

**BOROUGH OF LILLY
COUNTY OF CAMBRIA
STATE OF PENNSYLVANIA**

ORDINANCE NO. 2003-1

AN ORDINANCE OF THE BOROUGH OF LILLY REQUIRING ALL OWNERS OF IMPROVED PROPERTY WHICH IS ADJOINING AND ADJACENT TO THE SEWER SYSTEM OWNED AND OPERATED BY THE LILLY BOROUGH SEWER AUTHORITY TO CONNECT SUCH IMPROVED PROPERTY AND TO USE SUCH SEWER SYSTEM; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THE BOROUGH AND/OR SAID AUTHORITY TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; PROHIBITING THE CONNECTION OF PRIVY VAULTS, CESSPOOLS, SINKHOLES, SEPTIC TANKS AND SIMILAR RECEPTACLES TO ANY SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND REQUIRING ABANDONMENT THEREOF; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Council of the Borough of Lilly, County of Cambria and State of Pennsylvania enacts and ordains as follows:

ARTICLE I

Definitions

SECTION 1.01

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

A. "Authority" shall mean the Lilly Borough Sewer Authority, a municipal authority incorporated pursuant to provisions of the

Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented.

B. "Borough" shall mean the Borough of Lilly, Cambria County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Borough Council or, in appropriate cases, acting by and through its authorized representatives.

C. "Building Sewer" shall mean the extension from the sewage drainage system of any structure to the Lateral of a Sewer.

D. "Commonwealth" shall mean the Commonwealth of Pennsylvania.

E. "Improved Property" shall mean any property within the Borough of Lilly upon which there is erected a structure intended 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.

F. "Industrial Establishment" shall mean any Improved Property located in the Borough of Lilly and used or intended for use, wholly or in part, for the manufacturing, processing cleaning, laundering or assembling of any products, commodity or article, or any other Improved Property located in the Borough, from which wastes, in addition to or other than Sanitary Sewage, shall be discharged.

G. "Industrial Wastes" shall mean any and all wastes discharged from an Industrial Establishment, other than Sanitary Sewage.

H. "Lateral" shall mean that part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, to the property line or, if no such Lateral shall be provided, the "Lateral" shall mean that portion of, or place in a Sewer that is provided for, connection of any Building Sewer.

I. "Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial of any Improved Property.

J. "Person" shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority or other group or entity.

K. "Sanitary Sewage" shall mean normal water carried household and toilet wastes from any Improved Property.

L. "Sewer" shall mean any pipe or conduit constituting a part of the Sewer System and used or usable for sewage collection purposes.

M. "Sewer System" shall mean all facilities, as of any particular time, for the collection, transmission, treatment or disposal of Sanitary Sewage and/or Industrial Wastes, situate in the Borough and owned by the Authority.

N. "Street" shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square.

ARTICLE II

Use of Public Sewer Required

SECTION 2.01

The Owner of any Improved Property which is adjoining and adjacent to the Sewer System, or the principal building which is within 150 feet of a Sewer, shall connect such Improved Property with such Sewer System, in such manner as the Authority may require, within sixty (60) days after notice to such Owner from the Borough, and/or from the Authority on its behalf, to make such connection, for the purpose of discharging all Sanitary Sewage and Industrial Wastes from such Improved Property; subject, however, to such limitations and restrictions as shall be established herein or from time to time by the Authority.

SECTION 2.02

All Sanitary Sewage and industrial Wastes from any Improved Property, after connection of such Improved Property with the Sewer System as is required under Section 2.01, shall be conducted into such Sewer System; subject, however, to such limitations and restrictions as shall be established herein or from time to time by the Authority.

SECTION 2.03

No Person shall place, shall deposit or shall permit to be placed or to be deposited, upon public or private property within the

Borough, any Sanitary Sewage or Industrial Wastes in violation of Section 2.01. Further, no Person shall discharge or shall permit to be discharged to any natural outlet within the Borough any Sanitary Sewage or Industrial Wastes except where suitable treatment measures satisfactory to the Authority have been established and are perpetually maintained.

SECTION 2.04

No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any Improved Property that has been connected to a Sewer or that is required under Section 2.01 to be connected to a Sewer.

Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Authority, shall be cleansed and shall be filled, at the expense of the Owner of the Improved Property upon which is situate such privy vault, cesspool, sinkhole, septic tank or similar receptacle, unless otherwise provided for by the Authority, under the direction and supervision of the Authority, and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Authority, not cleansed and filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the Owner of the Improved Property upon which is situate such privy vault, cesspool, sinkhole, septic tank or similar receptacle.

SECTION 2.05

No privy vault, cesspool, sinkhole, septic tank or similar receptacle within the Borough shall at any time be connected with a Sewer.

