

Chapter 18

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Part 1**Prohibited Waste Discharges****§18-101. Definitions.**

For the purposes of this Part, the following terms shall have the meanings hereinafter designated:

Interference—any inhibition or disruption of the ALCOSAN facilities, its treatment processes or operations, its sludge processes, use or disposal, or of any sewer, pipe or other conveyance located in the Borough, and transmitting substances into the ALCOSAN facilities, which is a cause of and significantly contributes to either a violation of any requirement of ALCOSAN's National Pollution Discharge Elimination System Permit (hereinafter called "NPDES Permit") including an increase in the magnitude or duration of a violation or to the prevention of sewage sludge use or disposal by ALCOSAN in accordance with the following statutory provisions and rules, regulations or permits issued thereunder: Pennsylvania Sewage Facilities Act (35 P.S. §750.1 *et seq.*), Pennsylvania Clean Streams Act (35 P.S. §691.1 *et seq.*), Pennsylvania Solid Waste Management Act (35 P.S. §6018.101), Federal Water Pollution Control Act (33 U.S.C. §1251 *et seq.*), the Solid Waste Disposal Act (42 U.S.C. §6901 *et seq.*), including Title II, more commonly referred to as the Resource Conservation and Recovery Act and including all Commonwealth of Pennsylvania statutes and Pennsylvania Department of Environmental Protection Regulations prepared pursuant to Subtitle D of the Solid Waste Disposal Act, the Clean Air Act (42 U.S.C. §6901 *et seq.*), and the Toxic Substances Control Act (15 U.S.C. §2601 *et seq.*), County of Allegheny Health Code and the Pollution Control Standards of the Ohio River Valley Water Sanitation Commission. (All such statutory provisions, rules, regulations or permits are hereinafter collectively called "laws.") A user significantly contributes to such a permit violation or prevention or sludge use or disposal in accordance with the above-cited Laws whenever such user: [*Ord. 2384*]

(1) Discharges daily pollutant loading in excess of that allowed by permit or by contract with ALCOSAN or by Federal, Commonwealth of Pennsylvania, County of Allegheny, ALCOSAN or Borough laws, ordinances, rules or regulations;

(2) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge.

(3) Knows or has reason to know that its discharges, alone or in conjunction with discharges from other sources, would result in violation of ALCOSAN's NPDES Permit or prevent sewage sludge use or disposal in accordance with the above-cited laws as they apply to ALCOSAN's selected method of sludge management.

Pass through—any discharge of pollutant through the facilities of ALCOSAN into navigable waters or any stream in the Commonwealth of Pennsylvania in quantities or concentrations which are a cause of and significantly contribute to a violation of any requirement of ALCOSAN's NPDES Permit (including an increase

in the magnitude or duration of a violation). A user significantly contributes to such a permit violation where it:

(1) Discharges a daily pollutant loading in excess of that allowed by permit or by contract with ALCOSAN or by Federal, Commonwealth of Pennsylvania, County of Allegheny, ALCOSAN or the Borough laws, ordinances, rules or regulations.

(2) Discharges wastewater which substantially differs in nature or constituents from the user's average discharge.

(3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a permit violation.

(4) Knows or has reason to know that ALCOSAN is, for any reason, violating its final effluent limitations in its permit and that such user's discharge either alone or in conjunction with discharges from other sources, increases the magnitude or duration of ALCOSAN's violations.

(*Ord. 1008, 10/9/1984, §1; as amended by Ord. 2384, 12/10/2012*)

§18-102. Interference with Treatment Plant.

No person, firm, association or corporation 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 substance, pollutant or other wastewater which will cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities.

(*Ord. 1008, 10/9/1984, §2*)

§18-103. Unlawful to Discharge Certain Waste into Sewage System.

No person, firm, association or corporation shall introduce, permit 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 of the following:

A. Any pollutant or wastewater which will interfere with or substantially adversely affect the operation or performance of the ALCOSAN treatment plant, or pass through said plant into navigable waters or streams of the Commonwealth of Pennsylvania in quantities or concentrations which are a cause of and significantly contributes to a violation of any requirement of the above-cited laws or the ALCOSAN NPDES Permit, or adversely affect the use or disposal of ALCOSAN sludge or other residues.

B. 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.

C. Any ignitable, reactive, explosive or corrosive waste.

D. All wastes that are defined or listed as hazardous under the regulations enacted by agencies of the Federal government or the Commonwealth of

Pennsylvania.

