

CHAPTER 18
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ORDINANCE NO. 005 -- 2016

AN ORDINANCE OF THE BOROUGH OF PHILIPSBURG, CENTRE COUNTY, PENNSYLVANIA, TO PROVIDE THAT THE SEWER RENTALS AND CHARGES FOR SEWAGE DISCHARGED INTO THE SEWAGE COLLECTION SYSTEM SHALL BE \$612.00 PER ANNUM PER EQUIVALENT DWELLING UNIT, PAYABLE MONTHLY AT THE RATE OF \$51.00.

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

SECTION 1: Effective as described herein, the sewer rentals and charges for sewage discharged into the sewage collection system operated by the Borough of Philipsburg shall be \$612.00 per annum per Equivalent Dwelling Unit payable monthly at the rate of \$51.00 per month.

SECTION 2: The new sewer rentals and charges for sewage discharged into the sewage collection system shall begin effective with the first billing cycle to begin on or after January 1, 2017.


SECTION 3: Any Ordinance or parts of Ordinances of the Borough of Philipsburg, Centre County Pennsylvania, conflicting with this Ordinance or any part thereof, is hereby repealed insofar as the same affects this Ordinance.

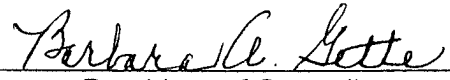
ADOPTED as an Ordinance of the Borough Council of the Borough of Philipsburg, Centre County, Pennsylvania, at a meeting of said Borough Council held on the 19th day of December, 2016.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals this 19th day of December, 2016.

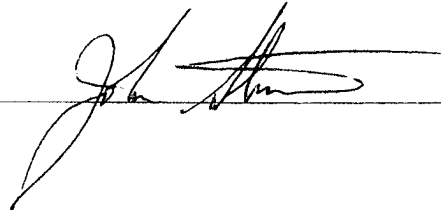
ATTEST:

BOROUGH OF PHILIPSBURG


Secretary

BY 
President of Council

EXAMINED AND APPROVED by me this 19th day of December, 2016.


Mayor

ORDINANCE NO. 001 - 2014

AN ORDINANCE OF THE BOROUGH OF PHILIPSBURG, CENTRE COUNTY, PENNSYLVANIA, PROHIBITING THE SALE OR TRANSFER OF ANY REAL ESTATE WITHOUT FIRST OBTAINING A CERTIFICATE OF INSPECTION DEMONSTRATING THAT THE STRUCTURE COMPLIES WITH THE BOROUGH'S SEWER REGULATIONS.

WHEREAS, the Borough of Phillipsburg, Centre County, Pennsylvania ("Borough") had been under a Consent Order and Agreement ("COA") with the PA Department of Environmental Protection ("DEP") relative to inflow and infiltration ("I&I") in the Borough owned sanitary sewer system ("System"); and

WHEREAS, the COA required Borough to take steps to remove I&I from the Borough owned sanitary sewer system; and

WHEREAS, Borough undertook a large scale sewer line replacement project to remove I&I from the System, including the replacement of many lateral lines to many structures in the Borough; and

WHEREAS, in conjunction with the project described above, the Borough also adopted Ordinances regulating what may or may not be introduced into the System; and

WHEREAS, the Borough wishes to assure compliance with such ordinances;

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

SECTION 1: Short Title.

This Ordinance shall be known as the Time of Sale Inspection Ordinance.

SECTION 2: Purpose.

The Borough is faced with an ongoing problem with ensuring that structures in the Borough are maintained in a condition that is consistent with existing Borough ordinances dealing with the sanitary sewer system and connections thereto. In order to protect and promote the public health, safety, and general welfare of the Borough and its residents, and to assure continued compliance with sewer system regulations, the Borough Council has determined that establishing a Time of Sale Inspection Program is necessary. The Borough Council finds that such a program is needed so that structures are adequately inspected before ownership of property is transferred. The Council hereby establishes a Time of Sale Housing Inspection Program as set forth in this Ordinance.

