

**TOWNSHIP OF PAINT
SOMERSET COUNTY, PENNSYLVANIA**

ORDINANCE NO. 80

AN ORDINANCE OF THE TOWNSHIP OF PAINT, SOMERSET COUNTY, PENNSYLVANIA, DIRECTING AND REQUIRING THE CONNECTION OF ALL OCCUPIED BUILDINGS WITH PUBLIC SANITARY SEWERS IN THE TOWNSHIP ON PREMISES ACCESSIBLE THERETO; DIRECTING AND REQUIRING THE ABANDONMENT OF PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS ON SUCH PREMISES; PROHIBITING THE ERECTION AND CONSTRUCTION OF PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS IN AND UPON SUCH PREMISES; PROVIDING FOR THE METHOD OF CONNECTION BETWEEN OCCUPIED BUILDINGS AND SAID SANITARY SEWERS AND FOR THE INSPECTION THEREOF; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE PAYMENT OF CHARGES THEREFOR; PROVIDING FOR THE IMPOSITION OF SEWER RENTAL AND OTHER CHARGES; DEFINING UNACCEPTABLE SANITARY SEWAGE; AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Paint, Somerset County, Pennsylvania, and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1. Every owner of property in the Township of Paint whose property abuts upon, adjoins, or is adjacent to any public sanitary sewer presently in existence or to be constructed in the future by the Township of Paint or the Windber Area Authority shall connect, at such owner's own cost, the house, building or other structures located on said property with the aforementioned public sanitary sewers for the purpose of disposing of all acceptable sanitary sewage emanating from said property. Without in any way limiting the generality of the foregoing, the Supervisors hereby determine that if the principal building on a property is within one hundred fifty (150) feet of a sewer line or extension and accessible thereto, such property shall be deemed to abut upon, adjoin or be adjacent to a public sanitary sewer and shall be connected therewith. The preceding sentence shall not be deemed in any way to narrow or limit the broadest possible definition of "abuts upon, adjoins or is adjacent to," and the word "abut" in whatever form hereinafter used shall be interpreted to mean "abuts upon, adjoins or is adjacent to."

SECTION 2. It shall be unlawful for any owner, lessee or occupier of any property in the Township abutting upon any aforementioned public sanitary sewer to employ any

means, either by septic tank, cesspool, privy vault, mine hole or otherwise, for the disposal of acceptable sanitary sewage other than into and through said public sanitary sewers.

SECTION 3. Where any house, building or structure in the Township abutting upon any aforementioned public sanitary sewer is now or hereafter may be using any method for the disposal of acceptable sanitary sewage other than through said public sanitary sewers, it shall be the duty of the Township Secretary or the authorized representative of the Township or, in the appropriate case, the Windber Area Authority (hereinafter called the "Authority") to notify the owner, lessee or occupier of such structure in writing, either by personal service, certified mail or registered mail, to disconnect the same and make proper connection for the discharge and disposal of all acceptable sanitary sewage through the said public sanitary sewers, as herein provided, within sixty (60) days after receipt of such notice. Any owner or lessee or occupier of a structure who cannot comply with the provisions of this Section as to connection within the sixty (60) day period stipulated above due to causes beyond his control shall apply to the Township within said sixty (60) day period for a time extension of up to six (6) months in duration. Said application shall be made on a form to be furnished by the Township or the Authority and shall contain a voluntary agreement on the part of the applicant under which the applicant shall agree to commence paying the regular monthly sewer rates and all other applicable fees, rentals or charges immediately even though actual connection to the public sanitary sewers will not be accomplished until some stated later date within the said six (6) months' extension period. The Township Supervisors or their delegated representative may for reasons deemed sufficient by them or him delay for a reasonable period of time the issuance of the aforementioned sixty-day (60) notice and may in situations deemed appropriate issue preliminary or advance notices (by any type of mail or advertised notice deemed appropriate to them or him) before issuing the aforementioned sixty-day (60) notice.

SECTION 4. No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall at the present time or at any time hereafter be connected with the aforesaid public sanitary sewers. All such privy vaults, cesspools, septic tanks or other receptacles which exist on a property and the continued use of which is prohibited shall be disconnected, pumped out and filled in such manner as to comply fully with the laws, rules, and regulations of the Commonwealth of Pennsylvania and any other proper authority, and so as to prevent any

danger or hazard, present or future, arising or which may arise from the existence of any such privy vault, cesspool, septic tank mine hole or other receptacle.

