

ARTICLE V

Sewer Connections and Fees**[Adopted 2-1-1994 by Ord. No. 1006 (Ch. 18, Part 3, of the 1999 Code of Ordinances)]****§ 220-32. Definitions. [Amended 3-16-1999 by Ord. No. 1094]**

Unless the context specifically and clearly indicates otherwise, the meanings of the terms used in this article shall be as follows:

BOROUGH — The Borough of West Mifflin.

INTERFERENCE — Any inhibition or disruption of the sanitary sewer facilities, its treatment processes or operations, its sludge processes, use or disposal, or of any sewer, pipe or other conveyance located in the Borough of West Mifflin and transmitting any substance into any treatment facility, wherever located, which is the cause of and significantly contributes to either a violation of any requirement of that sanitary sewer facility's National Pollution Discharge Elimination System permit, hereinafter called "NPDES permit," including 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 et 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 et seq.), including Title II, more commonly referred to as the "Resource Conservation and Recovery Act," and including all Commonwealth of Pennsylvania Department of Environmental Protection regulations prepared pursuant to Subtitle D of the Solid Waste Disposal Act; and the Clean Air Act (42 U.S.C. § 7401 et seq.); and the Toxic Substances 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 as "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, or 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 subtenant, holdover 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 pollutants through the sanitary sewer facilities of the Borough of West Mifflin 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's NPDES permit (including an increase in the magnitude or duration of a violation). The user significantly contributes to such permit violation where it:

- 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, county or any other group or entity.

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.

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 transmit sewage to sanitary sewage treatment facilities, whether owned by the Borough or any other person.

§ 220-33. Connection required.

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.

§ 220-34. Rules and regulations.

- A. 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.
- B. 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.

§ 220-35. Conditions prior to connection.

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

- A. Make application with the Borough Building Inspector's office for a permit to make such connections.
- B. 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.
- C. Pay the appropriate tap-in fee as from time to time established by the Borough of West Mifflin.
- D. 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 ordinances or regulations.
- E. The owner or his agent shall give the Building Inspector's office at least 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.

§ 220-36. Work requirements.

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, 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.

§ 220-37. Prohibited acts.

- A. No person, firm, association or corporation shall introduce or cause to be introduced, directly or indirectly, into any sanitary sewer line of the Borough or into any other sewer line, pipe or other conveyance located in the Borough and transmitting substances 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:
- (1) Cause interference with the operation or performance of the sanitary sewer treatment plant or other facility; or
 - (2) Pass through the sanitary sewer treatment plant or other facility.
- B. 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 substances into the sanitary sewage treatment facilities, any of the following:
- (1) 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.
 - (2) Any ignitable, reactive, explosive or corrosive waste.
 - (3) Any and all wastes that are defined or listed as "hazardous" under the regulations enacted by agencies of the federal government or the Commonwealth of Pennsylvania.
 - (4) Any wastewater with a temperature great enough to inhibit biological activity in the sanitary sewer treatment plant.
 - (5) Any wastewater 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.
 - (6) Any solids or viscous substances capable of causing obstruction to the flow in sewers or otherwise interfere with the proper operation of sanitary sewer facilities or facilities discharging into the sanitary sewage facilities.
 - (7) 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.
 - (8) Pathological wastes from a hospital or other medical establishment.
 - (9) Garbage, whether ground or not.
 - (10) 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.

- (11) 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 where such waste is being treated.
- (12) Except for biodegradable toilet paper, no gravel, dirt, leaves, plastic or any other soils or gaseous substances not defined as "sewage."
- C. 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 types of conveyance 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 United States Environmental Protection Agency pursuant to Section 307(b) and (c) of the Federal Water Pollution Control Act [33 U.S.C. § 1317(b) and (c)], or any amendments thereto.
- D. No person, firm, association or corporation shall take any action or 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 Agency or any other governmental regulatory agency having jurisdiction of this subject matter.
- E. No person shall take any action or 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, the County of Allegheny or the Ohio River Valley Water Sanitation Commission in regards to sewage discharge or treatment.

§ 220-38. Privy vaults, cesspools and other receptacles.

- A. 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.
- B. 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 sewer lines shall have been made. Every such privy vault, cesspool or other receptacle, within 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, cleaned and filled as required by this section shall constitute a nuisance, and such nuisance may be abated on order of 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.

§ 220-39. Stormwater and roof water. [Amended 3-1-1994 by Ord. No. 1012]

No stormwater or water from roofs 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 the entry of such stormwater or roof water into the sanitary sewer lines.

§ 220-40. Time period for connection.

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 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.

§ 220-41. Imposition of tap-in fee.

The Borough of West Mifflin imposes a tap-in fee, in such amount 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 districts of the Borough of West Mifflin.

§ 220-42. Amount of tap-in fee.

