

Chapter 18

Sewers and Sewage Disposal

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Part 1**Mandatory Connection and User Fees****A. Mandatory Connection****§18-101. Connection Mandatory.**

Whenever a public sanitary sewer has been or shall be constructed on any street or alley, each separate building used or intended to be used as a dwelling, office building, storeroom, public hall, church, schoolhouse, and every tenement, fronting upon such street or alley, and not previously connected with a public sewer, shall be connected with said public sanitary sewer by a separate private sewer, within 30 days after written or printed notice given to the owner of such building by the Street Commissioner and upon the failure of any such owner to make such connection within the said 30 days the same shall be made by the Borough and the cost thereof, together with a penalty of 20% addition shall be collected from owner, provided however, that more than one separate building may be connected with the public sewer by a single private sewer provided the capacity of the latter is, in the judgment of the Street Commissioner sufficient.

(Ord. 813, 6/10/1924, §1)

§18-102. Construction.

The construction of every such private sewer shall be under the supervision and direction of the Street Commissioner, or his deputy, and each such private sewer shall have a diameter of not less than 6 inches and not greater than the diameter of the public sewer, and shall be of either cast iron, having joints thoroughly caulked with lead, or of salt glaze terra cotta sewer pipe, having joints completely sealed with Portland cement mortar.

(Ord. 813, 6/10/1924, §2)

§18-103. Disconnect Notice.

The owner of any property discharging through a private sewer or otherwise, any surface drainage or roof water from said property into any public sewer other than one constructed and used as a storm sewer, shall disconnect the same from said public sewer upon receiving 15 days written notice to do so. In case said owner neglects or refuses to do so, such owner shall be liable to the penalty provided in §18-206 of this Part.

(Ord. 813, 6/10/1924, §3)

§18-104. Permit to Connect.

No private sewer, to be connected with a public sewer, shall be laid unless the owner shall first obtain a permit from the Secretary of Council, authorizing the laying thereof, and shall pay to the Secretary of Council a fee in an amount as established from time to time by resolution of Borough Council, for such permit, and shall leave with the Secretary a deposit in an amount as established from time to time by

resolution of Borough Council, which deposit shall be applied to the payment of the cost of constructing a branch sewer from the public sewer to the curb line. Said branch sewer from the public sewer to the curb line shall be constructed by the Borough and the cost of the material and labor employed in the construction of said branch sewer shall be paid to the Borough by the owner of building. When such branch sewer has been completed the Street Commissioner shall certify to the Borough Clerk the actual cost of the material and labor in constructing branch sewer. Whereupon if said amount, so certified, is less than the amount on deposit herein above required the Secretary of Council shall remit the difference thereof to the owner making such deposit, and should said amount be greater than the deposit, the excess cost shall be paid by the owner of the building to be connected, within 10 days from the completion of branch sewer. Provided, however, that before any private sewers are connected with any public sewer at points where branch sewers have already been constructed by the Borough, from the main sewer to the curb line, the Street Commissioner shall certify to the Borough Secretary the actual cost of the construction of said sewer, which amount, together with the permit fee, above referred to, shall be paid by the owner before any permit shall be issued for the connection of any private sewer therewith.

(*Ord. 813, 6/10/1924, §4; as amended by Ord. 05-02, 6/1/2005*)

§18-105. Requirement for Additional Sewers.

The Borough shall have the right to require any additional private sewers to be laid in any case in which a private sewer previously laid shall become inadequate, either by reason of an increase in the size of the building or of additional use being made of the private sewer.

(*Ord. 813, 6/10/1924, §5*)

§18-106. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 813, 6/10/1924, §6; as amended by Ord. 05-02, 6/1/2005*)

B. Tap-In Fees**§18-111. Definition.**

Building - a single-family residence or each individual apartment unit. Where the structure to be tapped or drained into the sanitary sewer truck line is other than a single-family residence or apartment unit, each 25,000 cubic feet of space in such structure shall be deemed to constitute one "building" for the purpose of computing and fixing the amount to be paid for tapping or draining the sanitary sewer from such structure into the sanitary sewer truck line. Any such structure containing less than 25,000 cubic feet of space shall nevertheless constitute one "building."