SECTION 5. It shall be unlawful for any person, firm or corporation connected to any aforementioned public sanitary sewers to connect any roof drain thereto or permit any roof drain to remain connected thereto, or to permit, allow or cause to enter into said public sanitary sewers any storm water, foundation drain water, spring water, surface water, or any sewage or industrial waste from any property other than that for which a permit is issued.

SECTION 6. No person, firm or corporation shall make or cause to be made any connection with any of the aforementioned public sanitary sewers until he has fulfilled all of the following conditions:

(a) He shall make application to the Township or, if instructed by the Township, to the Authority, as the Township's agent, upon a permit form to be formulated and supplied by the Township (or, if applicable, the Authority) for permission to connect to the aforementioned public sanitary sewers. Among other things, the applicant must state the character and use of each structure located upon his property.

(b) He shall pay to the Township or the Authority or both as applicable all required tap connection fees, initial service charges and/or rental fees, inspection or permit fees and all other charges required to be paid prior to connection established by the Township or the Authority for each building or structure on each property connected to the aforementioned public sanitary sewers at the time of making application for permission to make such connection or connections.

(c) No work shall commence before the payment of the aforesaid fees and charges and issuance of the aforementioned connection permit.

(d) He shall give the designated Inspector of the Township or, in appropriate cases, the Authority, at least forty-eight (48) hours' notice of the time when such connection shall be made in order that said Inspector can be present to inspect and approve the work of connection. The Inspector shall signify his approval of the connection

by endorsing his name and the date of approval on the aforementioned connection permit in the possession of the permittee.

(e) At the time of inspection of the connection, the owner or owners of properties shall permit the Inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by said Inspector.

(f) Unless written permission is obtained from the Township and, when required, the Authority, separate connections, permits, inspections and fees and charges shall be required for each separate or individual occupied building whether constructed as a detached unit or as one of a pair or row, but a single connection will be permitted to serve a school, factory, apartment house or other permanent multiple unit structure whose individual apartments or units may not be subject to separate ownership. Even in such a case, multiple service charges, both initial and periodic, may be imposed for separate units even though one connection is allowed to be made.

SECTION 7. The construction and number and size of all building sewer lines or house service sewers shall be done in accordance with the specifications, plans and procedures established by the Township and/or the Authority in the Sewer System Rules and Regulations, by whatever named called or referred to, as the same may be from time to time published and amended, copies of which, upon adoption, shall be maintained on file with the Township Secretary or at the Township offices and at the offices of the Authority, as to rules and regulations imposed by the Authority. Except as expressly inconsistent herewith, The Township hereby expressly adopts the rules and regulations of the Authority for the Township's sewer system, subject to future modification. A rule more stringent than the Authority's adopted by the Township herein or by subsequent rule or regulation shall not be deemed inconsistent with the Authority's rules and the Township's more stringent rules shall apply.

SECTION 8. If the owner or owners of any occupied houses, buildings or structures in the Township shall neglect or refuse to comply with the provisions of this Ordinance or the written notice as prescribed in Section 3 hereof, the Township or the Authority may perform

or cause to be performed such work and labor and furnish or cause to be furnished such material as may be necessary to comply with the provisions of this Ordinance at the cost and expense of such owner or owners, together with ten percent (10%) additional thereof and all charges and expenses incidental thereto, which sum shall be collected from said owner or owners for the use of the Township or the Authority as debts are by law collectible, or the Township or the Authority, as its agent, may, by its proper officer, file a municipal claim or lien therefor against said premises as provided by law.

SECTION 9. Unacceptable sanitary sewage and other terms used herein for purposes of this Ordinance shall have the same definitions as those which are set forth in the Sewer System Rules and Regulations of the Township or of the Authority, by whatever name called.

SECTION 10. Where this Ordinance imposes an obligation on a firm or corporation, the obligation shall also be deemed imposed on the individual officers thereof, or, if designated by the corporation, the officer thereof responsible for compliance with this Ordinance. The Township or the Authority may consider any officer of the corporation as being responsible for compliance with the terms of this Ordinance and all such officers shall be deemed responsible for compliance with the terms of this Ordinance until such time as the corporation shall give the Township written notice designating a particular officer to be responsible for compliance with this Ordinance. Each such officer deemed to be responsible, or each officer designated as responsible, shall be separately and independently liable for violation of this Ordinance and liability may be imposed upon such officer or officers in addition to liability being imposed on the corporation.