SECTION 2.06

The notice by the Borough, or the Authority on its behalf, to make a connection to a Sewer, referred to in Section 2.01, shall include a reference to this Ordinance in a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within sixty (60) days from the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place that can receive and can convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be given or served to the Owner in accordance with law shall be given or served to the Owner in person, or by registered or certified mail, return receipt requested, deliver to addressee only.

ARTICLE III

Building Sewers and Connections

SECTION 3.01

No Person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any Sewer or any part of the Sewer System without first obtaining a permit, in writing, from the Authority.

SECTION 3.02

Application for a permit required under Section 3.01 shall be made by the Owner of the Improved Property served or to be served by the Sewer System.

SECTION 3.03

No Person shall make or shall cause to be made a connection of any Improved Property with a Sewer until such person shall have fulfilled each of the following conditions:

- A. Such Person shall have notified the designated representative of the Authority of the desire and intention to connect such Improved Property to a Sewer;
- B. Such Person shall have applied for and shall have obtained a connection permit as required by Section 3.01;
- C. Such Person shall have given such designated representative of the Authority at least forty-eight (48) hours notice of the time when such connection will be made so that the Authority may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and
- D. Such Person shall have furnished satisfactory evidence to such designated representative of the Authority that all fees charged and imposed by the Authority have been paid.

SECTION 3.04

Each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property, or more than one structure discharging sewage on a single Improved Property, on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Authority, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Authority.

SECTION 3.05

All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Sewer shall be borne by the Owner of the Improved Property to be connected; and such Owner shall identify and shall save harmless the Borough and the Authority 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 a Sewer.

SECTION 3.06

A Building Sewer shall be connected to a Sewer at the place designated by the Authority and where, if applicable, the Lateral is provided.

The invert of a Building Sewer to the point of connection shall be at the same or a higher elevation than the invert of the Sewer. A

smooth, neat joint shall be made and the connection of a Building Sewer to the Lateral shall be made secure and watertight.

SECTION 3.07

If the Owner of any Improved Property located within the Borough and which is adjoining or adjacent to the Sewer System, or the principal building of which is within 150 feet of a Sewer, after sixty (60) days notice, either in person or by registered or certified mail, return receipt requested, deliver to addressee only, from the Borough or the Authority, requiring the connection of such Improved Property with a Sewer, in accordance with Section 2, shall fail to connect such Improved Property and use the Sewer System as required, by the Borough, or by the Authority on its behalf, may make such connection and may collect from such Owner the costs and expenses thereof in the manner permitted by applicable law.

ARTICLE IV

Rules and Regulations Governing

Building Sewers and Connections to Sewers

SECTION 4.01

Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue

such house sewer line as a Building Sewer. As an alternative to such attachment, exit plumbing from such Improved Property can be changed to create a new house sewer line to continue on as a Building Sewer.

SECTION 4.02

No Building Sewer shall be covered until it has been inspected and approved by the Authority. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property being connected to a Sewer.

SECTION 4.03

Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the owner of such Improved Property.

SECTION 4.04

Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk or other property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to the Borough and the Authority.

SECTION 4.05

If any person shall fail or shall refuse, upon receipt of a written notice of the Authority, to remedy any unsatisfactory condition with

respect to a Building Sewer within sixty (60) days of receipt of such notice, the Authority may refuse to permit such Person to discharge Sanitary Sewage and Industrial Wastes into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of the Authority.

SECTION 4.06

The Borough, and the Authority on behalf of the Borough, reserve the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and with the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

ARTICLE V

Enforcement

SECTION 5.01

Any Person who shall violate this Ordinance shall be subject, upon being found liable therefore in an appropriate enforcement proceeding commenced by the Borough, or the Authority on its behalf, to a penalty of not more than Three Hundred Dollars (\$300.00), together with all court costs, and reasonable attorney fees, incurred by the Borough and the Authority. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and the violating party shall be liable as such.

SECTION 5.02

Penalties, fines and costs imposed upon provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE VI

Effective Date

SECTION 6.01

This Ordinance shall become effective in accordance with law.

ARTICLE VII

Severability

SECTION 7.01

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE VIII

Declaration Of Purpose

SECTION 8.01

It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of the Borough.

ARTICLE IX

Repealer

SECTION 9.01

All Ordinances or Parts of Ordinances and all resolutions or parts of resolutions that are inconsistent with this Ordinance shall be, and the same expressly are hereby, repealed.

ORDAINED AND ENACTED this 6th day of May, 2003.

BOROUGH OF LILLY:

John Nezmieski
President of Council

Tahy Hides
Mayor

ATTEST:

Karla A. Sawinski
Secretary

[Signature]
Borough Solicitor

Gerald P. Neugebauer, Jr., Esquire, Solicitor
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Cresson, PA 16630