

OFFICIAL
BOROUGH OF WEST MIFFLIN ALLEGHENY
COUNTY, PENNSYLVANIA
ORDINANCE NO. 1006

AN ORDINANCE OF THE BOROUGH OF WEST MIFFLIN, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR AND AUTHORIZING AND DIRECTING THE PAYMENT OF A CONNECTION FEE {TAP-IN FEE} FROM THE OWNERS OF PROPERTY OF VARIOUS SEWER DISTRICTS SERVED BY THE SANITARY SEWAGE TREATMENT WORKS IN THE VARIOUS SEWAGE DISTRICTS OF THE BOROUGH OF WEST MIFFLIN PROVIDING FOR THE COLLECTION THEREOF AND FILING OF LIENS THEREFORE; AND PRESCRIBING PENALTIES FOR A VIOLATION.

BE IT ORDAINED and ENACTED by the Council of the Borough of West Mifflin, County of Allegheny, Pennsylvania, and it is hereby ordained and enacted by the authority of the same;

SECTION 1. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

BOROUGH - The Borough of West Mifflin.

PROPERTY - Any property within the Borough upon which there is erected a structure intended for continuous or habitual habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

INTERFERENCE - Any inhibition or disruption of the sanitary sewer facilities, its treatment process or operations, its sludge processes, use or disposal, or of any sewer, pipe or other conveyance located in the Borough of West Mifflin in transmitting any substance into any treatment facility wherever located, which is the cause of and significantly contributes to either a violation of any requirement by that sanitary sewer facility, national pollution discharge elimination system permit, hereinafter called "NPDES Permit"; including and increasing the magnitude or duration of the violation or to the prevention of sewage sludge use or disposal by the sanitary sewer facility in accordance with the following statutory provisions and rules, regulations and permits issued thereunder: Pennsylvania Sewage Facilities Act (35 P.S. 750.1, et seq.), Pennsylvania Clean Streams Act (35 P.S. 691.1, at seq.), Pennsylvania Solid Waste Management Act (35 P.S. 6018.101), Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), The Solid Waste Disposal Act (42 U.S.C. 6901 at seq.), including Title 2, more commonly referred to as The Resource Conservation and Recovery Act and including all Commonwealth of Pennsylvania Department of Environmental Resources Regulations prepared to Subtitle B of the Solid Waste Disposal Act, and the Clean Air Act (42 U.S.C. 6901, et seq.), and the Toxic Substance Control Act (15 U.S.C. 2601, et seq.), and the County of Allegheny Health Code and the Pollution control Standards of the Ohio River Valley Water sanitation Commission. All such statutory provisions, rules and regulations or permits are hereinafter referred to "law statutes or laws". A user significantly contributes to such a permit violation or prevention of sludge use or disposal in

accordance with the above-cited laws whenever such user:

- a. Discharges daily pollutant loading in excess of that allowed by permit or by contract with any sanitary sewer treatment facility, or by Federal, Commonwealth of Pennsylvania, County of Allegheny, Borough laws, ordinances, rules and regulations or any other municipal laws or authority regulations.
- b. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge.
- c. Knows or has reason to know that its discharges, alone or in conjunction with discharges from other sources, would result in a violation of the Borough of West Mifflin, or any other sanitary sewer NPDES permit or prevent sewage sludge use or disposal in accordance with the above-cited laws, as they apply to the Borough of West Mifflin's selected method of sludge management.

LESSEE - Any person who has a leasehold interest in any realty within the Borough, whether the original lessee or sub-tenant, hold over tenant, permissive tenant or guest or squire.

OWNER - Any person vested with ownership, legal or equitable, sole or partial, of any realty located within the Borough.

PASS THROUGH - Any discharge of pollutant either through the sanitary sewer facilities of the Borough of West Mifflin, or into navigable waters or streams in the Commonwealth of Pennsylvania in quantities or concentrations which are either a cause of or significantly contribute to a violation of any requirement of the Borough of West Mifflin NPDES permit (including an increase in the magnitude or duration of a violation). The user significantly contributes to such permit violation where its

- a. Discharges a daily pollutant loading in excess of that allowed by permit or by contract with the Borough of West Mifflin, or by Federal, Commonwealth of Pennsylvania, County of Allegheny, alcosan or any of the Borough laws, ordinances, rules or regulations.
- b. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge,
- c. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation.
- d. Knows or has reason to know that the Borough of West Mifflin is for any reason, violating its final effluent limitations in its permit, and that such user's discharge either alone or in conjunction with discharges from other sources, increases any magnitude or duration of the Borough of West Mifflin's violation.
- e. Knows or has reason to know that its discharge alone or in conjunction with other sources would prevent sewage sludge use or disposal in accordance with any applicable law or regulation as the law or regulation applies to the Borough's selected method of sludge management.

