

ORDINANCE NO. 178(A) – 2016

An ordinance establishing requirements and procedures for inspection of lateral sewer lines in order to reduce and / or eliminate surface or sub surface water infiltration from entering into the Borough's sanitary sewer system and to institute a comprehensive inspection policy and program for lateral lines.

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, that the Borough of Smithton enacts this ordinance to establish requirements for the inspection of lateral sewer lines, to authorize an inspection procedure and policy, to authorize the adoption of a schedule of fees to cover the costs of same, and to set forth penalties for violations thereof, as follows:

1. No lateral sewer line is permitted to be connected to any Municipal Authority of the Borough of Smithton (referred to as MABS throughout this ordinance) sanitary sewer line or system, from any structure or source, including, but not limited to, residential, commercial, or industrial sites, until the premises, its lateral lines, components and proposed connection, have been inspected and approved by the MABS, as more fully set forth herein.
2. No storm water, or other surface or subsurface water, is permitted to be piped, channeled, or otherwise introduced, or allowed to permeate, infiltrate or flow into the Borough's sanitary sewer lines or system.
3. No municipal lien certificate ("no-lien letter") will be issued on any property which is connected to MABS's sanitary sewer system, until MABS conducts an inspection to determine whether or not storm water, or other surface or subsurface water, from the premises, is infiltrating or flowing into the Borough's sanitary sewer lines or system.
4. The general requirements set forth above will be administered and enforced as follows:

A. INSPECTIONS IN CONNECTION WITH NEW CONSTRUCTION:

- I. All lateral lines, components and connections must be inspected by MABS before any back filling of any trench and before the connection of any inside plumbing to laterals.
- II. Sump pumps, floor drains and other such interior drains must be inspected to ensure that the discharge from such sources is being properly channeled to either the sanitary sewer line or to a storm sewer or gravel pit, as the case may be.
- III. All outside drains, including, but not limited to, area drains, French drains, driveway drains and roof leaders, must be inspected and approved to ensure proper connection into storm sewers and/or gravel pits.
- IV. Without limiting the foregoing, MABS may inspect any other lines, drains, connections or components it deems necessary to determine whether the new construction is in compliance with the provisions of this ordinance.

- V. Before any occupancy permit is issued for the premises, the property owner must correct any violations, defects or deficiencies identified by MABS's inspection. In addition, no occupancy permit will be issued unless an appropriate and approved inspection stack is installed.

B. INSPECTIONS REGARDING EXISTING CONNECTIONS:

- I. All lateral lines connecting any residential, commercial, industrial or other structure or property to MABS's sanitary sewer system, which were either in use on the date of the adoption of this ordinance, or were previously inspected pursuant to the provisions of Paragraph 4 A, above, will be inspected at the time any request is made for a municipal lien certificate ("no-lien letter"), or for a change in the party responsible for the payment of the sewage account, whether such request is made in connection with a proposed property sale or transfer, a refinancing by an owner, or for any other reason. Properties which have been inspected and approved by MABS, pursuant to this Ordinance, within three (3) years of the date of any such request may be exempted from such inspection.
- II. The inspection of existing lines and connections shall include, but not be limited to, inside plumbing, sump pumps and floor drains, as well as outside drains and components, such as area drains, French drains, driveway drains and roof leaders.
- III. Without limiting the foregoing, MABS may inspect any other lines, drains, down spouts, connections or components it deems necessary to determine whether the existing connections are in compliance with the provisions of this ordinance.
- IV. Before any municipal lien certificate is issued, or any change of account is approved, an authorized and approved inspection stack must be in place or installed.
 5. In conducting inspections pursuant to this ordinance, MABS is authorized to use any appropriate means, method, procedure or protocol to determine whether or not storm water, or other surface or subsurface water, is infiltrating, flowing into or permeating, the Borough's sanitary sewer lines or system. Such testing may include, but is not limited to, low pressure air testing, smoke testing, dye testing, dye flooding, and t.v. video inspection of both inside plumbing and the building lateral line to MABS'S main line. In addition, MABS is authorized to use any other inspection testing procedure, protocol or modality which, in the opinion of its engineer, or other qualified professional, is technologically appropriate to the situation and to accomplish the purposes set forth herein.
 6. Notwithstanding the above, whether it is a new construction or an existing connection, MABS shall have the right to periodically or routinely inspect

any structure connected to MABS's sanitary sewer lines or system, whether or not part of an overall or area line replacement or improvement program or plan, to determine whether or not it is in compliance with the provisions of this ordinance.

