

BOROUGH OF PORTLAND  
Northampton County, Pennsylvania

ORDINANCE NO. 2008-9

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF PORTLAND, NORTHAMPTON COUNTY, PENNSYLVANIA, PROVIDING RULES AND REGULATIONS FOR THE UTILIZATION AND OPERATION OF THE BOROUGH SEWER SYSTEM; DECLARING THE PURPOSES OF THE ORDINANCE; PROVIDING DEFINITIONS FOR INTERPRETATION OF THE ORDINANCE; REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THE BOROUGH, SUBJECT TO LIMITATIONS, TO CONNECT WITH THE BOROUGH SEWER SYSTEM UPON NOTICE BY THE BOROUGH; PROHIBITING THE DISCHARGE OF SANITARY SEWAGE ONTO PUBLIC OR PRIVATE PROPERTY EXCEPT IN ACCORDANCE WITH THE ORDINANCE; PROHIBITING THE DISCHARGE OF INDUSTRIAL WASTE OR PROHIBITED WASTE INTO THE SEWER SYSTEM; RESTRICTING CONNECTION TO THE SEWER SYSTEM TO EXISTING IMPROVED PROPERTIES, UNLESS SUFFICIENT SEWER CAPACITY EXISTS; REQUIRING PERSONS TO OBTAIN A SEWER PERMIT PRIOR TO CONNECTION TO THE BOROUGH SEWER SYSTEM; REGULATING THE CONSTRUCTION OF BUILDING SEWERS CONNECTING TO THE BOROUGH SEWER SYSTEM; REQUIRING PROPERTY OWNERS TO PAY THE COST OF CONNECTION TO THE SEWER SYSTEM; PROVIDING REGULATIONS FOR THE USE OF THE BOROUGH SEWER SYSTEM; REQUIRING INTERCEPTORS, SCREENS AND EQUALIZATION TANKS FOR CERTAIN PROPERTY USES; PROVIDING FOR REGULATIONS CONCERNING THE USE OF GRINDER PUMPS; PROVIDING REGULATIONS FOR BOROUGH SEWER EASEMENTS; ESTABLISHING SEWER RENTAL/USER RATES, TAPPING FEES AND OTHER CHARGES; PROVIDING FOR THE TIME AND METHOD OF PAYMENT OF CHARGES RELATED TO THE SEWER SYSTEM; PROVIDING FOR LIENS FOR UNPAID CHARGES; PROHIBITING CERTAIN DISCHARGES; REGULATING ACCIDENTAL DISCHARGES; REQUIRING MONITORING MANHOLES IN CERTAIN CASES; REGULATING THE VACATION OF PREMISES AND CHANGES OF OWNERSHIP; PROVIDING ENFORCEMENT REMEDIES FOR VIOLATION OF THE BOROUGH'S RULES AND REGULATIONS UNDER THE ORDINANCE; PROVIDING FOR THE ASSESSMENT OF CIVIL PENALTIES AND COSTS; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Council of the Borough of Portland, Northampton County, Pennsylvania, enacts and ordains as follows:

ARTICLE I

DECLARATION OF PURPOSE

1.01. These Regulations set forth the terms and conditions of sanitary sewage collection and/or treatment services for those facilities in Borough of Portland owned, operated and maintained by the Borough of Portland ("Borough"). It is declared that enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety and welfare of inhabitants of this Borough. These Regulations may be amended from time to time in the discretion of the Borough.

1.02. The objectives of these Regulations are:

A. To establish terms and conditions for the use of the Borough's facilities, to provide for the enforcement of these Regulations, and to provide for the adoption of sewer connection charges and sewer rentals or charges.

B. To enable the Borough to comply with all applicable state and federal regulations required by the Federal Water Pollution Control Act of 1972 as amended by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403) or any subsequent amendments or revisions;

C. To protect the Borough's facilities from the introduction of wastes and pollutants which would damage or interfere with the operation of the works, including collection systems, conveyance systems, and/or treatment works, or which would contaminate sludges resulting from the wastewater treatment processes in such a way as to impair the disposal, recycling or reuse of such sludges, or which would cause wastewater to be inadequately treated and subsequently discharged to a receiving stream/river, or which would in any other way be incompatible with the works; and

D. To provide for the regulation of all direct and indirect users of the Borough's facilities through the issuance of permits and through enforcement of general requirements for



Users, to authorize monitoring and enforcement activities, and to require user reporting.

## ARTICLE II

### DEFINITIONS

2.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

"Act" or "The Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

"BOD<sub>5</sub> (Biochemical Oxygen Demand)" means the quantity of oxygen, expressed in Parts Per Million, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees centigrade. The standard laboratory procedure shall be defined by the latest edition of "Standard Methods for Examination of Water and Sewage" published by the American Public Health Association.

"Borough" means the Borough of Portland, Northampton County, Pennsylvania, acting by and through its council, or, in appropriate cases, by and through its authorized representatives.

"Building Sewer" means the extension from the sewage drainage system of any structure to the Lateral of a Sewer.

"Dwelling Unit" means any room, group of rooms, house, trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by persons living alone.

"Equivalent Dwelling Unit" - hereinafter referred to as "EDU" shall mean:

(i) A building (including a mobile home) under one roof and occupied by one family or business; or

(ii) A combination of buildings in one enclosure or group and occupied by one family or business; or

(iii) One side of a double building or house having a solid vertical partition wall; or

(iv) Each room or group of rooms in a building occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of Persons living together, or by a Person living alone; or

(v) Each apartment, office or suite of offices in a building or house having several such apartments, offices or suites of offices and using in common one or more hallways and one or more means of entrance.

(vi) As described in Attachment "C" for non-residential establishments.

"Industrial Wastes" means any and all wastes discharged from an Improved Property, other than Sanitary Sewage.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both (1) inhibits or disrupts the Borough's facilities, its treatment processes, use or disposal and (2) is a violation (a) of any requirement of the Borough's NPDES permit (including an increase in the magnitude or duration of a violation) or (b) of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent state or local regulations): Section 405 of the Act (33 U.S.C. 1345), the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the

SWDA), the Clean Air Act, the Toxic Substance Control Act, and/or the Marine Protection, Research and Sanctuaries Act.

"IPC" means International Plumbing Code.

"Improved Property" means any Property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage shall be or may be discharged.

"Lateral" means that part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curb line, extending to the Property line or, if no such Lateral shall be provided, then "Lateral" shall mean that portion of, or place in, a Sewer which is provided for connection of any Building Sewer.

"Owner" means any person vested with Ownership, legal or equitable, sole or partial, of any Improved Property.

"Person" means any individual, partnership, company, association, society, corporation or other group or entity.

"pH (Hydrogen Ion Content)" means the negative logarithm of the hydrogen ion concentration with the hydrogen ion concentration expressed as moles per liter, and indicating degree of acidity or alkalinity of a substance.

"Pollutant" means any dredged spoil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

"Publicly Owned Treatment Works" or "POTW" means the Borough of Portland's wastewater treatment plant.



"PPM or Parts Per Million" means parts per million.

"Pretreatment" or "Treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a Sewer System. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Part 403.

"Prohibited Waste" means any discharge prohibited under Article IX of this Ordinance, including Industrial Waste.

"Sanitary Sewage" means normal water-carried household and toilet wastes discharged from any Improved Property.

"Sewer" means any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

"Sewer System" means all facilities, as of any particular time, for collecting, transporting, pumping, treating and/or disposing of Sanitary Sewage, situate in this Borough, to be constructed, acquired, owned, maintained and operated by the Borough in, adjacent to and for certain portions of this Borough.

"Total Suspended Solids" (TSS or Non-filterable Residue) means the total amount of solids material present in Wastewater in suspension expressed in PPM.

"Toxic Pollutants" means any pollutant parameters established by the EPA or PA DEP pursuant to Section 307 of the Clean Water Act Amendments of 1977 or any subsequent State or Federal Acts.

"Toxic Substance" means any substance or combination of substances listed as toxic in regulations promulgated by the

EPA under the Act or by the Borough under any other statute or regulation.

"TSS Loading" means Pounds of Total Suspended Solids applied per day.

"UCC" means Uniform Construction Code.

"User" means any person or property which contributes, causes or permits the contribution of wastewater into the Borough's facilities shall be deemed as being serviced by the Borough and shall be subject to the Borough's Rules and Regulation.

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, institutions, or any other establishment or source together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the Borough's facilities or does so in violation of this Ordinance.

## 2.02 Abbreviations

The following abbreviations shall have the designated meanings:

BOD <sub>5</sub>	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	Environmental Protection Agency
l	-	Liter
Borough	-	Borough of Portland
mg	-	Milligrams
PPM	-	Parts Per Million
Borough's Facilities	-	Borough of Portland and/or Portland Industrial Park Sewer System
NPDES	-	National Pollutant Discharge Elimination System
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act 42. U.S.C. 6901, et seq.
TSS	-	Total Suspended Solids
USC	-	United States Code
WWTP	-	Wastewater Treatment Plant

## ARTICLE III

### USE OF PUBLIC SEWERS REQUIRED

3.01. Except as provided in Sections 3.09 through 3.11, the Owner of any Improved Property located in this Borough and benefited, improved or accommodated by the Sewer System, and whose Improved Property is located within 150 feet of the Sewer System, shall connect such Improved Property to the Sewer System, in such manner as this Borough may require, within 90 days after notice to such Owner from this Borough to make such connection, for the purpose of discharge of all Sanitary Sewage from such Improved Property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough from time to time.