(Ord. 74-9, 10/16/1974, §1)

§18-112. Tap-In Fees into Sanitary Sewer Truck Lines.

There is hereby fixed and established the following fees for sewer taps.

- | | |
|--|--|
| A. Single-family dwelling. | \$100 |
| B. Single business, commercial or industrial building. | \$100 |
| C. Double residence or duplex. | \$200 |
| D. Multiple dwellings | \$100 for each apartment or dwelling unit in the building. |

(Ord. 74-9, 10/16/1974, §2; as amended Ord. 78-1, 5/10/1978, §1; by Ord. 80-4, 5/14/1980, §1; and by Ord. 86-14, 11/12/1986, §1)

§18-113. Payable Date.

The above-said charge shall be payable at the time that a building permit fee shall be acquired and prior to any tap in.

(Ord. 74-9, 10/16/1974, §3)

§18-114. Violation.

It shall hereafter be unlawful for any person, corporation or other legal entity to tap or drain into or to permit the tapping or draining into any sanitary sewer trunk line in the Borough of Swissvale without having made payment of the charge as herein established.

(Ord. 74-9, 10/16/1974, §4)

§18-115. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. The above-said penalty shall be in addition to any other rights the Borough may have in law or in equity to seek damages or an injunction or otherwise and all remedies shall be cumulative.

(Ord. 74-9, 10/16/1974, §5; as amended by Ord. 05-02, 6/1/2005)

C. User Fees

§18-121. Payment of Rentals Required.

All owners of property connected to or connecting with the sewers, sewage system and sewage treatment works as owned or leased by the Borough of Swissvale, Allegheny County, Pennsylvania, and all of the owners of property wheresoever located who may hereafter connect with and use the same shall pay sewer charges or rentals, payable quarterly as hereinafter provided, for the use of such sewage facilities, based upon the following schedule of rates.

(*Ord. 98-9, 6/10/1998, §1*)

§18-122. Rates Based on Water Usage and Customer Service Charge.

The service charge for any person, firm or corporation, owners of property discharging sewage industrial waste, water or other liquids into said system shall be based upon the quantity of water used on or in said premises, owned as aforesaid, as the same is measured by water meters in use or other meters to be installed, plus a customer service charge, and shall be charged quarterly at the following rates:

A. *Metered Water Users.*

Water Usage	Rate per Quarter
For each 1,000 gallons	\$1.50

[*Ord. 00-02*]

B. *Exclusion-Quantity of Water Used in Residential User's Lawn Sprinkler System as Measured by Borough Inspected Lawn Sprinkler System Water Meter.*

(1) Residential users with lawn sprinkler systems on their residential premises may install lawn sprinkler system water meters, either a counter meter attached to the main water line or a meter attached to an independent water line used solely for the lawn sprinkler system. The quantity of water so used and measured shall be excluded from the quantity used on or in the premises as a basis for the sewer service charge imposed by this Part provided however that the residential user must:

(a) Notify the Borough Manager in writing of the intention to install such a meter, and of the proposed date and time of installation of the meter.

(b) Have the installation of the meter monitored in person and inspected and approved by the designated Borough representative.

(c) Pay to the Borough on or before the installation date, an inspection fee of \$50.

(2) In the event a counter meter is installed, it shall be read annually by the Borough at a charge of \$50 to the residential users. The residential user who has installed a counter meter shall notify the Borough in writing of the amount of water used quarterly.

(3) In the event such a meter is attached to an independent water line used solely for a lawn sprinkler system, the meter shall be read by the water

company with the water usage reported to the Borough. In the event that the Borough is required to read such a meter to obtain the water usage amount, \$50 will be charged to the residential user.

(4) Any lawn sprinkler system water meter installed and approved under this Part shall not be part of the public sewage system as owned or leased by the Borough and shall remain the property and sole responsibility of the residential user.

C. Flat Rate and Spring and/or Well-Water Users. The following schedule of rates shall be applicable to water users whose water bills are based upon a flat rate, as distinguished from those water users who do not receive a water bill (e.g., spring and/or well-water users). All flat-rate water residential customers, and those who are spring and/or well-water, will be billed using the equivalent dwelling unit ("EDU") method of calculation as employed by the Commonwealth of Pennsylvania Department of Environmental Protection ("DEP"). The average residential usage is estimated at 11,000 gallons per quarter. Each residential flat-rate, and spring and/or well-water users' account will be billed for sewer service based upon this average unless proof is established that the customer's usage is less. In addition to the charge based on estimated usage of 11,000 gallons, or such other usage as established by appropriate proof, the customer service charge, as established above, shall also be imposed.

