

BOROUGH OF WEST KITTANNING
ARMSTRONG COUNTY, PENNSYLVANIA

ORDINANCE NO. 134

AN ORDINANCE OF THE BOROUGH OF WEST KITTANNING DIRECTING AND REQUIRING THE CONNECTION OF ALL OCCUPIED BUILDINGS WITH PUBLIC SANITARY SEWERS IN THE BOROUGH ON PREMISES ACCESSIBLE THERETO; DIRECTING AND REQUIRING THE ABANDONMENT OF PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS ON SUCH PREMISES; PROHIBITING THE ERECTION AND CONSTRUCTION OF PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS IN AND UPON SUCH PREMISES; PROVIDING FOR THE METHOD OF CONNECTION BETWEEN OCCUPIED BUILDINGS AND SAID SANITARY SEWERS AND FOR THE INSPECTION THEREOF; PROVIDING FOR THE ISSUANCE OR PERMITS AND THE PAYMENT OF TAP CHARGES THEREFORE; DEFINING UNACCEPTABLE SANITARY SEWAGE; AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

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

SECTION 1. Every owner of property in the Borough of West Kittanning whose property abuts upon any public sanitary sewer presently in existence or to be constructed in the future by West Hills Area Water Pollution Control Authority shall connect, at its own cost, each house, building or other structure located on said property with the aforementioned public sanitary sewers for the purpose of disposing of all acceptable sanitary sewage emanating from said property.

SECTION 2. It shall be unlawful for any owner, lessee or occupier of any property in the Borough abutting upon any aforementioned public sanitary sewer to employ any means, either by septic tank, cesspool, privy vault, mine hole or otherwise, for the disposal of acceptable sanitary sewage other than into and through said public sanitary sewers.

SECTION 3. Where any house, building or structure in the Borough abutting upon any aforementioned public sanitary sewer is now or hereafter may be using any method for the disposal of acceptable sanitary sewage other than through said public sanitary sewers, it shall be the duty of the authorized representative of West Hills Area Water Pollution Control Authority (hereinafter called the "Authority") to notify the owner, lessee or occupier of such structure in writing, either by personal service, certified mail or registered mail, to disconnect the same and make proper connection for the discharge and disposal of all acceptable sanitary sewage through the said public sanitary sewers, as herein provided, within sixty (60) days after receipt of such notice. Any owner or lessee or occupier of a structure who cannot comply with the provisions of this Section as to connection within the sixty (60) day period stipulated above due to causes beyond his control shall apply to the Borough or the Authority within said sixty (60) day period for a time extension of up to six (6) months in duration. Said application shall be made on a form to be furnished by the Authority and shall contain a voluntary agreement on the part of the applicant under which the applicant shall agree to commence paying the regular monthly sewer rates immediately even though actual connection to the public sanitary sewers will not be accomplished until some stated later date within the said six (6) months' extension period.

SECTION 4. No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall at the present time or at any time hereafter be connected with the aforesaid public sanitary sewers.

SECTION 5. It shall be unlawful for any person, firm or corporation connected to any aforementioned public sanitary sewers to connect any roof drain thereto or permit any roof drain to remain connected thereto, or to

permit, allow or cause to enter into said public sanitary sewers any storm water, foundation drain water, spring water or surface water, or any sewage or industrial waste from any property other than that for which a permit is issued.

SECTION 6. No person, firm or corporation shall make or cause to be made any connection with any of the aforementioned public sanitary sewers until he has fulfilled all of the following conditions:

(a) He shall make application to the Authority, as the Borough's agent, upon a permit form to be formulated and supplied by the Authority for permission to connect to the aforementioned public sanitary sewers. Among other things, the applicant must state the character and use of each structure located upon his property.

(b) He shall pay to the Authority the required tap connection fee for each building unit on each property connected to the aforementioned public sanitary sewers at the time of making application for permission to make such connection or connections. The Authority and the Borough reserve the right to alter the amount of the tap connection fee required by the Authority from time to time in the future in order to comply with all requirements of the Federal Environmental Protection Agency under the EPA Grant Agreement and with all requirements of the Farmers Home Administration under the Farmers Home Administration Loan Agreement.

