

ORDINANCE NO. 3 - 2007

FOXBURG BOROUGH, CLARION COUNTY, COMMONWEALTH OF PENNSYLVANIA

SEWER USE ORDINANCE

AN ORDINANCE REGULATING USE AND ESTABLISHING RESPONSIBILITY FOR MAINTENANCE AND REPLACEMENTS OF SANITARY SEWERS IN FOXBURG BOROUGH; DEFINING TERMS; PROHIBITING CERTAIN PRACTICES WITH RESPECT TO DISPOSAL OF SEWAGE; PROVIDING FOR THE CONNECTION OF PROPERTIES TO AVAILABLE PUBLIC SEWERS; AUTHORIZING THE BOROUGH COUNCIL TO MAKE SUCH CONNECTIONS AND RECOVER COSTS THEREOF IN THE EVENT OF NEGLECT OR REFUSAL OF OWNERS TO DO SO; REQUIRING APPLICATIONS FOR AND ISSUANCE OF PERMITS TO MAKE CONNECTIONS, INCLUDING EXECUTION OF BONDS AND PAYMENT OF FEES IN CONNECTION THEREWITH; PROVIDING FOR REGULATION OF CONNECTIONS TO THE PUBLIC SYSTEM; REGULATING SUBSTANCES THAT MAY BE INTRODUCED INTO SEWERS; PROHIBITING DISCHARGE OF CERTAIN KINDS OF LIQUIDS OR WASTES; IMPOSING PENALTIES AND ESTABLISHING ENFORCEMENT MEASURES IN THE EVENT OF VIOLATION; AND INCLUDING SEVERABILITY AND REPEALOR CLAUSES.

WHEREAS, the Borough of Foxburg is serviced by a public sanitary sewer system, which system is owned, operated and maintained by The Foxburg Area Water and Sewer Authority;

WHEREAS, the Borough of Foxburg maintains that it is in the best interest of the general health, safety and welfare of its residents to identify and clarify the responsibilities and regulations relative to the public sanitary sewer system;

WHEREAS, the Borough of Foxburg maintains that the elimination of surface storm water inflow to the public sanitary sewer system is in the best interest of the general health, safety and welfare of its residents;

WHEREAS, the Borough of Foxburg has reason to believe that certain residential and commercial properties within the Borough of Foxburg have storm water or surface water connections to the public sanitary sewer system;

WHEREAS, the Borough of Foxburg and the Foxburg Area Water and Sewer Authority are required to enter into a Consent Order with the Pennsylvania Department of Environmental Protection (the "Consent Order"), which order prohibits hydraulic overload and sanitary sewer overflow; and

WHEREAS, the Borough of Foxburg maintains that mandatory connections to the public sanitary sewer system and the elimination of storm water or surface water from the said system will facilitate compliance with the Consent Order.

NOW, THEREFORE, it is hereby ordained and resolved, by the Council of the Borough of Foxburg, County of Clarion, Commonwealth of Pennsylvania, as follows:

**Section 1: Title.** This Ordinance shall be known as and may otherwise be cited as the "Sewer Use Ordinance".

**Section 2: Authority of Enactment.** This Ordinance is enacted under the authority of the Act of 1966, Feb. 1, P.L. (1965) 1656, No. 581, § 2051 (53 P.S. §45101, et seq.).

**Section 3: Definitions.** Unless otherwise specifically defined below, words or phrases used herein shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the ordinance its most reasonable application consistent with its intent. Words used in the present text include the future and past, words in the plural number include the singular, words in the singular number include words in the plural and words wither in the feminine, masculine or neuter shall include words of the other two (2) genders. "Shall" is mandatory. "May" is permissible.