(*Ord. 98-9, 6/10/1998, §2; as amended by Ord. 00-02, 4/26/2000, §1*)

§18-123. Multiple Billing.

1. All units shall be subject to the fee based upon metered water consumption records of the Wilkesburg-Penn Joint Water Authority ("Authority"). Units or businesses within a common structure may be metered individually. In all cases, the party listed as being responsible for payment in the records of the authority shall also be the responsible party for purposes of payment of the sewer usage fee and any and all related penalties all.

2. In cases where residences or other establishments have private springs or private wells, these establishments will be required to provide a meter on the spring or well. This meter and its installation must be furnished by the property owner, must be acceptable to the Borough, and shall be available to Borough employees for meter readings at any time. In the case of a failure to install a meter, the sewer user fee shall be determined by employing the equivalent dwelling unit ("EDU") method of calculation as employed by the Commonwealth of Pennsylvania Department of Environmental Protection ("DEP"). In the case of multiple unit non-metered facilities, an EDU factor of 350 gallons per day per unit shall be used, unless changed by an ordinance of the Swissvale Borough Council.

(*Ord. 98-9, 6/10/1998, §3*)

§18-124. Payment Procedures.

1. *Billing Periods and Due Dates.*

A. Sewer charges or rentals shall be paid quarterly in accordance with billings for sewage service which shall be rendered or caused to be rendered by the

Borough of Swissvale on the following basis:

Billed on or About	For Water Consumption Period	Due Date
April 20	January 1 - March 31	May 12
July 20	April 1 - June 30	August 12
October 20	July 1 - September 30	November 12
January 20	October 1 - December 31	February 12

2. *Administrative Fees.* An administrative fee of \$20 is hereby imposed for any payment for sewer charges or rentals which is returned by the Borough's collection agent or depository for non-sufficient funds, or any other reason.

3. *Penalty.* Charges for sewage services shall be subject to a penalty of 5% if not paid in full on or before the prescribed due date. If payment of a lesser amount is made prior to the due date, the penalty shall be assessed upon the balance remaining unpaid.

4. *Additional Penalty.* Thereafter, an additional penalty of 2% shall be assessed on the unpaid balance for each 30-day period or part thereof that has elapsed since the due date until said balance is paid in full. Any payments made on a delinquent account shall be applied first to penalty charges, and then to reduce the remaining unpaid sewage service charges.

(Ord. 98-9, 6/10/1998, §4)

§18-125. Charges and Rentals Collectible as Lien.

1. *Liens.* All sewer charges or rentals hereby imposed shall be a lien from the due date thereof on each and every lot or tract of real property served by the sewage systems of the Borough of Swissvale or in any other surrounding municipalities.

2. *Filing of Liens.* All liens for unpaid assessments shall be filed in the office of the Prothonotary of Allegheny County, Pennsylvania, and collected in the manner provided by law for the filing and collection of Borough claims.

(Ord. 98-9, 6/10/1998, §5)

§18-126. Disposition of Receipts.

Funds received by the Borough from the collection of charges or rentals herein provided for shall be used only for the following purposes and for such purposes only:

A. Defraying the expense of the Borough in the operation, maintenance, repair, alteration, inspection, depreciation or other expense in relation to such sewers, sewer system and sewage treatment works.

B. Such payments as the Borough may be required to make under any lease or agreement which it may enter into for said sewers, sewage system and sewage treatment work with any authority providing service to the Borough of Swissvale, County of Allegheny and Commonwealth of Pennsylvania, in accordance with the provisions of the Act of May 2, 1945, P.L. 382, as amended.

(Ord. 98-9, 6/10/1998, §6)

§18-127. Commencement of Rentals and Charges.

The rentals or charges hereby imposed shall become effective immediately or at the time of connection to the sewage system, as the case may be.

