

Chapter 250

SEWERS AND SEWAGE DISPOSAL

[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Kiski Valley Water Pollution Control Authority — See Ch. 4, Art. I.
Floodplain management — See Ch. 170.
Stormwater management — See Ch. 280.
Streets and sidewalks — See Ch. 288.

Part 1 Industrial Wastes

[Adopted as indicated in article histories]

ARTICLE I Industrial Sewer Use Penalties **[Adopted 10-1-1984 by Ord. No. 2-84]**

§ 250-1. Definitions.

The following words, terms, and phrases shall be construed in this article to have the following meanings except in those instances where the context clearly indicates otherwise:

INDUSTRIAL WASTES — Any liquid, gaseous or waterborne wastes from industrial processes or commercial establishments as distinct from sanitary sewage.

PERSON — Includes any individual, partnership, copartnership, firm, company, corporation, association, or any other legal entity, or their legal representatives, agents or assigns.

SANITARY SEWAGE — The normal water-carried household and toilet wastes from residences, business establishments, institutions, industries and commercial establishments, exclusive of stormwater runoff, surface water, groundwater and industrial wastes.

§ 250-2. Rules and regulations.

No person shall contribute, cause to be contributed, or discharge any industrial wastes to the public sanitary sewage facilities of the Kiski Valley Water Pollution Control Authority, except in accordance with the Rules and Regulations Governing Industrial Sewer Use that have been adopted, or may hereafter be adopted, by the Authority.

§ 250-3. Violations and penalties.¹

A. Any person who is found to have violated or willfully or negligently fails to comply with any provision of the Rules and Regulations Governing Industrial Sewer Use adopted by the

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Authority or any order, regulation, service contract or permit issued by the Authority shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$300 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

- B. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the Authority's Rules and Regulations Governing Industrial Sewer Use, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required pursuant to the Authority's Rules and Regulations Governing Industrial Sewer Use shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$300 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

ARTICLE II

Local Discharge Limits

[Adopted 2-5-1996 by Ord. No. 3-1996]

§ 250-4. Adoption of limits.

The Borough of East Vandergrift shall adopt the revised local discharge limits as adopted by the Kiski Valley Water Pollution Control Authority, substantially in the form of Resolution ____,² which was presented at this meeting and is made a part hereof by reference only and is on file with the Borough Secretary.

§ 250-5. Rules and regulations govern.

No person shall contribute, cause to be contributed, or discharge any industrial wastes to the public sanitary sewage facilities of the Kiski Valley Water Pollution Control Authority, except in accordance with the Rules and Regulations Governing Industrial Sewer Use that have been adopted, or may hereafter be adopted, by the Authority.

2. Editor's Note: So in original.

Part 2
Sewer User Regulations and Rents
[Adopted 12-3-2001 by Ord. No. 2-2001]

ARTICLE III
Terminology; Effective Date

§ 250-6. Definitions.

A. As used in this Part 2, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

AUTHORITY — The Borough of East Vandergrift.

BOD (BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in parts per million by weight.

BUILDING DRAIN — Part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the buildings and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER — Piping carrying liquid wastes from a building to the treatment of holding tank or to the public sewer main.

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

COMMUNITY SEWAGE SYSTEM — Any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes serving three or more individual lots.

DEPARTMENT — Department of Environmental Protection of the Commonwealth of Pennsylvania.

ENFORCEMENT OFFICER — A person or agency appointed to perform inspections and issue permits in connection with individual sewage systems and community sewage systems.

GARBAGE — Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

HOLDING TANK — Watertight receptacle which receives and retains sewage, and is designated and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

- (1) **CHEMICAL TOILET** — A toilet using chemicals that discharge into a holding tank.
- (2) **RETENTION TANK** — Holding tank to which sewage is conveyed by a water-carrying system.
- (3) **PRIVY** — Holding tank designed to receive sewage where water under pressure is not available.

HOLDING TANK CLEANER — Municipal authority or person, including a holding tank owner,

who removes the contents of a holding tank for purposes of disposing the sewage at another site.

INDIVIDUAL SEWAGE SYSTEM — Single system of piping, tanks, or other facilities serving one or two lots, and collecting and disposing of sewage in whole or in part into the soil of the property or into any waters of the commonwealth.