- A. 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 \$1,000 for one commode or one lavatory and one urinal, together with an additional fee of \$165 for each additional lavatory, commode, urinal or other sanitary unit.
- B. Commercial.
- (1) With regards to a site in a C-2 Shopping Center Zoning District involving 75 or more contiguous acres, the Borough of West Mifflin proposes the fixed sum of \$1,000 for each store in a retail lease area to be paid by the property owner or developer, due and payable upon application for a permit to make a sanitary sewer connection, and an additional \$165 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 \$1,000 and an additional \$165 per each additional sanitary fixture, due and payable upon application to the Borough of West Mifflin for a building permit.
 - (3) 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 30 days from the date that a 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 article until all charges imposed are collected.
 - (4) For each multiple-dwelling residential unit, the owner or developer shall pay a tap-in fee of \$1,000 for each unit contained in the structure, plus the additional fee of \$165 for each additional commode, lavatory or urinal contained in the separate units.
 - (5) For industrial property, the tap-in fee is \$1,000 for one commode or one urinal or one

lavatory and an additional \$165 for each additional commode, urinal or lavatory.

- (6) For any property not enumerated herein or hereinafter, the tap-in fee shall be \$1,000 for one commode or one urinal or one lavatory and an additional \$165 for each additional commode, urinal or lavatory.

§ 220-43. Fees for mobile home parks.

The Borough of West Mifflin hereby imposes a fee of \$1,000 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 \$1,000 for one commode or for one lavatory or one urinal, together with an additional fixed sum of \$165 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 unit or business or commercial unit rates or assessments, as the case may be, which assesses a fixed sum for sewage services through the Borough.

§ 220-44. Existing structures and projects. [Amended 2-15-1994 by Ord. No. 1009]

- A. 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., \$300 for one commode, urinal or lavatory and \$50 for each additional commode, urinal or lavatory. All existing sanitary sewer projects currently planned that shall retain the tap-in fee of \$300 for one commode, urinal or lavatory and \$50 for each additional commode, urinal or lavatory are listed as follows:
 - (1) Everlawn Street Sanitary Sewer Project.
 - (2) Buttermilk Hollow Road Sanitary Sewer Project.
 - (3) Gunther Plan Sanitary Sewer Project.
 - (4) Homestead-Duquesne Road Sanitary Sewer Project.
 - (5) Addison Avenue Sanitary Sewer Project.
- B. Additionally, all residential structures existing in the Borough of West Mifflin which are 15 years or older will be subject to a tap-in fee of \$300 for one commode, urinal or lavatory and \$50 for each additional commode, urinal or lavatory. However, in order to qualify for the fifteen-year or older residential structure fee, the residential structure must meet the following conditions:
 - (1) Be substantially the same as when it was constructed.

- (2) Have a construction date that commenced on or before February 1, 1979, as evidenced by a valid building permit issued by the Borough of West Mifflin. In the event that the age of the residential structure is in excess of years when building permits were required, then, upon inspection, the Building Inspector's office may issue a certification that the age of the residential structure is in excess of the time period for which records are kept by the Borough of West Mifflin.
- (3) The structure is substantially the same as when it was constructed on or before February 1, 1979. "Substantially the same" means that the exterior dimensions of the structure have not been enlarged in excess of 25% of what was originally constructed.
- (4) The owners did not have reasonable access to a sanitary sewer trunk line from the period of February 1, 1979, until the date of enactment of this article.

§ 220-45. Payment of fees; use of funds.

All such fixed sums shall be due and payable when application for a permit is filed, unless Council of the 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 10% will be added, together with the interest payments at the rate of 10% per annum from the due date of payment, together with court costs and attorneys' fees incurred for collection. All monies collected under this article shall be deposited into a sanitary sewer and treatment fund, and said funds shall be used to construct, reconstruct, acquire sanitary sewer rights-of-way, 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 costs, such as engineering fees, legal costs, attorneys' fees and lien costs and costs for collection of the fees.

§ 220-46. Liens; collection of delinquent payments.

- A. All charges imposed hereby, together with all penalties, interest and costs, shall be a lien on the realty served from the date said connection 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 scire 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, to a penalty of 10% and per-annum interest of 10%. The Borough of West Mifflin shall also be entitled to reimbursement of all costs expended and for attorneys' fees as set forth by statute.
- B. 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 collection of Borough taxes and liens, and all delinquent fees shall be referred to the Solicitor for collection by the Borough Manager within 60 days from the date due.

§ 220-47. Effect of nonpayment.

Such fixed sum shall be a lien on the property from the date due and, if not paid within 30 days of

notice by the Borough, may be collected by 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.

§ 220-48. Cessation of water services.

In addition to 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 statutes and regulations during time periods allowed by existing statute.

§ 220-49. Violations and penalties. [Amended 3-16-1999 by Ord. No. 1094]

- A. Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.
- B. Each day that a violation continues shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed on the partners or members thereof; in the case of a corporation, upon the officers and stockholders thereof.