

## **ORDINANCE 2-2021**

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF RIMERSBURG, CLARION COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY ABUTTING OR ADJOINING A SANITARY SEWER SYSTEM CONSTRUCTED OR TO BE CONSTRUCTED BY THE RIMERSBURG BOROUGH MUNICIPAL AUTHORITY TO MAKE CONNECTION THEREWITH; REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THE BOROUGH TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF THE OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; REGULATING THE DISCHARGE OF SEWAGE AND INDUSTRIAL WASTES INTO THE MUNICIPAL SEWER SYSTEM; ADOPTING RULES AND REGULATIONS PERTAINING TO THE SEWER SYSTEM AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; SETTING FORTH RELATED MATTERS; IMPOSING SEWER CHARGES; PROVIDING FOR THE COLLECTION OF SUCH SEWER CHARGES AND THE FILING OF LIENS THEREFORE; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

**WHEREAS**, the Borough Council desires to adopt this Ordinance to replace Ordinance 5-2018;

**WHEREAS**, since the adoption of Ordinances 3-69, 2-80, 4-85, 2-88, 2-2007, 6-2013 and 5-2014, various changes have occurred including but not limited to an expansion of the system and a change in collection procedures;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL FOR THE BOROUGH OF RIMERSBURG**, Clarion County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION 1. Definitions.** Unless the context specifically and clearly indicates otherwise, the meanings of the terms and phrases used in this Ordinance shall be as follows:

- A. "Authority" means the Rimersburg Borough Municipal Authority, a Pennsylvania Municipal Authority.
- B. "Borough" means the Borough of Rimersburg or Rimersburg Borough, Clarion 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.
- C. "Council" means the group of elected officials acting, from time to time, as the governing body of the Borough.
- D. "Domestic Sewage" means the normal water carried household and toilet wastes from residences, business buildings, institutions, commercial, and industrial establishments.
- E. "Improved Property" means any property located within this Borough which is benefited, improved, and accommodated by any water main constituting a part of the water system owned by the Authority, upon which there is erected a structure intended for habitation, occupancy or use by human beings or animals or used for commercial, industrial, or institutional purposes and from which structure Domestic Sewage and/or Industrial Wastes shall be or may be discharged.
- F. "Industrial Wastes" means any solid, liquid or gaseous substance 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 Domestic Sewage.
- G. "Owner" means any person vested with ownership, legal or equitable, sole or partial, of any Improved Property located within the area served by the Sewer System.
- H. "Person" means any individual, partnership, company, association, society, corporation, or other group or entity.
- I. "PH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution and is an indication of acidity or alkalinity of a solution.
- J. "PPM" means parts per million.

- K. "Sanitary Sewage" includes the definition of "Domestic Sewage" and "Industrial Wastes" as defined in this Section.
- L. "Sewer" means any pipe **or** conduit constituting a part of the Sewer System used or usable for sewage collection purposes.
- M. "Sewer System" means all facilities, as of any particular time, for collecting, pumping, treating, and disposing of Domestic Sewage and Industrial Wastes situate in or adjacent to the Borough, owned by the Authority, and leased to the Borough for operation and use in collecting and disposing of Domestic Sewage and Industrial Wastes.
- N. "Water System" means all facilities as of any particular time for the treating, collecting, and transport of water to users situated in or adjacent to this Borough, owned by the Borough or the Authority, and maintained by the Borough or the Authority. The Term "Water System" includes water treatment, sewage. treatment and sewage disposal, the water works, water treatment works, waste water and sewage treatment works, water supply works, and water distribution systems which are owned by the Borough or the Authority and leased to the Borough, including any alterations or additions from time to time made.

