

**TOWNSHIP OF INDIANA
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 326**

AN ORDINANCE OF THE TOWNSHIP OF INDIANA, COUNTY OF ALLEGHENY, PENNSYLVANIA, ESTABLISHING A PROGRAM OF INSPECTION AND NOTIFICATION WITH RESPECT TO ILLEGAL STORM WATER AND SURFACE WATER CONNECTIONS AND DETERIORATING CONNECTIONS TO THE TOWNSHIP OF INDIANA PUBLIC SANITARY SEWERS. DESIGNATING THE TOWNSHIP OF INDIANA PUBLIC WORKS DEPARTMENT AS A DEPARTMENT AUTHORIZED BY INDIANA TOWNSHIP TO IDENTIFY AND ENFORCE PROHIBITIONS AGAINST ILLEGAL STORM WATER AND SURFACE WATER CONNECTIONS TO THE TOWNSHIP OF INDIANA SANITARY SEWERS; PROVIDING FOR NOTICE TO OWNERS OF PROPERTIES SITUATED WITHIN THE TOWNSHIP OF INDIANA TO REPAIR DETERIORATING SEWER LATERALS AND LATERALS IN NEED OF REPAIR WHICH ARE ILLEGALLY CONNECTED TO THE TOWNSHIP OF INDIANA SANITARY SEWERS; CONFERRING AND IMPOSING POWERS AND DUTIES UPON THE TOWNSHIP OF INDIANA PUBLIC WORKS DEPARTMENT; AUTHORIZING PERIODIC TESTING AND IMPOSING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, the Pennsylvania Sewage Facility Act, the act of January 24, 1966, P.L. (1965) 1535, Section 1, 35 P.S. Section 750.I et seq., requires the Township of Indiana (the "Township") to make or cause to be made such inspections and tests as may be necessary to carry out the provisions of said Act to eliminate illegal storm water and surface water from entering into its public sanitary sewers; and

WHEREAS, these illegal connections and deteriorating or poorly constructed laterals and sewer service connections situated on and in property located within the Township together with other factors cause an overload to the Township's public sewers; and

WHEREAS, The Township is desirous of eliminating storm water and surface waters from entering into the public sanitary sewers of the Township; and

WHEREAS, Township Ordinance No. 160 prohibits all storm water, surface water and roof water connections into the Township public sanitary sewers; and

WHEREAS, the Board of Supervisors of the Township has determined that an additional means of eliminating illegal storm sewer and surface water connections and identifying deteriorating sewer service connections to the Township public sanitary sewers is through a program of inspection and reporting with respect such sewer service connections to be conducted by the Township in addition to all other means of elimination and enforcement of such connections currently available to the Township; and

WHEREAS, the Board of Supervisors of the Township has determined that in the interests of the health, safety and welfare of the residents of the Township, it is necessary to implement a program of inspection and reporting with respect to all illegal storm water or surface water connections to the public sanitary sewers and deteriorating laterals and sewer service connections; that the program shall be administered by the Township Manager; and that said program shall be in addition to and not in substitution for any and all other means of eliminating illegal storm water and surface water connections now available to the Township; and

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WHEREAS, the Township will be engaged, as necessary, in a program of repair, rehabilitation, maintenance and replacement of public sewer lines in various sewer districts of the Township and in the course of performing such work on the publicly owned sanitary sewers of the Township, the Township will be in a position to examine the condition of various sewage service connections situated on and in properties located within the Township;

NOW, THEREFORE, THE TOWNSHIP OF INDIANA hereby ordains:

SECTION 1. DIRECTION TO MANAGER. The Township hereby directs the Manager and the Township Public Works Department and other Township employees as appointed by the Manager to identify, report and require disconnection of any illegal storm water or surface connection made, (description in Section 5-A) at any time prior to or from the effective date of this Ordinance, to the Township public sanitary sewers, or other public sewer system. Enforcement action may be taken by the Manager or his designee. The Manager may, if he deems necessary, develop Rules and Regulations for the implementation of this Ordinance, said Rules and Regulations to be approved by the Board of Supervisors by a Resolution.

SECTION 2. WRITTEN REPORTS OF AND REQUIRED REPAIRS OF DETERIORATING LATERALS AND SEWER SERVICE CONNECTIONS. The Township is authorized in the course of its program of testing, repair, rehabilitation, maintenance and replacement of publicly owned sanitary sewers of the Township, when it identifies deteriorating laterals and sewer service connections, causing infiltration and inflow of extraneous waters into the publicly owned sanitary sewers of the Township, to provide written notice to the property owner or owners as to the condition of such laterals and sewer service connections, together with a statement that such deteriorating laterals and sewer service connections must, at the property owner's expense, be promptly repaired, replaced or rehabilitated.

