUS SUBSTANCES OR FLUIDS INTO THE SANITARY SEWER SYSTEM OF THE BOROUGH; PROHIBITING THE INFLOW, INFILTRATION AND INTRODUCTION OF SANITARY SEWAGE OR COMBINATIONS OF SANITARY SEWAGE AND/OR STORMWATER, SURFACE WATER AND GROUND WATER OR THE INTRODUCTION OF OTHER DELETERIOUS SUBSTANCE AND FLUIDS ONTO THE SURFACE OR INTO SUBSURFACE LANDS WITHIN THE BOROUGH; ESTABLISHING A PROGRAM FOR THE INSPECTION OF PIPING, FACILITIES AND CONNECTIONS ON PROPERTIES WITHIN THE BOROUGH OF MANOR THAT ARE CONNECTED TO THE SANITARY SEWER SYSTEM OF AND WITHIN THE BOROUGH OF MANOR; PROHIBITING THROUGH DETERIORATION, LACK OF REPAIR, MAINTENANCE OR INTENTIONAL ACTIONS, THE INTRODUCTION, INFLOW OR INFILTRATION OF STORMWATER, SURFACE WATER OR GROUND WATER INTO SAID SANITARY SEWER SYSTEM AND/OR ONTO THE SURFACE AND INTO SUBSURFACE LANDS WITHIN THE BOROUGH; REQUIRING ALL OWNERS OF PROPERTIES SITUATE WITHIN THE BOROUGH TO HAVE INSPECTED, BY THE BOROUGH, OR AN OFFICIAL, EMPLOYEE, AN AUTHORIZED AGENT, CONSULTANT OR CONTRACTOR OF THE BOROUGH, OF THE PIPING, FACILITIES AND CONNECTIONS ON SUCH PROPERTY WITH THE BOROUGH OF MANOR; AND SPECIFICALLY REQUIRING SUCH INSPECTIONS BEFORE THE SALE, CONVEYANCE, TRANSFER OR OTHER DISPOSITION OF ANY INTEREST IN PROPERTY IN THE BOROUGH TO ANOTHER OR ANY FINANCING OF OR RELATED TO ANY PROPERTY IN THE BOROUGH; PROVIDING FOR NOTICE TO OWNERS OF PROPERTIES WITHIN THE BOROUGH TO CORRECT, ALTER, CHANGE, REPAIR, REPLACE AND/OR INSTALL CERTAIN PIPES, FACILITIES AND CONNECTIONS ON PROPERTIES WITHIN THE BOROUGH OF MANOR THAT ARE CONNECTED TO THE SANITARY SEWER SYSTEM THAT ARE IN NEED OF SUCH CORRECTION, ALTERNATION, CHANGE, REPAIR, REPLACEMENT OR INSTALLATION, WHICH ARE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND/OR ANY OTHER ORDINANCE OF THE BOROUGH OF MANOR RELATED TO THE CONNECTION TO, USE AND OPERATION OF THE PUBLIC SEWER SYSTEM IN THE BOROUGH OF MANOR; AUTHORIZING PERIODIC INSPECTIONS, TESTING AND EXAMINATIONS OF CONNECTIONS TO THE SANITARY SEWER SYSTEM OF THE BOROUGH OF MANOR; AND IMPOSING PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, the Borough of Manor operates a sanitary sewer system for the health, safety and benefit of the residents of and property owners in said Borough; and

WHEREAS, the Borough of Manor desires to set standards and requirements for the use of said system; requirements and standards for inspections of connections to said system;

requirements and standards for the repair and maintenance of piping, facilities and connections to the sanitary sewage systems; and establish penalties for violation of provisions related to the same.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of Manor, Westmoreland County, Pennsylvania, as follows:

SECTION 1. Unlawful Introduction of Waters or Substances into the Sanitary Sewer System.

A. The introduction, inflow, infiltration or discharge of storm, surface or ground water or other deleterious substances or liquids into the sanitary sewer system from connections on or under an individual property by any means, including but not limited to the connection of downspouts, roof drainage, driveway drains, surface areaway drainage or foundation drainage is hereby prohibited and declared to be a public nuisance.

B. It is unlawful for any person to cause or permit the introduction, escape, inflow or infiltration of sewage or other deleterious substances or liquids onto the surface or into the grounds of any Borough, public or private property from any source located on such person's property and any such act is declared to be a public nuisance.

SECTION 2. Inspection Report.