## **SECTION 2. Connections**

- A. The Owner of any properties improved, accommodated, and or benefited by a Sanitary Sewer constituting a part of the Sewer System shall be required to connect to such Sanitary Sewer in such manner as the Borough may require, within ninety (90) days after notice to such owner from the Borough or Authority to make such connection, for the purpose of discharging all Sanitary sewage and Industrial Wastes from such Improved Property into the Sewer System, subject to such rules, regulations, limitations, and restrictions as shall be established herein or otherwise shall be established by the Borough or Authority from time to time.
- B. The notice to be given by the Borough or Authority to the Owner of any properties improved, accommodated, and benefited by a Sanitary Sewer constituting a part of the Sewer System, which notice is referred to in Section 2, Subsection A of this ordinance, shall be given by the Borough or Authority as soon as a sewer is in place which can receive Sanitary Sewage and Industrial Wastes from the particular Improved Property and which can transport the same for treatment and disposal.
- C. The notice to be given by the Borough or Authority to the Owner of any properties improved, accommodated, and benefited by a sanitary sewer constituting a part of the sewer system which will require such owner to connect to such sanitary sewer, which notice is referred to in Section 2, Subsection A of this Ordinance, shall consist of a copy or summary of this Ordinance, including any amendments and/or supplements at the time in effect, and a written or printed document requiring such connection, and specifying that such connection shall be made within the time prescribed in Subsection 2 A of this Ordinance.
- D. If the Owner of any properties improved, accommodated, and benefited by a Sanitary Sewer constituting a part of the Sewer System, after ninety (90) days' notice from the Borough or Authority, in accordance with the foregoing Sections of this Ordinance, shall fail to connect such Improved Property to such Sewer, as required and in the manner provided in this Ordinance, the Borough or Authority may make such connection and may collect from such Owner the costs and expenses thereof by a municipal claim, an Action Assumpsit, or by such other legal proceeding as may be permitted or provided by law.
- E. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer, shall be conducted and discharged into such Sewer subject to the rules, regulations, limitations, and restrictions as shall be established herein or otherwise shall be established, from time to time, by the Borough or Authority.
- F. No person shall uncover, connect with, make any opening into, or use, alter, or disturb in any manner any Sewer or any part of the Sewer System without first obtaining a permit in writing from the Borough or Authority. Application for a permit required under this Subsection F shall be made by the Owner of the Improved Property served or to be served.
- G. No person shall place, deposit, or permit to be placed or deposited upon, under, or within public or private property within the Borough any Sanitary Sewage or Industrial Wastes in violation of Section

2, Subsection A of this Ordinance. No person shall discharge, or permit to be discharged, into any natural outlet with the Borough, any Sanitary Sewage, or Industrial Wastes in violation of Section 2, Subsection A of this Ordinance, except where such Sanitary Sewage or Industrial Waste has been treated in a manner satisfactory to the Borough or Authority.

- H. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle at any time shall be connected with a Sewer.
- I. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be maintained upon any Improved Property after the expiration of the time specified in Section 2, Subsection A of this Ordinance, from which Improved Property connection with a Sewer shall have been made or shall be required to be made; and it shall be unlawful for any Owner of any Improved Property, after the expiration of the time Specified in Section 2, Subsection A of this Ordinance, to erect, construct, use, or maintain thereon or cause to be erected, constructed, used, or maintained thereon any privy vault, cesspool, sinkhole, septic tank, or similar receptacle for disposition of Sanitary Sewage and Industrial Wastes or to discharge Sanitary Sewage and Industrial Wastes in any manner other than into the Sewer System.
- J. Each such privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be abandoned and, at the discretion of the Borough or Authority, shall be cleansed and filled at the expense of the Owner of such Improved Property under the direction and supervision of the Borough or Authority; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Borough or Authority, not 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.
- K. No Sanitary Sewer or Industrial Waste Pipe line may be connected to a storm sewer or drainage structure which has been constructed to transport storm or drainage water, and which, in the opinion of the Borough or Authority engineer, is not to be used to transport Sanitary Sewage or Industrial Wastes.
- L. No person shall make or shall cause to be made any connection of any Improved Property with a Sewer until such Person shall have fulfilled all of the following conditions:
  - I. Such Person shall notify the Secretary of the Borough of the desire and intention to connect to a Sewer;
  - II. Such Person shall apply for and obtain from the Borough or Authority a permit to make such connection with a Sewer;
  - III. Such Person shall give the Secretary of the Borough at least five (5) days written notice of the time when such connection will be made in order that the Borough, by its authorized representatives, can supervise and inspect the work performed in making such connection and can supervise the testing thereof if necessary; and
  - IV. Such person shall pay the fee to connect, which fee shall be known as the "tapping fee" and shall be in such amount as the Authority may from time to time establish by resolution.
- M. Any connection to a Sewer shall be made at a place designated by the Borough or Authority and where a lateral or service connection in such Sewer is provided. All joints shall be sealed, shall be made airtight, and shall be smooth and clean inside in order to permit free flow of Sanitary Sewage and Industrial Wastes without any obstruction. All work pertaining to such connection with a Sewer, including testing, shall be, financially and otherwise, the responsibility of the Owner of the Improved Property with which connection is made, subject to the right of supervision and inspection herein reserved by the Borough. The Owner of such Improved Property shall indemnify and save harmless the Borough and Authority from all loss or damage that may be occasioned by the Borough or Authority, directly or indirectly, as a result of the connection of such Improved Property to such Sewer.