The following words, when used in this Ordinance or any accompanying resolution, shall have the meaning ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

- (a) A.S.T.M.: American Society for Testing and Materials;
- (b) Authority: The Foxburg Area Water and Sewer Authority;
- (c) Borough: The Borough of Foxburg, Clarion County, Commonwealth of Pennsylvania;
- (d) Building Sewer: The connection pipe or piping extending from the sewage drainage system of any building or structure to the Service Lateral;

(e) Connection Unit: Each individual building, structure or house whether constructed as a detached unit or as one of a pair or row, which is designed or adaptable to separate ownership for use as a family dwelling unit or for commercial or industrial purposes. A school, factory, apartment house, office building, or other multiple unit structure whose individual apartments or units are connected to a common internal sewage system and which are not commonly subject to separate ownership shall be considered as one connection unit;

(f) Council: The existing elected or appointed members of the Borough Council of Foxburg;

(g) Equivalent Dwelling Unit (EDU): For the purpose of calculating the estimated sewage flows that will generated by a connection to the Sewer System, that part of a multiple family dwelling, a single family dwelling or structure or commercial or industrial establishment with flows equal to four hundred (400) gallons per day;

(h) Garbage: Solid waste from the domestic or commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce;

(i) House Trap: A fitting or assembly of fittings installed in the building drain to prevent the entrance of sewer



gas into the drainage system of the building or structure from the building or main sewer; and, to provide a circulation of fresh air for the drainage system through the fresh air inlet of the house trap and the soil and vent stacks;

(j) Illegal Storm or Surface Water: The inflow, infiltration and/or discharge of storm water, surface water, basement seepage, downspouts, roof drainage, area way drainage, or non-sanitary sewer discharge into the Sewer System;

(k) Improved Property: Any property located within the Borough upon which there is erected a structure 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;

(l) Industrial Wastes: Any solid, liquid, or gaseous substance discharged, permitted to flow 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;

(m) Oil and Grease: Either immiscible or emulsified substances as measured by the petroleum ether (or Freon) extraction gravimetric method of oil analysis as described in

the current edition of "Standards Methods for the Examination of Water and Wastewater";

(n) Owner: Any Person vested with Ownership, legal or equitable, sole or partial, of property located in the Sewered Area;

(o) Person: Any individual, partnership, company, association, society, trust, corporation, or other group or entity;

(p) pH: The logarithm to the base 10 of the reciprocal of the hydrogen ion concentrations expressed in grams per liter of solution. It shall be determined by one of the acceptable methods described in the Current Edition of "Standards Methods for the Examination of Water and Wastewater";

(q) Sanitary Sewage: Normal water-carried household and toilet wastes discharged from any Improved Property;

(r) Sanitary Sewer: The Borough's collection sanitary sewers located under highways, road, streets and rights of way that collect and convey Sanitary Sewage or Industrial Wastes or a combination of both;

(s) Service Lateral: That part of the Sewer System extending from a Sanitary Sewer to the curb line or to a point

one foot beyond the edge of the paved roadway if there is no curb line;

(t) Sewer: Any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes;

(u) Sewer System: All facilities in the Borough, as of any particular time for collecting, pumping, treating and disposing of Sanitary Sewage and Industrial Wastes, situate in owned and/or operated by the Borough or the Authority, including, but not limited to any and all Sanitary Sewers and Service Laterals;

(v) Storm Sewer: A sewer that carries storm, surface and ground water drainage, but excludes Sewage and Industrial Waste;

(w) Street: Any street, highway, road, lane, cartway, parkway, sidewalk, alley and public square located in the Borough; and

(x) Toxic Substances: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307 (a) or other Acts.

#### **Section 4: Required Connections to Sewer System.**

##### **Section 4.1. Requirement to Connect to the Sewer System.**

All owners of Improved Property shall connect such property to the Sewer System.

**Section 4.2. Unlawful Connection.** It shall be unlawful and in violation of this Ordinance for any Person to employ any means, either by septic tank, mine hole, leach bed, sand mound or any other on-lot method for the disposal of Sanitary Sewage, other than into and through the Sewer System.

**Section 4.3. Cost of Connection.** All costs and expenses of construction of a Building Sewer shall be borne by the Owner of the Improved Property to be connected. Such Owner shall indemnify and save harmless the Borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to the Sewer System, Service Lateral and/or Sanitary Sewer.

**Section 4.4. Separate Connection for each Connection Unit.** Each Connection Unit on each Improved Property shall be connected separately and independently with the Sewer System through a Building Sewer. Grouping of more than one (1) Improved Property on one (1) Building Sewer shall not be permitted.

**Section 4.5. The Borough May Make Connection and Collect Costs.** If the Owner of any Improved Property, after forty-five (45) days' notice from the Borough or the Authority to make connection of such property with the Sewer System, fails to make

such connection(s), the Borough or the Authority may make such connection(s) and collect the costs thereof from the owner in any manner provided by law.