(*Ord. 98-9, 6/10/1998, §7*)

§18-128. Extent of Liability of Borough and Authority.

Neither the Borough of Swissvale, County of Allegheny or Commonwealth of Pennsylvania shall be liable for any damage resulting from leaks, broken pipe or any other cause occurring to or within any house or building or in connection with the building sewer between the sewer line and any house or building; and neither the said Borough nor the Authority shall be liable to any owner for any claim for damage arising by reason of any leaking or breaking of any main, truck, interceptor, lateral or collecting sewer or any building connection, sewer line or any attachment to the sewer.

(*Ord. 98-9, 6/10/1998, §8*)

§18-129. Right of Entry.

The duly authorized agents of the Borough of Swissvale and the County of Allegheny, Commonwealth of Pennsylvania, shall have access at all reasonable hours of the day to all parts of the premises to which sewer service is supplied to make necessary inspections.

(*Ord. 98-9, 6/10/1998, §9*)

§18-130. Violations and Penalties.

1. Any person found to be violating any provision of this Part shall be served by the Borough of Swissvale with written notice stating the nature of the violation and providing a time limit of 30 days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each and every offense, and each day in which such offense shall continue, except where otherwise provided by State law, shall be considered a separate offense.

3. Any person violating any of the provisions of this Part shall become liable to the Borough of Swissvale for any expense, loss or damage occasioned by the Borough of Swissvale by reason of such violation.

(*Ord. 98-9, 6/10/1998, §10*)

§18-131. Periodic Adjustment of Rentals and Charges.

The Borough Council shall, at its regular meeting in December of each year, review the rate schedule then in effect for the Borough to determine if such schedule is producing revenues in excess of the amount needed for operation and maintenance of the sewer system and for payment of all the rentals and other requirements of the Borough under the agreement of lease with the authority. If such rate schedule is found to be producing a material surplus of funds in excess of such needs, it shall be adjusted

by the Borough Council for the next succeeding fiscal year of the Borough so that the estimated revenues to be derived therefrom shall be reasonably in balance with the estimated operation and maintenance expenses, rentals and other fiscal requirements of the sewer system.

(Ord. 98-9, 6/10/1998, §12)

Part 2**Discharges to Sewers****A. ALCOSAN Discharge Regulations****§18-201. Definitions.**

For the purposes of this Part, the following terms shall have the meaning hereafter designated:

ALCOSAN - Allegheny County Sanitary Authority including its treatment facility and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

Corrosive waste - a waste or substance which has any of the following properties:

(1) It is aqueous and has a pH of less than or equal to 5 or greater than or equal to 10, as determined by pH meter.

(2) It is a liquid and corrodes steel (SAE1020) at a rate greater than 6.35 mm (0.250 in.) per year at a test temperature of 55°C (130°F).

Reactive/explosive waste - a waste or substance which can create an explosion hazard in the sewage collection system or the ALCOSAN treatment facility which has any of but is not limited to the following properties.

(1) It is normally unstable and readily undergoes violent change without detonating.

(2) It reacts violently with water.

(3) It forms potentially explosive mixtures with water.

(4) When mixed with water, it generates toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

(5) It is a cyanide or sulfide bearing waste which can generate toxic gasses, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

(6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.

(7) It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.

(8) It is a forbidden explosive as defined in 40 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53 or a Class B explosive as defined in 49 CFR 173.88.

Hazardous waste - all wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 Pa.Code 261.

Ignitable waste - a waste or substance which can create a fire hazard collection system or the ALCOSAN Treatment Facility which has any of but is not limited

to the following properties.

(1) It is liquid with a flash point less than 60°C (140°F) using the test methods specified in 40 CFR 26.121.

(2) It is an oxidizer as defined in 49 CFR 173.151.

Interference - a discharge originating in the Borough which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal.

(2) Therefore is a cause of a violation of any requirement of ALCOSAN's National Pollutant Discharge Elimination System (hereinafter referred to as "NPDES") permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): §405 of the Clean Water Act, the Solid Waste Disposal Act (including Title 2 or more commonly referred to as the Resource Conservation and Recovery Act and including state regulations contained in and State Sludge Management Plan prepared pursuant to subtitle D of the Solid Waste Disposal Act), the Clean Air Act, and the Toxic Substances Control Act.