3.02. All Sanitary Sewage from any Improved Property, after connection of such Improved Property to the Sewer System as required under this Article, shall be conducted into a Sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough from time to time.

3.03. No Person shall deposit or place, or permit to be deposited or placed, Industrial Waste or Prohibited Waste into the Sewer System.

3.04. No Person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any Sanitary Sewage or Industrial Wastes in violation of this Article. No person shall discharge or permit to be discharged to any natural outlet within this Borough any Sanitary Sewage or Industrial Wastes in violation of this Article, except where suitable treatment has been provided which is satisfactory to this Borough.

3.05. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under this Article to be connected to a Sewer. At the direction of the Borough, every such privy vault,



cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Borough, shall be cleansed and filled at the expense of the Owner of such Improved Property and under the direction and supervision of this Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the Owner of such Improved Property.

3.06. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

3.07. The notice by the Borough to make a connection to a Sewer, referred to in this Article, shall consist of a copy of this Ordinance, including any amendments at the time in effect, or a brief summary of each section thereof, and a written or printed document requiring such connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within 90 days from the date such notice is given. Such notice may be given at any time after a Sewer is in place which can receive and convey Sanitary Sewage for treatment and disposal from the particular Improved Property. Such notice shall be served upon the Owner either by personal service or by Certified mail or by the posting of the Notice on the Property or such other method as at the time may be provided by law.

3.08. In addition to the requirements of the Article VI, oil/water separators shall be provided by users when they are necessary for the proper handling of liquid wastes containing floatable oil or grease in such amounts that may, in the opinion of the Borough, cause obstruction to the flow in a sewer or pass-through or interference with the operation of the Sewer System. All oil/water separators shall be of a type and capacity approved by the Borough and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these oil/water separators, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to

review by the Borough. Any removal and hauling of the collected materials not performed by owner's (owners') personnel must be performed by currently licensed waste disposal firms.

3.09. The connection of an Improved Property to the Sewer System shall not be required, or permitted, in the event that the Borough, in its sole discretion, determines that there is not sufficient sewer capacity to serve the Improved Property. In the event there is insufficient sewer capacity to serve any Improved Property, or property which an Owner desires to improve, such Owner may utilize such other sewage disposal system as approved by the Borough and the Pennsylvania Department of Environmental Protection.

3.10. Until such time as the Borough determines there is available treatment capacity in the Sewer System to service a property improved or to be improved after the enactment of this Ordinance, only Improved Properties existing at the time of the enactment of this Ordinance shall connect to the Sewer System. After initial connections to the Sewer System, no new connection to the Sewer System will be permitted unless there is sufficient capacity, not legally committed to others, to adequately convey and treat the Sewage which the new connection would contribute. Further, the Owner of an Improved Property existing at the enactment of this Ordinance shall not subdivide the Improved Property in a manner that would create an additional Equivalent Dwelling Unit (as defined in this Ordinance) on the property unless the Borough determines, in its sole discretion, that sewer capacity is available.

3.11. The Borough reserves the right to refuse connection to its Sewer System as well as the right to compel the discontinuance of the use of such system, or to require the pretreatment of discharge by any User of any wastewater containing pollutants, substances or wastewater prohibited or limited by Article IX of these Regulations.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS

4.01. No Person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any Sewer or the Sewer System without first making application for and securing a sewer connection permit (sewer permit), in writing, from the Borough. The application for the sewer permit shall be supplemented by any plans, specifications and other information considered pertinent in the judgment of the Borough. The applicant shall pay a Tapping Fee with the application for the Permit as provided in this Ordinance, based on the number of EDU's to be served. In addition, each Owner of an Improved Property shall obtain a construction permit in accordance with the Pennsylvania Uniform Construction Code, as adopted by the Borough, and pay a permit/inspection fee as required by the Borough, for approval of the Owner's installation of a Building Sewer to the Sewer Lateral.

4.02. Except as otherwise provided in this Section 4.02, each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of the Borough, in writing, shall have been secured.

4.03. All costs and expenses of construction of a Building Sewer and all costs and expenses of connection of a Building Sewer to a Lateral shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless this Borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer or of connection of a Building Sewer to a Sewer.

4.04. A Building Sewer shall be connected to a Sewer at the place designated by the Borough and where the Lateral is provided. The invert of a Building Sewer at a point of



connection to a Lateral shall be at the same or a higher elevation than the invert of the Lateral. A smooth, neat joint shall be made and the connection of a Building Sewer to the Lateral shall be made secure and watertight. The size, slope, alignment, materials, or construction of the Building Sewer, and the methods to be used in excavating, placing of the pipe, joint testing and backfilling the trench shall conform to the requirements of the Borough's Consumer Service Code (See Attachment "C") and the Pennsylvania Uniform Construction Code, as adopted by the Borough, and any further rules and regulations adopted by the Borough at the time the application for connection is made.

4.05. If the Owner of any Improved Property located in this Borough and benefited, Improved or accommodated by the Sewer System, after 90 days' notice from the Borough, in accordance with Article III, shall fail to connect such Improved Property, as required, the Borough may make such connection and may collect from such Owner the costs and expenses thereof. In such case, the Borough shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the Owner of the Improved Property to which connection has been made, which bill shall be payable forthwith. In case of neglect or refusal by the Owner of such Improved Property to pay said bill within 10 (ten) days, the Borough shall file a municipal lien for said construction within 6 months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

4.06. No Owner or User of any property serviced by the Sewer System shall extend Building Drains or in any way permit or cause additional properties, dwelling units, processes, wastewater sources or storm or non-wastewater discharge sources to be connected to the Sewer System except as represented on the application for sewer service described in this Section.

4.07. The Borough may require the installation of a monitoring manhole where the service has the potential to convey Industrial Waste. The Borough reserves the right to require

flowmeters or other means of monitoring quantity of wastewater of any user.

4.08. Each Owner shall give the Borough's Inspector at least twenty-four (24) hours notice of the time when such connection will be made, so that the Borough may supervise and inspect the installation of the Service Laterals and/or Building Drains and associated appurtenances, the connection and any necessary testing.

4.09. As determined by the Borough, the Sewage Connection Permit may, at the discretion of the Borough, require monitoring, flow measuring, or other requirements as needed to protect the Sewer System.

4.10. The Borough shall have the right to inspect the facilities of any User to ascertain whether the purposes of these Regulations are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Borough or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or the performance of any of their duties. The Borough, PA DEP, and EPA shall have the right to set up inspection, compliance monitoring and/or metering operations. Where a User has security measures which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Borough, DEP, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

#### ARTICLE V

#### RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND CONNECTIONS TO SEWERS

5.01. Where an Improved Property, at the time connection to a Sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken

on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line, as a Building Sewer.

5.02. No Building Sewer shall be covered until it has been inspected and approved by the Borough. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to a Sewer.

5.03. Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

5.04. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Streets, sidewalks and other public Property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to the Borough.

5.05. If any Person shall fail or refuse, upon receipt of a notice from the Authority, in writing, to remedy any unsatisfactory condition with respect to a Building Sewer, within 45 days of receipt of such notice, the Borough may refuse to permit such Person to discharge Sanitary Sewage into the Sewer System until such unsatisfactory condition shall have been remedied to the satisfaction of the Borough.

5.06. This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Sewer and the Sewer System, which additional rules and regulations to the extent appropriate, shall be construed as part of this ordinance.



ARTICLE VI

INTERCEPTORS, SCREENS AND EQUALIZATION TANKS

6.01. Interceptors for greases, oils and sediments shall be provided on all services draining from restaurants, hotels, public eating places, service stations, automobile repair shops, and auto service centers. Additionally, interceptors, screens, and/or equalization tanks may be required on any Building Drain and/or Service Lateral where so determined by the Borough for the proper handling of liquid wastes containing greases in excessive amounts ((see Article IX) but not limited to) or any flammable wastes, sediments, viscous substances or other harmful ingredients. It is the Owner's responsibility, not the Borough's, for the design, selection, procurement, installation and/or testing of all interceptors, screens and equalization tanks, provided all such interceptors, screen and equalization tanks shall be subject to the Borough's approval.

6.02. All interceptors shall be of a type and capacity approved by the Borough required by the IPC and shall be located under cover and so as to be readily and easily accessible for cleaning and inspection. Interceptors shall not be located so as to receive rainwater or runoff.

6.03. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

6.04. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times. Interceptors shall be cleaned at least once a week. Failure to maintain interceptors will result in penalties in accordance with Article XIV.

6.05. Failure by the Owner to properly clean and maintain these units shall be considered sufficient cause for termination of sewer service as provided for in these Regulations.

## ARTICLE VII

### GRINDER PUMPS

7.01. During the initial construction, the Borough will purchase and provide a grinder pump on the premises of any domestic-use Owner who requires a grinder pump in the Borough's sole discretion. The Borough Owner will be responsible for installation of the sewer discharge line between the grinder pump and the sanitary sewer. The Owner will be responsible for installation of the discharge line between the Owner's structure and the grinder pump from the house to the pump and then to the sewer main lateral at the property line.

7.02. After the initial construction, any new Owner requesting sewer service will be required to furnish and install a grinder pump at the owner's expense, including all necessary electrical and plumbing work.

7.03. Owner will receive from the Borough whatever warranty, if any, that is provided by the manufacturer of the grinder pump for those grinder pumps installed provided during initial construction.

7.04. Upon installation of the grinder pump during the initial construction, and after inspection by the Borough through its delegated agent confirming that the installation is appropriate, the grinder pump will become the property of Owner, who will thereafter be responsible for its continued maintenance and satisfactory operation.