E. Any wastewater with a temperature great enough to inhibit biological activity in the ALCOSAN treatment plant.

F. 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.

G. Any solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of ALCOSAN's facilities or facilities discharging into the ALCOSAN's system.

H. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.

I. Pathological wastes from a hospital or other medical establishment.

J. Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer of a type approved by ALCOSAN and maintained in good operating condition.

K. Sludges or other materials from septic tanks or similar facilities 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.

L. Any substance which violates discharge regulations as established by authorized agencies of the Federal government, the Commonwealth of Pennsylvania, the Ohio River Valley Water Sanitation Commission, Allegheny County or ALCOSAN.

(Ord. 1008, 10/9/1984, §3)

§18-104. Transmitting Toxic Substances, Pollutant or Other Wastewater.

No person, firm, association or corporation 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 the sanitary authority, any toxic substance, pollutant or other wastewater, in violation of a National Categorical or General Pretreatment Standards promulgated by the U.S. Environmental Protection Agency pursuant to §307(b) and (c) of the Federal Water Pollution Control Act (33 U.S.C. §1317(b) and (c)).

(Ord. 1008, 10/9/1984, §4)

§18-105. Unlawful to Cause Violation of Federal Water Pollution Control Act.

No person, firm, association or corporation shall take any action or do or cause to be done any thing in violation of any provision of the Federal Water Pollution Control Act or of any regulation promulgated by the U.S. Environmental Protection Agency pursuant thereto.

(Ord. 1008, 10/9/1984, §5)

§18-106. Violation of Rules and Regulations of ALCOSAN.

No person, firm, association or corporation shall take any action or do or cause to be done any thing in violation of any rule or regulation of ALCOSAN or of laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania, the County of Allegheny, the Ohio River Valley Water Sanitation Commission or the Borough pertaining to sewage discharge, introduction or treatment.

(*Ord. 1008*, 10/9/1984, §6)

§18-107. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations upon the officers thereof.

(*Ord. 1008*, 10/9/1984, §7; as amended by *Ord. 1047*, --/1988; and by *Ord. 2384*, 12/10/2012)

Part 2**Termination of Water Service Upon Failure to Pay Sewer Charges****§18-201. Water Shut-Off for Nonpayment.**

The Mayor, President of Council, and the Borough Secretary are hereby authorized and directed to execute and deliver the following agreement with the Pennsylvania-American Water Company:

THIS AGREEMENT, made this 8th day of March 1993, by and between the Borough of Carnegie, a municipal corporation of the Commonwealth of Pennsylvania, having its principal office at One Glass Street, Carnegie, Pennsylvania 15106 (hereinafter called the "Borough") and Pennsylvania-American Water Company, a public utility corporation of the Commonwealth of Pennsylvania, having its principal office at 410 Cooke Lane, Pittsburgh, Pennsylvania 152324 (hereinafter called the "Water Company").

WITNESSETH

THAT WHEREAS, the Borough is engaged in supplying sewage service to the citizens and residents of the Borough of Carnegie, County of Allegheny, Commonwealth of Pennsylvania; and

WHEREAS, the Water Company, a corporation as aforesaid, is the owner and operator of a water distribution system serving the customers in the aforesaid area, under the applicable rules and regulations of the Pennsylvania Utility Commission; and

WHEREAS, the Water Company is authorized and required at the request and direction of the Borough pursuant to the provisions of 53 P.S. §2261-2265, inclusive, to shut off the supply of water from its system to any premises in which the rentals, rates and charges for sewer, sewage or sewage treatment service supplied by the Borough are unpaid and the claim or lien for such service has been assigned to the Borough.

NOW THEREFORE, in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, and the covenants hereinafter expressed, the parties hereto do mutually agree as follows:

1. That upon written request by the Borough or its duly designated agent specifying a premises in the Borough serviced with regard to which the rentals, rates and charges for sewer, sewage or sewage treatment service, shall not have been paid for period of at least thirty (30) days from the due date thereof, together with a statement in writing by a responsible officer of the Borough or its duly designated agent setting forth:

A. For any dwelling other than a residential dwelling where the sewer service is in the name of the landlord:

(1) That the Borough has given ten (10) days written notice of its intention to request the Water Company to shut off the supply of water from its system to such premises to the person liable for the payment of such rentals and charges;

(2) That there has been posted a written notice to this effect at the main entrance to the premises; and,

(3) That the Borough has not received a written statement under oath or affirmation from the person liable for the payment of the said rentals and charges stating that the owner has a just defense to the claim or part thereof.