SECTION 11. The Township hereby determines that the connections to the public sewer system as required by this Ordinance are necessary for the public health and welfare of the residents of this Township.

SECTION 12. In addition to any penalty hereinabove prescribed, any person, firm or corporation failing to make a proper connection within the time specified after receipt of proper notice as provided in Section 3 hereof shall, upon conviction thereof before a district justice, pay a fine or penalty of Three Hundred Dollars (\$300.00) for each day after the specified connection deadline that connection is not made, each such day of not connecting being deemed a separate and distinct violation of this Ordinance. In addition to any penalty hereinabove prescribed, any person,

firm or corporation violating any of the other provisions of this Ordinance shall pay a fine or penalty of not less than Seventy-Five Dollars (\$75.00) nor more than Three Hundred Dollars (\$300.00). Each day that a violation shall continue shall be deemed a separate and distinct violation of this Ordinance. In default of payment of the fines and penalties above set forth, the defendant (or, in the case of a corporation, the officers or the responsible officer thereof) may be sentenced to undergo an imprisonment of not less than five (5) days nor more than thirty (30) days in the county jail.

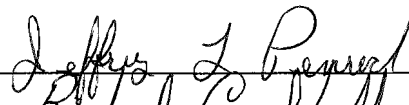

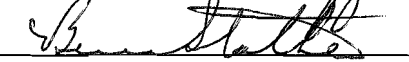
SECTION 13. If the terms of any grant or loan obtained by the township for the construction of any portion of the sewer system shall be such as to prohibit the imposition of any fee, expense or charge on any particular property owner, then such terms shall control over the provisions of this or any other ordinance or regulation but only to that limited extent necessary to comply with the terms of such grant or loan.

SECTION 14. It is hereby declared as the legislative intent that the invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 15. All ordinances or resolutions or parts of ordinances or resolutions not in accord with this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Paint in lawful session assembled this 19 day of June, 1989.

TOWNSHIP OF PAINT
By its Board of Supervisors

	_____	Chairman
	_____	Vice Chairman
	_____	Secretary/Treasurer

(TOWNSHIP SEAL)


SECRETARY'S CERTIFICATE

I, the undersigned, hereby certify that I am the Secretary of the Board of Supervisors of Paint Township, Somerset County, Pennsylvania, and that the foregoing or attached Ordinance is a true and correct copy of said Ordinance, duly enacted and adopted by the affirmative vote duly recorded of a majority of the members of the Board of Supervisors of said Township at a meeting of the Board of Supervisors duly called, posted and advertised, which meeting was held on the 19th day of June, 1989, at which a quorum was present, and I do further certify that the foregoing or attached Ordinance is duly spread upon or attached to the minutes of said meeting and that, as of the date hereof, said Ordinance has not been amended, modified or rescinded and is still in full force and effect. I further certify that said Ordinance or a summary thereof was duly published prior to adoption as required by law, and after adoption if required by law, and that if required, the same was duly filed in the office of the Recorder of Deeds of Somerset County, Pennsylvania.

The Ordinance referred to in this Certificate is titled:

AN ORDINANCE OF THE TOWNSHIP OF PAINT, SOMERSET COUNTY, PENNSYLVANIA, DIRECTING AND REQUIRING THE CONNECTION OF ALL OCCUPIED BUILDINGS WITH PUBLIC SANITARY SEWERS IN THE TOWNSHIP ON PREMISES ACCESSIBLE THERETO; DIRECTING AND REQUIRING THE ABANDONMENT OF PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS ON SUCH PREMISES; PROHIBITING THE ERECTION AND CONSTRUCTION OF PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS IN AND UPON SUCH PREMISES; PROVIDING FOR THE METHOD OF CONNECTION BETWEEN OCCUPIED BUILDINGS AND SAID SANITARY SEWERS AND FOR THE INSPECTION THEREOF; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE PAYMENT OF CHARGES THEREFOR; PROVIDING FOR THE IMPOSITION OF SEWER RENTAL AND OTHER CHARGES; DEFINING UNACCEPTABLE SANITARY SEWAGE; AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

Witness my hand and the seal of the Township this 19 day of June, 1989.


Secretary, Board of Supervisors
Paint Township, Somerset County,
Pennsylvania

(Township Seal)