

ORDINANCE NO. 4-2012

AN ORDINANCE OF CLINTONVILLE BOROUGH, VENANGO COUNTY, PENNSYLVANIA, DIRECTING AND REQUIRING THE CONNECTION OF ALL OCCUPIABLE BUILDINGS WITH THE PUBLIC SANITARY SEWERS ON PREMISES ACCESSIBLE THERETO; DIRECTING AND REQUIRING ABANDONMENT OF ALL PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS ON SUCH PREMISES; PROHIBITING THE ERECTION AND CONSTRUCTION OF NEW PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS IN AND UPON SUCH PREMISES; PROHIBITING DISCHARGE OF STORM WATER INTO THE SEWAGE SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

BE IT ORDAINED and enacted by the Borough Council of Clintonville Borough, and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1 - Purpose

The Borough of Clintonville maintains an Act 537 Plan to provide for public sanitary sewage within the Borough of Clintonville. The Borough has delegated to and appointed the Clintonville Borough Sewer and Water Authority the right and power to provide public sanitary sewage service. The Borough has determined the mandatory connection to the public sanitary sewage system is required in order to assure the economic viability of the public sanitary sewer system. This Ordinance is to provide for the mandatory connection to the public sanitary sewer system, to provide for the abandonment and destruction of existing privy vaults, cesspools and septic tanks, to prohibit storm water entry into the sanitary sewer system and to provide penalties for failure to comply with this Ordinance.

SECTION 2 – DEFINITIONS

1. “Authority” shall mean Clintonville Borough Sewer & Water Authority.
2. “Borough” shall mean the Borough of Clintonville
3. “Building” shall mean a man-made structure attached to or into the ground enclosing or covering a volume of space, and intended to shelter or contain people, animals, businesses and activities associated with any of them.
4. “Building Drain” or “House Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the sewage inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall.
5. “Building Sewer” shall mean that part of the drainage system that extends from the end of the building drain and conveys the discharge to the public sanitary sewer.

6. "Authority Inspector" shall mean the person appointed or employed by Clintonville Borough Sewer & Water to inspect public sewers, water lines, building sewers and all other connections between occupiable homes or other buildings and the public sewers and water lines.
7. "Occupiable" shall mean a Building designed for human occupancy in which individuals congregate for any purpose; and which is equipped with means of egress and plumbing facilities for water to be used by the occupants of the building.
8. "Persons" shall mean individual, partnership, association, company, corporation, municipality, municipal authority or political subdivision, or any agency of the federal or state government. The term includes the officers, employees and agents of any partnership, association, company, corporation, municipality, municipal authority or political subdivision, or any agency of the federal or state government.
9. "Public Sanitary Sewer" shall mean a sanitary sewer owned, maintained and operated by the by the Clintonville Borough Sewer & Water Authority.
10. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by the Authority.
11. "Sanitary Sewer" shall mean a sewer which carries sewage and and to which storm, surface and ground waters are prohibited.
12. "Sewage" shall mean a combination of water-carried wastes from the residence, business and commercial buildings, apartments, institutions and industrial establishments. Sewage shall not include industrial waste, which shall be pre-treated prior to placement into the public sanitary sewer system.
13. "Sewage Treatment Plant" or "Sewage Treatment Works" shall mean any arrangement of devices and structures used for treating sewage.
14. "Sewer" shall mean a pipe or conduit for carrying sewage.
15. "Shall" is mandatory.
16. "Storm Drain" or "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

SECTION 3 – MANDATORY CONNECTION

A. Within 60 days after the passage of this Ordinance, the owner or owners of all occupiable Buildings located on premises accessible to a Public Sanitary Sewer shall connect the Building or Buildings with the Public Sanitary Sewer to which the property is accessible.

B As Public Sanitary Sewers are laid and provided in other and additional areas of the Borough, the owners of all occupiable Buildings accessible to such Public Sanitary Sewers so laid and constructed shall, within 60 days, connect or cause to be connected any occupiable Buildings with the Sanitary Sewer to which the property becomes accessible.