PERSON - Any individual, partnership, company, association, corporation, political subdivision, authority, State, Country, or any other group or entity.

SEWAGE - Any substance that contains any of the waste products or excrement or other discharges from the bodies of human beings or animals.

TAP-in fee - The fee charged by the Borough of West Mifflin for access to municipal sanitary sewer lines which transmits sewage to sanitary sewage treatment facilities whether owned by the Borough or any other person.

SECTION 2. Every improved property in the Borough of West Mifflin, adjoining or abutting upon streets, alleys or areas, in which a public sewer is now or shall hereinafter be constructed or located, shall be connected with said sanitary sewer line in such manner and within such time as the Borough may order, for the purposes of collection of the discharge of all sewage from said property.

SECTION 3. Rules and Regulations

1, The Council of the Borough of west Mifflin may adopt such rules and regulations concerning sewage which it may deem necessary from time to time to control the method of collection and transporting sewage to sanitary sewage treatment facilities. Such rules and regulations shall be adopted by Council either by motion or resolution, or council may adopt a policy specifically delegating the authority to establish rules and regulations to a designated agency, Department or authority or person.

2. All such rules and regulations adopted by Council, or its duly appointed department or agent, shall be in conformity with all applicable laws and rules and regulations set by the Commonwealth of Pennsylvania and the United States of America, and its departments and agencies.

SECTION 4. No person shall make or cause to make any connection of his property with any of the Borough's sanitary sewer lines until he has fulfilled all of the following conditions:

<![if !supportLists]>1. <![endif]>Make application with the Borough Building Inspector's Office for a permit to make such connection.

<![if !supportLists]>2. <![endif]>Present the Building Inspector's Office with such data the Building" Inspector may require to insure the proper connection of the property and the Borough's sanitary sewer line, and to insure that only sewage shall be discharged into the sanitary sewer line.

<![if !supportLists]>3. <![endif]>Pay the appropriate tap-in fee as from time to time established, by the Borough of West Mifflin.

<![if !supportLists]>4. <![endif]>Make application for, secure and pay for

any other permit fee required in connection with the tap-in installation such as a permit to excavate in the street, grading permit, or whatever else is required by statute, County and Borough Ordinance or regulations.

<![if !supportLists]>5. <![endif]>The owner or his agent shall give the Building Inspector's Office at least twenty-four (24) hours written notice of the time when such connection shall be made, in order that the Building Inspector or his designee can be present to observe that the work of connection is done correctly in accordance with rules and regulations of the Borough of West Mifflin.

SECTION 5. That all work in making a connection into any of the Borough sanitary sewer lines or any line which voids into the Borough's sewer lines shall be done in accordance with the rules and regulations established by the Borough of West Mifflin and shall be done under the personal observation of the Building inspector's Office, the Borough Engineer, or whatever other person the Council of the Borough of West Mifflin may authorize and delegate to oversee the actual connection to the Borough sanitary sewer lines. All work pertaining to the connection to the said Borough sanitary sewer lines shall be financially and otherwise, be the responsibility of the owner of the property or his lessee, jointly and severally, with which the tap-in connection is made, and all tap-in fees shall be the responsibility of the owner and lessee jointly and severally.

SECTION 6. Prohibited Acts

1. No person, firm, association or corporation shall introduce or cause to be introduced, directly or indirectly into any sanitary sewer line of the Borough and into any other sewer line, pipe or other conveyance located in the Borough and transmitting substance into any sanitary sewer treatment facility, regardless of whether owned by the Borough of West Mifflin, ALCOSAN, or any other municipal entity or authority, any toxic substance, pollutant or other wastewater which will (a) cause interference with the operation or performance of the sanitary sewer treatment plant or other facility, or (b) pass through the sanitary sewer treatment plant or other facility.