7.05. Owner shall appropriately inspect, maintain, and otherwise ensure the satisfactory operation of the grinder pump, including, if necessary, the repair and/or replacement of the grinder pump, all at Owner's sole cost. Owner will also be

solely responsible for the electrical or other energy costs necessary to operate the grinder pump.

7.06. Owner shall notify the Borough promptly upon discovery of any problem or defect in the operation of the grinder pump. Owner will arrange promptly any necessary repair and/or replacement of the grinder pump. Any such planned repair or replacement will be subject to the Borough's advance approval, in order to assure that the planned repair or replacement is consistent with the appropriate operation with respect to the particular property in question. Borough may maintain an inventory of certain spare pump parts, but costs of repairs, including Borough-supplied spare parts, will remain the Owners' responsibility.

#### ARTICLE VIII

#### SEWER EASEMENTS

8.01. The Owner shall be responsible for maintaining the Borough's sewer easement after construction is completed.

8.02. Access to the sewer easement by the Borough shall not be impeded by the Owner placing and/or planting unacceptable structures and/or vegetation within such sewer easement, unless expressly authorized in the Right-Of-Way Agreement or in a separate writing executed by the Borough.

8.03. The Borough will consider use of its rights-of-way sewer easement by others on a case-by-case basis in accordance with Borough policy, as it may be amended from time to time. If the Borough grants permission for the use of the Borough's right-of-way sewer easement, then the grantee will be responsible for any and all restoration costs of the Borough's right-of-way sewer easement and/or any other adjoining property areas.

8.04. The Borough may choose at its discretion to install drop curbs, reinforced concrete sidewalks and/or any other appurtenances that may enhance access by the Borough to its



right-of-way sewer easement. Any such improvements shall be at the Borough's expense.

## ARTICLE IX

### SEWER RENTALS

9.01. Sewer rentals and charges are imposed upon and shall be collected from the Owner of each Improved Property which shall benefit from the existence of the Sewer System, for the availability of or use of the Sewer System, irrespective of whether such availability or use shall be direct or indirect, and for services rendered by the Borough in connection therewith.

9.02. Sewer rentals and charges imposed on each such Improved Property shall be payable in accordance with the schedule as set forth on Attachment "A", attached hereto and made a part hereof.

9.03. If two or more Dwelling Units, stores, offices, industrial units, etc., are connected to the Sewer System through a single lateral or if two or more types of use are made of the same Improved Property, the sewer rentals and charges, payable hereunder shall be computed as though each such Dwelling Unit, store, office, industrial unit, etc., and each such type of use were a separate Improved Property or user with a separate connection to a sewer, regardless of the fact such Dwelling Units may be owned by the same person.

9.04. Additional classifications and sewer rentals and charges or modification of the above schedule of sewer rentals and charges may be established by this Borough from time to time as deemed necessary.

9.05. Nothing herein contained shall be deemed to prohibit this Borough from entering into separate agreements with Owners (including any school) with respect to sewer rentals and charges to be imposed in those cases where, due to seasonable fluctuations or other unusual circumstances, the sewer rentals

as set forth herein shall be deemed by this Borough to be unfair or inequitable.

9.06. Any Property Owner, upon connection to the Sewer System of Borough, shall be liable for sewer rental from the date of hookup, and shall be billed in accordance with normal billing procedures of the Borough. If any Property Owner shall fail to hook up when required, sewer rentals shall be due from the date the Owner was required to hook up.

#### ARTICLE X

#### TAPPING FEES

10.01. No Person shall connect any Improved Property with any part of the Sewer System without first making application for and securing a permit, in writing, from the Borough or its approved agents.

10.02. Each Owner connecting to the Sewer System shall pay a Tapping Fee in the amount set forth in Attachment "A" prior to connecting to the Sewer System. Tapping Fees are assessed on the basis of an Equivalent Dwelling Unit (EDU) calculation wherein each EDU shall be assessed one (1) Tapping Fee. See Attachment "B" for classification of EDUs. In the event that the Owner fails to connect to the Sewer System when required, the Tapping Fee shall be due and owing as of the date the Owner was required to connect, but failed to do so. If the fee is not paid within thirty (30) days thereafter, a 10% penalty shall be added. If the Tapping Fee is not paid within a period of sixty (60) days from its due date, there shall be an interest charge of 1-1/2% per month added to the Fee, effective from the initial due date.

10.03. Payment of tapping fees charged by this Borough shall be enforced by the Borough in any manner appropriate under laws at the time in effect, including but not limited to municipal lien.

10.04. EDUs are not transferable from property to property.

10.05. If a property has a change of use, there will not be a rebate of the Tapping Fee if the categorical number of EDUs is reduced for a given property (i.e., a change from four (4) to two (2) EDUs). However, the monthly base rate, which is predicated on the number of EDUs, shall be reduced accordingly to reflect the new number of EDUs.

10.06. The Borough reserves the right to audit any and all users of the Sewer System to ascertain if the appropriate Tapping fees were assessed. If the user has changed the type of service (i.e., residential, commercial, industrial, institutional, etc.), or if the user falls under a different EDU classification, then the Borough may also assess additional Tapping Fees.

## ARTICLE XI

### MISCELLANEOUS CHARGES

11.01. Surcharge for High Strength Wastes - Any person discharging into the Sewer System wastewater in violation of this Ordinance containing more than 250 mg/l of suspended solids, 250 mg/l of biochemical oxygen demand, 25 mg/l of chlorine demand (otherwise prohibited by Article IX), any excess of Pollutant limitations indicated and any Pollutant not included herein and deemed by the Borough to require special attention and surcharge, shall be charged for such service, in addition to the Sanitary Sewage charges set forth herein, an additional charge based on the weight of the excess concentrations in accordance with the below rates or the then current Schedule of Rates, or such other additional charge which is reasonably calculated to compensate the Borough for the additional expense incurred by the Borough for treatment.

BOD = \$0.13 per pound

TSS = \$0.14 per pound

All other exceedances = \$0.15 per pound

11.02. Determination of surcharge quantities for High Strength Waste Discharges shall be made based on sampling and analysis methods as specified by the Borough.



11.03. Cost of laboratory testing of wastewater - Any costs of laboratory testing of wastewater will be billed to and reimbursed by the User or property Owner jointly and severally. It will be at the discretion of the Borough to determine when independent laboratory testing is necessary and what frequency the testing shall be Imposed.

11.04. Monitoring Costs - All monitoring costs shall be the responsibility of the User and Property Owner, jointly and severally.

## ARTICLE XII

### TIME AND METHOD OF PAYMENT

12.01. All bills for sewer rentals and charges shall be rendered monthly, or on such dates as this Borough by resolution shall specify, and shall cover a billing period consisting of the immediately preceding calendar month.

Owners of existing and/or new Improved properties benefiting from the existence and/or use of the Sewer System during any calendar month shall pay a sewer rental and charge for service on the entire month. During a period in which the service is discontinued, the customer shall be liable for the payment of the minimum rate as established by the Borough, in accordance with its then current rate schedule.

12.02. All bills are due and payable within thirty (30) days of billing date; thereafter, a ten percent (10%) late charge shall be added. After a period of sixty (60) days, there shall be an interest charge of one and one-half percent (1.5%) per month, effective from the due date.

12.03. If a sewer bill is not paid when due, the Borough may terminate sewer service or water service in accordance with Article XIV.

12.04. Every Owner of Improved Property which is connected to the Sewer System initially shall provide this Borough with

and thereafter shall keep this Borough advised of his correct address.

12.05. Failure of any person to receive bills for sewer rentals and charges shall not be considered an excuse for non-payment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

### ARTICLE XIII

#### LIENS FOR SEWER RENTALS AND ALL OTHER CHARGES; FILING AND COLLECTION OF LIENS

13.01. Sewer rentals and all other charges imposed by this Resolution shall be a lien on the Improved Property connected to and served by the Sewer System; and any such sewer rentals and charges which are delinquent shall be filed as a lien against the Improved Property so connected to and served by the Sewer System (or required to be connected), which lien shall be filed in the office of the Prothonotary of Northampton County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

### ARTICLE IX

#### PROHIBITED DISCHARGES

14.01. No person shall contribute or cause to be contributed, directly or indirectly, any pollutant, substance or wastewater which will interfere with the operation or performance of the Sewer System; be harmful to the system; adversely effect the wastewater treatment processes; or the disposal, reuse or recycling of the sludges resulting from such treatment processes; or which will pass through the Sewer System, inadequately treated, to the receiving stream/river.

14.02. Any ground water, storm water, surface water and/or water from underground drainage fields which may originate from roof drains, cellar drains, residential floor drains, hydrants, etc. or any other source of infiltration and inflow is prohibited.

14.03. These general prohibitions apply to all Users whether or not the User is subject to the National Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements. A User may not contribute to the Sewer System, either directly or indirectly, any of the following substances:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious to persons or in any other way harmful to the Sewer System. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the System (or at any point in the System), be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosion Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, motor oil, fuel oil, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides or any other substances which the Borough, the State or EPA has notified the User is a fire hazard or a hazard to the system.

B. Any wastewater containing insoluble solid or viscous substances which, in the opinion of the Borough, may cause obstruction to the flow in the sewer or other interference with the operation of the treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, garbage that has not been ground by household type or other suitable garbage grinders, animal guts or tissues, paunch, manure, bones, hair, feathers, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, rubber, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

C. Any wastewater having a pH lower than six and one-half (6.5), higher than nine (9.0), or wastewater having any other corrosive property capable of causing damage or hazard to persons or structures or equipment or the Sewer System.