Pass-through - any discharge of a pollutant through ALCOSAN into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, alone or in conjunction with other discharges from other sources, is a cause of a violation of any requirement of the ALCOSAN's NPDES permit (including an increase in the magnitude or duration of a violation).

Person - any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, or assigns.

pH - the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant - any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, emissions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or other industrial, municipal, or agricultural waste discharged into water.

Pollution - the man made or man induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

The Act - the Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 USC §1251 *et seq.*

Toxic pollutant - any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA pursuant to §307(A) of the Act.

Waste water - the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and stormwater that may be present, whether treated or untreated which is contributed directly or indirectly into the facilities of ALCOSAN.

Waters of the Commonwealth - all streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth of Pennsylvania or any portion thereof.

(Ord. 95-3, 2/8/1995, §1)

§18-202. Toxic Pollutant or Other Wastewater Prohibited.

No person shall introduce or cause to be introduced directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Borough and transmitting substances into the facilities of ALCOSAN, any toxic pollutant or other wastewater which will:

- A. Cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities.
- B. Pass through ALCOSAN's treatment plant or other facilities.

(Ord. 95-3, 2/8/1995, §2)

§18-203. Prohibited Substances.

No person shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any piped sewer, pipe or other conveyance located in the Borough and transmitting substances into the facilities of ALCOSAN any of the following.

- A. Any substance which will endanger the life, health or safety of the treatment plant sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.
- B. Any ignitable, reactive, explosive, corrosive, or hazardous waste, except as provided for by ALCOSAN's rules and regulations.
- C. Any waste which exceeds the naturally occurring background levels for either alpha, beta, or gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half life or concentration not in compliance with applicable state or federal regulations.
- D. Any solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of ALCOSAN's facility or facilities discharging into the ALCOSAN system.
- E. Any noxious or malodorous liquids, gasses or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.
- F. Pathological wastes from a hospital or other medical establishment.
- G. Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer type approved by ALCOSAN and maintained in good operating condition.
- H. Sludges or other materials from septic tanks or similar facilities or from

sewage or industrial waste treatment plants or from water treatment plants; unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.

I. Any pollutant including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the ALCOSAN facilities.

J. Any substance which will cause ALCOSAN's effluent or any other product of the ALCOSAN facilities such as residues, sludges, or scums, to be unsuitable for reclamation processes, including any substance which will cause the ALCOSAN facility to be in non-compliance with sludge use or disposable criteria, guidelines, or regulations developed under §405 of the Act, any criteria, guidelines, or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State Laws or regulations applicable to the treatment or disposal of such effluent or such product.

(*Ord. 95-3, 2/8/1995, §3*)

§18-204. The Pretreatment Regulations.

No person shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN. The pretreatment regulations of the Allegheny County Sanitary Authority are incorporated into this Part by reference as though fully set forth herein.

(*Ord. 95-3, 2/8/1995, §4*)

§18-205. Penalties.

Any person violating any provision of this Part shall, upon conviction, be punished by a fine not to exceed the sum of \$1,000 for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment for a period not exceeding 30 days. Each day a violation is continued shall constitute separate offense. In addition, any person violating any provision of the ALCOSAN pretreatment regulations may be subject to administrative and civil penalties as provided for by the pretreatment regulations and administered by ALCOSAN. Such penalties may include, but are not limited to, injunctive relief and penalties of up to \$25,000 per day, per violation as provided for by the Publicly Owned Treatment Works Penalty Law, 35 P.S. §752.1 *et seq.* Authority to so enforce the Pretreatment Regulations is granted to ALCOSAN, and is in addition to but not in place of any other remedy available to the Borough.

(*Ord. 95-3, 2/8/1995, §5; as amended by Ord. 05-02, 6/1/2005*)

B. Dye Testing**§18-211. Findings and Purpose.**

1. The United States Environmental Protection Agency and the Pennsylvania Department of Environmental Protection have directed municipalities to take such steps as are necessary to eliminate sanitary sewer overflows or face civil penalties and other sanctions.

2. The Council of the Borough of Swissvale has determined that the sanitary sewer facilities of the Borough may be receiving stormwater, surface water and other non-sanitary discharges that exceed the hydraulic capacity of the Borough's sanitary sewer system and cause or contribute to sanitary sewer overflows.