SECTION 3: Certificate Required for Sale

No person shall sell, purchase, give, convey by deed or otherwise, or in any other manner transfer title to any property containing any structure in the Borough without first applying for and obtaining a Certificate of Inspection from the Borough. A Certificate of Inspection is not required if:

- A. A Certificate of Inspection has been issued by the Borough pursuant to this Ordinance within five years before title to the property is transferred; or
- B. The property is newly constructed and has not been previously occupied.

SECTION 4: Application.

The owner of any structure, or the owner's representative, should apply to the Borough for a Certificate of Inspection before the property is offered for sale or purchase, whether for consideration or otherwise. The applicant must pay the application fee at the time of the application. Such fee shall be set from time to time by Borough Council.

SECTION 5: Inspection.

Upon the applicant making application for a Certificate of Inspection and paying all applicable fees, an inspection shall be made by the Borough to determine whether the property complies with all applicable Borough ordinances dealing with the operation of the Borough's sanitary sewer system and

connections to the same. The entire property, including but not limited to the interior and exterior of the structure and any other property comprising the parcel(s) to be sold, shall be made available for inspection.

SECTION 6: Issuance of Certificate, Denial, Temporary Certificate.

- A. If the property is found in compliance with Borough Code requirements relating to the sanitary sewer system and connection to same, a Certificate of Inspection will be issued by the Borough. A Certificate of Inspection is valid to be used only by the owner listed on the Certificate for a period of twelve (12) months from date of issuance. Failure to transfer ownership does not relieve the owner from making any identified repairs to the property.
- B. If the property is found not to be in compliance with Borough Code requirements relating to the sanitary sewer system and connection to same, no Certificate of Inspection will be issued by the Borough, and Borough shall notify the applicant of the specific reasons why the property was found not to be in compliance. If applicant makes modifications or repairs intended to address the reasons identified by Borough as the basis for initial denial of the Certificate, and applicant may request Borough to inspect again. If such new inspection occurs within three (3) months of the date of the original application, no new application fee shall be required, otherwise applicant must apply anew.

C. If the property is found not to be in compliance with Borough Code requirements relating to the sanitary sewer system and connection to same, transfer of ownership of the property without a Certificate of Inspection will be allowed only if all of the following conditions are met:

1. The buyer and seller enter into an agreement in a form approved by the Borough pursuant to which the buyer agrees to correct all of the conditions identified within 60 days of transfer of ownership;
2. Buyer must demonstrate that it is under contract with a contractor who is capable of and prepared to perform the repairs, or that the buyer is otherwise able and ready to perform the remedial work itself;
3. A cash escrow to ensure completion of the remedial work must be posted with the buyer's lending institution or title company in an amount equal to 150% of the estimated cost of the corrective work as determined by a Pennsylvania licensed contractor. The cash escrow will be held in place until the Borough has inspected the remedial work and is satisfied that all violations have been remedied, in which case the escrow funds may be released. No release or reduction in the cash escrow will be allowed until all violations are remedied.

Section 7: Penalties.

Any person, firm or corporation who shall violate any provision of this Ordinance 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 fines and costs, to a term of imprisonment of not more than 30 days. Each Section of this Ordinance that shall be found to have been violated may be a separate offense.

Section 8: No warranty by Borough

By enforcement of this section, neither the Borough, nor its Council, agents, or employees, warrant or guarantee any aspect of any structure, dwelling or property. Buyers and sellers should take whatever steps they deem appropriate to protect their interests prior to transfer of ownership.

SECTION 9: Any Ordinance or parts of Ordinances of the Borough of Philipsburg, Centre County Pennsylvania, conflicting with this Ordinance or any part thereof is hereby repealed insofar as the same affects this Ordinance.

SECTION 10: The effective date of this Ordinance shall be ten (10) days after the date of enactment thereof.