D. Any wastewater containing toxic substances or pollutants in sufficient quantity to cause interference, constitute a hazard to humans or animals, create a toxic effect in the Sewer System or the receiving waters of the Sewer System, or to exceed a limitation set forth in the National Categorical Pretreatment Standard - Prohibited Discharges. In general, wastewater will be considered harmful to the Sewer System including treatment facilities if they cause any of the following damaging effects:

(1) Chemical reaction with the materials of construction of the Sewer System in such a manner as to impair the strength or durability of the sewer structures;

(2) Mechanical action that will destroy the sewer structures;

(3) Restriction of the hydraulic capacity of the sewer structures;

(4) Danger to inspectors or maintenance crews engaged in checking and repairing of the Sewer System;

(5) Danger to the public health and safety; or

(6) Conditions which are obnoxious or inimical adverse to the public interest.

E. Any noxious or malodorous liquids, gases, or solids, which either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or to create any impediment to entry into the sewers for maintenance and repair purposes.

F. Any substance in sufficient quantity which alone or in conjunction with substances in any discharge or discharges pollutants, which would cause the effluent or any other product of the Borough's facilities such as residues, sludges, or scums,

to be unsuitable for reclamation and reuse or to interfere with the reclamation process or would cause noncompliance to the Act or any other criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to any other federal or state statute, rule or regulation.

G. Any substance in sufficient quantity which alone or in conjunction with substances in any discharge or discharges, would cause the Borough to violate its NPDES Permit.

H. Any wastewater having a temperature which will inhibit biological activity in the WWTP resulting in interference, including, without limitation, any wastewater with a temperature at the introduction into the Sewer System which exceeds 40°C (104°F) or falls below 0°C (32°F).

I. Any slug load having a flow rate or containing a concentration or quantity of pollutants that exceeds, for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation, or any pollutants, including oxygen demanding pollutants, released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference to the Borough's facilities.

J. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Borough in compliance with applicable State or Federal regulations.

K. Any wastes containing soluble substances in such concentrations as to cause the specific gravity of the waste to be greater than 1.1.

L. Any wastes containing more than one hundred (100) ppm by weight of fats, oils and grease.

M. Any wastes containing solids of such character and quantity that special and unusual attention is required for

their handling. This includes, without limitation, rubber or plastic solids.

N. Any wastes containing any substance which would cause the Treatment Plant to be in noncompliance with sludge use, re-cycle, or disposal criteria pursuant to guidelines or regulations developed under Section 405 of The Clean Water Act of 1977, 33 U.S.C. § 11, the Clean Air Act, or regulations or criteria for sludge management and disposal as required by the PA DEP.

O. Any wastes containing color which cannot be removed in the Treatment Plant's treatment processes.

P. Any wastes containing any pollutant, including BOD<sub>5</sub> pollutants, released at a flow rate and/or pollutant concentration which would cause interference with the Treatment Plant.

Q. Any other substances prohibited under EPA or PA DEP regulations.

14.04. Whenever the Borough determines that a User is contributing to the Sewer System any of the above enumerated prohibited substances in any material amount as determined by the Borough, the Borough shall advise the User of the impact of the contribution on the system, and the User shall be required to comply with Borough discharge rules to correct the interference with the operation of the Sewer System.

14.05. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial sub-category, the National Standard, if more stringent than limitations imposed under these Regulations for sources in the sub-category, shall immediately supersede all limitations imposed under these Regulations. The Borough shall notify all effected Users of the applicable reporting requirements under 40 CFR, Section 403.12.



14.06. No person shall discharge to the Sewer System, unless otherwise provided in the sewage connection permit, any Sanitary Sewage or other wastewater exceeding the following concentrations of pollutant parameters:

A. Any wastewater containing any concentration of individual metals in excess of the following: (all units ppm)

Aluminum	2.0	Iron	2.0
Arsenic	0.005	Lead	0.1
Beryllium	0.001	Mercury	0.005
Cadmium	0.01	Molybdenum	0.05
Chromium (total)	0.15	Nickel	0.1
Chromium (hexavalent)	0.005	Selenium	0.001
Copper	0.3	Silver	0.025
		Zinc	0.5

B. Any wastewater containing concentrations in excess of those listed here for the following pollutants:

Cyanide	0.05 ppm
Oils and grease of petroleum origin (non-polar)	20 ppm
Oils and grease of animal or vegetable origin (polar)	100 ppm
pH	less than 6.5 or greater than 9.5 standard units
Phenols	0.1 ppm
Refer to 1.81.	

C. Any wastewater having concentrations in excess of the following:

Biochemical Oxygen Demand (five (5) day) BOD <sub>5</sub>	250 mg/l
Total suspended solids	250 mg/l
Chlorine demand	25 mg/l

The determination of the quantity of pollutants shall be in accordance with the procedures published in 40 CFR Part 136

and/or the latest edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, et al., and as determined by the Borough.

14.07. State requirements and limitations on discharges shall apply in cases where they are more stringent than Federal requirements and limitations or those in these Regulations.

14.08. The Borough reserves the right to revise or to establish more stringent limitations or requirements on Users of the Borough's facilities, if deemed necessary to comply with the objectives of these Regulations.

14.09. No User shall increase the use of water or process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with concentration-based limitations contained in the National Categorical Pretreatment Standards or in any other pollutant-specific limitation developed by the Borough or State; provided, however, that dilution may be an acceptable means of complying with some of the prohibitions, (e.g., the pH prohibition).

14.10. This Borough reserves the right to refuse permission to connect to the Sewer System, to compel discontinuance of use of the Sewer System, or to compel pretreatment of discharges, in order to prevent discharges deemed harmful or to have a deleterious affect upon the sewer or Sewer Systems.

14.11. Where necessary, all Owners shall install suitable pretreatment facilities in order to comply with Article IV. Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of this Borough and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from this Borough, and until approval thereof first shall have been obtained from any governmental body having jurisdiction.

14.12. No Person shall deposit or place, or permit to be deposited or placed, Industrial Waste into the Sewer System

14.13. In order to prevent grease, oil and sand from being discharged to the Sewage System, the Borough may require any establishments engaged in preparation, processing or sale of food to install and properly maintain one or more grease traps of a type and capacity approved by the Borough, and the same shall be located outside the establishment so as to be readily and easily accessible for cleaning and inspection. If any other user in the opinion of the Borough discharges a quantity of grease, oil or sand in the sewage so as to warrant the installation and maintenance of one or more grease traps, same shall be installed and maintained in accordance with the Borough's rules and regulations. The cost of installation and proper maintenance of the grease trap shall be borne by the Property Owner.

14.14. Anyone who discharges Industrial Waste or Prohibited Waste into the Borough Sewer System or any other waste that is detrimental to the system or causes damage to the system, shall be responsible for all damages caused by such discharge.

14.15. This Borough shall have the right to access at reasonable times any part of any Improved Property served by the Sewer System, as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by this Borough through the Sewer System.

#### ARTICLE XV

#### ACCIDENTAL DISCHARGES

15.01. Accidental Discharge Prevention Plans and Notification - Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Regulations. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Borough upon request. Where accidental discharge protection is determined to be necessary by the



Borough, no User so ordered by the Borough shall discharge to the Sewer System after the effective date of these Regulations, until accidental discharge procedures have been approved by the Borough. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to immediately telephone and notify the Borough of any incident and shall not relieve the User from the responsibility to modify the User's facility as necessary to meet these requirements. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

15.02. Written Notice Within Five (5) Days Following An Accidental Discharge - The User shall submit, in a format approved by the Borough, a detailed written report describing the cause of an accidental discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Borough's facilities, fish kills, or any other damage to person or property, nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be sought by the Borough, or any local, state or federal agencies or entities.

15.03. Corrective Action Required - Failure of any User to institute corrective operating procedures or installation of facilities necessary to prevent a reoccurrence of an accidental discharge to the Borough's facilities shall be a violation of these Regulations.

## ARTICLE XVI

### MONITORING MANHOLE

16.01. The Borough may require monitoring facilities to allow inspection, sampling and flow measurement of the total discharge of the User to the Sewer System to be provided and operated at the User's own expense. The monitoring facility should normally be situated on the User's premises, but the Borough may, when such a location would be impractical or cause undue hardship to the User, approve the facility to be constructed in the public street or sidewalk area and located so

that it will not be obstructed by landscaping or parked vehicles.

16.02. There shall be ample room in or near such sampling manholes or facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

16.03. Whether constructed on public or private property, the sampling and monitoring facilities shall be completed in accordance with the Borough's requirements and all applicable local construction standards and specifications. Construction shall be completed within the time specified by written notification by the Borough.

#### ARTICLE XVII

##### VACATING THE PREMISES AND CHANGE OF OWNERSHIP

17.01. A new application for sewer service must be made upon any change in ownership of a property. The Borough shall be at liberty to discontinue the sewer service until a new application has been made and approved. If the new owner fails to complete an application and there are outstanding charges, the new owner will be jointly and severally held liable for those charges along with the old owner.

17.02. The Owner must give notice at the office of the Borough when vacating the premises. The sewer service charge will continue in effect until notice of vacating the property has been given to the Borough and the Borough has verified the cessation of discharge or the vacation of the property.

17.03. For multiple occupancy properties and rental properties or units, the Borough shall bill the Owner on the basis that all units are continuously occupied.

17.04. Property owners are responsible for all applicable sewer service charges for periods where the property may be

vacated on a temporary or short-term basis (less than six (6)-months). For long-term vacancies (greater than six (6) months), The Borough may repeal the sewer service charge.