**SECTION 3. Prohibited Wastes** No Person shall discharge or cause to be discharged into the Sewer System any of the following described wastes or water:

- A. any storm water, surface water, ground water, roof runoff, or sub-surface drainage;

- B. any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit;
- C. any water or waste containing more than one hundred (100) ppm by weight of fat, oil, or grease;
- D. any gasoline, benzene, naphtha, fuel oil, or other solvent, or explosive liquid, solid, or gas;
- E. any garbage, except properly chopped or shredded garbage;
- F. any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch, manure, or any other solid or viscous substance capable of causing obstruction of the sewage treatment plant where such wastes are to be treated;
- G. any water or waste having a pH (as determined by the consulting engineers of the Borough or Authority) lower than 5.0 or higher than 9.0 or containing any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the aforesaid sewage treatment plant;
- H. any water or waste containing any toxic substance in sufficient quantity to injure or interfere with any sewage treatment process, or constituting a hazard to humans or animals, or to create any hazard in the receiving water of the aforesaid sewage treatment plant;
- I. any water or waste containing total solids of such character and quantity that unusual attention or expense is required to handle such materials for sewage treatment processes; or
- J. any noxious or malodorous gas or substance capable of creating a public nuisance, or a hazard to life, or of preventing entry into any Sewer for maintenance and repair unless otherwise permitted, authorized, or approved by the Borough or Authority and the Commonwealth of Pennsylvania or any duly constituted Board, Commission, or Department thereof having jurisdiction in the premises.

**SECTION 4. Right to Refuse Connection to, Compel Discontinuance of Use of the Sewer System, or to Compel Pretreatment of Industrial Wastes**

The Borough and Authority reserve the right to refuse to any Person the privilege of connection of any Improved Property to the Sewer System, or to compel the discontinuance of use of a Sewer and the Sewer System by any Person, or to compel the pretreatment of any Industrial Wastes in order to prevent discharges into the Sewer System of any wastes deemed to be harmful to the Sewer System or to have a deleterious effect on sewage treatment processes.

**SECTION 5. Access** Representatives of the Borough shall have access at all times to any Improved Property which shall be connected to the Sewer System and to any meters used for purposes of establishing or determining water consumption, water excluded from the Sewer System, or Domestic Sewage or Industrial Wastes discharged to the Sewer System for the purpose of inspection, observation, measurement, sampling, and testing in accordance with provisions of this Ordinance.

**SECTION 6. Sewer Charges**

- A. General Conditions: There is hereby imposed upon each Owner of property served by the Sewer System, and having the use thereof, a monthly sewer charge payable as hereinafter provided for the use, whether direct or indirect, of the Sewer System based upon the rates set forth by Resolution of the Authority.
- B. Rates
  - I. Persons Using Water Furnished by the Borough Water Works: All persons owning property, or using property connecting to the Sewer System, and also who purchase water furnished by the Borough Water Works, shall pay to the Borough monthly charge for sanitary sewage service based on the quantity of water used, as evidenced by monthly meter reading of water meters installed for the purpose of measuring water purchased from and furnished by the Borough Water Works and such other meters as may be installed, and the charges so payable shall be at the rate of Fifty percent (50%) of the monthly water bill or the current rate as set by Resolution of the Authority.
  - II. Persons Not Using Water Furnished by the Borough Water Works: All persons owning property or using property connecting to the Sewer System and who do not purchase water furnished by the Borough Water Works shall pay to the Borough a monthly charge for Sanitary Sewage Service, and the charge so payable shall be at the rate of Twelve Dollars (\$12.00) per month or the current rate as set by Resolution of the Authority.