(c) No work shall commence before the payment of the aforesaid tap connection fee and issuance of the aforementioned connection permit.

(d) He shall give the designated Inspector of the Authority at least twenty-four (24) hours' notice of the time when such connection shall be made in order that said Inspector can be present to inspect

and approve the work of connection. The Inspector shall signify his approval of the connection by endorsing his name and the date of approval on the aforementioned connection permit in the possession of the permittees.

(e) At the time of inspection of the connection, the owner or owners of properties shall permit the Inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by said Inspector.

SECTION 7. The construction and number and size of all building sewer lines or house service sewers shall be done in accordance with the specifications, plans and procedures established by the Borough and the Authority in the Sewer System Rules and Regulations, as the same may be from time to time published and amended, copies of which, upon adoption by the Authority, shall be maintained on file with the Borough Secretary and the Authority.

SECTION 8. If the owner or owners of any occupied houses, buildings or structures in the Borough shall neglect or refuse to comply with the provisions of this Ordinance or the written notice as prescribed in Section 3 hereof, the 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 such owner or owners, together with ten (10%) per cent additional thereof and all charges and expenses incidental thereto, which sum shall be collected from said owner or owners for the use of the Authority as debts are by law collectible, or the Authority, as its agent, may, by its proper officer, file a municipal claim or lien therefore against said premises as provided by law.

SECTION 9. Unacceptable sanitary sewage and other terms used herein for purposes of this Ordinance shall have the same definitions as those which are set forth in the Sewer System Rules and Regulations, said Rules and Regulations to be applicable to all users of the aforementioned public sanitary sewers.

SECTION 10. In addition to any penalty hereinabove prescribed, any person, firm or corporation failing to make a proper connection within the time specified after receipt of proper notice as provided in Section 3 hereof shall, upon conviction thereof before a justice of the peace, pay a fine or penalty of Fifty (\$50.00) Dollars for each day in violation hereof, and violating any of the other provisions of this Ordinance shall pay a fine or penalty of not less than Five (\$5.00) Dollars nor more than One Hundred (\$100.00) Dollars, and in default of payment of either thereof, be sentenced to undergo an imprisonment of not less than five (5) days nor more than thirty (30) days in the county jail.

SECTION 11. This Ordinance shall be applicable to all owners or users of property to which it refers without discrimination as to race, color, religion, sex or national origin.

SECTION 12. It is hereby declared as the legislative intent that the invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

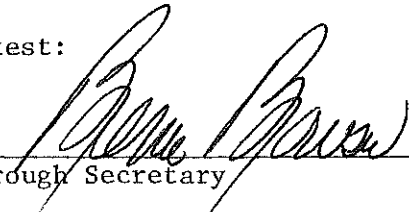
SECTION 13. All ordinances or resolutions or parts of ordinances or resolutions not in accord with this Ordinance are hereby repealed insofar as they affect this Ordinance.

ORDAINED AND ENACTED into law by the Borough Council of the Borough of West Kittanning in lawful session assembled this 5 day of Oct., 1981.

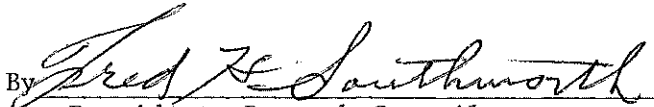
BOROUGH OF WEST KITTANNING

(BOROUGH SEAL)

Attest:


Borough Secretary

By


President, Borough Council

Approved this 5th day of Oct, 1981.

By


Mayor

C E R T I F I C A T E

I, the undersigned, Borough Secretary of the Borough of West Kittanning, Armstrong County, Pennsylvania, do hereby certify that the foregoing and attached is a true and correct copy of an Ordinance of said Borough which was duly enacted by the affirmative vote of a majority of a quorum of the members of the Governing Body of said Borough at a meeting thereof duly called and held on the 5th day of Oct, 1981; that the same was duly recorded in the Ordinance Book of said Borough and was duly published, as required by law, in a newspaper circulating generally in said Borough, and said Ordinance has not been amended, modified or rescinded and is still in full force and effect.

WITNESS my hand and the seal of the Borough of West Kittanning this 5th day of Oct, 1981.

BOROUGH OF WEST KITTANNING


Borough Secretary

(BOROUGH SEAL)