**Section 4.6. Access to Premises by Agents.** The Borough or the Authority or the authorized agent(s) thereof shall have access at all reasonable hours of the day to any Improved Property to which sewage service is supplied to make necessary inspections.

**Section 5. Application for Permits.**

**Section 5.1. Permits Required.** No connection or other work to the Sewer System shall be effected, repaired, altered, modified or disconnected unless the Owner of the Improved Property shall first apply for and obtain a permit. "Connection" and "disconnection", as used in this Section, shall include all connections and discharges to the Sewer System, including, but not limited to, a Building Sewer used or carrying rain, cellar drainage, surface water, groundwater, or objectionable matter.

**Section 5.2. Application for Permit.** Each Owner of Improved Property shall make application in writing to the Authority for a permit to make, alter, repair or terminate a connection to the Sewer System. Such application shall be made to the Authority on such forms as are adopted by rules and regulations approved by

the Authority.

**Section 5.3. Application to be Signed.** The permit application shall be signed by the Owner of the Improved Property, unless the Owner shall provide the Authority with a writing giving authorization to another person to make application and acknowledging that responsibility for compliance with this Ordinance and any permit issued rests with the Owner.

**Section 5.4. Content of Application.** In addition to other requirements as established by rules and regulations governing the Sewer System, the permit application shall set forth:

- (a) The name and mailing address of the Owner(s) of the Improved Property;
- (b) The address of the Improved Property subject to the permit application;
- (c) A description of the lot subject to the application, including the subdivision, if any, and the lot's assigned number in said subdivision;
- (d) The Clarion County tax map number assigned to the property;
- (e) The street where connection is to be made, altered or disconnected to or from the Sewer System;
- (f) The name and address of the contractor who shall perform the sewer work;
- (g) A plan of the Improved Property showing the proposed connection, alteration or disconnection relative to the Sewer System;
- (h) The intended use of the Improved Property upon

connection (i.e., one-family, two-family or multi-family residential, commercial, industrial).

**Section 5.6. Financial Security Required.** No permit shall be issued without the applicant(s) first executing and tendering financial security in favor of the Authority in an amount fixed and on forms approved and adopted by rules and regulations approved by resolution of the Authority. Said financial security shall serve as security for the proper performance of work subject to the requested permit in full compliance with this Ordinance and rules and regulations governing the Sewer System and for repairs to streets and/or the Sewer System deemed by the Borough or the Authority to be necessary or appropriate as a consequence of said work.

**Section 5.7. Permit and Other Fees.** Each applicant for a permit shall, upon submission of a permit application, pay in full all filing, review, inspection, tapping and other fees as are established therefor by rules and regulations governing the Sewer System as approved by the Authority. Any developer's agreement or private service agreements required or administered by the Authority in connection with such application must be concluded prior to issuance of a permit. Any sums due as tapping fees or as reimbursements to a developer who constructed mains to which connection is requested shall be paid in full prior to

issuance of a permit.

**Section 6. Issuance or Denial of Permit.**

**Section 6.1. In General.** No permit to connect to the Sewer System (including alteration or disconnection of existing connections) shall be issued unless all requirements of this Ordinance and of rules and regulations governing the Sewer System have been fully complied with.

**Section 6.2. Reason for Denial.** If an application for permit is denied, the Authority shall state the reason(s) for denial in writing.

**Section 6.3. Legal Effect of Permit.** A permit issued to authorize a connection to the Sewer System shall authorize work as applied for and approved, and shall be valid for one (1) year from the date the permit is issued. Permits shall expire one (1) year after the date of their issuance, unless the applicant, prior to the expiration date, shall have requested an extension and the Authority, for good cause shown, shall in writing have approved an extension.

**Section 7. Standards for Connections.**

**Section 7.1. In General.** Any and all connections to the Sewer System shall be constructed in compliance with this Ordinance.



**Section 7.2. Display of Permit.** The permit required by Section 5 of this Ordinance shall be displayed prominently upon the Improved Property to be connected to the Sewer System at all times during construction of the Building Sewer.

**Section 7.3. Materials.** The Building Sewer shall be constructed of polyvinyl chloride (PVC) A.S.T.M. D 3034, Type SDR 35 or equal. The Building Sewer shall not be installed in or on unstable ground.