An official statement from the proper official or agent of the Borough of Manor that there has been testing and an inspection of piping, facilities and connections on an individual property; setting forth the type of testing that has occurred; setting forth the results of such testing and inspection and whether there are any known unlawful storm, surface or ground water connections into the sanitary sewer system from connections or sources of an individual property; whether there is any evidence of the introduction, inflow or infiltration of such waters or other deleterious substances or liquids into the sanitary sewer system from connections or sources on or under an individual property; and whether there is any evidence of the introduction, escape, flow, existence or infiltration of sewage or other deleterious substances or liquids onto the surface or into the subsurface or grounds of any Borough, public or private property from any source on the inspected property.

SECTION 3. Unlawful Water and Deleterious Substances.

The following types of waters and/or substances are hereby found to be harmful to the use, operation and maintenance of the public sanitary sewer system and no owner, tenant, user, contractor or any person, corporation or entity shall discharge or permit the discharge, introduction, inflow or infiltration of any of the following into any portion or portions of the public sanitary sewer system within the Borough of Manor:

- A. Stormwater, surface water, ground water, roof runoff, subsurface flows, drainage, cooling water or industrial process waters or waste from any source.
- B. Garbage, unless the garbage is first properly shredded and will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.
- C. Wastes containing any gasoline, naphtha, fuel oil or other liquids, solids or gases which by reason of their nature or quality may cause fire or explosion or be in any other way injurious to persons or to the structures of the sewer system or to its operation.
- D. Wastes having a temperature in excess of 150° F. or less than 32° F.
- E. Wastes having a pH lower than 6.5 or higher than 9.0 or having any corrosive property capable of causing damage to hazards to structures, equipment or personnel of the sewer system.
- F. Wastes containing any noxious or malodorous gas or substance which either singly or by interaction with sewage or other wastes is likely, under the rules and regulations of the Borough, to create a public nuisance or hazard to life, or prevent entry to sewers for their inspection, maintenance and repair.
- G. Wastes containing ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, paunch manure, cotton, wool, plastic or other fibers, lime slurry or any other solid or viscous material

of such character or in such quantity as may cause an obstruction to the flow in sewers or otherwise interfere with the proper operation of the sewer system.

- H. Wastes containing insoluble, nonflocculent substances having a specific gravity in excess of 2.65.
- I. Wastes containing soluble substances in such concentration as to cause the specific gravity of the waste to be greater than 1.1.
- J. Wastes containing chemical substances.

(1) Wastes containing any of the following substances in concentration exceeding those shown in the following table as measured by an acceptable method:

<u>Substances</u>	<u>Concentration</u> <u>(mg/l)</u>
Phenolic compounds as C	1
Cyanides as CN	
Cyanates as CNO	
Iron as Fe	7
Trivalent Chromium as Cr+3	1
Hexavalent Chromium as Cr+6	0.05
Nickel as Ni	1
Copper as Cu	0.5
Lead as Pb	0.5
Zinc as Zn	0.5

(2) Wastes containing other chemicals or other matter detrimental to the operation of a sewage treatment plant or sanitary sewers causing erosion, corrosion or deterioration in sewers, equipment and structures of a sewage treatment plant.

K. Wastes containing more than 100 milligrams per liter by weight of tar, fat, oil or grease.

L. Wastes containing more than 10 milligrams per liter of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide or any of the halogens.

M. Wastes containing a toxic or poisonous substance, in a sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the sewer not limited to wastes containing cyanide, chromium and/or copper ions.

N. Wastes containing a toxic substance in quantities sufficient to interfere with the biochemical processes of the sewage treatment works or that will pass through the sewage treatment works and exceed the state and/or federal requirements in respect thereto.

O. Any waste containing toxic radioactive isotopes.

P. Any waste containing the effluent from a privy, septic tank, sinkhole or cesspool, or other receptacle for receiving and holding sanitary sewage for an extended period of time, before discharge to the sewer system.

Q. Any waste which hereafter is designated as unacceptable by reason of rules and regulations imposed upon the Borough by any state or federal agency, or which the engineer of the Borough finds to be harmful and unacceptable.

The introduction, inflow, infiltration or discharge of such waters or substances are prohibited and declared to be a public nuisance.

SECTION 4. Notice of Improper or Unlawful Conditions.