ADOPTED as an Ordinance of the Philipsburg Borough Council of the
Borough of Philipsburg, Centre County, Pennsylvania, at a meeting of said
Borough Council held on the 20th day of January, 2014

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals
this 21st day of January, 2014

ATTEST:

BOROUGH OF PHILIPSBURG

Sherry L. Wheaton BY Barbara G. Gette
Secretary President of Council

EXAMINED AND APPROVED by me this 27th day of January, 2014

John Stum
Mayor

ORDINANCE NO. 1065 -- 2010

AN ORDINANCE OF THE BOROUGH OF PHILIPSBURG, CENTRE COUNTY, PENNSYLVANIA, TO PROVIDE THAT THE SEWER RENTALS AND CHARGES FOR SEWAGE DISCHARGED INTO THE SEWAGE COLLECTION SYSTEM SHALL BE \$732.00 PER ANNUM PER EQUIVALENT DWELLING UNIT, PAYABLE MONTHLY AT THE RATE OF \$61.00.

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

SECTION 1: Effective as described herein, the sewer rentals and charges for sewage discharged into the sewage collection system operated by the Borough of Philipsburg shall be \$732.00 per annum per Equivalent Dwelling Unit payable monthly at the rate of \$61.00 per month.

SECTION 2: The new sewer rentals and charges for sewage discharged into the sewage collection system shall begin effective with the first billing cycle to begin on or after September 30, 2010.

SECTION 3: Any Ordinance or parts of Ordinances of the Borough of Philipsburg, Centre County Pennsylvania, conflicting with this Ordinance or any part thereof, is hereby repealed insofar as the same affects this Ordinance.

ADOPTED as an Ordinance of the Borough Council of the Borough of
Philipsburg, Centre County, Pennsylvania, at a meeting of said Borough Council
held on the 13th day of September, 2010.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals
this 13th day of September, 2010.

ATTEST:

Margaret A. Simler
Secretary

BOROUGH OF PHILIPSBURG

BY *M. Wilk*
President of Council

EXAMINED AND APPROVED by me this 01 day of November, 2010.

John Altman
Mayor

ORDINANCE NO. 1054 -- 2008

AN ORDINANCE OF THE BOROUGH OF PHILIPSBURG, CENTRE COUNTY, PENNSYLVANIA, TO PROVIDE THAT THE SEWER RENTALS AND CHARGES FOR SEWAGE DISCHARGED INTO THE SEWAGE COLLECTION SYSTEM SHALL BE \$660.00 PER ANNUM PER EQUIVALENT DWELLING UNIT, PAYABLE MONTHLY AT THE RATE OF \$55.00.

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

SECTION 1: Effective as described herein, the sewer rentals and charges for sewage discharged into the sewage collection system operated by the Borough of Philipsburg shall be \$660.00 per annum per Equivalent Dwelling Unit payable monthly at the rate of \$55.00 per month.

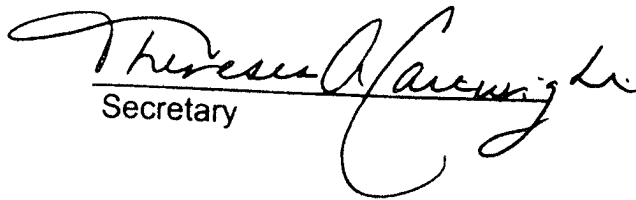
SECTION 2: The new sewer rentals and charges for sewage discharged into the sewage collection system shall begin effective June 1, 2008.

SECTION 3: Any Ordinance or parts of Ordinances of the Borough of Philipsburg, Centre County Pennsylvania, conflicting with this Ordinance or any part thereof, is hereby repealed insofar as the same affects this Ordinance.


ADOPTED as an Ordinance of the Borough Council of the Borough of Philipsburg, Centre County, Pennsylvania, at a meeting of said Borough Council held on the 12th day of May, 2008.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals this 12th day of May, 2008.