**Section 7.4. Diameter of Pipe.** The diameter of any and all pipe utilized to construct the Building Sewer shall be at least four (4") inches in diameter.

**Section 7.5. Slope of Building Sewer.** The slope of any and all four (4") inch pipe utilized to construct the Building Sewer shall not be less than one quarter ( $1/4$ ") inch per foot length of pipe. The slope of any and all six (6") inch pipe utilized to construct the Building Sewer shall not be less than one eighth ( $1/8$ ") inch per foot length of pipe. The Building Sewer shall be laid at uniform grade.

**Section 7.6. Excavation of Building Sewer.**

**7.6.1. Open Trench.** All excavations required for the installation of the Building Sewer shall be open trench work.

**7.6.2. Depth and Width of Trench.** The depth of the trench housing the Building Sewer shall be sufficient to afford the Building Sewer protection from frost. The Excavation shall be of sufficient width and depth to provide adequate space for the installation of the Building Sewer. The trench shall have sufficient width at the spring line of the Building Sewer pipe so that there will be a minimum of six (6") inches between the outside of the pipe and the side of the trench. The trench shall be excavated to a depth of four (4") inches below the bottom of the pipe and the trench refilled to the grade line with clean pea gravel.

**7.6.3. Removal of Water.** The trench housing the Building Sewer shall be kept clean of any and all water by pumping, bailing or other means while the Building Sewer is being installed. Water shall not be permitted at any time to enter the Building Sewer or the Sewer System.

**7.6.4. Backfill.** No Building Sewer shall be covered or backfilled until it has been inspected, tested and approved in accordance with this Ordinance. If any part of a Building Sewer is covered or backfilled prior to inspection, testing or acceptance, it shall be uncovered for inspection, testing and

approval at the cost and expense of the Owner of the Improved Property.

**7.6.5. Construction and Safety Compliance.** All excavations for Building Sewers shall be made in accordance with all applicable building and safety regulations, including, but not limited to the Occupational Safety and Health Administration ("OSHA"), and shall be adequately guarded with barricades and lights so as to protect the public from hazard.

Any and all construction in a Street shall be in compliance with the ordinances of the Borough and any and all construction in a state highway shall be in compliance with the Pennsylvania Department of Transportation requirements and specifications and all necessary permits shall be obtained from the Borough before construction is commenced, including the permit required for opening, or disturbing the surface of a Street.

**7.6.6. Restoration.** Streets and other public property disturbed in the course of installation of a Building Sewer shall be restored in kind at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to the Borough.

## **Section 7.7. Pipe Laying and Backfill.**

**7.7.1. In General.** Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C12-19. The Building Sewer shall be brought to the building or structure on the Improved Property at an elevation below the basement floor. No Building Sewer shall be laid parallel to or within three (3') feet of any bearing wall. The interior of each Building Sewer pipe shall be cleaned of all foreign material before the next pipe is laid. No such pipe shall be laid in water or when trench conditions are unsuitable.

**7.7.3. Alignment of Pipe.** The Building Sewer shall be laid in straight alignment. Changes in direction shall be made only with properly curved pipe and fitting and pipe diameter cleanouts using sanitary tees with the cleanout port facing downstream shall be installed at each change in direction equal to or greater than forty five (45°) degrees, at the sewer service connection, at the House Trap, at intervals not to exceed fifty (50') feet for four (4") inch pipe and one hundred (100') feet for six (6") inch pipe. All cleanouts shall be fitted with a securely-fitted watertight cover.

**7.7.4. Connection.** The connection of the Building Sewer to the Sewer System shall be made at the wye ("Y") branch. The

spring line of the Building Sewer, at its point of connection with the Sewer System, shall be no lower than the spring line of the Service Lateral.