2. No person shall introduce, permit or cause to be introduced, directly or indirectly into the sanitary sewer line, pipe or other conveyance located in the Borough and transmitting sewage substance into sanitary sewage treatment facilities, any of the following:

- a. Any pollutant or wastewater which will endanger the life, health or safety of the treatment plant, sewage maintenance and plant operation or which would preclude safe entry into the sewer system or any portion of the treatment plant.
- b. Any ignitable, reactive, explosive or corrosive waste.
- c. Any and all wastes that are defined or listed as hazardous under the regulations enacted by agencies of the Federal government or Commonwealth of Pennsylvania.
- d. Any wastewater with a temperature great enough to inhibit biological

- activity in the sanitary sewer treatment plant.
- e. Any waste which exceeds the naturally occurring background levels for either alpha, beta, or gamma radiation and/or any wastewater containing any radioactive waste or isotopes of such half-life or concentration to not be in compliance with applicable Federal or State regulations.
 - f. Any solids or viscous substance capable of causing obstruction to the flow in sewers or otherwise interference with the proper operation of sanitary sewer facilities or facilities discharging into the sanitary sewage facilities.
 - g. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.
 - h. Pathological wastes from a hospital or other medical establishment.
 - i. Garbage, whether ground or not.
 - j. Sludge or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants; unless the discharge of such sludge and other materials is specifically approved by the Borough of West Mifflin.
 - k. Any substance which violates discharge regulations as established by authorized agencies of the Federal government, the Commonwealth of Pennsylvania, the Ohio River valley Water Sanitation Commission, Allegheny County, ALCOSAN, the Borough of West Mifflin or any other sanitary sewer treatment facility for where such waste is being treated,
 - i. Except for biodegradable toilet paper, no gravel, dirt, leaves, plastics or any other soils or gaseous substance not defined as sewage.

4. No person, firm, association or corporation shall introduce or cause to be introduced, directly or indirectly, into any sanitary sewer lines, pipes or any other type of conveyances located in the Borough of West Mifflin and transmitting into any sanitary sewer treatment facilities, any toxic substance, pollutant or other wastewater in violation of the National Categorical or general pretreatment standards promulgated by the U.S. Environmental Protection Agency pursuant to §307 (b) and (c) of the Federal Water Pollution Control Act (33 U.S.C. §1317 (b) and (c)), or any amendments thereto.

5. No person, firm, association or corporation shall take any action, nor do or cause to be done, anything in violation of the Federal Water Pollution Control Act, the Clean Streams Act of the Commonwealth of Pennsylvania or any regulations promulgated by the United States Environmental Protection Act, the Pennsylvania Department of Environmental Resource, or any other governmental regulatory agency having jurisdiction of this subject matter.

6. No person shall take any action nor do or cause to be done, anything in violation of any rule or regulation of the Borough of West Mifflin or the laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania, of the County of Allegheny or, the Ohio River Valley Water Sanitation Commission in regards to sewage discharge or treatment.

SECTION 7. Privy Vaults Prohibited.

1. No privy vault, cesspool, or similar receptacle for human excrement:

shall at any time now, or hereinafter, be connected with any of the Borough sewers.

2. No privy vault, cesspool or similar receptacle for human excrement shall hereinafter be maintained on any premises or property from which a connection with any of the Borough sewers lines shall have been made. Every such privy vault, cesspool or other receptacle within thirty (30) days after connection of the property to said sanitary sewer line shall be abandoned, cleaned and filled under the direction and the supervision of the Ordinance officer or other proper official of the Borough. Any such privy vault, cesspool or other receptacle not abandoned, cleansed and filled as required by this Section shall constitute a nuisance and such nuisance may be abated on order at the Borough Manager or Secretary or other proper official of the Borough as provided by law at the expense of the owner of such property, and such expense shall constitute a lien on the realty.

SECTION 8. Storm water. No storm water or water from roofs or "gray" water shall be permitted to enter the sanitary sewers, and no connection shall be made and no apparatus shall be connected which shall be intended for or shall render possible such storm roof or "gray" water entry into the sanitary sewer lines. "Gray" water is dish water, laundry water or any other type of water where soap, a cleansing agent or a chemical introduced into the water.

SECTION 9. Sanitary Sewer Lines. Every property in the Borough of West Mifflin which has access to a sanitary sewer trunk line of the Borough of West Mifflin or a sanitary sewer trunk line, pipe, or conveyance, shall be connected with said sanitary sewer trunk line, pipe or connection within thirty (30) days unless the Borough designated a different time period for such connection, and the property owners shall pay to the Borough the tap-in fees hereinafter set forth.

SECTION 10. Imposition of Tap-in Fee. The Borough of West Mifflin imposes a tap-in fee in such amounts as hereinafter set forth to be paid by the owners, or tenants, jointly or severally, for access to the various sanitary sewer lines located in the various sanitary sewer district of the Borough of West Mifflin.

