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ORDINANCE NO. 152

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF ALBURTIS, LEHIGH COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS BOROUGH AND BENEFITED, IMPROVED OR ACCOMMODATED BY ANY SANITARY SEWER CONSTITUTING A PART OF THE SEWER SYSTEM OWNED BY BOROUGH OF ALBURTIS SEWER AUTHORITY AND LEASED TO THIS BOROUGH TO CONNECT SUCH IMPROVED PROPERTY WITH SUCH SANITARY SEWER; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS BOROUGH 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 WHERE A SEWER IS AVAILABLE; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Council of the Borough of Alburtis, Lehigh County, 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 means Borough of Alburtis Sewer Authority, a Pennsylvania municipality authority
- B. "Building Sewer means the extension from the sewage drainage system of any structure to the Lateral of a Sewer.
- C. "Borough" means the Borough of Alburtis, Lehigh County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.
- D. "Improved Property" means any property located within this Borough 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.

E. "Industrial Establishment" means any room group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of a business for the manufacturing, fabricating, processing, cleaning, laundering or assembling of any product, commodity or article, or from which any process waste, as distinct from Sanitary Sewage, shall be discharged.

F. "Industrial Wastes" means any solid, liquid or gaseous substance or water borne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from Sanitary Sewage.

G. "Lateral" means 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, then "Lateral" shall mean that portion of, or place in, a Sewer which is provided for connection of any Building Sewer.

H. "Owner" means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

I. "Person" means any individual, partnership, company, association, society, trust, corporation or other group or entity.

J. "Sanitary Sewage" means normal water-carried household and toilet wastes discharged from any Improved Property.

K. "Sewer" means any pipe, main or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

L. "Sewer System" means all facilities, as of any particular time, for collecting, transporting, pumping, treating and disposing of Sanitary Sewage and Industrial Wastes, situate in or adjacent to this Borough, owned by the Authority and leased to this Borough for operation and use.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

SECTION 2.01. The Owner of any Improved Property benefited, improved or accommodated by a Sewer shall connect such Improved Property with such Sewer, in such manner as this Borough may require, within 45 days after notice to such Owner from this Borough to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough, from time to time.

SECTION 2.02. All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer shall be required under Section 2.01, shall be conducted into a Sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Borough, from time to time.

SECTION-2.03. No Person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any Sanitary Sewage or Industrial Wastes in violation of Section 2.01.

No Person shall discharge or permit to be discharged to any natural outlet within this Borough any Sanitary Sewage or Industrial Wastes in violation of Section 2.01, except where suitable treatment has been provided which is satisfactory to this Borough.

SECTION 2.04. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be 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 this Borough, shall be cleansed and filled at the expense of the Owner of such Improved Property and under the direction and supervision of this Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the Owner of such Improved Property.

SECTION 2.05. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

SECTION 2.06. The notice by this Borough to make a connection to a Sewer, referred to in Section 2.01, shall consist of a copy of this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each Section hereof, and a written or printed document requiring the connection in accordance with the provision of this Ordinance and specifying that such connection shall be made within 45 days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

ARTICLE III

BUILDING SEWERS AND CONNECTIONS

SECTION 3.01. No Person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any Sewer or any part of the Sewer System without first obtaining a permit, in writing from this Borough.

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.

SECTION 3.03. No Person shall make or 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 Secretary of this Borough of the desire and intention to connect such Improved Property to a Sewer.

B. Such Person shall have applied for and obtained a permit as required by Section 3.01.

C. Such Person shall have given the Secretary of this Borough at least 24 hours' notice of the time when such connection will be made so that this Borough may supervise and inspect the work of connection and necessary testing.

D. Such Person shall have furnished satisfactory evidence to the Secretary of this Borough that any tapping fee charged and imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Sewer has been paid.

SECTION 3.04. Except as otherwise provided in this 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 on one Building Sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of this Borough, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this Borough.

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, including testing, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless this Borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to a Sewer.

SECTION 3.06. A Building Sewer shall be connected to a Sewer at the place designated by this Borough and where the Lateral is provided. The invert of a Building Sewer at 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 secure and watertight.

SECTION 3.07. If the Owner of any Improved Property benefited, improved or accommodated by a Sewer, after 45 days' notice from this Borough requiring the connection of such Improved Property with a Sewer, in accordance with Section 2.01, shall fail to connect such Improved Property, as required, this Borough may make such connection and may collect from such Owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

ARTICLE IVRULES AND REGULATIONS GOVERNINGBUILDING 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 device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a Building Sewer.

SECTION 4.02. No Building Sewer shall be covered until it has been inspected and approved by this Borough. 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 to be 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. Streets, sidewalks and all other public 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 this Borough.

SECTION 4.05. If any Person shall fail or refuse, upon receipt of a notice from this Borough, in writing, to remedy any unsatisfactory conditions with respect to a Building Sewer, within 45 days of receipt of such notice, this Borough 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 this Borough.

SECTION 4.06. This Borough reserves 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 the Sewer System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as a part of this Ordinance.

ARTICLE VENFORCEMENT

SECTION 5.01. Any Person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than \$15 nor more than \$25, together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

SECTION 5.02. Fines and costs imposed under 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 immediately.

ARTICLE VII

SEVERABILITY

SECTION 7.01. In the event that 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 this 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 the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

ARTICLE IX

REPEALER

SECTION 9.01. All ordinances or parts of ordinances inconsistent herewith expressly are repealed.

DULY ENACTED AND ORDAINED, this 11th day of June, 1971, by the Council of the Borough of Alburtis, Lehigh County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ALBURTIS,
Lehigh County, Pennsylvania

By: *Henry Pedersen*
President of Council

ATTEST:

Bertha M. Kubus
Secretary

(SEAL)

EXAMINED AND APPROVED, this 11th day of June, 1971.

Edward B. Ungerman
Mayor

CERTIFICATE

I, the undersigned, Secretary of the Borough of Alburdis, Lehigh County, Pennsylvania (the "Borough"), certify that the foregoing is a true and correct copy of an Ordinance of the Council of the Borough which was duly enacted by affirmative vote of a majority of the members of the Council of the Borough at a meeting duly held on June 7, 1971; that the same has been duly recorded in the Ordinance Book of the Borough; that said Ordinance was duly published as required by law; and that the same remains in effect, unaltered and unamended, as of this date.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 7th day of June, 1971.

Bertha M. Kuhns
Secretary

(SEAL)

