

BOROUGH OF WEST NEWTON
ORDINANCE No. 2019-3

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON,
COUNTY OF WESTMORELAND AND COMMONWEALTH OF
PENNSYLVANIA, REGULATING THE RESPONSIBILITY OF
THE OWNERSHIP, INSTALLMENT, REPLACEMENT, AND
REPAIR OF SERVICE LATERALS TO THE BOROUGH'S SEWER
SYSTEM

WHEREAS, the Borough of West Newton owns and maintains the main sewer lines throughout the Borough's sewerage system; and,

WHEREAS, Council for the Borough of West Newton has determined that it is necessary for the health and safety of the public that the Borough regulate the installment, replacement, inspections, and repair of the service laterals that connect to the Borough's sewerage system; and,

NOW, THEREFORE, be it ordained and enacted by Council of the Borough of West Newton, as follows:

SECTION I – DEFINITIONS.

The following definitions apply for the purpose of this Ordinance.

Borough- The Borough of West Newton.

Owner- Any person, partnership, association, corporation or fiduciary having legal title in the real property.

Public Sewerage System shall mean all mainline combined and sanitary sewers, all pumping stations, all force mains, and all other sewerage facilities owned or leased and operated by the Borough for the collection and transportation of sanitary sewage and industrial wastes, together with their appurtenances, and any additions, extension or improvements thereto.

Service Lateral - The part of the piping which extends from the end of the building and receives

the discharge of the building drain and conveys it to the public sewerage system, comprised of the Upper Service Lateral and Lower Service Lateral.

Upper Service Lateral- The part of the Service Lateral which extends from the end of the building to the edge of the roadway right-of-way or the edge of the public sewage system right-of-way, as applicable.

Lower Service Lateral – The part of the Service Lateral which extends from the edge of the roadway right-of-way or the edge of the public sewage system right-of-way, as applicable, to the Public Sewage System.

Building Drain – The term that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the Upper Service Lateral, which begins at a point five (5) feet outside the inner face of the building wall.

SECTION II – RESPONSIBILTY FOR OWNERSHIP INSTALLMENT, REPLACEMENT, AND REPAIR OF SERVICE LATERALS.

- A. **Obligation of the Owner** – The Owner shall be responsible to install, maintain, replace, and repair their service lateral. The Owner is responsible for the initial installation of the service lateral, including wye connection and connection to the Borough’s main sewer line. After installation, the Owner’s ownership of the service lateral shall commence at the edge of the roadway right-of-way or the edge of the public sewerage system right-of-way, as applicable, to the building sewer (i.e., the Upper Service Lateral). The ownership of the service lateral from the edge of the roadway right-of-way or the edge of the public sewerage system right-of-way, as applicable, to the point of connection to public sewerage system shall reside with the Borough (i.e., the Lower Service Lateral). The Owner’s responsibility for the service lateral shall remain even if the service lateral traverses onto property other than the Owner’s prior to reaching the roadway right-of-way or the right-of-way of the public sewerage system. Should the Lower Lateral be compromised, blocked, or damaged in any way due to the fault of the Owner, the Owner shall be responsible for remediating.
 - a. The initial cost of a CCTV camera is the responsibility of the owner. If it is

determined that the cause of the damage or blockage is that of the owner, then the cost shall remain with the owner. Should it be determined the cause of the damage or blockage is the fault of the Borough, then the Borough shall reimburse the owner.

- B. **Effects of Grants or Other Government Funding** – If the Borough obtains a grant or other type of government funding, whether it be county, state, or federal, and within the grant or funding, money is available to repair service laterals within the Borough’s sanitary or combined sewer system and the Borough proceeds to use the money to install, repair, or replace service laterals, Owners will not be responsible for reimbursing the Borough for costs to install, repair, or replace the service lateral. After the initial installation by the Borough during a project, the service lateral remains the responsibility of the Owner.

- C. **Separate Connections** – Unless written permission is obtained from the Borough, separate connections will be required for each occupied building, or each occupied unit in a structure having multiple units. A single connection will be permitted at the Borough’s discretion to serve a school, factory, apartment house or other permanent multiple unit structure whose individual apartments or units may not be subject to separate ownerships.

- D. **Inspection** - Before the Owner’s installation, repair, or replacement of the service lateral is complete, the Borough or its representative must inspect the pipeline before the trench is backfilled. The Borough shall be given at least forty-eight (48) hour notice of the time when such connection shall be made in order that a representative of the Borough can be present to inspect the work for conformance to applicable standards and approve the subsequent connection. **Air testing will not be required for repairs to existing laterals.** Full and complete access to all sanitary and drainage arrangements on the property shall be given to the representative of the Borough to further evaluate the service lateral line. An inspection fee in the amount of \$25.00 must be submitted to the Borough before the inspection can take place

SECTION IV – VIOLATIONS

A. **Violations** - Any user who is found to have willfully or negligently failed to comply with any provision of this Ordinance shall be responsible to bring the items in violation into full compliance with this Ordinance, including any costs associated thereto. In addition to associated costs, the Borough may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance.

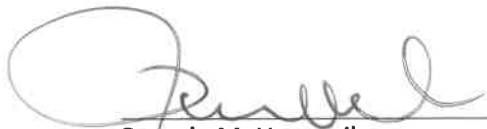
SECTION V - REPEALER

Any Ordinance or part of an Ordinance in conflict with the within Ordinance shall and is hereby repealed to the extent of the conflict of same.

ORDAINED and ENACTED as an Ordinance of the Borough Council of the Borough of West Newton, County of Westmoreland, Commonwealth of Pennsylvania, this 9th day of April, 2019.

ATTEST:

BOROUGH OF WEST NEWTON



Pamela M. Humenik
Borough Secretary (SEAL)



Charles Krasnevich
President of Council

Examined and approved this 9th day of April 2019..



Mary E Popovich