When, during the course of operations within the Borough and monitoring and maintenance of public sewer lines and facilities, the officials, employees, agents, consultants, contractors and/or designees of Borough identify deteriorating, broken, disconnected, or poorly or unlawfully constructed laterals and sewer service connections or unlawful conditions, causing or resulting in the discharge, introduction, infiltration or inflow of extraneous waters, such as storm, surface or ground waters or other deleterious substances or liquids into the public sanitary sewer system of the Borough, written notice shall be provided to the property owner or owners concerning the condition of such laterals and sewer service connections and other conditions on the property, together with a statement that such deteriorating or poorly constructed laterals and sewer service connections or unlawful

conditions must, at the property owner's expense, be promptly changed, altered, discontinued, repaired, replaced or rehabilitated within Sixty (60) days of receipt of said notice. A copy of all written reports issued in connection with the inspections or examinations evidencing the above shall be maintained as part of the official records of the Borough.

SECTION 5. Additional Authority and Powers.

The powers and authority conferred by the provisions of this Ordinance shall be in addition to and not in substitution for any other powers and authority conferred upon the Borough to administer, enforce and require the prevention or elimination of storm, surface or ground water or other deleterious substances or liquids into the sanitary sewer system or from being introduced or discharged onto the surface or into the grounds of any Borough, public or private property from any source.

SECTION 6. Periodic Inspections.

Borough officials and/or the employees, agents, consultants, contractors and/or designees of Borough are hereby authorized to conduct random periodic smoke and/or dye tests and any other appropriate test or inspection of any and all existing sewer systems and structures in the Borough to determine compliance with this ordinance and other laws pertaining to sewer systems, properties and structures.

Upon satisfactory completion of testing of any property by the Borough officials, employees, agents, consultants, contractors and/or designees of Borough or upon the completion of required remedial action to maintain any property in compliance with the provisions of this ordinance and/or the terms of the required remedial action, the property owner shall be issued a certification setting forth the identification of the property owner, identification of the property by street address and tax map number, the date, nature and results of testing, and the completion of any required remedial action.

SECTION 7. Use of the Sanitary Sewer System.

Every person owning property that is connected to or serviced by a Manor Borough sanitary sewer line and every lessee or occupier of property within the Borough of Manor that is connected to or serviced by a Manor Borough sanitary sewer line does, by reason of the connection of structures and uses on his/her/their property, and as a condition of connection to and use of such sanitary sewer line and system, authorize the Borough and Borough officials and the employees, agents, consultants, contractors and/or designees of Borough to inspect, examine, explore and test any and all portions, aspects, facilities, structures and buildings on the property to determine if the connections to and use of the Borough's sanitary sewer system by such owner, lessee or occupier is in accord and compliance with the provisions of this ordinance. Such activities shall include but not be limited to, viewing by means of a camera of laterals and other connections to the lateral or the sanitary sewer system, smoke and/or dye testing or other appropriate tests, examinations or inspections by the Borough, its officials, employees, agents, consultants, contractors and/or designees. The owner, lessee or occupier of the land shall permit said activities upon request. Unless the Borough has reason to believe that the connection and use of the sanitary sewer system is not in compliance with the provisions of this ordinance, such inspection and testing activities by the Borough will not be required when the owner, lessee or occupier of the property produces a valid certification of sewer lateral issued by the Borough, its agent or designee, which certification of sewer lateral shall be sufficient proof of compliance for purposes of this Ordinance for a period of three (3) years from the date of issuance.

SECTION 8. Remedy for Elimination of Unlawful Inflow Waters.

When evidence of unlawful surface, storm or ground water connections to the lateral or sanitary sewer system have been discovered by the Borough; or evidence of such waters or other deleterious substances or liquids have been discovered in the lateral or sanitary sewer system; or evidence of the introduction, escape, flow, existence or infiltration of sewage or other deleterious substances or liquids onto the surface or into the grounds of any property from any source on the property, the Borough shall give written notice of the same to the property owner and any known lessee or occupant of the property. After such notice is provided by the Borough, the property owner shall have all necessary remedial work to correct such connection completed within forty-five (45) days of the date such party receives notification of such unlawful connection.

**SECTION 9. Inspection on Sale, Transfer, Conveyance, Mortgaging,
Re-Mortgaging Or Financially Encumbering Property.**

Prior to any person selling, transferring, conveying, mortgaging, re-mortgaging or financially encumbering real property located within the Borough that is connected to the public sanitary sewer system such person's improvements and real property shall be inspected, including inspection of interior premises of any building or structure, by authorized representatives of the Borough, at reasonable hours and upon prior written notice, to determine compliance with the provisions of this ordinance and the rules and regulations of the Borough authorized pursuant to the provisions of this ordinance.