7. It shall be the responsibility of the property owner to repair and /or replace any building lateral line, or any part or component thereof, which has been determined by MABS, following its inspection, to improperly allow storm water, other surface or subsurface water, to infiltrate, flow into or permeate the Borough's sanitary sewer lines or system.

8. Upon notice by MABS, the property owner must immediately disconnect any lateral line from MABS's sewer system, which MABS determines to improperly allow storm water, other surface or subsurface water to infiltrate, flow into or permeate said system or lines.

9. Borough Council is hereby authorized to set and establish, and to change or amend from time to time, by resolution, a schedule of fees, which it deems appropriate and necessary, to reimburse MABS for all costs incurred in connection with the inspections done pursuant to this ordinance. Said schedule of fees shall include the cost of the issuance of a municipal lien certificate ("no-lien letter"), where applicable.

10. MABS is also hereby authorized to set and establish, and to amend from time to time, as may be necessary, by resolution, such policies and procedures as it deems necessary to carry out the administrative functions of this ordinance, MABS may perform any inspections utilizing its own staff, or it may delegate any functions to its professional engineer or other qualified professional.

11. Any person, partnership, corporation, organization or other entity, who violates any provision of this ordinance, shall upon conviction thereof, be sentenced to pay a fine of not less than Three Hundred (\$300.00) Dollars, plus any actual damages that are proven to have been incurred by the Borough, as a result of the violation, plus the costs of prosecution. Failure to pay any such fines or costs shall subject the violator to imprisonment in a facility authorized by the county for such purpose, for a term not to exceed thirty (30) days. Each day's violation shall constitute a separate offense.

12. In addition to the imposition of fines and penalties as set forth above, MABS shall have the right to enter upon any property and to disconnect, remove, or close any connection between any lateral sewer lines into the MABS's sanitary sewer system, which violates the provisions of this ordinance. The expense of such disconnection, removal or closing, and the expense of reconnecting or restoring sewage service, following correction by the property

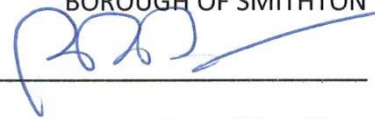
owner, shall be paid by or assessed against the property owner. MABS may enter all such assessments or costs as a lien on the property served, which said lien may be entered, assessed and collected in the same manner provided by law for the filing and collection of municipal claims. In addition, any expenses, costs, fines or penalties due MABS, under this Ordinance, may be collected by any other means provided by law.

13. Any prior ordinance or ordinances, or parts thereof, which are in conflict with this ordinance, are hereby repealed insofar as the same affects this enactment.

THIS ORDINANCE IS ORDAINED AND ENACTED this 12th day of DECEMBER, 2016.

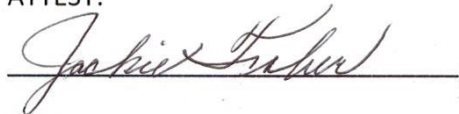
BOROUGH OF SMITHTON

By



Council President

ATTEST:



Secretary

APPROVED this 12th day of DECEMBER, 2016.

Mayor

RESOLUTION NO. 01


February 14, 2017

Effective February 14, 2017, any property within the service area of the Municipal Authority of the waste water treatment plant that is transferred or sold will require testing of the property sanitary sewage system including the service connection to determine if any discharges not permitted by the Authority are entering the Authority's sanitary sewage system. Said inspection will be performed the Authority's Engineer.


Said inspection may require a video inspection of the lines, dye testing, smoke testing or any other form of testing required to provide the Municipal Authority with a definitive answer as to the integrity and compliance with the *Rules and Regulations* of the Municipal Authority.

All costs of the inspection and any required testing will be paid by the property owner.

ATTEST:


Secretary

MUNICIPAL AUTHORITY
THE BOROUGH OF SMITHTON


Chairman