SECTION 4 – ABANDONMENT OF PRIVIES, PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS

When connection has been made with the Public Sanitary Sewer, the owner or owners of such property shall forthwith abandon any and all privies, privy vaults, cesspools and septic tanks then existing on said premises and shall use them no longer. Such abandoned privies, privy vaults, cesspools and septic tanks shall have pumped from them all Sewage, seepage or other waste and shall cause them to be filled with sand or other acceptable material. Any and all connection or connections with the occupiable Building which was served by and privy, privy vaults, cesspools and septic tanks shall be broken and destroyed in such a manner that Sanitary Sewage can no longer enter therein.

SECTION 5 – PROHIBITION AGAINST USE OF PRIVIES, PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS

A. From and after the passage of this Ordinance, it shall be unlawful for any person, firm or corporation to erect or construct any privy, privy vault, cesspool or septic tank, or any other type of disposal receptacle or structure in, on or under any premises accessible to any Public Sanitary Sewer in the Borough.

B. From and after the passage of this Ordinance, it shall be unlawful for any person to connect with any privy, privy vault, cesspool, septic tank or any type of disposal, receptacle or structure to any Public Sanitary Sewer in the Borough.

C. From and after the passage of this Ordinance, it shall be unlawful in areas where Public Sanitary Sewers have been provided and where the owner or owners of premises have connected with the Public Sanitary Sewers, or are by this Ordinance duly bound to do so, to connect the occupiable Building with privy, privy vault, cesspool, septic tank or any other type of disposal, receptacle or structure.

SECTION 6 – COMPLIANCE WITH RULES AND REGULATIONS

All connections to the sewer lines that are part of the Public Sanitary Sewer system of the Authority shall be made in accordance with the rules and regulations adopted by the Authority. Any abandonment of any existing privy, privy vault, cesspool or septic tank or other disposal receptacle or structure shall be made in accordance with the rules and regulations adopted by the Authority.

SECTION 7 – PROHIBITION OF STORM WATER INTO SANITARY SEWER SYSTEM

A. No basement seepage, ground water drainage, foundation drain or storm drain or any other non-sewage source of water shall be discharged into the Sanitary Sewer system and all applicants desiring connection to the Public Sanitary Sewage system shall certify that no ground water, seepage drains, foundation drains or storm drains are or shall be connected to the Public Sanitary Sewage system. After connection to the sewer is made, the applicant shall maintain the house system in such a manner that no such seepage, ground water drainage, foundation drains or storm water drains enter the Sanitary Sewage system.

B. No downspouts, roof drainage, or surface or area drainage, shall be connected into the Public Sanitary Sewage system and before attachment to the sewer system the property owner or applicant for service shall remove such connections and adequately and rightly plug his system to prevent the entrance of the downspouts, roof or surface or area drainage into the Public sanitary Sewer system. After connection to the Sewer system, no downspouts, roof drainage or surface or area drainage shall be connected to the Sewer lateral, any part of the plumbing system that discharges to the Public Sanitary Sewer system or any part of the Public Sanitary Sewage system.

C. The Authority will establish rules and regulations to insure compliance with this section and is hereby authorized to perform inspections, require inspections, perform repairs or bring any action authorized by Section 12 hereinafter delineated to enforce compliance herewith.

SECTION 8 – SPECIFICATIONS FOR HOUSE PLUMBING SYSTEM

Each user of the Public Sanitary Sewer system before connection are made thereto shall provide the necessary piping, venting and connections as required by the rules and regulations of the Authority.

SECTION 9 – CROSS CONNECTIONS

No cross connections shall be made between the Sanitary Sewer system and the potable water system whereby vacuums or back siphonage could permit sanitary waste to enter the potable water system. No cross connections shall be made between the Sanitary Sewage system and the Storm Drains or Storm Sewers.

SECTION 10 – INSPECTORS

The Authority and Borough, and their agents and employees, shall be permitted to enter upon all properties for the purpose of inspection, observation, sampling, testing and retesting in accordance with rules and regulations adopted by the Authority.

SECTION 11 – IMPLEMENTATION

The Borough of Clintonville hereby designates the Clintonville Water and Sewage Authority its agent to enforce all provisions of this Ordinance, including but not limited to, mandatory connections and penalties for non-compliance with any provision of this Ordinance.

legal actions authorized by this Ordinance necessary for implementation of the provisions hereof.