**7.7.5. Backfill.** The area around the Building Sewer pipe to a height of twelve (12") inches above the top of the pipe shall be backfilled with pea gravel. In backfilling, the space between the pipe and the bottom and the side of trench shall be filled by hand, keeping the amount balanced on each side of the pipe to prevent lateral displacement of the pipe. The material shall be placed in layers to a depth of twelve (12") inches over the pipe in a manner to avoid damage or disturbance of the completed sewer. The next twelve (12") inches of backfill above the gravel shall be select material free of all cinders, ashes, refuse, vegetable or organic material boulders, rocks, stones, frozen or other unsuitable material. This area may be backfilled with excavated material if such material is suitable as determined by the Authority or its authorized agent(s). The remainder of the trench shall be backfilled with suitable material and compacted as required. Any portion of the trench which is on a public right-of-way shall have its entire depth backfilled in six (6") inch layers with approved granular materials and each layer thoroughly tamped. No wheel loads shall be applied to any trench

unless there is at least thirty (30") inches of cover over the pipe. Minimum depth of cover over the pipe shall be three (3') feet.

#### **Section 7.8. Bedding.**

**7.8.1. In General.** All Building Sewer pipes shall be bedded on true to line and grade with continuous support from a firm base. All pipe shall be bedded on a minimum of six (6") inches of pea gravel. In all cases, the bottom quadrant of the pipe shall be fully and uniformly supported and the full load on the pipe shall rest on the barrel of the pipe. Blocking shall not be used to bring the pipe to grade.

**7.8.2. Poor Foundation.** Where foundation conditions are poor due to ground water or subsurface materials, a bedding of Pennsylvania Department of Transportation No. 2B crushed stone at least six (6") inches in depth shall be installed beneath the Building Sewer.

**Section 7.9. Joints and Connections.** Connections to Service Laterals, if of the same pipe size, shall be made by property joining to the bell end of the Service Lateral. Where different types of sizes of materials are to be joined, an approved adapting fitting shall be used. Projecting the smaller pipe into the larger and sealing will not be permitted. This applies also

to the connection of the building, house or structure drain to the Building Sewer Pipe. The Building Sewer shall be laid with socket ends upgrade, firm and even bearing along the barrel of the pipe, close joints and smooth inverts. The pipe shall be laid taking care to achieve good alignment. The bell of the previously laid section shall be braced while the spigot is pushed so that previously made joints are not disturbed. The assembly shall be done by hand or with the use of a bar and block. All joints and connections shall be made gastight and watertight and shall be tested, inspected and approved by the Authority or its authorized agent(s) prior to use.

**Section 7.10. Bell Holes.** Bell holes shall be carefully excavated at proper intervals so that no part of the trench load is supported by the bells.

**Section 7.11. House Trap.** A Building Sewer may be provided with a horizontal trap, known as a House Trap, of not less than four (4") inches inside diameter. The House Trap shall be provided with a vent and cleanout openings, each to be at level of at least equal to the finished grade level and to be provided with bent cowls. Lines from such trap to such finished grade level. The House Trap and its vent shall be located on the Improved Property.

**Section 7.12. Clay Dam.** In areas subject to springs or ground flow, a clay "dam" shall be placed around the Building Sewer pipe at the House Trap and elsewhere as determined by the Borough or its authorized agents. The "dam" shall completely encompass the pipe and completely fill the excavated trench and shall have a minimum length of twelve (12") inches and shall be constructed to prevent the flow of water along the pipe or trench.

**Section 7.13. Abandoned Depressions.** All abandoned cesspools and seepage pits shall be filled with crushed stone, gravel or shale to prevent said pits from caving in or from in any other way becoming a health or safety hazard in the future.

**Section 7.14. Notification and Inspection.**

**7.14.1. Supervision.** The construction of a Building Sewer shall, at all times, be subject to supervision and inspection by the Borough, the Authority or the authorized agent(s) thereof and shall, at all times, conform to this Ordinance.

**7.14.2. Testing.** Each Building Sewer shall be tested by filling the same with water, completely, so that every section shall be tested with not less than ten (10) foot head of water. Water shall be kept in the Building Sewer for fifteen (15) minutes before inspection starts and no leakage shall be



observable at the time of inspection. An air pressure test of five (5) PSI for five (5) minutes with no loss shall be substituted for the hydrostatic procedure. The Borough, the Authority or the authorized agent(s) thereof shall observe all testing of a Building Sewer. All equipment and material required for testing shall be furnished by the Owner of the Improved Property to be connected to the Sewer System. Upon approval of the test of a Building Sewer by the Borough or the Authority, a certificate of approval will be issued to the Owner of the Improved Property.

**7.14.3. Additional Testing.** In the event that a Building Sewer is not approved by the Borough or the Authority, further testing shall be conducted following completion of necessary corrections. A fee of Twenty-five (\$25.00) Dollars will be charged by the Authority for observation of each test subsequent to the initial test.