INDUSTRIAL WASTE — Any liquid, gaseous, radioactive, solid, or other substance, not sewage, resulting from any manufacturing or industry, or from any establishment, mine drainage, silt, coal mine solids, rock debris, dirt and clay from coal mines, coal collieries, breakers, or other coal processing operations.

LOT — A part of a subdivision or a parcel of land used as a building site, or intended to be used for building purposes, whether immediate or future, which would not be further subdivided.

PERSON — Any natural person, partnership, association, or corporation. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment, or both, the term "person" shall include the members of an association and the officers of a corporation.

pH — The logarithm of the reciprocal of the weight of hydrogen ions, in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

POLLUTION — Contamination of any waters of the commonwealth such as will create, or is likely to create, a nuisance, or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including, but not limited to, such contamination by alteration of the physical, chemical, or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters. The Department of Environmental Protection of the commonwealth shall determine when a discharge constitutes pollution, and shall establish standards whereby and wherefrom it can be ascertained and determined whether any such discharge does or does not constitute pollution.³

PROPERLY SHREDDED GARBAGE — Wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWAGE SYSTEM — Sewer system and the treatment facility owned, operated, or maintained by the Authority approved by the Department under a permit issued pursuant to the Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, 35 P.S. §§ 691.1 et seq., as hereafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.

SEWAGE — Any substance that contains any of the waste products, or excrementitious, or other discharge from the bodies of human beings or animals, and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

STORM SEWER — Sewer which carries stormwater and surface waters and drainage, but excludes sewage and industrial wastes.

SUBDIVISION — Division of a single tract, or other parcel of land, or part thereof, into two or more lots, and including changes in street lines or lot lines.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

B. In this Part 2, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

§ 250-7. Effective date.

This Part 2 shall become effective on the 1st day of January 2002.

ARTICLE IV
Required Connections to Public Sewage System

§ 250-8. Requirement to connect to public sewer.

All property owners whose property lines are within 150 feet of any public sewer line shall be required to connect thereto.

§ 250-9. Borough authorized to make connections; collection of costs.

If the owner of any property, after 90 days' notice from the Code Enforcement Officer to make connection of such property with the public sewage system shall fail to make such connection, the Borough of East Vandergrift may make the connection and collect the costs thereof in the manner provided by law.

§ 250-10. Owners required to connect upon expansion of system.

From time to time in the future, as public sewage services become available to additional properties within the Borough of East Vandergrift by reason of additions to the public sewage system, or improvements on abutting properties, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewage lines, and any septic tanks, cesspools, holding tanks, and similar devices connected to an individual sewage system shall be abandoned and filled with new material.

§ 250-11. Access to premises by agents.

The Code Enforcement Officer shall have access at all reasonable hours of the day to all parts of the premises to which sewage service is supplied to make necessary inspections.

ARTICLE V
Installation of Community Sewage Systems, Individual Sewage Systems and Building Sewers

§ 250-12. Sewage Facilities Act implemented.

This Part 2 shall be construed as implementing for the Borough of East Vandergrift the provisions of the Pennsylvania Sewage Facilities Act, P.L. 1535, No. 537, January 24, 1966, 35

P.S. §§ 750.1 through 750.20 as hereinafter amended, supplemented, modified, or reenacted by the General Assembly of Pennsylvania.

§ 250-13. Connections with individual sewage systems.

Where public sewage services are not available to a property owner, the building sewer shall be connected to an individual sewage system complying with the provisions of this Part 2.

§ 250-14. Permit required for installation; systems subject to approval by DEP.

A permit shall be required for the installation of a community sewage system, or new individual sewage system, and building sewer prior to the construction of any buildings for which such system or systems will be installed, and prior to the alteration, replacement, repair, or extension of such existing sewage system, provided every such sewage system shall be subject to approval by the Pennsylvania Department of Environmental Protection.

§ 250-15. Application for permit; conditions of issuance.