B. For any residential building where the sewer service is in the name of the landlord:

(1) That the Borough has given the landlord at least thirty-seven (37) days written notice of the proposed termination and has given a copy of the notice to the Allegheny County Health Department.

(2) That the termination notice contained the following:

(a) The amount owed the sewer system by the landlord for each affected account;

(b) The date on or after which water service will be discontinued;

(c) The date on or after which the Borough will notify tenants of the proposed termination of water service and their rights;

(d) The obligation of the landlord to provide the Borough with the names and addresses of every affected tenant or to pay the amount due the Borough or make an arrangement with the Borough to pay the balance, including a statement that this list must be provided or payment or arrangement must be made within seven (7) days of receipt of the notice; and of the penalties and liability which the landlord may incur by failure to comply (a civil penalty of not more than five hundred dollars (\$500.00) for each day of failure to respond, plus reasonable attorney's fees);

(e) The right of the landlord to stay the notification of tenants by filing a petition with the Court disputing the right of the Borough to cause termination of water service.

(3) That at least seven (7) days after notice to the landlord and at least thirty (30) days before any termination of service, each tenant was provided notice of the proposed termination of water service, the notice containing:

(a) The date on which the notice is rendered.

(b) The date on or after which water service will be discontinued.

(c) The circumstances under which service to the affected tenant may be continued.

(d) The bill for the thirty (30) day period preceding the notice to the tenants.

(e) The statutory rights of a tenant to deduct the amount of any direct payment to the Borough from any rent payment then or thereafter due; to be protected against any retaliation by the landlord for exercising such statutory right; to recover money damages from the landlord for any such retaliation.

(f) That the tenants may make payment to the Borough on account of non-payment by the landlord only by certified or cashier's check or money order drawn by the tenant to the order of the sewer system.

(g) A telephone number at the Borough which a tenant may call for an explanation.

(h) The information in the notice to tenants was also posted by the Borough in those common areas of the premises where it is likely to be seen by the affected tenants.

(4) The landlord has not paid the amount due or made an arrangement to pay the amount.

(5) The landlord has not filed an unresolved petition with the court disputing the right of the Borough to cause termination of the water service.

(6) The tenants have not exercised their rights to continued service.

(7) The Water Company shall shut off the supply of water from its system to such premises until it is advised in writing by the Borough that all such overdue rentals, rates and charges, together with any interest thereon, have been paid or the Borough directs otherwise.

2. The Borough shall pay to the Water Company concurrently with the delivery of the written request mentioned in subsection (1), above, the sum of thirty dollars (\$30.00) to cover the Water Company's cost of shutting off the water supply to each premises listed in such request. The Borough shall also pay to the Water Company, upon its request therefor, the further sum of thirty dollars (\$30.00) to cover the Water Company's cost of restoring water service to each such premises. In the event that the actual cost incurred by the Water Company in discontinuing and restoring water service to any such premises in less than or more than the thirty dollars (\$30.00) charge, the Borough shall receive a refund or remit the actual cost thereof to the Water Company based on time, material, transportation and other fixed charges. The fees fixed hereunder may be amended from time to time as agreed by the parties hereto.

3. The Borough shall pay to the Water Company the estimated loss of water revenues resulting from each such shut-off made hereunder. Such estimated loss of water revenues shall be based upon the actual period of time during which the supply of water is shut off in each instance and the average water revenue received by the Water Company for a like period of time during the year prior to such shut-off from the class of customer involved in each instance, as determined from the books and records of the Water Company. The estimated loss of revenue shall be billed by the Water Company to the Borough periodically at the same time as the Water Company would have billed the customer if the water had not been shut off, and the Borough shall pay each such bill within thirty (30) days of receipt thereof, and thereafter collect said amount from the delinquent customer.

4. The Water Company shall not be liable for any loss, damage or other claim asserted by the owner, person or corporation based on or arising out of the shutting off of such supply of water, and the Borough shall indemnify and save harmless the Water Company, its agents, officers, servants and employees, from any such loss, damage or other claim including counsel fees and expenses incurred in connection therewith.

5. If a dispute shall arise between the parties hereto regarding any of the provisions of this Agreement, such dispute may be submitted by either of the parties to the Pennsylvania Public Utility Commission whose decision, unless reversed on appeal, shall be final.

6. This agreement may be terminated by either of the parties hereto by ten (10) days written notice given to the other party at its principal place of business.