SECTION 12 – PENALTIES / ENFORCEMENT

If the owner or owners of any occupiable Building or Buildings shall neglect or refuse to comply with the provisions of this Ordinance, the Borough or the Authority may serve a written notice upon said owner or owners, or upon the tenant or party in possession of the premises if the owner or owners cannot be found on said premises, requiring said owner or owners to comply in every respect with the provisions of this Ordinance within 30 days after the service of such notice, and if the owner or owners shall neglect or refuse to comply with the notice, the Borough or 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 comply with the provisions of this Ordinance at the cost and expense of the owner or owners together with 10% in addition thereto. All charges and expenses incident to such connection by the Borough or Authority, which sum shall be collected from said owner or owners for the use of the Borough or Authority as debts are by law collectable, or the said Borough or Authority may, by the proper officer, file a municipal claim or lien therefor against said premises as provided by the Act or Acts of Assembly.

In addition, if the owner or owners of any occupiable Building or Buildings after receiving due notice refuses or fails to comply with the terms thereof:

- (A) He or she shall be guilty of a violation of this ordinance and shall upon conviction thereof, before a District Justice having jurisdiction, shall be fined not less than Twenty-five (\$25.00) Dollars and not more than the statutory maximum for enforcement of a summary offense under the borough code as prescribed 53 P.S. § 48321, or the Authority pursuant to 53 Pa. C.S. §5607(d), plus costs of prosecution, after summary proceedings brought in the name of the Borough or Authority before said District Justice. In default of payment of such fines and costs of prosecution, shall be imprisoned to the extent allowed by law for the punishment of summary offenses, PROVIDED, each days continuance of a violation shall constitute a separate offense.
- (B) The Borough or Authority may direct the removal, repairs or alterations, as the case may be, to be done by the Borough or Authority and the cost thereof with a penalty of ten (10%) percent may be collected from the owner of the premises by a civil action or the Borough or Authority may file a municipal claim or lien therefore against such real estate. [53 P.S. §46202(4) (16), as amended], and/or 53 P.S. PAST Pt. 1, Ch 25, et seq.
- (C) The Borough or Authority may by means of an action in assumpsit to compel the owner to remedy the violation or to seek other relief as such Court is empowered to afford.
- (D). In addition to any of the penalties set forth above, any person who fails to connect to the Public Sanitary Sewer as required under this Ordinance and such failure to connect continues for a period of 30 days after written notice to do so shall become liable for the monthly minimum charge as established by the Authority for Sanitary Sewer service and such charge shall continue regardless of whether service has been established to the property.

property.

(E) In addition, such owner or owners may suffer the termination of water service to the building or buildings failing to comply. Additionally, sewer service may be terminated upon failure of water supply being maintained at the structure.

(F) Use of sewer service without purchasing water from the Authority shall be deemed to be a theft of service and prosecuted as such.

SECTION 13 – NOTICE

Service of any written notice shall be made by United States Postal Service, via Certified Mail, Return Receipt Requested, and first class mail postage prepaid; or personal delivery by an employee of the Borough or Authority; or member of the Borough Council or Authority Board; or a police officer or constable. Notice to include details of the violation, any applicable rules or regulations adopted by the Authority, and a copy of this Ordinance.

SECTION 14 – REPEALER

All Ordinances or parts of ordinances inconsistent with or conflicting with the provisions of this Ordinance are, and the same are hereby repealed, insofar as they are inconsistent with the provisions of this Ordinance.

SECTION 15 – PARTIAL INVALIDITY

The invalidity of any section, clause, sentence or provisions of this Ordinance shall not affect the validity of any other part of the Ordinance which can be given effect without such invalid part or parts.

SECTION 16 – EFFECTIVE DATE

This Ordinance shall be effective upon enactment by the Borough of Clintonville.

ENACTED AND ORDAINED into an Ordinance this 4th day December, 2012.

ATTEST:

Wanda Gladd
Secretary

BOROUGH of CLINTONVILLE

By: James C. Pellegrini
President, Council

By: John C. Gladd
Vice-President Council

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