## ARTICLE XVIII

### SEWER SYSTEM

18.01. Building Sewer Connections: Unless written permission is obtained from the Borough or its agents, a separate Building Sewer be required for each individual building or house whether constructed as a detached unit or as one of a pair or row, but a single Building Sewer will be permitted to serve a school, factory, an apartment house, or other permanent multiple unit structure whose individual apartments or units may not be subject to separate Ownership.

18.02. Service Laterals And Building Sewers: Building Sewers shall be subject at all times to the inspection and approval of the Borough or its representative who shall have supervision and control over the same. Any Building Sewer not so approved shall be re-laid at the expense of the Property Owner if ordered by the Borough or its representative. No Building Sewer shall be covered until it has been inspected and approved by this Borough. If any part of a Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection, at the cost and expense of the Owner of the Improved Property to be connected to a Sewer. If field conditions are such that a gravity connection cannot be met, the Borough may require the Owner to install a grinder pump or to eliminate the basement service. The service Lateral will be installed by a qualified Contractor chosen by the Property Owner and approved by the Borough to the curb line and the Building Sewer shall be made, by and at the sole expense of the Property Owner, to the service Lateral heretofore constructed. After completion of construction of the Sewerage System, any additional service Lateral shall be constructed from the street Sewer main to the building by a qualified Contractor chosen by the Property Owner and approved by the Borough and at the sole expense of the Property Owner who has obtained a permit.



18.03. Disconnection Of Service Laterals: The Borough shall have the right to close or disconnect from the Sewer System any service Lateral or Building Sewer used for carrying rain water, surface water, groundwater or objectionable matter, or whenever any violations of these Rules and Regulations are committed.

18.04. Control Of Service: The Borough shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs, or failure from any cause beyond its control. The Borough reserves the right to restrict the use of Sewer service whenever the public welfare so requires or when sufficient capacity is not available. In consideration of the right to connect to the Sewer System, the Borough shall not be liable for any damage or expense, resulting from leaks, stoppages or defective plumbing, or from any other cause occurring to any premises or within any building; and it is hereby expressly agreed by all persons making connection with the Sewer System that no claims shall be made against the Borough on account of the breaking or stoppage of, or any damage or expense to, any Building Sewer where the cause thereof is found to be in such Building Sewer.

18.05. Maintenance By Owner: All connections, sewer lines, and fixtures furnished by the Owner shall be maintained by him in good order, and all valves, meters, and appliances furnished and owned by the Borough and on the Property of the Owner shall be protected properly and cared for by said Owner. All leaks in the service or any other pipe or fixture in or on the premises supplied must be repaired immediately by the Owner of the premises. Roots entering pipes show open joints or broken pipes and shall be considered as leaks. The Owner of the improved property is responsible for paying all costs and expenses for maintaining sewage flow in the Building Sewer. If there is blockage in the Building Sewer, the Owner is responsible for taking action to remedy the problem. If there is a blockage caused by a lateral protruding into the sewer or incorrect lateral installation, the Owner of the improved property shall be responsible for one-half the cost to repair. Any repair, and its need, shall be in the sole discretion of the Borough.

18.06. Borough Not Responsible: The Borough and its agents shall in no event be responsible for maintaining any portion of

the service line or house connection owned by the Owner; or for damage done by water escaping there from; or from lines or fixtures on Owner's Property; and the Owner shall at all times comply with Borough regulations with reference thereto, and make changes therein, required on account of change of grade relocation of mains, or otherwise.

#### ARTICLE XIV

#### ENFORCEMENT

##### 19.01. Notification of violations.

A. Whenever it has been determined that any person has violated or is violating this Ordinance, a sewer permit, or any prohibition or limitation or requirement contained herein, the Borough may serve upon such person a written notice of violation, which shall be sent via certified or registered mail to the last known address of the person, stating the nature of the violation. Within 30 days of the date of the notice, the person shall submit an explanation of the violation and a plan for the satisfactory correction thereof to the Borough.

B. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Borough to take any action, including emergency actions or any other enforcement actions, without first issuing a notice of violation. It shall be the obligation of any person within two hours of the time when such person knew or should have known that it is violating the provisions of this Ordinance, sewer permit or any regulation issued pursuant to this Ordinance, to notify the Borough. In addition, when the violation involves the discharge of wastewater above local permitted limits, the user shall resample and resubmit the results of such resampling with respect to violated pollutants within 30 days of notice to the Borough of such violation.

19.02. Consent orders.

The Borough may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any person determined by the Borough to be in noncompliance. Such documents will include specific action to be taken by the person to correct the noncompliance within a time period specified by the document, and may include the payment of civil penalties and reimbursement of costs pursuant to Article XX of this Ordinance. Such documents shall have the same force and effect as the administrative orders issued pursuant to Article XX of this Ordinance.

19.03. Proceedings to show cause.

A. The Borough may order any person that the Borough believes has violated or continues to violate any provision of this Ordinance, a sewer permit, or an order issued hereunder, or any other pretreatment standard or requirement, to show cause before the Borough why a proposed enforcement action should not be taken. A notice shall be served on the person specifying the time and place of a hearing to be held by the Borough regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the person to show cause before the Borough Council, or its designee, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

B. The Borough Council may itself conduct the hearing and take the evidence or may designate any of its members or any officer, employee, or other person to do so and to:

(1) Issue in the name of the Borough notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;



(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Borough Council for action thereon.

C. At any hearing pursuant to this Ordinance, testimony must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

D. A show cause hearing shall not be a bar against, or a prerequisite for, taking any other action against the person.

#### 19.04. Suspension or termination of permit.

A. The Borough may immediately suspend a person's discharge or sewer permit when such suspension is necessary in the opinion of the Borough to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, including employees of the POTW, or to the environment, or may cause interference to the POTW, or pass-through, or which may cause the Borough to violate any condition of its NPDES permit, or when, in the opinion of the Borough, the person has demonstrated the inability or unwillingness to comply with its permit or this Ordinance.

B. Any person notified of a suspension of its discharge or sewer permit under this section shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Borough may take steps as deemed necessary to prevent or minimize damage to the POTW system or endangerment to any individuals, or to assure compliance. The Borough may reinstate the discharge or permit upon proof of the elimination of the noncomplying discharge by person, proof of compliance with this Ordinance, payment of any damages, fines, penalties, or costs associated with the discharge, and the submittal of a detailed

written statement describing the causes of the discharge, or noncompliance, and the measures taken to prevent any future recurrence. This statement must be submitted to the Borough within five days of the date of occurrence.

C. Additionally, any person is subject to suspension of its discharge or sewer permit granted under this Ordinance for violation of applicable state and federal regulations or by reason of the commission of any of the following acts:

(1) Failure to report factually on discharge wastewater constituents and characteristics;

(2) Failure to report significant changes in operations or wastewater constituents and characteristics;

(3) Refusal to permit reasonable access to the premises for inspection and monitoring; or

(4) Violation of any of the conditions of its permit or this Ordinance.

D. The suspension/termination of a permit by the Borough shall not be a bar against, or a prerequisite for, taking other action against a person.

#### 19.05. Cease and desist orders.

A. When the Borough finds that a person has violated or continues to violate any provision of this Ordinance, a sewer permit or order issued hereunder, or any other pretreatment standard or requirement, or that the person's past violations are likely to recur, the Borough may issue an order to the person directing it to cease and desist all such violations and directing the person to:

(1) Immediately comply with all requirements; and

(2) Take appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

B. The issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking other action against the person.

#### 19.06. Appeal.

A person, upon receipt of notification of suspension of its sewer permit, an administrative order, or a cease and desist order, may appeal the decision in writing to the Borough with a statement of reasons therefor within 10 days of receipt of the notice or order. An appeal shall not stay the effect of any such notice or order unless specifically agreed to in writing by the Borough Council, other than the requirement to pay any assessment of civil penalties and costs pursuant to Article XX of this Ordinance. Failure to appeal within this time period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty or costs.

A. Notice of hearing. After receipt of an appeal by the Borough, and upon receipt of notice in writing given to the permit holder or any agent or officer thereof at least five days prior to the time fixed therefor the Borough Council, or a designee of the Borough Council, shall convene and conduct a hearing on the propriety or lack thereof of the notice or order, during which the appellant and the Borough may present testimony and evidence. A stenographic recording of the proceeding shall be made. The full cost of the stenographic transcript of such a proceeding shall be borne by the appellant who shall pay to the Borough a fee of \$500 within 48 hours of its receipt of notice of the date of the hearing from the Borough. The Borough shall assess the appellant any additional costs associated with the stenographic recording over and above \$500 or it shall reimburse appellant any unused portion thereof less \$100 to cover administrative costs.



B. Method of decision. The findings and determinations of the Borough shall be in writing and shall be mailed by means of certified or registered mail to the person or to his duly authorized representative within 30 days of the hearing, unless extended for good cause, with a certified copy thereof to be filed with the Borough, which determination shall be binding both upon the Borough and all parties in interest.

C. Action following appeal decision. The person may appeal the Borough's decision in accordance with applicable law.

#### 19.07. Injunctive relief.

A. When the Borough finds that a person has violated or continues to violate any provision of this Ordinance, a sewer permit or order issued hereunder, or any other pretreatment standard or requirement, the Borough may petition the Court of Common Pleas of Northampton County for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order or other requirement imposed by this Ordinance on the activities of the person.

B. The Borough may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the person to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person.