7. This agreement shall become effective thirty (30) days after the Water Company has filed a copy thereof with the Pennsylvania Public Utility Commission or, in the event that the said Commission institutes an investigation, at such time as the said Commission grants its approval thereof.

8. The Water Company shall have the right to increase the amount of thirty dollars (\$30.00) from time to time, in the event that the cost to the Water Company for performing the services hereunder increases, upon one hundred and twenty (120) days written notice to the Borough. It is further understood and agreed that the aforementioned amount of thirty dollars (\$30.00) for the shutting off and restoring of water service under the provisions of this agreement shall be automatically increased to coincide with the charges for shutting off water service and restoring water service contained in the Company's tariff as on file with and approved by the Pennsylvania Public Utility Commission from time to time.

9. Notwithstanding the provisions of this agreement, it is understood and agreed by the parties hereto that the Water Company shall be required to comply with any existing regulations of the Public Utility Commission relating to notice before termination, in addition to providing any notice that might otherwise be required under this contract or any applicable law or ordinance.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed and attested by their proper officers and their respective seals to be hereto affixed the day and year first above written.

ATTEST: BOROUGH OF CARNEGIE

/s/ Carol Goldbach
Secretary BY: /s/ John Fisher
President of Council

ATTEST: PENNSYLVANIA-AMERICAN
WATER COMPANY

/s/ Velma Redmond /s/ David Modeer
Secretary (Vice) President

(Ord. 829, 4/8/1968, §1; as amended by Ord. 2005, 12/14/1992, §1)

§18-202. Costs Incurred by the Borough.

The costs incurred by the Borough of Carnegie and paid to the Water Company under the foregoing agreement, in addition to a \$15 posting charge for the constable, are hereby made a charge against the person or persons responsible for the sewage charge and shall be paid to the Borough before any water service shall be ordered or restored together with the amount of all delinquent bills with a penalty of \$5 plus 25 percent of the delinquent amount for each delinquent bill.

(Ord. 829, 4/8/1968, §2; as amended by Ord. 984, 7/13/1982; and by Ord. 2005, 12/14/1992, §2)

§18-203. Assessment Against Owners of Premises.

Should any person, who shall be first responsible for the payment of sewage bills,

fail to make payments as required by law and this Part, the delinquent sewage bills, and all charges as set forth in this Part are hereby levied and assessed against the owners of said premises as is now provided by law.

(*Ord. 829, 4/8/1968, §3*)

§18-204. Notices.

1. All notices shall be on such forms as are provided by law and approved by the Borough Solicitor.

2. The Borough shall request implementation of water shut-off in the event of delinquency in the payment of sewer charges imposed by the Borough subject to a water shut-off policy and pursuant to the terms set forth in §18-201 hereof, of which the following is a statement:

A. The first notice of shut-off shall be mailed after any sewage account is delinquent two quarters.

B. If payment of the delinquency is not received within 15 days, a certified letter notice shall be mailed informing the delinquent account that the water shut-off letter will be issued in 10 days.

C. If the delinquent account is not paid within that 10 days, a water shut-off letter shall be issued after which the water company shall shut off the water supply from its system to the delinquent premises until it is advised in writing by the Borough that all delinquent accounts, including service charges, penalty and interest, have been paid or until the Borough directs otherwise.

D. Exercise of the right to lien on delinquent charges shall be unaffected by the use of the water shut-off policy provided in this Section.

[*Ord. 2005*]

(*Ord. 829, 4/8/1968, §4; as amended by Ord. 2005, 12/14/1992, §3*)

Part 3**Delinquent Sewage Accounts****§18-301. Charges for Delinquent Sewage Accounts.**

Borough Council may from time to time, establish and impose, by resolution, a schedule of fees and charges to be assessed against delinquent sewage accounts for the unpaid sewer bills of the residents and owners of real property of the Borough.

(Ord. 1045, 11/15/1988, §1)

§18-302. Collection of Delinquent Sewage Accounts.

Council for the Borough of Carnegie may, from time to time, appoint a collector of delinquent sewage accounts for the Borough, by resolution. The Borough Secretary or Manager or the designated agent thereof is hereby authorized to accept time payments on delinquent accounts pursuant to his or her discretion.

(Ord. 1045, 11/15/1988, §2; as amended by Ord. 2005, 12/14/1992, §4)

Part 4**Connection Fees and Costs****§18-401. Fee.**

The following fees are being assessed for any tap into the sanitary sewerage system of the Borough of Carnegie in order to defray the Borough's costs including inspection and engineering fees:

A. A tap-in fee of \$300 is hereby imposed upon any owner or occupant of a residential structure within the Borough of Carnegie who desires to tap into the sanitary sewerage system of the Borough of Carnegie.