**Section 8. Unacceptable Discharge.**

**Section 8.1. Excessive Amounts.** The discharge of excessive amounts of unpolluted water or waste to the Sewer System is expressly prohibited. The Borough reserves the right to define the amount it deems excessive in each particular instance.

**Section 8.2. Garbage.** The discharge of Garbage to the Sewer System is expressly prohibited.

**Section 8.3. Specific Wastes.** No person shall discharge to the Sewer System any Sanitary Sewage or Industrial Wastes having any of the following characteristics:

- (a) Wastes containing liquids, solids or gases which by reason of their nature or quality may cause fire, explosions, or be in any other way injurious to persons, the structures of the Sewer System or its operation;
- (b) Wastes having a temperature in excess of 130 degrees Fahrenheit or less than 32 degrees Fahrenheit;
- (c) Wastes having a pH lower than 5.5 or higher than 9.5 or having any corrosive properties capable of causing damage or hazards to structures, equipment or personnel of the Sewer System. Where the Borough deems it advisable, it may require any person discharging industrial wastes to install and maintain, at his own expense, in a manner approved by the Borough or its designated representative, a suitable device to continuously measure and record the pH of the wastes so discharged;
- (d) Wastes containing any noxious or malodorous gas or substance which either singly or by interaction with sewage or other wastes is, in the opinion of the Borough, likely to create a public nuisance or hazard to life, or prevent entry to Sewer System for its maintenance and repair;
- (e) Wastes containing ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, hair, chemical or paint residues, greases, lime slurry or viscose materials of such character in such quantity that, in the opinion of the Borough or the Authority, they may cause an obstruction to the flow in the sewers or otherwise interfere with the proper

operations of the Sewer System. Attention is called to the fact that the maximum permissible concentration will vary throughout the Sewer System depending upon the size of the particular interceptor sewer, receiving the same and the flows herein;

- (f) Wastes containing insoluble, non-flocculent substances having a specific gravity in excess of 2.65;
- (g) Wastes containing insoluble substances in such concentration as to cause the specific gravity of the waste to be greater than 1.1;
- (h) Wastes containing any of the following substances, as total concentration, exceeding the following values:

Substances	Max. Permissible Concentration (mg/L)
Phenolic Compounds	1.0
Cyanides, as CN	2.0
Antimony, as Sb	1.0
Arsenic, as As	1.0
Barium, as Ba	100.0
Beryllium, as Be	0.5
Boron, as B	5.0
Cadmium, as Cd	1.0
Chromium (total), as Cr	3.0
Copper, as Cu	2.0
Chromium (Hexavalent), as Cr+6	0.5
Lead, as Pb	1.0
Mercury, as Hg	0.1
Molybdenum, as Mo	1.0
Nickel, as Ni	2.0
Selenium, as Se	1.0
Silver, as Ag	0.5
Thallium, as Tl	0.5
Tin, as Sn	1.0
Zinc, as Zn	5.0

Where the waste volume is less than 1,000 gallons per day, the Authority may permit higher concentration limits;

- (i) Wastes containing more than 100 mg/L of Oil and Grease;
- (j) Wastes containing pesticides, insecticides, algaecides, fungicides, polychlorinated biphenyls (PCBs) or any other halogenated organic compound without prior written approval from the Authority;
- (k) Wastes containing gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals;
- (l) Wastes containing toxic substances in quantities sufficient to interfere with the biochemical processes of the Sewer System or that will pass through the treatment process and still exceed the state and federal requirements for the receiving stream; and
- (m) Wastes containing toxic radioactive isotopes.

## **Section 9. Inspection and Repair.**

**Section 9.1. Inspection.** Whenever the Borough or the Authority has reason to believe that any Building Sewer, including any and all pre-existing Building Sewers, is defective or otherwise in violation of this Ordinance, such Building Sewer shall be subject to test and inspection by the Borough, the Authority or the authorized agent(s) thereof.

**Section 9.2. Repair of Defects.** Defects or violations found upon test and inspection of a Building Sewer shall be corrected as required by the Authority, in writing, at the cost and

expense of the Owner of the Improved Property served through such Building Sewer.