#### 19.08. Criminal prosecution.

A person who willfully or negligently violates any provision of this Ordinance, a sewer permit or order issued hereunder, or any other pretreatment standard or requirement, or who willfully or negligently introduces any substance into the Sewer System in violation of this Ordinance, a permit or order issued hereunder, or any other pretreatment standard or requirement, or any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or document filed, or required

to be maintained pursuant to this Ordinance, a permit or order issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device of a method required under the Ordinance, may be subject to criminal prosecution in accordance with the applicable provisions of the Pennsylvania Crimes Code, 18 Pa.C.S.A. § 101 et seq.

19.09. Termination or Restriction of Sewer Service.

A. The Borough or its agent shall have the right to terminate sewer service to a property and/or to a User for nonpayment of sewer service charges or for other noncompliance with these Regulations, and to charge for the resumption of service in accordance with the current schedule of rates. Without limiting the generality of the foregoing, sewer services to a property and/or a User may be discontinued for any of the following reasons:

(1) For misrepresentation in an application as to property or fixtures to be supplied;

(2) For the use of Sewer Service for any other property or purpose than that described in the application or misrepresenting the waste to be delivered to the sewer system;

(3) For failure to maintain proper piping fixtures and appurtenances for discharge of sewage;

(4) For damaging any Service Lateral, seal or any appliances of the Borough;

(5) For refusal to segregate storm water discharge as directed by the Borough;

(6) For failure to make payment of any charges imposed by the Borough;

(7) For refusal to grant reasonable access to property to Borough personnel for purposes of inspecting, reading, caring for or removing any meter used for the determination of sewer service charges;

(8) For failure to comply with any discharge limitations set forth in these Regulations or any permit;

(9) For failure to obtain or comply with the discharge restrictions as provided by these Regulations;

(10) For any change in the quantity or character of the wastewater, which has not been previously approved and permitted by the Borough, and/or which, in the opinion of the Borough may jeopardize the Borough's facilities or its capability to treat or convey the Wastewater, or have the wastewater treated by others; or

(11) For any other violations of the regulations. These regulations as may be amended from time to time.

B. The Borough shall have the right to restrict or terminate sewer service with or without notice as circumstances permit, in the case of emergencies, breakdowns, or other justifiable causes, or for the purpose of making repairs to the main sewers.

C. In no case shall the Borough be liable to any person for any damage or inconvenience suffered as a result of termination or restriction of service. In no event shall the Borough be liable for any incidental or consequential damage claimed by any User for any reason.

#### 19.10. Termination of Water Service

A. If the owner or occupant of a premises served by a water utility neglects or fails to pay, for a period of 30 days from the due date, a rental, rate or charge for sewer, sewerage



or sewage treatment service imposed by the Borough, the water utility shall, at the request and direction of the Borough shut off the supply of water to the premises until all overdue rentals, rates, charges and associated penalties and interest are paid.

B. Except as set forth in subsection "C" and "D", all of the following apply:

(1) In no case shall the water supply to premises be shut off until ten (10) days after a written notice of intention to do so has been posted at a main entrance and mailed to the person liable for payment of the rentals and charges and the owner of the property or property manager.

(2) If during the ten (10)-day period the person liable for payment of the rentals and charges delivers to the water utility supplying water to the premises a written statement under oath or affirmation averring that there is a just defense to all or part of the claim and that the statement was not executed for the purpose of delay, the water supply shall not be shut off until the claim has been judicially determined.

C. Prior to discontinuing service in a residential building as defined under the act of November 26, 1978 (P.L. 1255, No. 299), known as the Utility Service Tenants Rights Act, a water utility shall comply with the provisions of that act.

D. Nothing in this section shall be construed to authorize an authority or privately owned sewer or water company to shut off or deny water service to a lessee for failure of a previous lessee to pay a water or sewer service rate, rental or charge.

E. In the event of water service shutoff, the Owner of the property shall be liable to the Borough for all costs and charges incurred by the Borough in connection with water service shutoff, including, but not limited to, the charges of the water

utility. All such costs and charges shall be paid by the property Owner prior to resumption of water and sewer service.

ARTICLE XX

ASSESSMENT OF CIVIL PENALTIES AND COSTS

20.01. Civil penalties and costs.

A. In addition to proceeding under any other remedy available at law or in equity for violation of pretreatment standards and/or requirements, the Borough, as the operator of a POTW, may assess a civil penalty upon a person by issuance of an administrative order under Article XIX, regardless of jurisdictional boundaries, for violation of any terms and provisions of this Ordinance. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed \$25,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct offense.

B. As part of any notice of assessment of civil penalties, the Borough shall include a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal on behalf of the Borough.

C. For the purposes of this section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by the Act.

D. The POTW may also recover its costs for reestablishing the POTW in addition to any civil penalty imposed under this section.

E. The Borough may also recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses, expert

witness fees and the cost of any actual damages incurred by the Borough.

F. Civil penalty assessment policy. The Borough shall pass a resolution setting forth a civil penalty assessment policy. The civil penalty assessment policy will be made available for inspection at the Borough offices.

#### 20.02. Uses for penalties.

All civil penalties collected pursuant to this section shall be placed by the Borough in a restricted account and shall only be used by the Borough for the following uses:

A. To repair damage and any additional maintenance needed or any additional costs incurred as a result of the violation for which the penalty was imposed;

B. To pay any penalties imposed on the Borough by the federal or state government for violation of its Permit;

C. For the costs incurred by the Borough to investigate and take the enforcement action that resulted in a penalty being imposed;

D. For the monitoring of discharges to the POTW and for capital improvements to the POTW, including sewage collection lines, which may be required; and

E. Any remaining funds may be used for improvements to the POTW, including collection lines, conveyance facilities and pumping stations.

#### 20.03. Payment of civil penalties and costs.

A. A person assessed with a civil penalty and/or costs under the terms of this section shall have 30 days to pay the



proposed amount in full, unless appealed pursuant to Article XIX of this Ordinance. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty and/or costs. In the absence of a timely appeal, a person failing to pay in full a civil penalty and/or costs within the allotted time may be subject to suspension of its discharge permit.

B. The penalty authorized in this section is intended to be concurrent and cumulative, and the provisions of this section shall not abridge or alter any right of action or remedy, now or hereafter existing in equity or under the common law or statutory law, criminal or civil, available to a person, the Borough or the commonwealth. Nothing herein shall preclude the Borough from seeking civil penalties in any court proceeding to enforce this Ordinance.

#### ARTICLE XXI

#### MISCELLANEOUS

##### 21.1. Falsifying information.

Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or sewer permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall be punished as provided by law.

##### 21.2. Remedies nonexclusive.

The remedies provided in this Ordinance are not exclusive. The Borough may take any, all, or any combination of those actions against a noncompliant person.

### 21.3. Violations of Ordinance.

Any Person who is found to have violated this ordinance, either willfully or negligently, shall be, upon conviction, found guilty of a summary offense, and subject to a fine of not more than \$1,000 for each offense which occurs. Each day on which a violation shall occur or continue to occur shall be deemed a separate and distinct offense.

### 21.4. Sewer certification.

There shall be a fee of \$10 for furnishing and providing by mail or otherwise information pertaining to sewer rental data, including but not limited to a certification of the status of payment of sewer rental charges for any single parcel within the Borough of Portland. The fee may be changed from time to time by resolution of Borough Council of the Borough of Portland.

### 21.5. Attorney's fees and litigation costs.

In the event of violation of this Ordinance, the Borough may recover reasonable attorney's fees, Court costs and other expenses associated with enforcement of the Ordinance, including sampling and monitoring expenses, expert witness fees and the cost of any actual damage incurred by the Borough.

### 21.6. Severability.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

21.7. Construction of inconsistent ordinances.

All prior ordinances or parts of prior ordinances inconsistent with this Ordinance shall be and are superseded by this Ordinance, but only as to the inconsistent parts.

21.8. Effective date

This Ordinance shall become effective immediately.

DULY ENACTED AND ORDAINED this 3 day of November, 2008, by the Council of the Borough of Portland, Northampton County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF PORTLAND  
Northampton County, Pennsylvania

Carol A. Hummel  
Secretary

[Signature]  
President of Council

(SEAL)

Examined and approved this 3 day of November, 2008.

[Signature]  
Mayor



Attachment "A"

Sewer System Fees

Sewer Rental/ User Fee: One Hundred (\$100) Dollars per month  
(per EDU)

Tapping Fee: \$1,500.00 per EDU

Attachment "B"

Equivalent Dwelling Unit (EDU)  
Schedule as Basis for Tapping Fee and User Fee Calculations

1.01. Classification and Equivalent Dwelling Units - The Classification and Equivalent Dwelling Unit for each type of property (category) serviced by the Borough shall be as follows:

<u>CATEGORY</u>	<u>EQUIVALENT DWELLING UNITS</u>
Single Dwelling Unit	1
Two (2) Family Dwelling (per each family unit)	1
Multi-Family Dwelling (per each family unit)	1
High-rise and Multi Apartment Complex (per each family unit)	1
Apartment House (per each family unit)	1
Mobile Homes, Trailers	1
Each Hotel, Motel or Boarding House (per each four (4) rental Units or fraction thereof)	1
Barber Shop - Two (2) chairs or less (whether or not attached to or forming a part of owners residence/property)	1/2
Barber Shop - More than two (2) chairs	1
Each retail store, business, industry or office attached to or forming a part of owner's residence/property:	

