

ORDINANCE OF EAST CONEMAUGH BOROUGH  
CAMBRIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 19-05

**AN ORDINANCE PROVIDING FOR A MONTHLY SEWER NON-COMPLIANCE FEE FOR THE FAILURE OF AN OWNER OF IMPROVED REAL ESTATE LOCATED IN EAST CONEMAUGH BOROUGH TO HAVE THE BUILDING SEWER LATERAL THAT CONVEYS SEWAGE/WASTEWATER FROM THE IMPROVED REAL ESTATE TO THE EAST CONEMAUGH BOROUGH SEWAGE/WASTEWATER SYSTEM PRESSURE TESTED**

**I. TITLE**

- A. The title of this Ordinance shall be the "East Conemaugh Borough Monthly Sewer Non-compliance Fee Ordinance of 2019."

**II. AUTHORITY**

- A. This Ordinance is adopted pursuant to the authority granted to East Conemaugh Borough by the Act 37 of 2014, 8 PA C.S. Section 2051.

**III. PURPOSE**

- A. The purpose of this Ordinance is part of an effort by East Conemaugh Borough to eliminate and remove inflow and infiltration (hereinafter referred to as "I&I") from the East Conemaugh Sewage/wastewater collection and conveyance system (hereinafter referred to as the "Sanitary Sewer System").
- B. East Conemaugh Borough adopts and enacts this Ordinance to establish a non-compliance fee or penalty per equivalent dwelling unit per month for owners of improved real estate that is served by or has access to the Sanitary Sewer System constructed, operated, and maintained by East Conemaugh Borough that have not had the building sewer lateral that conveys sewage/wastewater from the improved real estate to the Sanitary Sewer System pressure tested to the standards set forth in the rules and regulations for the East Conemaugh Borough Sanitary Sewer System.
1. The non-compliance fee or penalty established by this ordinance does not in any way affect or reduce the monthly rate or charge established by East Conemaugh Borough for use or collection of its Sanitary Sewer System.
  2. The non-compliance fee or penalty established by this ordinance does not in any way affect or reduce the monthly rate or charge established by Johnstown Regional Sewage for the treatment of sewage/wastewater that is conveyed to it by East Conemaugh Borough.

**IV. DEFINITIONS**

- A. Terms that appear in this Ordinance shall be defined as those same exact terms are defined in the sewage/wastewater rules and regulations adopted by East Conemaugh Borough.

**V. GENERAL**

- A. East Conemaugh Borough shall, in addition to the monthly sewer charges, rates and rentals, bill the owners of improved real estate that is served by or has access the Sanitary Sewer System and

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that have not had their building sewer lateral that conveys sewage/wastewater from the improved real estate to the Sanitary Sewer System pressure tested a monthly non-compliance fee or penalty.

- B. Because they are not the owners of the improved real estate, tenants shall not receive a monthly non-compliance fee or penalty bill for residing in the improved real estate where the building sewer lateral was not pressure.

#### **VI. NON-COMPLIANCE FEE OR PENALTY CHARGE PER EDU PER MONTH**

- A. The non-compliance fee or penalty charge per equivalent dwelling unit per month for owners of improved real estate that is served by or has access to the Sanitary Sewer System and have not had their building sewer lateral that conveys sewage/wastewater from the improved real estate to the Sanitary Sewer System pressure tested is \$100.00.

1. Examples:

- a. The owner of a single family residential structure that has not had the building sewer lateral that conveys sewage/wastewater from the single family residential structure to the Sanitary Sewer System pressure tested would pay a non-compliance fee or penalty of \$100.00/EDU/month PLUS the monthly sewer rental, rate, or charge to East Conemaugh Borough for use of East Conemaugh Borough's Sanitary Sewer System.
- b. The owner of a multi family residential structure that is occupied by six (6) families but has not had the building sewer lateral that conveys sewage/ wastewater from the multi-family residential structure to the Sanitary Sewer System pressure tested would equal six equivalent dwelling units and the owner of that multi family residential structure would pay a non-compliance fee or penalty of \$100.00/EDU/month or \$600.00/EDU/month (6 x \$100.00) PLUS the monthly sewer rental, rate, or charge for six (6) EDUs to East Conemaugh Borough for use of East Conemaugh Borough's Sanitary Sewer System.

#### **VII. NO ABATEMENT FOR UNOCCUPIED IMPROVED REAL ESTATE**

- A. *Occupation of an Improved Parcel of real estate does not determine or have an effect on I&I.*
- B. *Owners of improved real estate that is served by or has access to the Sanitary Sewer System constructed and installed by East Conemaugh Borough may not qualify, in any situation whatsoever, for an abatement of a non-compliance fee paid to East Conemaugh Borough.*
- C. *The only way a non-compliance fee can be abated is to have the building sewer lateral pressure tested to hold 5 pounds of air pressure for 15 minutes and verified by an inspection agent appointed by East Conemaugh Borough.*
- D. *Any abatement in effect on the day when this ordinance is adopted shall only be applicable to the monthly sewer rentals, rates, and charges imposed by East Conemaugh Borough upon its users and shall not affect the non-compliance fee or penalty established by this Ordinance.*

#### **VIII. SEPARATE LINE BILLING**

- A. The Non-Compliance Fee or penalty shall appear a a separate line item on East Conemaugh Borough's billing for sewage/wastewater collection and conveyance shall not include treatment charges from Johnstown Regional Sewage, its successors or assigns.

**IX. SEVERABILITY**

- A. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**X. EFFECTIVE DATE**

- A. This Ordinance shall become effective on January 1, 2020.

**ENACTED AND ORDAINED** into law by the Borough of East Conemaugh, Cambria County, Pennsylvania, this 4<sup>th</sup> day of November, 2019.

ATTEST:

  
Nancy Geyer, Secretary

BOROUGH OF EAST CONEMAUGH

by:  (SEAL)  
John Andrews, Council President

\_\_\_\_\_(SEAL)  
Grace Malfer, Council Member

 (SEAL)  
Ronald Ling, Council Member

\_\_\_\_\_(SEAL)  
Martha Gregorchik, Council Member

\_\_\_\_\_(SEAL)  
Marie Stephens, Council Member

 (SEAL)  
Roland Toth, Council Member

 (SEAL)  
Edward Grove, Council Member

Approved by Arron Ling, Mayor, this 4<sup>th</sup> day of November, 2019.

  
Aaron Ling, Mayor