**Section 10. Maintenance of Building Sewers.** Every Building Sewer, including any and all pre-existing Building Sewers, shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

**Section 11. Surface Water.**

**Section 11.1. Prohibition.** No roof drainage, cellar, surface water, waste from hydrants, or groundwater from underground drainage field shall be permitted to drain into the Sewer System.

**Section 11.2. Disconnection.** If the Owner, lessee or occupier of any Improved Property, after forty-five (45) days' notice from the Borough to disconnect from the Sewer System any Service Lateral or Building Sewer used or carrying rain, cellar drainage, surface water, groundwater, or objectionable matter, fails to make such disconnection(s), the Borough, the Authority or the authorized agent(s) thereof shall have the right to close up or disconnect from the Sewer System any Service Lateral or Building Sewer used or carrying rain, cellar drainage, surface water, groundwater, or objectionable matter and collect the costs thereof from the owner in any manner provided by law.

**Section 11.3. Access to Premises by Agents.** The Borough, the Authority or the authorized agent(s) thereof shall have access at all reasonable hours of the day to any Improved Property to make necessary inspections as to whether any Building Sewer or Service Lateral is used to carry rain, cellar drainage, surface water, groundwater or objectionable matter.

**Section 12. Sale of Improved Property.**

**Section 12.1. In General.** After the date of this Ordinance, it shall be unlawful for any person to sell or transfer Improved Property without first having obtained and delivered to the buyer or transferee, at or prior to closing or transfer, a Certificate of Compliance or Temporary Certificate of Compliance for the Improved Property being sold or transferred.

**Section 12.2. Application for Certificate of Compliance.** At least sixty (60) days prior to the date of closing or transfer of any Improved Property, the seller or transferor or its agent shall submit to the Authority an Application for Certificate of Compliance. The Certificate of Compliance form shall be available upon request from the Authority. The fee for filing the completed Application for Certificate of Compliance shall be established by the Authority from time to time by resolution.

**Section 12.3. Dye Test.** Prior to the sale or transfer of any Improved Property, the seller or transferor shall have a dye test of the Improved Property performed by a plumber licensed by the Clarion County Health Department to perform such tests or by such other person designated or approved by the Authority. Upon completion of the dye test, the person who performed the test shall complete the appropriate section of the Application for Certificate of Compliance, confirming that the Improved Property has been dye tested and certifying the results of the test.

**Section 12.4. Issuance of Certificate of Compliance.**

**12.4.1. Negative Result of Dye Test.** If the Application for Certificate of Compliance, properly completed and filed with the Borough with the designated filing fee, indicates that there are no Illegal Storm or Surface Water connections to the Sewer System, then the Authority shall issue the Certificate of Compliance within fifteen (15) days of application therefor.

**12.4.2. Positive Results of Dye Test.** If the dye test reveals the existence of one or more Illegal Storm or Surface Water connections to the Sewer System, the Authority shall not issue the Certificate of Compliance until the connections have been removed and a plumber licensed by the Clarion County Health Department or other person approved the Authority to do so has

certified that there are no Illegal Storm or Surface Water connections to the Sewer System from the Improved Property to be sold or transferred.

**Section 12.5. Temporary Certificate of Compliance.**

**12.5.1. Hardship.** When an Illegal Storm or Surface Water connection to the Sewer System is discovered and the necessary work to remove the connection would require a length of time such as to create a hardship for the seller or applicant, the seller or applicant may apply to the Authority for a Temporary Certificate of Compliance. The seller or applicant must submit the following with the properly completed Application:

- (a) A bona fide executed contract with a plumber registered and licensed by the Clarion County Health Department requiring the plumber to complete the remedial work necessary to the removal of the Illegal Storm or Surface Water connections to the Sewer System and granting the Authority the right and power to enforce the contract;
- (b) Cash security in an amount equal to one hundred ten (110%) percent of the contract described in Subsection 12.5.1(a) above;
- (c) The agreement of the purchaser or transferee to be responsible for all cost overruns related to the remedial work, together with a license from the purchaser or transferee to the Authority, its agents, contractors, and employees, to enter upon the property to complete the remedial work in case of default by the contractor or the applicant; and
- (d) The filing fee established by the Authority from time to time by resolution.