(1) Having ten (10) or fewer employees	1-1/2
(2) Each additional ten (10) employees or fraction thereof	1/2
Each retail store, business, industry or office not attached to or forming part of owner's residence/property	
(1) Having five (5) or fewer employees	1
(2) Having six (6) to ten (10) or fewer employees	1-1/2
(3) Each additional ten (10) employees or fraction thereof	1/2
Each restaurant, tavern and club with or without alcoholic beverages, per fifteen (15) seats or fraction thereof; or drive-in, per four (4) car spaces or fraction thereof	1
(1) Each additional fifteen (15) seats or fraction thereof	1/2
Each service station, garage, and automobile repair shop, without carwash facilities:	
(1) Three (3) bays or fewer	1
(2) Each additional bay over two three (3)	1/3
Each shop, with carwash facilities, each bay	5
Each Laundromat, per washer	1/2
Beauty shop, whether or not attached to or forming part of owner's residence/property one (1) per each	



two (2) chairs	1
Each commercial swimming pool	3
Each school, public or private, or daycare facility having:	
(1) Toilet facilities only, per twenty five (25) pupils* or fraction thereof	1
(2) Toilet facilities and kitchen per twenty (20) pupils* or fraction thereof	1
(3) Toilet facilities and gymnasium with shower facilities per fifteen (15) pupils or fraction thereof	1
(4) Toilet facilities, kitchen, and gymnasium with shower facilities per twelve (12) pupils or fraction thereof	1
*Pupils shall include students, employees, teachers, aids, administrative personnel, supervisory personnel, custodians and kitchen personnel.	
Each business or industry providing showers for employees:	
(1) Seven (7) or fewer employees	1-1/2
(2) Each additional seven (7) employees or fraction thereof	1
Fraternal or Social Service Club (per 30 seats or fraction thereof)	1
Gym/Fitness Center:	
(1) With showers and toilets (per fifteen (15) patrons or fraction thereof)	1

(2) Without showers but with toilets (per twenty (20) patrons or fraction thereof)	1
Racquet or Tennis Club:	
One (1) per four (4) courts Over four (4) courts one-quarter (1/4) per court	
(1) With toilet and/or shower facilities (per each court)	1/4
Church Complex (including hall) or Community Building	1
Parsonage and/or Rectory	1
Post Office, Fire House (less social quarters)	1
Nursing Home/Hospital, per bed	1/2
Funeral Home	2
Stadium (with toilet facilities)	1/2
Commercial Banquet Hall	1
Non-profit Service Hall	1
Municipal Building (having ten (10) or less employees and Occupants)	1
Municipal Building (having more than ten (10) employees and Occupants)	2
Outdoor picnic area	1
Movie Theaters and Drive-In Theaters, per seventy-five (75) seats or seventy-five (75) 75 car spaces	1
Any user having a commercial (i.e., three-quarters (3/4) HP or greater)	

garbage grinder per each such grinder 1

Warehouse, Distribution Center of  
Trucking Terminal (based on the number  
of full-time office employees) per  
ten (10) employees or fraction thereof. 1

1.02. For properties (categories) not previously listed, the Borough, through its Chairman Building Code Official, or other authorized designee, will determine EDU's based on consideration of these existing categories on a case-by-case basis.

1.03. Businesses employing part-time employees shall be assessed the applicable number of EDUs based on the number of full-time equivalent employees (i.e., forty (40) hours per week). For example, if five (5) people work twenty-four (24) hours per week, the number of full-time equivalent employees is three (3).

1.04. An employee is defined as any person participating in the operation of the business, including the owner or owners, employees and/or volunteers. An employee is also a person who spends twenty-five percent (25%) or more of their time on the property being serviced by the Sewer System (i.e., if the business has a delivery person who merely picks up a truck in the morning and drops the truck off in the afternoon, such person would not be considered an employee).

1.05. Properties, having a primary use of residential, shall be assessed a total of one (1) equivalent dwelling unit even if such property has a secondary use of a business under the following conditions: the secondary business either: 1) is not provided wastewater service (i.e., no service lateral line exists), or 2) it does not provide separate wastewater facilities associated with the business (i.e., a restroom specifically for the business is not available).



ATTACHMENT "C"

BOROUGH OF PORTLAND

SEWER SYSTEM CONSUMER SERVICE CODE

CONSUMER SERVICE CODE

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## CONSUMER SERVICE CODE

### SECTION I

#### DEFINITION OF TERMS

SECTION 1.1 DEFINITION OF TERMS - Unless the context specifically and clearly indicates otherwise, the current Uniform Construction Code (UCC) adoption, or as modified by the Borough, of IPC or IRC terms and definitions shall govern. The following terms and conditions are provided to residents of Portland to supplement the UCC and to simplify the reading of the consumer service code.

1. 5. CODE when used alone shall mean the UCC, or any emergency rule or regulation which the Borough may lawfully adopt.

2. 6. COLLECTION SEWER shall mean any pipe or conduit constituting a part of the public Sewer System used or usable for sewage collection purposes.

3. 7. CONNECTION UNIT shall mean each individual building or house whether constructed as a detached unit or as one (1) of a pair or row which is designed or adaptable to separate ownership for use as a family dwelling unit or for commercial or industrial purposes. A school, factory, apartment house, office building or other multiple unit structure whose individual apartments or units are connected to a common internal sewage system and which are/is not commonly subject to separate ownership shall be considered as one (1) Connection Unit.

4. 8. IMPROVED PROPERTY shall mean any property within the sewered area upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

5. 9. INDUSTRIAL WASTE shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping in the course of any industrial, manufacturing, trade or business process or in the course of development, recovery of processing of natural resources, as distinct from sanitary sewage.

6. 10. INTERCEPTOR shall mean a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the public Sewer System by gravity.

7. 11. PERSON shall mean any individual, partnership, company, association, society, corporation or other group or entity.

8. 12. PUBLIC SEWER SYSTEM shall mean all facilities, as of any particular time for collecting, pumping, treating and disposing of sanitary sewage and industrial wastes, situated in the sewered area and owned and operated by the Borough.

9. IRC - International Residential Code currently adopted by the PA UCC and/or as modified by the Borough.

10. IPC - International Plumbing Code.

11. SERVICE LATERAL means that part of the Sewer System from the sewer main to the edge of the Borough's right-of-way or a property line. The service lateral is either installed by the Borough or is installed by the property Owner and dedicated to the Borough. The service lateral is maintained by the Borough.

12. 15. SEWAGE TREATMENT PLANT shall mean the plant and facilities to which the public Sewer System is connected.

13. SEWER EASEMENT: A strip of land through which the Borough has constructed a sewer line. The Borough has the right to enter the easement for the purpose of maintaining the sewer. Ownership of the land remains with the private property Owner.

14. 16. SHALL is mandatory, may is permissible.

15. 17. STREET shall mean and include any street, highway, road, lane, court, alley and public square.

16. UCC - Uniform Construction Code of PA.

## CONSUMER SERVICE CODE

### SECTION II

#### APPLICATIONS, PERMITS, FEES

SECTION 2.1 SEWAGE CONNECTION PERMIT APPLICATION - An application for a connection permit must be filed before any work is begun for which a permit is required. The application is to be filed by the Owner of the improved property on which the work is to be done or by the agent of the Owner who is to do the work. Applications are provided by the Borough and may be secured from the Borough.

SECTION 2.2 CONSTRUCTION PERMIT - No work on a building sewer for the purpose of connecting a building drainage system to the public Sewer System shall begin before the Owner of the property on which the work is to be done, or the agent who is to do the work as the Owner's representative, shall have made application to the Borough for a permit.

SECTION 2.3 EXCEPTIONS - No permit shall be required for mending of leaks or clearance of stoppages, provided this work does not require excavation of the line. For any such work requiring excavation, a permit shall be required. The service lateral from the property line to the main is the Borough's responsibility, therefore, no permit is required for this either.

SECTION 2.4 PLAN AND DESCRIPTION - If requested by the Borough, the connection permit application must be accompanied by a plan and a description of the work to be done. On this plan must be shown the location of all new waste lines, cleanouts, traps and adapters; all waste lines with their direction and slope that are affected by or connected with this installation; the location of the connection with the service lateral together with the depth of such connection below finished grade. Also on this plan must be shown the point of discharge of all roof drains, downspouts and sump pumps. If, in the course of the work, it is found necessary to make any change from the approved plan and description on which a permit has been issued, amended plans and descriptions shall be submitted and, if approved, a supplementary permit shall be issued to cover the change after



the same conditions required to secure the original permit have been satisfied.

SECTION 2.5 FILING OF APPLICATION - The Application for Sewage Connection Permit in the form prescribed must be filed with the Borough.

SECTION 2.6 APPROVAL OF THE APPLICATION - The approval or rejection of the application filed shall be issued by the Borough per UCC regulations.

SECTION 2.7 REJECTION OF THE APPLICATION - If a permit application is rejected, written notice of the reasons for rejection shall be provided to the applicant who may submit such revised plans and specifications as are necessary to obtain approval.

SECTION 2.8 DISPLAY OF PERMIT - When the work begins, while installation continues and until the final inspection has been made and approved, the permit shall be publicly displayed on the property, at a location visible from the outside and reasonably protected from weather.

SECTION 2.9 ENDORSEMENT OF PERMIT - Upon completion of the work and after the Borough has accepted the work as conforming to this Code, the permit will be endorsed by the Borough. A certificate of approval for the work will be issued to the Owner.

CONSUMER SERVICE CODE

SECTION III

PLUMBING INSPECTOR, INSPECTIONS AND TESTS

SECTION 3.1 INSPECTION OF BUILDING DRAIN - It shall be the duty of the holder of a permit to give at least 24 hours notice to the PLUMBING INSPECTOR when the building sewer is ready for testing.