SECTION 11. Fees.

Single Residential or Single Units. The Council of the Borough of West Mifflin hereby provides for the payment by such owners, or tenants of single-family dwelling units, or any other single unit such as withholding in a single family residential area, the sum of ONE THOUSAND (\$1,000.00) DOLLARS for one (1) commode or one (1) lavatory and one (1) urinal, together with an additional fee of ONE HUNDRED SIXTY-FIVE (\$165.00) DOLLARS for each additional lavatory, commode, urinal or other sanitary unit.

Commercial.

1. With regards to a site in a C-2 shopping center zoning district involving seventy-five (75) or more contiguous acres, the Borough of West Mifflin proposes the fixed sum of ONE THOUSAND (\$1,000.00) DOLLARS for each store in a retail lease area to be paid by the property owner or developer, due and payable upon application for permit to make sanitary sewer connection, and an additional ONE HUNDRED SIXTY-FIVE (\$165.00) DOLLARS for each sanitary fixture.

2. Each respective retail and food service, or any other service, or retail,

or wholesale operation in any other shopping center or any commercial district will individually pay for all charges due for each sanitary fixture within their respective lease areas in the amount of ONE THOUSAND (\$1,000.00) DOLLARS, and an additional ONE HUNDRED SIXTY-FIVE (\$165.00) DOLLARS per each additional sanitary fixture due and payable upon application to the Borough of West Mifflin for a building permit.

* All charges imposed for sanitary sewer fixtures and/or sanitary sewer permit fees, shall be due and payable concurrent with the building permit fees and no building permit shall be issued for new structures or additions thereto, and for existing structures, within thirty {30} days from the date that sanitary sewer line is made available to the property owners. All certificates of occupancy issued by the Borough of West Mifflin shall be withheld from any individual building permit holder, and/or shall be rescinded from any individual permit holder who is not in compliance with this Ordinance until all charges imposed are collected.

3. For each multiple dwelling residential unit, the owner or developer shall pay ONE THOUSAND (\$1,000.00) DOLLARS tap-in fee for each unit contained in the structure plus the additional fee of one HUNDRED SIXTY-FIVE (\$165.00) DOLLARS for each additional commode, lavatory or urinal contained in the separate units,

4. For industrial property, the tap-in fee is One thousand (\$1,000.00) DOLLARS for one commode, or one urinal or one lavatory and an additional ONE HUNDRED SIXTY-FIVE (\$165.00) DOLLARS for each additional commode, urinal or lavatory.

5. For any property not enumerated herein or hereinafter, the tap-in fee shall be ONE THOUSAND (\$1,000.00) DOLLARS for one Commode, or one urinal or one lavatory, and an additional ONE HUNDRED SIXTY-FIVE (\$165.00) DOLLARS for each additional commode, urinal or lavatory.

SECTION 12. Fixed Sums. The Borough of West Mifflin hereby imposes a ONE THOUSAND (\$1,000.00) DOLLAR fee for each unit to be paid by the owner of mobile home parks or the mobile home site if individually owned situate in the Borough of West Mifflin, Commonwealth of Pennsylvania, and the amounts are imposed upon the following properties as set forth in the following schedule:

- a. Hereafter each mobile home, prefabricated unit, modular dwelling or other structure or comparable unit occupying a berth, pad or space in the mobile home park or upon an individual lot, shall be assessed the sum of ONE THOUSAND (\$1,000.00) DOLLARS for one (1) commode or for one (1) lavatory or one (1) urinal, together with an additional fixed sum of ONE HUNDRED SIXTY-FIVE (\$165.00) DOLLARS for each additional lavatory, commode, urinal or other sanitary unit contained in the unit. Each pad, berth or space shall be considered a unit whether the pad, berth or space is occupied or vacant.
- b. Other structures including conventional homes located within the mobile home parks, shall be assessed according to the general ordinance governing either residential units, business or commercial units rates or assessments, as the case may be, which assesses a fixed sum for sewage services throughout the Borough.