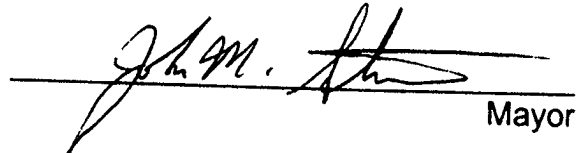
ATTEST:


Secretary

BOROUGH OF PHILIPSBURG

BY 
President of Council

EXAMINED AND APPROVED by me this 12th day of May, 2008.


Mayor

PART 1

CONNECTIONS

A. Definitions.

§18-101. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

AUTHORITY — Moshannon Valley Joint Sewer Authority, a Pennsylvania municipal authority.

BUILDING SEWER — the extension from the sewage drainage system of any structure to the lateral of a sewer.

BOROUGH — the Borough of Philipsburg, Centre County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

IMPROVED PROPERTY — any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT — any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of a business enterprise for the manufacturing, fabricating, processing, cleaning, laundering or assembling of any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

INDUSTRIAL WASTES — any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

LATERAL — that part of the sewer system extending from a sewer to the curblineline or, if there shall be no curblineline, to the property line or if no such lateral shall be provided, than "lateral" shall mean that portion of or place in a sewer which is provided for connection of any building sewer.

OWNER — any person vested with ownership, legal or equitable, sole or partial of any improved property.

PERSON — any individual, partnership, company, association, society, trust, corporation or other group or entity.

SEWERS AND SEWAGE DISPOSAL

SANITARY SEWAGE — normal water carried household and toilet wastes discharged from any improved property.

SEWER — any pipe, main or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM — all facilities, as of any particular time, for collecting and transporting sanitary sewage and industrial wastes, situate in or adjacent to this Borough.

(Ord. 820, 9/25/1975, Art. I, §1.01)

B. Use of Public Sewers Required.

§18-111. When Connection is Required.

1. The owner of any improved property benefitted, improved or accommodated by a sewer shall connect such improved property with such sewer, in such manner as this Borough may require, within 45 days after notice to such owner from this Borough to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough or the Authority, from time to time.
2. Every owner of property (hereinafter "property owner"), including but not limited to any individual, firm, corporation or other entity in the Borough of Philipsburg, Centre County (hereinafter called the "Borough"), which property meets the connection conditions contained in Subsection 3 below shall, at the property owner's cost, connect and keep connected any house, building or other structure located on the property (hereinafter collectively "structure") to the public sewer collection system (hereinafter "system") operated and maintained by the Borough.
3. A property owner must connect or keep connected any structure that is located within 150 feet of any sewer main or any other portion of the system and that:
 - A. Uses or is connected to any private or public water supply;
 - B. Uses or is connected to any non-public system for disposing of sanitary or industrial wastes; or
 - C. Generates any sanitary or industrial wastes.
4. The owner of any structure that is not within 150 feet of a public sewer main or any other portion of the system shall not be required, but shall be permitted, to connect to the system. Any such connection shall be at the sole cost of the property

owner and shall be done pursuant to the same standards as for any structure that is located within 150 feet of the system.

(Ord. 820, 9/25/1975, Art. II, §2.01; as amended by Ord. 1047, 8/13/2007, §§1, 2, 3)

§18-112. Use of Sewer Subject to Restriction After Connection.

All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer as required by §18-111, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough or the Authority, from time to time.

(Ord. 820, 9/25/1975, Art. II, §2.02; as amended by Ord. 888, 3/2/1981, §1)

§18-113. Unlawful Deposit or Discharge of Sewage.

1. No person shall place or deposit or permit to be placed or deposited upon public or private property within the Borough any sanitary sewage or industrial wastes in violation of §18-111.
2. No person shall discharge or permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of §18-111, except where suitable treatment has been provided which is satisfactory to this Borough.