3. The Council of the Borough of Swissvale has determined that inflows of stormwater, surface water and other non-sanitary discharges into the sanitary sewer system result in wasteful expenditures for wastewater treatment.

4. The Council of the Borough of Swissvale has determined that it is in the best interest of the residents of the Borough to eliminate inflows of stormwater, surface water and other non-sanitary discharges into the Borough sanitary sewer system.

5. The Council of the Borough of Swissvale has determined that the procedures, fees and penalties provided by this Part are necessary to achieve the purposes of this Part.

(*Ord. 99-2, 5/12/1999, §1*)

§18-212. Short Title.

This Part may be known and cited as the "Dye Testing Ordinance."

(*Ord. 99-2, 5/12/1999, §2*)

§18-213. Definitions.

The following terms used in this Part shall have the following meanings:

Borough - the Borough of Swissvale, Allegheny County, Pennsylvania.

Borough lien letter - a written letter from the Borough certifying that the property is free from municipal liens and unpaid municipal taxes.

Certificate of Compliance - an official writing issued by the Borough that dye testing has determined that there are no illegal connections in violation of this Part.

Dye test - any dye test performed by the Borough, a registered plumber, or other qualified contractor whereby dye is introduced into the water collection system of a property to determine whether basement seepage, ground water, downspout drainage, roof drainage, driveway drainage or other surface water drainage is entering the sanitary sewer system.

Illegal connections - any connection or conveyance that allows the discharge of inflammable or volatile liquids, basement seepage, ground water, downspout drainage, roof drainage, driveway drainage or other surface water drainage into the sanitary sewer system.

Ordinance Compliance Officer - those person(s) designated by the Borough to

enforce this Part.

Person - any person, partnership, association, syndicate, firm, corporation, institution, agency, authority or entity recognized by law as the subject of rights and duties. The singular shall include the plural.

Property - real property located within the Borough upon which a building or improvement exists.

Temporary Certificate of Compliance - statement issued by the Borough pursuant to §18-240 of this Part.

(Ord. 99-2, 5/12/1999, §3)

§18-214. Illegal Connections Prohibited.

Illegal connections are prohibited.

(Ord. 99-2, 5/12/1999, §4)

§18-215. Repair of Private Sewer Facilities.

Persons owning property are required to maintain all private sanitary sewer laterals and sanitary sewer service connections in good repair.

(Ord. 99-2, 5/12/1999, §5)

§18-216. Dye Testing by Borough.

The Ordinance Compliance Officer shall immediately initiate dye testing to identify illegal connections. The Ordinance Compliance Officer is authorized to retain the services of a qualified contractor to perform the dye testing, and to cooperate with neighboring municipalities to minimize costs. Persons owning property are required to grant access to the Ordinance Compliance Officer and/or the dye testing contractor and to permit dye testing.

(Ord. 99-2, 5/12/1999, §6)

§18-217. Notices to Property Owners.

In the event that the Ordinance Compliance Officer identifies any illegal connections or leaking, deteriorating or poorly constructed private sanitary sewer laterals and/or sanitary sewer service connections, the Ordinance Compliance Officer shall give written notice of same to the property owner and an order that such illegal connections be eliminated and/or that such leaking, deteriorating or poorly constructed sanitary sewer laterals and/or service connections be, at the property owner's expense, repaired, replaced, or rehabilitated within 10 calendar days of the date of the notice and order. If the condition does not create a health hazard the Ordinance Compliance Officer, upon request of the property owner, may once extend the 10-day deadline to 30 calendar days from the date of the notice and order.

(Ord. 99-2, 5/12/1999, §7)

§18-218. Dye Testing Upon Sale of Property.

It is unlawful for any person to sell property without first delivering to the purchaser a Certificate of Compliance or Temporary Certificate of Compliance. For

purposes of this Part, a sale of property shall include any conveyance of transfer whereby title is transferred from one person to another but shall not include (a) a refinancing where the holder of title remains unchanged, or (b) a transfer of title by operation of law following the death of the owner.

(*Ord. 99-2, 5/12/1999, §8*)

§18-219. Certificate of Compliance.