**12.5.2. Weather Conditions.** When dye testing cannot be performed because of weather conditions, the seller or applicant may apply to the Authority a Temporary Certificate of Compliance. The seller or applicant must submit the following with the properly completed Application:

- (a) Cash security in an amount equal to one hundred ten (110%) percent of the contract described in Subsection 12.5.1(a) above;
- (b) The written, signed agreement of the purchaser or transferee to correct, at the purchaser's or transferee's sole expense, any Illegal Storm or Surface Water connections to the Sewer System disclosed by the subsequent dye test, together with a license from the purchaser or transferee to the Borough, its agents, contractors, and employees, to enter upon the property to conduct the dye testing should the applicant fail to do so. Nothing in this subsection shall prohibit any purchaser or transferee from requiring the applicant to reimburse the purchaser or transferee for any costs incurred in connection with such remedial work; provided, however, that primary responsibility for the remedial work and all costs thereof shall run with the land, and no such agreement shall affect the Authority's enforcement powers or excuse the current owner of the property from performance;
- (c) The filing fee established by the Authority from time to time by resolution.

**12.5.3. Effectiveness.** The Temporary Certificate of Compliance shall be effective for sixty (60) days, and the expiration date of the Temporary Certificate of Compliance shall be noted on the Certificate. If, upon the expiration of the

Temporary Certificate of Compliance, the seller or applicant has not applied for and received a Certificate of Compliance, the cash security shall be forfeited, and the Authority may use the funds to complete the remedial work or the dye testing.

**Section 13. Limitation of Damages.**

**Section 13.1. In General.** The Borough, the Authority or the authorized agent(s) thereof shall not be liable for any damage or expense resulting from leaks, stoppages, or defective plumbing or from any other cause occurring to any Improved Property or within any house, building or structure. It is expressly stipulated by and between the Borough and the Authority and the Owner that no claims shall be made against the Borough or the Authority on account of the breaking or stoppage of, or any damage or expense to, any Service Lateral, Building Sewer or house connection when the cause thereof is found to be in the Service Lateral, Building Sewer or house connection.

**Section 13.2. Emergency Repairs.** The Borough, the Authority or the authorized agent(s) thereof shall not be liable for a deficiency or failure of service when occasioned by emergency required repairs, or failure from any cause beyond control. The Borough and the Authority reserve the right to restrict the use of sewer service whenever the public welfare may require it. In

consideration of the right to connect to the Sewer System, neither the Borough nor the Authority shall be liable for any damage or expense resulting from leaks, stoppages, or defective plumbing or from any other cause occurring to any premises or within any house, building or structure and it is hereby expressly agreed by all persons making connection with the Sewer System that no claims shall be made against the Borough or the Authority on account of the breaking or stoppage of, or any damage or expense to, any Service Lateral or Building Sewer where the cause thereof is found to be in such Service Lateral or Building Sewer.

**Section 14: Violation.** Any Person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. The continuation of a violation shall, for each day after notice, constitute a separate offense subject to the penalties as provided.

**Section 15: Severability.** In the event of any provision, section, sentence, clause, or part of this Ordinance being held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the

Ordinance, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

In the event of any legislation by the Commonwealth of Pennsylvania becoming effective dealing with the same or similar subject matter as that included herein, such shall remain in full force and effect if it is more restrictive, and not inconsistent with such legislation, but if such legislation is more restrictive than, inconsistent with, or both, then this Ordinance shall be interpreted according to such legislation and shall be superseded to the extent necessary to give such legislation appropriate effect. However, all the remainder of the ordinance shall be and shall remain in full force and effect and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**Section 16: Repealer.** All Ordinances or parts of Ordinances expressly inconsistent herewith, or dealing with the same or similar subject matter of this Ordinance, are expressly repealed.

**Section 17: Effective Date.** This Ordinance shall be effective within five (5) days after adopted by the Council and approved by the Mayor.

ORDAINED AND ENACTED into law by the Council of the Borough of Foxburg this 6th day of August, 2007.

FOXBURG BOROUGH:

Michael J. Vese  
President, Borough Council

ATTEST:

Gwen Steward  
Secretary

PRESENTED TO AND APPROVED BY the Mayor of the Borough of Foxburg this 6 day of August, 2007

Michael J. Vese, President of  
Mayor  
Borough Council and acting mayor  
pursuant to 53 P.S. § 46030.

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