(Ord. 820, 9/25/1975, Art. II, §2.03)

§18-114. Sewage Receptacles Prohibited After Connection; Manner of Discontinuance.

1. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any improved property which as been connected to a sewer or which shall be required under §18-111 to be connected to a sewer.
2. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Borough, shall be cleansed and filled at the expense of the owner of such improved property and under the direction and supervision of this Borough and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.

(Ord. 820, 9/25/1975, Art. II, §2.04)

SEWERS AND SEWAGE DISPOSAL

§18-115. Sewage Receptacle Connection to Sewer Prohibited.

No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

(Ord. 820, 9/25/1975, Art. II, §2.05)

§18-116. Serving of Notice to Connect.

The notice by this Borough to make a connection to a sewer, referred to in §18-111, shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring the connection in accordance with the provision of this Part and specifying that such connection shall be made within 45 days from the date a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

(Ord. 820, 9/25/1975, Art. II, §2.06)

C. Building Sewers and Connections.

§18-121. Independent Connection Required; Exception.

Except as otherwise provided in this Section, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of this Borough and the Authority, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Borough or the Authority.

(Ord. 820, 9/25/1975, Art. III, §3.01)

§18-122. Costs Borne by Owner; Indemnification of Borough.

All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer, including testing, shall be borne by the owner of the improved property to be connected and such owner shall indemnify and save harmless this Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer to a sewer.

(Ord. 820, 9/25/1975, Art. III, §3.02)

§18-123. Location and Manner of Connection.

A building sewer shall be connected to a sewer at the place designated by this Borough and where the later is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

(Ord. 820, 9/25/1975, Art. III, §3.03)

§18-124. Borough May Make Connection if Owner Defaults.

If the owner of any improved property benefitted, improved or accommodated by a sewer, after 45 days' notice from this Borough requiring the connection of such improved property with a sewer, in accordance with §18-111, shall fail to connect such improved property, as required, this Borough may make such connection and may collect from such owner the costs and expenses plus 10% thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

(Ord. 820, 9/25/1975, Art. III, §3.04; as amended by Ord. 888, 3/2/1981, §1)

D. Rules and Regulations Governing Building Sewers and Connections to Sewers.

§18-131. Conversion of House Sewer to Building Sewer.

Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a building sewer.

(Ord. 820, 9/25/1975, Art. IV, §4.01)

§18-132. Inspection Before Covering of Building Sewer.

No building sewer shall be covered until it has been inspected and approved by this Borough. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

(Ord. 820, 9/25/1975, Art. IV, §4.02)

SEWERS AND SEWAGE DISPOSAL

§18-133. Maintenance of Building Sewer.

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

(Ord. 820, 9/25/1975, Art. IV, §4.03)

§18-134. Warning Devices at Excavation Sites; Restoration of Public Property.

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and all other public places disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Borough.

(Ord. 820, 9/25/1975, Art. IV, §4.04)

§18-135. Failure to Remedy Unsatisfactory Conditions.

If any person shall fail or refuse, upon receipt of a notice from this Borough or the Authority, in writing, to remedy any unsatisfactory conditions with respect to a building sewer, within 45 days of receipt of such notice, this Borough or the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of this Borough and the Authority.

(Ord. 820, 9/25/1975, Art. IV, §4.05)

§18-136. Additional Rules and Regulations.

This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as a part of this Part.

(Ord. 820, 9/25/1975, Art. IV, §4.06)

E. Enforcement.

§18-141. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part 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. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 820, 9/25/1975, Art. V, §5.01; as amended by Ord. 888, 3/2/1981, §1; and by A.O.

§18-142. Enforcement and Recovery of Fine and Costs.

Fines and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law.

(Ord. 820, 9/25/1975, Art. V, §5.02

F. Declaration of Purpose.

§18-151. Purpose.

It is declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

(Ord. 820, 9/25/1975, Art. VIII, §8.01

