

BOROUGH OF CRAFTON
ORDINANCE NO. ____

AN ORDINANCE OF THE BOROUGH OF CRAFTON, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING IN CHAPTER 177 OF THE CRAFTON BOROUGH CODE OF ORDINANCES, SEWERS AND SEWAGE DISPOSAL, FOR THE PURPOSE OF ESTABLISHING A SHARED COST BACKFLOW PREVENTION DEVICE INSTALLATION MINI-GRANT PROGRAM.

WHEREAS, the Borough of Crafton is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including, but not limited to, the Borough Code and the Water Services Act; and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania vests the Borough of Crafton with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, *inter alia*, the Borough's finances, the maintenance of peace, good government, health, safety and welfare of the Borough, its trade, commerce and manufacturers; and

WHEREAS, Crafton Borough Council has determined that it is necessary to amend Chapter 177, Sewers and Sewer Disposal, to clarify responsibilities regarding the repair and maintenance of sewer laterals and to amend the processes for attaining compliance documents associated with the condition of the same; and

NOW THEREFORE, the Council of the Borough of Crafton hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. Chapter 177 of the Crafton Borough Code of Ordinances, Sewers and Sewage Disposal, is amended to add a new Article VII, Backflow Prevention Device Installation Program, as follows:

Article VII: Backflow Prevention Device Installation Mini-Grant Program

§177-30 Definitions

As used in this Article, the following terms shall have the meanings indicated:

Backflow:

The undesirable reversal flow of any liquid, gas, or other substance from the desired direction of conveyance.

Backflow prevention device:

Any assembly or equipment permanently installed on a sewer lateral in such manner as to prevent the backflow of sewage into a habitable structure.

Customer:

Any person, firm, partnership, association, or corporation that owns a piece of real property from which a sewage is discharged into the public sewer.

Grantee:

Any customer that is a qualified participant of the Backflow Prevention Device Installation Mini-Grant Program.

Public sewer:

Any pipe or other sewer drainage infrastructure owned and maintained by the Borough of Crafton and lying within the limits of a public right-of-way or public easement that receives sewage from one or more sewer laterals.

Sanitary sewer system:

The building drain, sewer lateral, sewer connection, and public sewer, inclusive.

Sewage:

Any combination of water and water-carried wastes discharged from a structure for conveyance to a wastewater treatment facility.

Sewer lateral:

The generally horizontal pipe of sewage drainage system, which receives discharge from the building drain at the exterior wall of a structure and conveys it to the sewer connection at the public sewer.

§177-31 Applicability

- A. The Borough of Crafton recognizes that, due to a combination of sheer topography and limited public sewer capacity, during periods of significant precipitation, certain structures that are connected to the sanitary sewer system may experience the backflow of sewage into the habitable areas of the same.

- B. In order to protect the health, safety, and welfare of the customers affected by backflow events, the Borough hereby implements a Backflow Prevention Device Installation Mini-Grant Program to partially reimburse said customers duly qualified as “grantees” for the installation of specialized equipment that is designated to prevent such backflow from reaching the habitable areas of the subject structure.

§177-32

Eligibility

- A. Any customer who experiences sewage backflow shall provide written documentation of such backflow event on a standardized form furnished by the Borough.
- B. Within 48 hours of receipt of said form or as soon as reasonably possibly thereafter, the Public Works Director and/or Borough Engineer shall perform an investigation of site conditions at the subject property and at the public sewer connected to the sewer lateral servicing the same. The Borough shall provide the customer with a written report of such investigation.
- C. Following the documentation of two backflow events within a single sewer lateral, excluding any events determined by the Public Works Director and/or Borough Engineer to be the result of negligence by the customer, said customer shall be eligible to participate as a grantee in the Backflow Prevention Device Installation Mini-Grant Program.
- D. If the subject structure is serviced by more than one sewer lateral, only the specific sewer lateral that has been affected by two documented backflow events shall be eligible to be improved under the terms of the Program.
- E. If two documented backflow events occur on a sewer lateral that services more than one structure, no improvements may be performed under the Program unless all affected customers agree to the terms of the Program.

§177-33

Installation

- A. The Public Works Director and/or Borough Engineer shall determine the necessary size, model, and placement location for any backflow prevention device installed as part of the program.
- B. The grantee shall furnish the Borough with written quotes from at least three separate plumbers licensed by the Allegheny County Health Department for the installation of the backflow prevention device and the restoration of the affected site. If the Public Works Director and/or Borough Engineer determines that said quotes are not commensurate with the scope of work, then the Borough reserves the right to require the grantee to furnish additional quotes.
- C. Following installation of the backflow prevention device, the grantee must provide the Borough with written evidence of a satisfactory inspection by the Allegheny County Health Department.

- D. The Borough shall reimburse the grantee for one-half of the total amount listed on the lowest furnished quote. Under no circumstances shall the Borough directly compensate the plumber.

§177-34 Maintenance

- A. Once a backflow prevention device is installed, said device must be kept in an operative condition unless the sewer lateral connected to the same is discontinued and removed. Ongoing and perpetual maintenance of said device shall be a condition of the receipt of service from the public sewer.
- B. The grantee agrees to hold harmless and indemnify the Borough from any liability for any damages or injuries pertaining to backflow events that occur after the installation of the backflow prevention device.
- C. The grantee shall assume responsibility for all testing and maintenance as may be necessary to ensure the proper operation of the backflow prevention device.
- D. The terms and conditions contained within this subsection shall be incorporated into the deeds of all affected structures. Said deed amendment shall run with the land and shall bind the current customer and any heirs, assigns, successors, and administrators.

§177-35 Violations and Penalties

Any person who violates any provisions of this Article shall, upon conviction thereof before a District Justice or other court, be sentenced to pay a fine of not less than \$500.00 and not more than \$1,000.00, plus the costs of prosecution. Each day of continuing violation shall constitute a separate offense.

SECTION 2. The appropriate Borough officials and/or designees are authorized to take any and all action necessary to ensure implementation of this Ordinance and to effectuate the purpose hereof.

SECTION 3. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 4. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

SECTION 5. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and **ENACTED** this ____ day of _____, 2019, by the Council of the Borough of Crafton in lawful session duly assembled.

ATTEST:

BOROUGH OF CRAFTON

Carissima J. Kerns
Borough Secretary

By: _____
Coletta A. Perry
President, Borough Council

EXAMINED and **APPROVED** this ____ day of _____, 2019.

James G. Bloom
Mayor