B. A tap-in fee of \$500 is hereby imposed upon any owner or occupant of a commercial structure within the Borough of Carnegie who desires to tap into the sanitary sewerage system of the Borough of Carnegie.

(*Ord. 885, 4/10/1973, §1; as amended by Ord. 1051, 10/10/1989, §1*)

§18-402. Outside the Borough Tap-In.

Any party desiring to tap into the sanitary sewage system of the Borough of Carnegie from outside the boundaries of the Borough of Carnegie will be required to reach a special agreement with the Council of the Borough of Carnegie before being permitted to do so.

(*Ord. 885, 4/10/1973, §2*)

§18-403. Permit.

The official authorized to issue a tap-in permit will henceforth be the Borough Street Commissioner whose office will be located at the Borough Building and he will do so upon the advice of the Borough Engineer, with the Street Commissioner and the Engineer having the right to review and approve the plans and specifications of the project before granting or denying permission to tap-in.

(*Ord. 885, 4/10/1973, §3*)

§18-404. Fee Deposited.

The entire tap-in fee will be deposited in the general Borough treasury account.

(*Ord. 885, 4/10/1973, §3*)

Part 5**Grease Traps****§18-501. “Restaurant” Defined.**

Restaurant—any public eating place where regular meals are prepared, offered for sale, sold, and served to patrons, customers or guests for compensation based on the price charged for and generally paid at the conclusion of each meal. The words “regular meals” as used herein mean meals generally consisting of courses embracing some kind of meat or its equivalent, vegetables, bread, pastry, beverage, and accompaniments, served at more or less regular intervals.

(Ord. 1094, 7/13/1992, §1)

§18-502. “Food Preparation Facility” Defined.

Food preparation facility—any food establishment in any building, room, or place or any portion thereof or appurtenance thereto, where human food or drink is mixed, cooked or otherwise prepared, offered for sale, sold, served, or given with or without charge to patrons, customers, or guests for consumption on the premises; provided, however, that this does not include the mixing, cooking, or other preparation and serving of food in single family dwellings to the resident family or its guests.

(Ord. 1094, 7/13/1992, §2)

§18-503. Plumbing to Be in Good Repair.

Every building or room occupied or used as a public eating place or restaurant shall be well drained. All soil pipes, waste pipes, drains or other plumbing fixtures shall be of adequate size to enable a passage of any waste intended to pass through it to the main public sewer. All drains, sewers, waste and soil pipes, traps, and water and gas pipes shall at all times be kept in good repair and order so that no gases or odor shall escape therefrom and so that the same shall not leak, and all vent pipes shall be kept in good order and repair and free from obstruction.

(Ord. 1094, 7/13/1992, §3)

§18-504. Installation of Grease Traps.

1. Every building or room occupied or used as a public eating place or restaurant shall install or cause to be installed a grease trap. Said grease trap shall be installed at an appropriate location along the sewer line between the restaurant and/or food preparation facility and the line's entry into the main public sewer line in accordance with Article 15 of the Allegheny County Plumbing Code.

2. It shall be the duty of any owner, lessee, or agent of any restaurant and/or food preparation facility shall annually inspect the sewer line and/or grease trap and present to the Borough an inspection certificate as proof that said inspection was accomplished.

(Ord. 1094, 7/13/1992, §4)

§18-505. Maintenance of Grease Traps.

All grease traps shall be maintained and kept in good working order. The traps shall limit the amount of grease discharged into the public sewer system to levels not exceeding those permitted by the Allegheny County Sanitary Authority (ALCOSAN).

(Ord. 1094, 7/13/1992, §5)

§18-506. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1094, 7/13/1992, §6; as amended by Ord. 2384, 12/10/2012)

Part 6**Sewer Rates****A. Establishment of Sewer Rates****§18-601. Establishment of Rates.**

There is hereby imposed and established rates or charges for the use of, and services provided by, the sanitary sewer system in Carnegie Borough, said rates or charges being based upon the quantity of water used. The following rates or charges shall be assessed to each user of the sanitary sewer system on a monthly basis:

- A. Basic service—\$12.61 per 1,000 gallons of water used.
- B. Service charge at a rate of 3.93.