1. At least 21 days prior to the sale of property, the seller (hereinafter, "applicant") shall apply to the Borough for a certificate of compliance and pay the Borough a fee in an amount as established from time to time by resolution of Borough Council. The Borough shall perform dye testing on the property. If the dye testing identifies illegal connections, then the Borough shall notify applicant pursuant to §18-237 of this Part. If the dye testing identifies no illegal connections, then the Borough shall issue a Certificate of Compliance to applicant.

2. In lieu of the Borough performing the dye testing, applicant may have the dye testing performed by a registered plumber, who shall certify the dye testing results to the Borough. If the dye testing identifies illegal connections, then the Borough shall notify applicant pursuant to §18-237 of this Part. If the dye testing identifies no illegal connections, then the Borough shall issue a certificate of compliance to applicant upon payment of a fee to the Borough of a fee in an amount as established from time to time by resolution of Borough Council.

3. If a certificate of compliance for the property has been issued within the 10 years preceding the date of the application, the Ordinance Compliance Officer may waive the dye testing requirement if the Ordinance Compliance Officer inspects the property and finds no evidence of illegal connections. In this event the Ordinance Compliance Officer may issue a certificate of compliance upon payment of a fee to the Borough of a fee in an amount as established from time to time by resolution of Borough Council.

(*Ord. 99-2, 5/12/1999, §9; as amended by Ord. 05-02, 6/1/2005*)

§18-220. Temporary Certificate of Compliance.

1. When an illegal connection is discovered and activities necessary to correct the condition would require such a length of time as to create a practical hardship for applicant, applicant may apply to the Ordinance Compliance Officer for a temporary certificate of compliance, which may only be issued when applicant provides the Borough with all of the following.

- A. Written explanation of the practical hardship.
- B. Cash security in the amount of \$1,000.
- C. An executed agreement by the purchaser/transferee accepting responsibility for all costs in excess of the cash security.
- D. An easement or other license executed by the purchaser/transferee allowing the Borough to enter upon the property and complete the work in case of default by applicant.

2. The Ordinance Compliance Officer shall determine in good faith based upon all circumstances when such temporary certificate shall expire, and shall advise

applicant and the purchaser of the expiration date. If the temporary certificate of compliance should expire without all work having been completed, the cash security shall be forfeited to the Borough and the Borough may apply the cash security to complete the necessary work. If the remedial work is completed prior to the expiration date, the Borough shall return the cash security to the applicant or to his/her designee.

(*Ord. 99-2, 5/12/1999, §10*)

§18-221. Borough Lien Letters.

A request for a Borough lien letter must be accompanied by a valid certificate of compliance and the lien letter fee, all of which shall be delivered to the Borough at least 7 business days prior to the day the lien letter is to be provided. Upon the request of a property owner or his/her agent, and subject to time availability as determined by the Borough in good faith based upon all the circumstances, the Borough may issue an expedited Borough lien letter on 2 business days notice upon the payment of an expediting fee in an amount as established from time to time by resolution of Borough Council in addition to the lien letter fee.

(*Ord. 99-2, 5/12/1999, §11; as amended by Ord. 05-02, 6/1/2005*)

§18-222. Adjustment of Fees.

The fees set forth in this Part may be changed from time to time by resolution of the Borough Council.

(*Ord. 99-2, 5/12/1999, §12*)

§18-223. No Conflict with General Police Powers.

Nothing in this Part shall limit in any fashion whatsoever the Borough's right to enforce its Ordinances or the laws of the Commonwealth. Nothing in this Part shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any law or ordinance.

(*Ord. 99-2, 5/12/1999, §13*)

§18-224. Violations and Penalties.

It is unlawful for any person to refuse access to property for purposes of dye testing, to issue or obtain false dye testing results, or to procure a certificate of compliance or temporary certificate of compliance under false pretenses. Any person violating these or any other provisions of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$1000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Once a person is notified of a violation of this Part, each day that such violation occurs or continues shall constitute a separate violation. In addition to and not in lieu of the foregoing, the Borough may seek equitable and legal relief to compel compliance with this Part.

(*Ord. 99-2, 5/12/1999, §14; as amended by Ord. 05-02, 6/1/2005*)