

**ORDINANCE NO. 722**

**AN ORDINANCE OF THE BOROUGH OF MOUNT PENN, BERKS COUNTY, PENNSYLVANIA, TO AUTHORIZE THE PLUMBING INSPECTOR TO CONDUCT INSPECTIONS OF RESIDENTIAL DWELLING UNITS, COMMERCIAL AND INDUSTRIAL ENTERPRISES, AND RELIGIOUS AND EDUCATIONAL INSTITUTIONS CONNECTED TO THE SANITARY SEWAGE COLLECTION SYSTEM IN THE BOROUGH OF MOUNT PENN OWNED AND OPERATED BY THE ANTIETAM VALLEY MUNICIPAL AUTHORITY, AT THE TIME OF TRANSFER OF OWNERSHIP OF THE PROPERTY AND AT THE DISCRETION OF THE BOROUGH FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE THEN APPLICABLE BOROUGH PLUMBING CODE, AND ALL APPLICABLE WASTEWATER QUALITY REGULATIONS PROMULGATED BY THE ANTIETAM VALLEY MUNICIPAL AUTHORITY RELATING TO CONTROL AND PREVENTION OF INFILTRATION AND INFLOW, INCLUDING, BUT NOT LIMITED TO VERIFYING THAT NO ILLEGAL CONNECTION TO THE SEWAGE COLLECTION SYSTEM EXISTS ONN THE PROPERTY; REQUIRING THAT THE CURRENT TITLEHOLDER REMEDIATE ALL NON-COMPLIANCE WITH APPLICABLE ORDINANCES AND REGULATIONS, AT THE EXPENSE OF THE CURRENT OWNER OF THE PROPERTY; AND PROVIDING FINES AND PENALTIES FOR NON-COMPLIANCE**

**WHEREAS**, the Borough of Mount Penn (herein after referred to as the "Borough") is provided with public sewage collection and treatment services by the Antietam Valley Municipal Authority (hereinafter referred to as the "Authority"); and

**WHEREAS**, the Authority has reported to the Borough that its sanitary sewage treatment plant (hereinafter referred to as the "Treatment Plant") is being overburdened, threatening its ability to treat sewage and be in compliance with permit requirements; and

**WHEREAS**, A significant reason for the overburdening of the Treatment Plant is inflow from illegal apertures or piping fixtures (hereinafter referred to as "Illegal Connections") and other failures of property owners to comply with the Plumbing Code of the Borough and/or regulations of the Authority relating to control or prevention of infiltration and inflow, that allow or have the potential of allowing non-sanitary sewage flows into the collection system; and

**WHEREAS**, the preservation of the integrity of the collection system and Treatment Plant through the elimination of the Illegal Connections and other forms of non-compliance with applicable Borough Ordinances and Authority Regulations or regulatory agencies requirements is critical to the health, safety and welfare of Borough residents.

**SECTION 1.** The Borough, through its duly appointed Plumbing Inspector(s), shall provide for inspection of all residential dwelling units, commercial and industrial enterprises, together with all educational and religious institutions connected to the sanitary sewage collection system in the Borough owned and operated by the Authority. Such inspection is for the purpose of determining compliance with the terms and provisions of the then-applicable Plumbing Code Ordinance of the Borough and/or regulations promulgated by the Authority in all matters relating to Illegal Connections or wastewater quality and reduction, prevention and/or control of inflow and infiltration of waters into the said sewage collection system.

**SECTION 2.** Such inspections shall occur: a) at the discretion of the Borough (upon reasonable cause to believe that a violation of the above-referenced Borough Ordinance(s) or Authority regulations has occurred) and/or at the request of the Authority, and/or, b) at the time of the transfer of title to a structure connected to said sanitary sewage collection system. The cost of such inspection shall be billed by the Borough to the current owner of the structure connected to the sanitary sewage collection system of the Authority as part of the final sewer bill rendered to the owner, or, in the event that a final bill is rendered, to the current owner.

**SECTION 3.** In the event that such inspection discloses an Illegal Connection to the collection system or other non-compliance with applicable Borough ordinances or Authority regulations, a written notice of such non-compliance signed by the Borough Plumbing Inspector shall be posted conspicuously on the front door of the property. The current owner of the property shall bear all costs for removal, remediation and/or abatement of any violation(s) found, and of bringing the property into compliance with the aforementioned Ordinance(s) and/or regulations even if he was not responsible for creating such a condition.

**SECTION 4.** Any persons who violates or permits the violation of this Ordinance shall, upon conviction therefor in a summary criminal enforcement proceeding commenced by the Borough before the District Justice of competent jurisdiction, pay a fine prescribed by the Borough, not exceeding \$1,000.00, plus court costs, including reasonable attorneys fees incurred by the Borough or the Authority. Each and every day during which a violation of this Ordinance shall occur may constitute a separate violation.

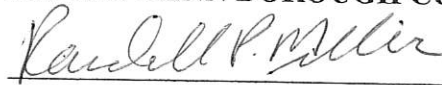
**SECTION 5.** Any Borough ordinances or resolutions, or portions thereof, which may be deemed inconsistent with the terms and provisions of this Ordinance, are hereby repealed.

**SECTION 6.** The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal, such shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted, if such unconstitutional or illegal provision had not been included.

**SECTION 7.** This Ordinance shall become effective on the earliest date for enactment permitted by law.

**ENACTED AND ORDAINED** by the Council of the Borough of Mount Penn, Berks County, Pennsylvania, this 12<sup>TH</sup> day of November, 2002.

**MOUNT PENN BOROUGH COUNCIL**



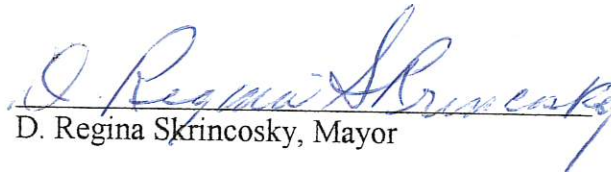
Randall P. Miller, President

Attest:



Ann D. Ftorski, Secretary

APPROVED this 12<sup>th</sup> day of November, A.D. 2002.



D. Regina Skrincosky, Mayor

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