**SECTION 7. Time and Manner of Payment** Bills for the payment of charges for service pursuant to this Ordinance shall be rendered in the same manner and at the same time and intervals as charges for water consumed in and furnished by the Borough to the same property and shall be due and payable on or before the 20<sup>th</sup> day of each month at the office designated by the Borough. The persons responsible for payment of charges for service pursuant to this Ordinance who do not purchase water furnished by the Borough or Authority, shall be billed for this service by the Borough in the same manner and at the same time and intervals as those persons purchasing water furnished by the Borough or Authority, and these bills shall also be due and payable on or before the 20<sup>th</sup> day of each month at the office designated by the Borough or Authority.

**SECTION 8. Delinquent Charges and Liens**

- A. Each Customer who shall fail to pay in full any charge on or before the due date shall be subject to a penalty of six percent (6%) of the amount of such charge or the current rate as set by Resolution of the Authority. The Borough or Authority shall have the right to terminate service in the event that any account shall not be paid in full within thirty (30) days of the due date. A Notice of Termination will be sent to the consumer by U.S. First Class Mail with the specified date of termination of services. A \$35.00 (or the current rate as set by Resolution of the Authority) administrative/restoration charge will be added to the consumer's account at the time the Notice of Termination is mailed which shall be at least five days from the mailing date. Service will not be restored until all charges are paid in full, including the administrative/restoration charge.
- B. All persons owning property and using property connecting to the Sewer System shall give the Borough their correct address. Failure to receive bills shall not be considered an excuse for non-payment nor permit an extension of a period during which bills are payable at their face amount.
- C. All charges herein and provided for by Authority Resolution shall be a lien on the properties charged with payment thereof from the date the charges first become due and payable, and, if not paid by the due date, may be collected by an Action in Assumpsit in the name of the Borough or Authority against the owner of the property charged, or the user of the service, or by distress of personal property on the Premises, or by lien filed in the nature of a municipal lien which shall be collected in the manner provided by law for the collection of such liens, or action may be taken for collection of delinquent rental or charges by any other method permitted or authorized by law.

**SECTION 9. Declaration of Purpose** It hereby is declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of the Borough.

**SECTION 10.** The Borough and Authority reserve the right to adopt, from time to time, additional Rules and Regulations as it shall deem necessary and proper relating to connections with the Sewer System, as well as Rules and Regulations pertaining to the administration and collection of rentals, fees, and other charges in connection with the Sewer System, or to approve Rules and Regulations adopted by the Authority with respect thereto, which additional Rules and Regulations, to the extent appropriate, shall be construed as part of this Ordinance.

**SECTION 11.** Any person who shall violate this Ordinance and/or the Sewer Rules and Regulations shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or the current rate as set by Resolution of the Authority and the Borough., together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken as a separate offense and shall be punishable as such.

**SECTION 12.** All agreements between Rimersburg Borough, Rimersburg Borough Municipal Authority, and other towns, Boroughs and/or Townships are to be amended as necessary, with the Rimersburg Borough Council authorized to execute the necessary documents.

**SECTION 13.** This Ordinance shall become effective when recorded and advertised as provided by law.

**SECTION 14.** If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part hereof.

**SECTION 15.** This Ordinance specifically repeals Ordinance 5-2018, and any other provision of an ordinance which is contrary to, or inconsistent with this Ordinance.

DULY ENACTED AND ORDAINED at a meeting of the Borough Council of the Borough of Rimersburg, Clarion County, Pennsylvania, this 4<sup>th</sup> day of January 2021.

ATTEST:

RIMERSBURG BOROUGH

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President of Borough Council

(Municipality Seal)

\_\_\_\_\_  
Mayor of Rimersburg Borough, Clarion County