Such person shall not be issued a certification pursuant to the provisions of this ordinance until such inspection has been performed and has revealed no unlawful connections or facilities discharging prohibited waters or deleterious substances or liquids into the sewer system or other violation of the provisions of this ordinance or of the rules and regulations of the Borough. A certification shall not be issued unless and until a follow-up inspection verifies that any violations identified in the initial inspection have been disconnected, corrected and/or removed.

A. An inspection certificate shall not be required on the sale of a new unoccupied structure and property to its initial occupant; provided, however, that it was inspected by the Borough in the due course of construction and within twenty-four (24) months prior to proposed sale.

B. An inspection certificate shall not be required on a sale of an existing structure for which a certificate was previously issued within the preceding three (3) years; conditioned, however, upon submission of a written representation by the property owner, under oath, that there haven't been any alterations, changes or connections to the lateral or sanitary sewer system or violations of any of the provisions of this ordinance since the aforesaid certification was issued.

C. An inspection certificate shall not be required on a refinancing of a structure and property for which a certificate was previously issued within the preceding three (3) years; conditioned, however, upon submission of a written representation by the property owner, under oath, that there haven't been any alterations, changes or connections to the

lateral or sanitary sewer system or violations of any of the provisions of this ordinance since the aforesaid certification was issued.

SECTION 10. Schedule of Fees.

The schedule of fees shall be established from time to time of the Borough Council of the Borough of Manor by Resolution for the costs of the inspection, testing and certifications set forth in this Ordinance.

SECTION 11. Violations and Penalties.

A. Any person, firm, or corporation who is found to have failed to timely and fully comply with the requirements of any Notice received, has violated any order or directive of the Borough, has willfully violated or failed to comply with any provision of this ordinance, and/or has violated any of the rules and regulations promulgated hereunder or violated any of the terms and provisions of any permits issued by the Borough for connection to or use of the sanitary sewer system shall pay a fine or penalty of no less than \$100.00 and no more than \$1,000.00 following conviction thereof by a Magisterial District Judge or Court of competent jurisdiction. In addition, such person shall pay all fees, expenses, costs, reasonable attorney fees, and expenses of litigation incurred by the Borough in the prosecution of such action.

B. Upon final adjudication that a violation of this ordinance occurred and the refusal or failure to act by the property owner or person responsible to undertake the change, alteration, correction, repair, replacement of rehabilitation identified by written notice as herein provided, the Borough shall have the right and authority to enter onto the subject property to conduct and have undertaken the necessary work and activities to bring the property into compliance with this ordinance, which work and activities shall be at the sole expense of the property owner. Further, upon the failure of the property owner to pay said expense, the Borough shall have the right to file a lien and municipal claim against the person and against the subject property for the amount of said expenses, together with costs of filing and perfecting such lien.

SECTION 12. If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality invalidity or illegality shall not affect or impair any of the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included therein.

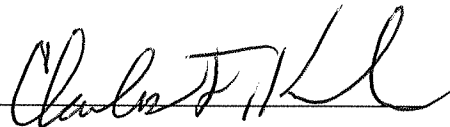
SECTION 13. General Repealer.

Any ordinance or parts of ordinances in conflict with this Ordinance are hereby specifically repealed.

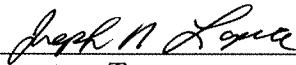
ORDAINED AND ENACTED THIS 15th day of February, 2012.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

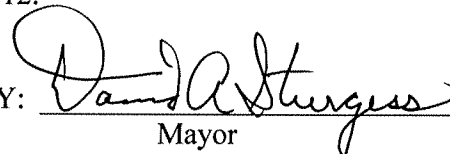
BOROUGH OF MANOR

By: 

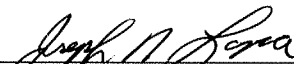
ATTEST:


Secretary-Treasurer

Approved this 15th day of February, 2012.

BY: 
Mayor

ATTEST:

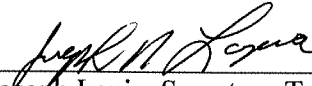

Secretary-Treasurer

CERTIFICATION

I, Joseph Lapia, duly qualified Secretary-Treasurer of the Borough Council of the Borough of Manor, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 532-12-01 is a true and correct copy of the original Ordinance No. 532-12-01 duly passed and adopted by a majority vote of the Borough Council of the Borough of Manor at a duly advertised and convened regular meeting held on the 15th day of February, 2012, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Borough Council and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Borough of Manor, this 15th day of February, 2012.

Certified to by:



Joseph Lapia, Secretary-Treasurer