SECTION 13. Existing planned Sanitary Sewer Projects. For all Sanitary sewer construction projects which are now under various stages of planning, bidding, or constructing the tap-in fee shall remain the same as when the project was initially planned by the Sanitation committee, i.e.,

THREE HUNDRED (\$300.00) dollars for one commode, urinal or lavatory, and FIFTY (\$50.00) DOLLARS for each additional commode, urinal or lavatory. All existing sanitary sewer project currently planned that shall retain the THREE HUNDRED (\$300.00) DOLLAR tap-in fee for one commode, urinal or lavatory, and FIFTY (\$50.00) DOLLARS for each additional commode, urinal or lavatory as follows:

Everlawn Street Sanitary Sewer Project
Buttermilk Hollow Sanitary Sewer Project
Gunther Plan Sanitary Sewer Project
Homestead-Duquesne Road Sanitary Sewer Project
Addison Avenue Sanitary Sewer Project

SECTION 14. Payments. All such fixed sums shall be due and payable when application for a permit is filed, unless Council of Borough of West Mifflin grants an extension of time or a payment schedule to the applicant. If said sum is not paid when application for a building permit is filed, within the time allotted by the Borough Council, a penalty of ten (10%) percent will be added together with the interest payments at the rate of ten (10%) percent per annum from the due date of payment together with court costs and attorneys fees incurred for collection. All monies collected under this Ordinance shall be deposited into a sanitary sewer and treatment fund, and said funds shall be used to construct, reconstruct, acquire sanitary sewer right-of-ways, and maintain sanitary sewer lines and appurtenances or sanitary treatment plants of the Borough of West Mifflin. These funds may also be used to pay all related sanitary sewer and treatment cost such as engineering fees, legal costs, attorney's fees and lien cost, and costs for collection of the fees.

SECTION 15. Liens. All charges imposed hereby, together with all penalties, interest and costs shall be a lien on the realty served from the date said the connections to the sanitary sewer line has been made, and all delinquent bills for such charges shall be entered as a lien against the property served, and such lien shall be filed in the office of the Prothonotary of Allegheny County, and the collection thereof shall be made and enforced in the manner municipal claims are collected, which shall include but not be limited to a Praecipe for a Writ of Sci Facias or in an action of Assumpsit against the owner and/or lessee, jointly and severally, and the Borough shall be entitled in addition to the principal amount due, a penalty of ten (10) percent and of ten (10%) percent per annum interest, the Borough of West Mifflin shall also be entitled for reimbursement of all coats expended and for attorneys fees as set forth by statute.

The solicitor of the Borough of West Mifflin is hereby authorized to collect the same. The Solicitor shall have the authority now vested by law for the collections of Borough taxes and liens, and all delinquent fees shall be referred to the Solicitor for collection by the Borough Manager within sixty (60)days from the due date.

SECTION 16. Notice. Such fixed sum shall be a lien on the properties, from the date due, and if not paid within thirty (30) days notice by the Borough, may be collected toy an action of Assumpsit, in the name of the Borough of West Mifflin against the owner of the property charged, or by distress of personal property on the premises or by distress on rents due, or by a lien filed in the nature of a municipal lien, or any other method permitted by law.

SECTION 17. Other Remedies. In addition for filing for collection of all monies due, the Borough Manager is hereby authorized to initiate proceedings to have the water company cease servicing the property, and to have the water company shut off access to the water which services the property at the curb. The cessation of water services to any structure shall be done in accordance with existing statute and regulations during time periods allowed by existing statute.

SECTION 18. Severability. It is hereby declared that it was the intention of council of the Borough of West Mifflin that the provisions of this Ordinance shall be severable and that if any Court of proper jurisdiction holds any provisions of this Ordinance, or the application of any provisions of this Ordinance to any circumstances to be illegal or unconstitutional, then the other provisions of this Ordinance or the applications of such other provisions to other circumstances, shall remain in full force and effect. It being declared the intention of the Council of the Borough of West Mifflin, that the provisions of this Ordinance shall be severable and that the remaining portion of this Ordinance would have been adopted if any such legal or unconstitutional provisions have not been included.

SECTION 19. Penalties. Any person, firm, or corporation, who shall violate any provisions of this Ordinance, upon adjudication thereon, be required to pay a fine of not more than ONE THOUSAND (\$1,000.00) DOLLARS plus costs.

Each day that a violation is continued shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed the partners or members thereof; in the case of a corporations, upon the officers and stockholders thereof.

Any Ordinance or part of Ordinances conflicting with the provisions of this Ordinance, being the same is hereby repealed.

ordained and enacted this 1st day of February 1994.

ATTEST: Mary Louise Bittner, Secretary

BOROUGH OF West Mifflin: Kenneth W. Ruffing, President of Council

Examined and approved this 1st day of February 1994. Robert L. Hess, Mayor