(*Ord. 2019, 5/9/1994, §1; as amended by Ord. 2121, 1/12/1999, §1; by Ord. 2215, 6/8/2004, §1; by Ord. 2234, 7/11/2005, §1; by Ord. 2240, 12/19/2005, §1; by Ord. 2280, 12/27/2007, §1; by Ord. 2396, 4/14/2014, Art. I; and by Ord. 2410, 1/12/2015, Art. I*)

§18-602. Monthly Billing.

Charges for the sanitary sewer system service shall be billed monthly. Payments shall be due and payable within 30 days of date of the billing statement.

(*Ord. 2019, 5/9/1994, §2; as amended by Ord. 2152, 5/9/2000, §1; by Ord. 2396, 4/14/2014, Art. I; and by Ord. 2410, 1/12/2015, Art. I*)

§18-603. Delinquent Accounts; Penalty.

In the event the charge for said sanitary sewer system service remains unpaid for a period of 30 days from the date of said statement, such charges are hereby declared to be delinquent and a penalty of 1 percent shall be added.

(*Ord. 2019, 5/9/1994, §3; as amended by Ord. 2396, 4/14/2014, Art. I; and by Ord. 2410, 1/12/2015, Art. I*)

§18-604. Service Charge.

For each delinquent sewage account remaining unpaid after 90 days after the date of said statement, a service charge of 10 percent of the gross delinquent charge shall be added. For each succeeding 90 days or part thereof that the account remains delinquent, an additional service charge of 10 percent shall be assessed, based upon the gross delinquent charge, or outstanding portion thereof.

(*Ord. 2019, 5/9/1994, §4; as amended by Ord. 2152, 5/9/2000, §1*)

§18-605. Enforcement.

Carnegie Borough shall pursue the collection of delinquent sanitary sewer accounts by all means available pursuant to applicable law.

(*Ord. 2019, 5/9/1994, §5*)

B. Credit Meters

§18-611. Definitions.

1. For the purposes of this Part the term "credit meter" shall mean any mechanical or electronic device installed for the purpose of measuring the amount of water which is consumed but does not enter into the municipal sewage system.

2. *Dwelling Unit.* One or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.

(Ord. 2042, 9/14/1995, §1)

§18-612. Application.

1. All residents of the Borough who are desirous of installing a credit meter must first request and make an application for the installation of a residential credit meter from the Borough Manager or his/her designee. This application shall be essentially in the following form, which may from time to time be amended without prior written notice, and must be completed in full:

Form

Application for the Installation of a Residential Credit Meter

Name of Property Owner: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Home Telephone No. _____ Work Telephone No. _____

Current Account Number Assigned by
Pennsylvania American Water Co.: _____

Current Meter Number as listed on
Pennsylvania American Water bill: _____

Current meter size of above listed meter: _____

Reason for Requesting Credit Meter:

Swimming Pool _____ Watering of Garden _____

Lawn Sprinkling System _____ Other _____

Types and Manufacturer of Credit Meters including line size and meter number:

Location of Remote Reader: _____

Remote Reader No.: _____

Name and address of person installing credit meter and date of installation

Piping sketch Requirement:

EACH APPLICATION WILL REQUIRE AN ATTACHED SKETCH OF PROPOSED METER INSTALLATION. THE CREDIT METER IS TO BE SHOWN IN RELATION TO EXISTING PIPING. EACH CREDIT METER MUST BE CONNECTED TO AN OUTSIDE REMOTE READER AND THE REMOTE READER MUST BE CLEARLY MARKED AS A CREDIT METER AND THE LOCATION MUST BE NOTED ON THE PIPING SKETCH.

(Ord. 2042, 9/14/1995, §3)

§18-613. Municipal Agreement and Representations.

1. Upon completion and approval of the application for the installation of a credit meter, all applicants will be required to read and sign a municipal agreement and representations for use of credit meters. This municipal agreement shall essentially be in the following form; however, the Borough may amend said agreement without prior written notice at its sole discretion:

Form

**Municipal Agreement and Representations
For Use of Credit Meters**

I/we the undersigned applicant(s) does/do hereby request permission to install a credit meter on my/our property at my/our own expense to measure metered water not entering into the sewer lines of the Borough of Carnegie.

I/we certify that the credit meter will be installed in such a manner and such a location so as to measure water that does not and cannot enter the sanitary sewer system and the installation is subject to the approval of ALCOSAN. I further recognize that ALCOSAN establishes an annual fee to be charged for processing each credit meter reading and that the current ALCOSAN charge is \$15.96 as of January 1, 1995.

