

ORDINANCE NO. 177

AN ORDINANCE OF THE BOROUGH OF SMITHTON, WESTMORELAND COUNTY, PENNSYLVANIA GOVERNING THE INSTALLATION, CONSTRUCTION AND USE OF SANITARY SEWERS IN SAID MUNICIPALITY; REQUIRING ALL BUILDINGS TO BE CONNECTED TO THE SANITARY SEWER SYSTEM AND PROVIDING PENALTIES FOR VIOLATION OF SAID PROVISIONS.

WHEREAS, there has been constructed in the Borough of Smithton, Westmoreland County, Pennsylvania a new sanitary sewer system which will be connected to the newly built sanitary sewage treatment plant; and

WHEREAS, the Borough has deemed it necessary to adopt certain Rules and Regulations for the operation of said sanitary sewage system; and

WHEREAS, it is necessary for all buildings located in the Borough of Smithton, Westmoreland County, Pennsylvania to be connected to said sewage system by January 1, 1999.

NOW, THEREFORE, the Borough Council of the Borough of Smithton, Westmoreland County, Pennsylvania hereby ORDAINS AND ENACTS the following Rules and Regulations governing said sanitary sewage system, pursuant to the authority granted to it by the laws of the Commonwealth of Pennsylvania as follows:

SECTION ONE: RULES AND REGULATIONS.

- 1. The Municipal Authority of the Borough of Smithton is hereby designated as the agent for the Borough of Smithton to operate the Borough sewage system.**

2. The official Rules and Regulations, prepared by Gannett Fleming, Inc. and adopted by the Municipal Authority of the Borough of Smithton, and attached hereto as Exhibit "A", are hereby adopted as the official Rules and Regulations governing the operation of the sanitary sewer system in the Borough of Smithton, Westmoreland County, Pennsylvania.

SECTION TWO: CONNECTION TO AND USE OF SANITARY SEWER SYSTEM REQUIRED.

1. Any owner of property in the Borough of Smithton, whose property abuts any line of the sanitary sewer of the Borough of Smithton, shall connect, at his or her own cost, the building, buildings or other structures located on said property with said sanitary sewer of the Borough of Smithton for the purpose of disposing of all sanitary sewage as is customarily disposed of in a system of sanitary sewers.

2. It shall be unlawful for any owner, lessee or occupier of any property, who is required to connect to the sanitary sewer system of the Borough of Smithton to employ any means, either by septic tank or otherwise, for the disposal of sanitary sewage other than into and through the sanitary sewers of said Borough of Smithton.

3. All buildings and structures located in the Borough of Smithton, used for human occupancy, employment, recreation or other purpose which generates sewage of any type, upon the adoption of this ordinance, must connect to said system by January 1, 1999.

4. Any future building and/or structure erected in the Borough of Smithton and used for human occupancy, employment, recreation or other purpose which generates sewage of any type must be connected to the sanitary sewer system before said building and/or structure is put into use.

SECTION THREE: PERMITS.

1. Any person or organization required to connect with the sanitary sewer system of the Borough of Smithton shall make application for a tapping permit to the individual designated by the Municipal Authority of the Borough of Smithton on forms furnished by said Authority and shall set forth in said application the character of structure and use, the lot number and location of the structure and the name and address of the person who is to make the connection. The applicant shall also provide all further information deemed necessary by the Municipal Authority of the Borough of Smithton as fully set forth in the Rules and Regulations attached hereto.

2. No fee shall be charged for all permits issued up to January 1, 1999. Subsequent to January 1, 1999, a permit fee may be charged as set forth in the Rate Ordinance to be adopted by the Borough of Smithton.

**SECTION FOUR: RESTRICTIONS ON USE OF ALTERNATE SYSTEMS
AND PROHIBITED DISCHARGES.**

1. No privy vault, cesspool, septic tank or similar receptacle for human excrement shall at any time now or hereafter, be connected with the sanitary sewers of the Borough.

2. No privy vault, cesspool, septic tank or similar receptacle for human excrement shall hereafter be maintained upon any premises from which connection with any of the sanitary sewers of the Borough shall have been made. Every such privy vault, cesspool, septic tank or other receptacle shall, within thirty (30) days after the final enactment of this Article in the case of premises now connected with a sewer, and within thirty (30) days after connection with a sewer in the case of premises hereafter so connected, be abandoned, cleansed and filled under the direction and supervision of the Council of the Borough. Any such privy vault, cesspool, septic tank or other receptacle not abandoned, cleansed and filled as required by this section shall constitute a nuisance and may be abated on order of the Council of the Borough as provided by law, at the expense of the owner of such property.

3. The construction of all present sewers and or laterals and their connections with any lines of the sanitary sewer system of the Borough of Smithton shall be done in accordance with the Rules and Regulations attached hereto as Exhibit "A" and shall be inspected by the individual designated by the Municipal Authority of the Borough of Smithton.

4. It shall be unlawful for any person, firm or corporation to discharge or cause to be discharged into the sanitary sewerage system any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water. All existing connections permitting such discharges shall be eliminated within three (3) months after notice to take such action is issued by the Smithton Municipal Authority and/or Smithton Borough Council.

**SECTION FIVE: PENALTIES FOR FAILURE TO CONNECT OR
OTHER VIOLATIONS OF THIS ORDINANCE.**

1. Where any structure is now or hereafter may be connected to any septic tank or using any method by which sanitary sewage is disposed of or eliminated other than through the sanitary sewer system of said Borough of Smithton, it shall be the duty of the Secretary or other authorized person to

notify the owner, either by personal service or by certified mail, to disconnect the same and make proper connections for the discharge and disposal of sewage through the sanitary sewer system of the Borough of Smithton, as hereinafter provided, within sixty (60) days after receipt of such notice.

2. The Borough, through its authorized representatives, shall be permitted to enter upon all properties serviced for the purpose of inspection, observation, measurement and/or testing.

3. Any person, persons, partnership or any agents or executive officers of any corporation violating the provisions hereof shall, upon conviction for each and every violation, be subject to a fine of not less than ten dollars (\$10.), nor more than one hundred dollars (\$100.) and costs of prosecution, and in the event of a subsequent conviction thereof, for every such violation that constitutes the same offense, be sentenced to pay a fine of not less than ten dollars (\$10.) nor more than one hundred dollars (\$100.) and costs of prosecution subject to the condition that each day's violation shall constitute a separate offense and a separate fine may be imposed for each day the violation continues to exist.

ORDAINED AND ENACTED by the Borough Council of the Borough of Smithton,

Westmoreland County, Pennsylvania this 14th day of October, 1998.

ATTEST:

Michelle Cathers
Secretary

Borough of SMITHTON

By [Signature]
President of Council

EXAMINED AND APPROVED this 14th day of October, 1998.

[Signature]
Mayor