Application for such permit to install a community sewage system, or an individual sewage system, and building sewer shall be made prior to the expected date of commencement of construction of such facilities on forms provided by the Borough of East Vandergrift which the applicant shall submit with any plans, specifications, or other information deemed necessary by the Code Enforcement Officer. No person shall commence any construction requiring a written permit until such permit has been issued by the Code Enforcement Officer and the fee for issuing such permit has been paid in full.

§ 250-16. Permit fee. ⁴

A permit and inspection fee as set by Borough Council shall be paid at the time the application is filed.

§ 250-17. Effective date of permit.

A permit for a community sewage system, or an individual sewage system, and building sewer shall not become effective until the installation is completed to the satisfaction of the Code Enforcement Officer. He shall be permitted to inspect the work at any stage of construction, and the applicant shall notify him when the work is ready for final inspection, and before any underground portions are covered.

§ 250-18. Conformity to all regulations.

The type, capacities, location and layout of a community sewage system, or an individual sewage system, and building sewer shall comply with the recommendations of the Code Enforcement Officer, rules and regulations of the Authority and of the Department, and applicable statutes of the Commonwealth of Pennsylvania.

ARTICLE VI
Connection Permits and Specifications

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 250-19. Permit required to open or disturb sewer.

No unauthorized person shall uncover, make any connection with, or opening into, use, alter, or disturb any part of the public sewage system, or appurtenance thereto, without first obtaining a permit from the Code Enforcement Officer.

§ 250-20. Sewer permit fees. ⁵

Before making a connection with the sewer system, each property owner shall make a written application therefor, in the manner prescribed by the Code Enforcement Officer; and pay the following permit fee:

- A. For residential or commercial service: \$1,000.
- B. For service to establishments producing industrial wastes: \$3,000.

§ 250-21. Owner responsible for connection costs.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Borough of East Vandergrift from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 250-22. Separate connections required; exception.

A separate and independent building sewer shall be provided for every building. Exceptions to this provision shall be made where one building stands to the rear of another on an interior lot, and no sewer line is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, in which case, the building sewer from the front building may be extended to the rear building only on approval by the Code Enforcement Officer. Such connection of the two buildings to the sewer lines shall be considered as two building sewers.

§ 250-23. Status of old building sewers.

Old building sewers may be used in connection with a building only when such connection is approved by the Code Enforcement Officer, and they meet the requirements of this Part 2, or rules and regulations adopted pursuant hereto.

§ 250-24. Material and specifications for sewer pipes and joints.

The building sewer shall be cast iron soil pipe, ASTM specifications, or equal; vitrified clay sewer pipe, ASTM specification, or equal; or other suitable material approved by the Code Enforcement Officer. Joints shall be tight and waterproof. Any part of the building sewer that is located within 10 feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required by the Code Enforcement Officer where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle, as approved by the Code Enforcement Officer.

⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 250-25. Size and slope of building sewer.

The size and slope of the building sewer shall be subject to the approval of the Code Enforcement Officer, but in no event shall the diameter be less than six inches. The slope of such six-inch pipe shall be not less than 1/8 inch per foot.

§ 250-26. Elevation, grade and depth of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

§ 250-27. Discharge by artificial means when gravity flow insufficient.

In a building in which the building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

§ 250-28. Excavations for building sewer.

All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the Code Enforcement Officer. Pipe laying and backfill shall be performed in accordance with ASTM specifications, except that no backfill shall be placed until the work has been inspected and approved.

§ 250-29. Joints and connections.

- A. All joints and connections shall be made gastight and watertight. Cast iron pipe joints shall be firmly packed with oakum or hemp, and filled with molten lead, according to federal specifications, not less than one-inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.
- B. All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured jointing materials or cement mortar.
- C. Other jointing materials and methods may be used only after approval from the Code Enforcement Officer.

§ 250-30. Connection of building sewer to public sewage system.

The connection of the building sewer to the public sewerage system shall be made at the Y branch if such branch is available at a suitable location. If the public sewer line is 12 inches in diameter or less, and no properly located Y branch is available, the owner shall, at his expense, install a Y branch in the public sewer at the location specified by the Code Enforcement Officer. Where the public sewer is greater than 12 inches in diameter, and no properly located Y branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45°. A forty-five-degree ell may be used to make such connection, with the spigot and cut so as not to extend past the inner surface of the public

sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Code Enforcement Officer.