I/we agree to notify the Borough of Carnegie of the installation of the credit meter and the remote reader, and will arrange a time convenient to ALCOSAN or the Borough of Carnegie to allow for the examination and inspection of the installation and the approval of the same.

I/we acknowledge that the credit meter must be examined by a representative of ALCOSAN or the Borough of Carnegie and the installation must be approved before I will be eligible for a credit. I will be given written notice of the approval of the credit meter installation after the same has been inspected by ALCOSAN and ALCOSAN notifies the Borough of Carnegie of the approval of the installation.

I/we acknowledge that the Borough of Carnegie will require me to annually read the meter at my expense and will credit my account for the total number of gallons of water that did not enter the sanitary sewer system, less any amount charged to the Borough of Carnegie by ALCOSAN. I recognize that ALCOSAN may not credit and may not credit the Borough of Carnegie for a credit meter installation of this type unless the same is read by me and the information supplied to the Borough of Carnegie and then supplied by the Borough of Carnegie to ALCOSAN.

I/we agree that under no circumstances will any line beyond the credit meter be connected or reconnected so as to discharge water into the sanitary sewer system. With

the intent of being legally bound I hereunder set my hand and seal.

Signed this _____ day of _____ 19 ____ .

By entering into this agreement all applicants bind themselves, their heirs, successors and assigns to pay all fees associated with the installation and use of credit meters and to abide by all other rules and regulations associated with the installation of credit meters as may hereinafter be enacted.

(*Ord. 2042, 9/14/1995, §4*)

§18-614. Penalty.

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2384*]

2. In addition to the fines and penalties herein set forth the Council of the Borough of Carnegie, or with the approval of the Council of the Borough, an officer of the Borough, may institute in the name of the Borough any appropriate action or proceeding to prevent any restrain any act, conduct, business or other thing constituting a continued violation of any of the provisions of this Part.

(*Ord. 2042, 9/14/1995, §5; as amended by Ord. 2384, 12/10/2012*)

Part 7**Inspections and Certifications****§18-701. Definitions.**

Dye test—a test conducted on real property by the use of colored innocuous substances that will reveal the direction and flow of storm or surface water.

Illegal storm or surface water connections—the discharge of rain or surface water directly or indirectly into the sanitary sewer system of the Borough of Carnegie which is to be used only for the drainage of sanitary sewage. [Ord. 2228]

Mortgage—the transfer, assignment, pledge or hypothecation of any interest in real property to a lender for value, which transfer, assignment, pledge or hypothecation is evidenced by a mortgage, deed of trust or other security instrument.

Municipal/sewage no lien letter—a written statement from the Borough's Sewage Department concerning sewage charges and municipal liens.

Person—any person, syndicate, association, partnership, firm, corporation or the chief executive officer of any corporation, institution, agency, authority, partnership or member of such partnership or other lawful entity.

Sales—the transfer or assignment, with or without consideration, of any interest in real property situate within the Borough whether or not the same is to a person(s) related by blood to the transferor.

Sanitary sewer certification—an official statement from the Borough stating that there are no illegal storm sewer or surface water connections to the sanitary sewer lines on the real property to be sold, transferred, assigned or mortgaged.

Temporary sanitary sewer certification—a temporary statement of certification from the Borough issued pursuant to the provisions of §18-704 of this Part.

(Ord. 2129, 5/11/1999, §601; as amended by Ord. 2228, 2/14/2005)

§18-702. Certification Required.

After the effective date of this Part, any person or persons selling or mortgaging any interest in real property situate within the Borough of Carnegie, as those items are defined herein, shall be required to provide to the purchaser and to the appropriate Borough officials designated hereafter a sanitary sewer certification, which certification shall be provided to the purchaser or designated Borough official on the time or times designated in §18-703 of this Part.

(Ord. 2129, 5/11/1999, §602)

§18-703. Sanitary Sewer Certification Application.

Any person selling or mortgaging real property (hereinafter "applicant") located within the Borough shall make application on a form furnished by the Borough at least 21 days before the date of sale or mortgage. The applicant shall then have a plumber who is registered and licensed by Allegheny County Health Department perform a dye test on the property to be sold, transferred, assigned, mortgaged or refinanced. Such plumber shall complete the appropriate portions on the form and certify that the

property has been dye tested and certify the results of such test. In the event that there are no illegal storm or surface water connections or discharges, the Assistant Borough Secretary or his or her designee, shall issue a sanitary sewer certificate upon payment of a fee to be established from time to time by resolution of Borough Council. When an illegal storm or surface water connection or discharge is discovered by means of the above mentioned dye testing, no sanitary sewer certification will be issued until the illegal connections or discharges are removed and certification of such removal by a registered licensed plumber is received.