SECTION 3. POWERS OF THE TOWNSHIP OF INDIANA. The Township and its employees in performing the duties and undertaking the programs identified in this Ordinance, shall be empowered to enter upon any private property including inspection of the interior premises of any building or residence, by authorized representatives of the Township between the hours of 8:00 a.m. and 4:30 p.m., prevailing time, with seven (7) days advance written notice to the owner, for the purpose of conducting inspections, tests, and/or enforcing this Ordinance and shall have only those powers expressly set forth in this Ordinance and in other Ordinances of the Township or provided by law to perform its functions consistent with such Ordinances.

SECTION 4. POWERS CONFERRED HEREIN ARE IN ADDITION TO ALL OTHER POWERS AND RESPONSIBILITIES OF THE TOWNSHIP. The powers conferred by this Ordinance to the Township shall be in addition to and not in substitution for any other powers conferred upon such Township to enforce and require the elimination of illegal storm water and surface water connections to the Township public sanitary sewers.

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SECTION 5. PERIODIC TESTING AUTHORIZED.

- A. No property owner or property user in the Township in any sewer district shall discharge, or permit the discharge, of any storm water, surface water, springs or natural water courses, roof runoff, sub-surface drainage, cooling water, unpolluted industrial process water or any similar item into said public sanitary sewers.
- B. The Township is hereby authorized to conduct by aforesaid advance written notice periodic random smoke and/or dye tests, and any other appropriate test or inspection, without cost to the residents of the Township, of all existing sewer systems and structures in the Township for compliance with this Ordinance and other laws pertaining to sewer systems and structures.
- C. Every owner, lessee or occupier of land within the Township serviced by public sanitary sewers shall submit to smoke and/or dye testing by the Township, if required. The owner, lessee or occupier of the land shall permit said testing upon request of the Township to conduct such testing at no cost to the owner, lessee, occupier of the land. Testing will not be required when the owner, lessee, or occupier of the land produces a valid Document of Certification issued by the Township or a registered plumber in accordance with Ordinance No. 160, which Document of Certification shall be sufficient proof of compliance for purposes of this Ordinance No. 326 for a period of two (2) years from the date of issuance except upon the sale of the property when such testing will be required and any testing fees shall be the responsibility of the property owner.
- D. When illegal storm water or surface water connections or conditions have been discovered, all necessary remedial work to correct such connection shall be completed by the owner, lessee or occupier of the premises, weather permitting, within sixty (60) days of the date such party receives notification of the illegal connection or condition. Documentation by a registered plumber indicating the correction has been made must be furnished to the Township. A retest may then be ordered at the discretion of the Township.
- E. In the event the necessary remedial work would create severe economic hardship for the owner, lessee, or occupier of the premises, application may be made to the Township for an extension of up to an additional six (6) months to complete said remedial work. A severe economic hardship shall be defined as any person or persons who qualifies as having a level of income considered to be a low-moderate income under federal guidelines.

In the event the owner, lessee, or occupier of the premises who established severe economic hardship is unable to effect the necessary remedial work within the time permitted, including any extension thereof, the Township may undertake to have the necessary remedial work completed at the expense of the owner, lessee or occupier of the premises, and to make any necessary arrangements for the payment of said work by the

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owner, lessee or occupier of the premises on an installation basis, which arrangements shall be mutually satisfactory to the owner, lessee or occupier. In the event satisfactory arrangements are not agreed upon by the Township and the owner, lessee or occupier, the Township may file a lien against such property, which lien shall remain in effect until payment in full or sale of the property occurs, at which time payment in full shall be required.

SECTION 6. NO CONFLICT WITH GENERAL POLICE POWERS. Nothing in this Ordinance shall limit, in any fashion whatsoever, the Township's right to enforce its ordinances or the laws of the Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense to any citation issued by any Municipal corporation or the Commonwealth pursuant to any other law or ordinance.

SECTION 7. VIOLATION AND PENALTIES. Any person who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Ordinance, or of any regulation or requirement pursuant thereto and authorized thereby shall be cited, upon conviction before any issuing authority, be sentenced to pay a fine of \$600 and costs of prosecution. Each day the violation occurs or continues will be a separate offense. This remedy is in addition to any other remedy available to the Township at law or in equity.

SECTION 8. SEVERABILITY. The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION 9. REPEALER. Any Ordinance or part of Ordinance conflicting with the provisions of this Ordinance be and the same are hereby repealed to the extent of such conflict.

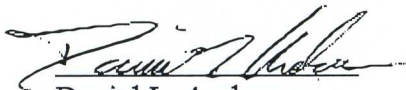
SECTION 10. EFFECTIVE DATE.

This Ordinance shall become effective ten (10) days after adoption.

TOWNSHIP OF INDIANA


Jeffrey D. Peck
Mayor

ATTEST:


Daniel L. Anderson
Township Manager