§ 250-31. Notification prior to connection.

The permit holder shall notify the Code Enforcement Officer when the building sewer is ready for inspection and connection with the public sewer, and the connection shall be made under his supervision.

§ 250-32. Safety and warning facilities.

All excavations for building sewer installation and connection shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough of East Vandergrift.

ARTICLE VII
Use of Public Sewage System

§ 250-33. Prohibited discharges.

No person shall discharge or cause to be discharged any spring water, stormwater, surface water, groundwater, roof runoff, subsurface drainage, building foundation drainage, drainage from roof leader connections, cooling water, or unpolluted industrial process waters into the public sewage system.

§ 250-34. Accepted means of disposal for certain wastewater.

Vapor water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, storm sewers, or to a natural outlet approved by the Code Enforcement Officer; industrial cooling water, or unpolluted process waters may be discharged, upon approval of the Code Enforcement Officer, to a storm sewer, combined sewer, or natural outlet.

§ 250-35. Prohibited wastes.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the public sewage system:

- A. Any liquid or vapor having a temperature higher than 150° or 68° C.;
- B. Any water or waste which may contain more than 100 parts per million by weight of tar, fat, oil, or grease;
- C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gases;
- D. Any solid wastes resulting from preparation, cooking and dispensing of food, and from handling, storage, and sale of produce, which wastes commonly are known as "garbage," which have not been ground by household type disposal units or other suitable garbage

grinders;

- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, cotton, wool, or other fibers, or any other solid or viscous substances capable of causing obstruction, or other interference with proper operation of the public sewage system;
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or operating personnel of any part of the sewer system;
- G. Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure, or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the waters receiving the sewage treatment plan effluent;
- H. Any noxious or malodorous gas or substance capable of creating a public nuisance;
- I. Any solids of such character and quantity that special and unusual attention is required for their handling.

§ 250-36. Grease, oil, and sand interceptors.

- A. Grease, oil, and sand interceptors shall be provided by and at the expense of the property owner when, in the opinion of the Code Enforcement Officer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or containing any flammable wastes, sand, and other harmful ingredients, except that such interceptors shall not be required for private living quarters, or dwelling units. All interceptors shall be of a type and capacity approved by the Code Enforcement Officer, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.
- B. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation.

§ 250-37. Restrictions on discharge of wastes and water.

- A. The admission into the public sewage system of any waters or wastes having any of the following characteristics shall be subject to the review and approval of the Code Enforcement Officer:
 - (1) A five-day BOD greater than 300 ppm by weight;
 - (2) Containing more than 350 ppm by weight of suspended solids;
 - (3) Containing any quantity of substances having the characteristics described in § 250-35 of this Part 2;
 - (4) Having an average daily flow greater than 2% of the average daily sewage flow of the Borough of East Vandergrift.
- B. Where necessary, in the opinion of the Code Enforcement Officer, the owner shall provide,

at his expense, such preliminary treatment as may be necessary to:

- (1) Reduce the BOD to less than 300 ppm by weight and suspended solids to less than 350 ppm million by weight;
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided in § 250-35 of this Part 2;
- (3) Control the quantities and rates of discharge of such waters or wastes.

C. Plans and specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Borough of East Vandergrift Engineer, and no construction of such facilities shall be commenced until approval is obtained in writing.

§ 250-38. Maintenance of preliminary treatment facilities.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expenses.

§ 250-39. Manholes.

When required by the Code Enforcement Officer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Code Enforcement Officer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 250-40. Measurements, tests, and analyses of waters and wastes.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in §§ 250-35 and 250-37 of this Part 2 shall be determined in accordance with standard methods for the examination of water and sewage, and shall be determined at the control manhole provided for in § 250-39, or if there is no control manhole as provided for in § 250-39, the control manhole shall be considered to be the nearest manhole in the public sewer line downstream from the point at which the building sewer is connected, and the matter shall be determined upon suitable samples taken from that point.