(Ord. 2129, 5/11/1999, §603)

§18-704. Temporary Sanitary Sewer Certification.

A temporary sanitary sewer certification may be issued at the Borough's sole discretion when either:

A. Applicant proves that dye testing cannot be performed because of weather conditions. When such is the case, the applicant shall provide the Borough with security in the amount as established from time to time by resolution of Borough Council to guarantee that the dye test will be performed. The applicant will cause to have performed the dye test within 14 days of written notification from the Borough which will be given at such time as weather conditions make the dye test possible. In addition, the applicant shall provide a signed, written acknowledgment from the purchaser agreeing to correct, at purchaser's sole expense, any violations that may be discovered as a result of such subsequent dye tests. Nothing in this paragraph shall prohibit any purchaser from requiring applicant to reimburse purchaser for any costs incurred; provided, however, primary responsibility shall run with the land and no such agreement shall affect the Borough's enforcement powers or excuse the seller, mortgagor or purchaser from performance hereunder.

B. When an illegal storm or surface water connection or discharge is discovered and the necessary remedial activities to correct such connection or discharge would require a length of time such as would create a practical hardship for the applicant, applicant may apply to the Assistant Borough Secretary for a temporary sanitary sewer certificate which may only be issued when the applicant provides the Borough with all of the following:

(1) A bona fide, executed contract between the applicant and a registered licensed plumber to complete the necessary remedial work with the Borough listed as third party beneficiary.

(2) Cash security in the amount of said contract is posted with the Borough.

(3) An agreement by the purchaser to be responsible for all cost overruns related to the remedial work together with a license to enter upon the property to complete work in case of default of contractor.

The temporary sanitary sewer certification shall expire within 30 days after its issuance, and at the expiration of the same the security thus posted shall be applied by the Borough to have the necessary remedial work completed. Any excess of funds remaining as security shall be refunded to the applicant, but in the event that the security posted is insufficient to complete the remedial work, the purchaser, or in the case of a refinance, the property owner, shall be charged for the same and shall be

responsible for payment thereof.

(*Ord. 2129, 5/11/1999, §604*)

§18-705. Municipal Sewage/No Lien Letter.

1. A request for a municipal sewage/no lien letter must be accompanied by a valid sanitary sewer certification and the following fees which shall be established from time to time by resolution by Borough Council which shall be delivered at least 7 days before such letters are to be provided.

2. Where requested by a property owner or his agent and subject to time availability, as determined solely by the Borough Manager, the Borough may issue municipal sewage/no lien letters on 2 days notice upon the payment of a priority service fee as established from time to time by resolution of Borough Council.

(*Ord. 2129, 5/11/1999, §605*)

§18-706. Regulations.

1. The Borough Council may from time to time adopt reasonable rules and regulations for the operation and enforcement of this Part as the same may become necessary, which shall include, but not be limited to:

A. Establishing acceptable forms of security or guarantees.

B. Establishing the form of:

(1) Application.

(2) Purchase acknowledgments.

(3) Plumber certifications.

C. Limiting the times of year in which a temporary sanitary sewer certificate is available for reasons of weather.

2. Such rules and regulations shall be adopted at a regular meeting of the Borough Council and shall be posted in the offices of the Zoning Officer and the Assistant Borough Secretary/sewage department.

(*Ord. 2129, 5/11/1999, §606*)

§18-707. Conflicts with General Police Powers.

Nothing in this Part shall limit in any manner whatsoever the Borough's right to enforce its ordinances or the laws of the Commonwealth of Pennsylvania. Nothing contained in this Part shall be construed as or offered as a defense to any citation issued by any municipal corporation or the Commonwealth of Pennsylvania pursuant to any other law or ordinance.

(*Ord. 2129, 5/11/1999, §607*)

§18-708. Penalties.

Any person who shall fail, neglect or refuse to comply with any of the terms of provisions of this Part, and, in particular, the provisions of §§18-702, 18-703 and 18-704, hereof, or of any regulation or requirements pursuant hereto and authorized hereby shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the

Pennsylvania Rules of Criminal Procedure, 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 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2129*, 5/11/1999, §608; as amended by *Ord. 2384*, 12/10/2012)