ARTICLE VIII
Sewer Rental Charges

§ 250-41. Imposition of sewer rental charges. ⁶

All owners of property connected or connecting with the sewer lines and the public sewage system, and all of the owners of property who may hereafter connect with and use the same, shall pay annual sewer rentals or charges in monthly installments as hereinafter provided for the use of such sewage facilities based upon the following schedule of rates:

A. Residential. For each single dwelling \$420 per year for each connection. (For the purposes

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

of this section, each dwelling unit of a multiple dwelling shall be deemed a single dwelling, except rooming houses where each tenant occupies only one or two rooms using common toilet facilities.)

- B. Commercial and industrial sanitary waste. For each connection \$420 per year.
- C. Schools. For each connection \$420 per year.
- D. Churches. For each connection \$420 per year.
- E. Industrial waste. Additional charges for toxic or strong industrial waste shall be made from time to time as the Borough of East Vandergrift may determine based upon analysis of waste.

§ 250-42. Payment of charges; penalty for late payment. ⁷

Sewer rentals or charges shall be paid monthly in accordance with billings for sewage services, except that during the first month that a residential, commercial, industrial or church user begins to discharge sewage into the public sewage system, said charge shall be based on a per diem amount prorated from the time such sewer connection is made until the next following monthly billing period. All charges for sewage service shall be subject to a five-percent penalty if not paid within 30 days after they are due. If not paid within 60 days after due, the net bill, plus penalty, shall bear interest at the rate of 1/2 of 1% per month, or fraction thereof, until paid.

§ 250-43. Unpaid charges constitute lien.

Annual sewer rental charges shall be a lien on the properties charged with payment thereof from the effective date of this Part 2, and if not paid after 30 days' notice, may be collected in any manner provided by law.

§ 250-44. Special arrangements with industrial concerns.

No statement contained in this Part 2 shall be construed as to prevent any special agreement or arrangement between the Borough of East Vandergrift and any industrial concern, whereby an industrial waste of any strength or character may be accepted by the Borough of East Vandergrift for treatment, subject to payment therefor by the industrial concern.

§ 250-45. Authority to shut off water service. ⁸

- A. The Borough Council or its duly authorized representative reserves the right at all times, after due notice, to shut off the water for nonpayment of sewer bills, including sewer recovery fees, or for neglect or refusal to comply with these rules and regulations and to assess such charges as may be determined by the Borough Council for the resumption of service. Where a consumer does not have Borough water service, the water service may be discontinued by either the physical plugging or disconnection of the service lateral. Prior to reconnecting the service, all bills shall be paid in full, including the cost of the disconnection/plugging and the cost of reconnecting the service lateral to the Borough's

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

8. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

collection system.

- B. Service under an application may be discontinued for any of the following reasons:
- (1) Failure to make payments for sewage recovery.
 - (2) Misrepresentation in the application as to property or fixtures to be supplied or the use to be made of the water supply.
 - (3) Failure to disconnect storm drains/down spouts from new sewer lines.
 - (4) Molesting any service pipe, meter, curb stop or seal or any appurtenance of the sewer system of the Borough of East Vandergrift.
- C. Where any residential building is occupied by any tenant, the Borough shall follow the procedure set forth in the Utility Service Tenants Rights Act, 68 P.S. § 339.1, prior to the discontinuation of water service to such residence. Notice shall be given to the landlord and tenant(s) in accordance with said Act. The tenant(s) shall have the right to cure such action upon receiving notice of discontinuance of water service in accordance with the Act; specifically, the tenant may pay an amount to the Borough equal to the sewer bill for the thirty-day period preceding notice to the tenant(s). In such case, the Borough may continue billing for sewer service and giving notice every 30 days thereafter if delinquency in payment of sewer bills continues.
- D. The Borough Council or its duly authorized representative shall have the right to turn off water service to a property or to part of the Borough water distribution system without notice in case of a waterline break, or for the purpose of making necessary repairs or connections to the water system, or for other unavoidable causes. Reasonable notice will be given when practicable. In no case shall the Borough be liable to any water customer for any damages or inconvenience suffered by any water customer therefrom.

ARTICLE IX Penalties

§ 250-46. Violations and penalties. ⁹

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this Part 2 that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this Part 2 in equity in the Court of Common Pleas of Westmoreland County.

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