SECTION 3.2 RESPONSIBILITY - It shall be the duty of the holder of a permit to make sure the installed devices will stand the test prescribed before giving the notification.

SECTION 3.3 TESTING OF BUILDING DRAIN / SEWER - A water test or air test shall be made upon the building sewer in the presence of the PLUMBING INSPECTOR or his duly appointed representative. The days and times of such tests will be at the discretion of the Borough. Testing and inspections are for the benefit of the Borough and not for the property owner, although the property owner may make arrangements for testing, inspection or other matters with its contractor. During inspection and testing, the Borough is not acting as the agent for property owner. The Borough's acceptance of any testing or inspection does not constitute a representation, warranty or guaranty of the Borough that the work is suitable for purposes of the property owner.

SECTION 3.4 EQUIPMENT AND MATERIALS FOR TESTS - The equipment and material necessary for inspection or tests including the water required to fill the lines shall be furnished by the Owner or Plumber.

SECTION 3.5 VIOLATIONS - Notices of violations shall be in writing and mailed or delivered by the Building Code Official to the applicant.

SECTION 3.6 UNCOVERING - No building sewer or part thereof shall be covered until it has been inspected, tested and accepted as prescribed in this document. If any part is so covered before being inspected, tested and accepted, it shall be uncovered for inspection at the expense of the Owner after

notice to uncover has been issued to the applicant by the Building Code Official.

SECTION 3.7A. WATER TEST - The water test shall be applied to the Building Drain per the IPC or IRC.

B. AIR TEST - Per IPC or IRC

SECTION 3.8 DEFECTIVE PLUMBING - Wherever there is reason to believe the drainage system of any building has become defective, it shall be subject to test and inspection. Any defects found must be corrected as required in writing by the PLUMBING INSPECTOR.

SECTION 3.9 MAINTENANCE - The plumbing and drainage system of any premises shall be maintained in a sanitary and safe operating condition by the Owner or his/her agent.



## CONSUMER SERVICE CODE

### SECTION IV

#### CONSTRUCTION OF THE BUILDING DRAIN AND SEWER MATERIALS

SECTION 4.1 POINT OF CONNECTION - A Building Sewer shall be connected to a collection sewer only at a service lateral. No person shall make a connection directly to or tamper with a collection sewer in any manner, or connect into a manhole. All construction materials and methods shall be in accordance with IPC or IRC as adopted by the PA UCC. The Borough, on a case-by-case basis, may consider exceptions to the point and/or method of connection.

Where no Service Lateral has been previously provided, the Owner shall, at its expense, provide the necessary service lateral after the connection fee has been paid.

SECTION 4.2 LOCATION OF SERVICE LATERAL - The end of the service lateral must first be uncovered and inspected before trenching operations are begun. The approximate location of the service lateral may be obtained from the sewer plans on file at the Borough.

SECTION 4.3 DISCONNECTION OF EXISTING DISPOSAL SYSTEM - When connection is to be made to the public Sewer System, the existing Building Sewer shall be broken on the building side of the existing disposal device, attachment made thereto with proper fittings to continue the sewer undiminished in inside diameter, but no less than four (4) inches inside diameter, to the six (6) inch diameter service lateral provided at the property line or Right-of-Way. Connection to be based on structural integrity of existing pipe, as determined by Borough's inspection. All trap and venting regulations must be observed as hereinafter required.

SECTION 4.4 SEPARATE BUILDING SEWERS - Each connection unit on each improved property shall be connected separately and independently with a service lateral through a Building Drain. Grouping of more than one (1) connection unit on the same Building Drain shall not be permitted unless each of the following conditions have been fulfilled:

A. The Owner shall request in writing that the connection units be connected on the same building sewer stating the reasons for such request.

B. The connection units shall be located on a single piece of property.

C. The connection units shall be grouped on the property such that they cannot be separated from each other through subdivision of the property.

D. If the connection units are designed to be individually owned (as in the case of condominium units), the responsibility for maintenance of the entire building sewer shall be placed with a Building Association.

E. If the interior household plumbing is not physically or economically conducive to separation of individual dwelling units (i.e., older homes with an apartment).

F. Other case by case basis as determined by the Borough.

SECTION 4.5 JOINT OCCUPANCY OF SEWER TRENCH - The building sewer serving one (1) property may occupy the same trench with the building sewer of the next adjoining property provided that the common trench is on the common property line and each building sewer is on the property being served. The joint occupancy must be by mutual agreement of the property owners concerned. Each must be connected separately through a separate trap to the service lateral. The installation of a single building sewer to serve two (2) adjoining properties or dwellings is prohibited.

Joint occupancy of a sewer trench may also be permitted if the adjoining property owners mutually consent to a right-of-way, which is legally recorded and filed at the Recorder of Deeds Office for Northampton County.

SECTION 4.6 TYPE OF PIPE - All building sewers and underground pipes leading into the building sewer shall be constructed of pipe material specified by the UCC.

# **BOROUGH OF PORTLAND**

570-897-0559 Fax 570-897-7909  
portlandpa@hotmail.com

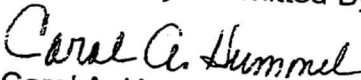
P. O. Box 476  
206 Division Street  
Portland, Pennsylvania 18351

## Section 4.13 DEPTH: Amended

At the regular monthly meeting of the Portland Borough Council meeting on April 6, 2009 the following change was amended to the Rules and Regulations of the Sanitary Sewer System of Portland Borough.

A motion was made by Lou Rivera, 2<sup>nd</sup> by Steve Knoff changing the wording of Section 4.13 DEPTH, page C-13, last sentence, to "Pipe exterior to structures must be thirty-six (36) inches deep, within thirty-six (36) inches of a building foundation, whenever possible. Motion carried: 4-0-0

Respectfully Submitted By,

  
Carol A. Hummel,  
Borough Secretary



SECTION 4.7 EXCEPTIONS - Existing building sewers and underground pipes leading into the building sewer, if not completely replaced from the building to the service lateral, may be judged to be acceptable only after such lines have been proven watertight to the satisfaction of the plumbing inspector according to the test procedures outlined in Section 3.9. Should the existing pipe be found to be watertight, it does not require replacement. If it fails the test, it shall be completely replaced with materials listed in section Section 4.6.

SECTION 4.8 SIZE OF BUILDING DRAIN - All Building Sewers shall be four (4) inches internal diameter, or greater, or as determined by the Borough or allowed by the Pennsylvania Uniform Construction Code, as adopted by the Borough. When connected to an existing building sewer, the new section shall be four (4) inches in diameter, or greater, or as determined by the Borough. It is the responsibility of the property owner to ascertain whether or not a certain diameter pipe to be installed as a building drain is capable of meeting the minimum slope requirements as set forth by the Borough.

SECTION 4.9 JOINTS - Joints and jointing materials for the various types of pipe shall be per the UCC, IPC/IRC.

SECTION 4.10 FITTINGS AND ADAPTERS - All fittings in a building sewer shall be of the same material and wall thickness as the pipe used in construction. Any fitting or connection which has an enlargement, chamber or recess with a ledge, shoulder or reduction of pipe area that offers an obstruction of flow through the pipe is prohibited.

Connections between different types of pipe materials shall be made by adapter fittings or by means of an acceptable prefabricated sealing ring or sleeve specifically approved by the plumbing inspector. No concrete mortar joints shall be permitted.

SECTION 4.11 CHANGES IN DIRECTION - Changes in pipe direction must be made by per IPC/IRC.

SECTION 4.12 SLOPE - The slope or grade of a new Building Drain whose inside diameter is four (4) inches or more shall be no less than one-eighth (1/8) inch per foot of length and sloping downward in the direction the waste material is to flow, per IPC/IRC.



SECTION 4.13 DEPTH - The minimum depth of a building sewer measured from finished grade to the top of the pipe shall be thirty-six (36) inches or otherwise as accepted by the Borough. A minimum depth of four (4) feet is recommended to provide maximum protection from freezing or crushing. Pipe exterior to structures must be thirty-six (36) inches deep within thirty-six (36) inches of a building foundation.

SECTION 4.14 SUPPORT AND BACKFILLING REQUIREMENTS - The entire length of pipe as well as all joints must have uniform bearing per IPC/IRC. Note: due to local soil conditions, six (6) inches of approved base is required.

SECTION 4.15 TRAPS - The Building Drain if not waived specifically for each individual property, must be provided with a horizontal trap no less than the size of the Building Drain, which shall be provided with vent (fresh air inlet) and cleanout openings, each brought to a height of at least the finished grade level and there provided with flush type cap and mushroom cap vents. Lines from trap to finished grade level must be of the same size, weight and material as the trap or as specified for the Building Drain.

SECTION 4.16 CLEANOUTS - Pipe cleanout fittings shall be installed no more than fifty (50) feet apart in horizontal lines of four (4) inches nominal diameter and no more than one hundred (100) feet apart in horizontal lines of six (6) inches nominal diameter. Maximum spacing of forty (40) feet is recommended to permit cleaning using a fifty (50) foot sewer tape. When installed in underground lines, they shall be extended to or above the finished grade directly above the place where the cleanout is installed and there provided with flush type plugs.

SECTION 4.17 INTERCEPTORS - Grease, oil and sand grit interceptors shall be provided by the applicant for the proper handling of liquid wastes containing grease, any flammable wastes, sand or other harmful ingredients. All such interceptors shall be of a type and capacity approved by the Borough and shall be located as to be readily and easily accessible for cleaning and inspection. Where any such required facilities or interceptors are constructed, they shall be maintained continuously in satisfactory and effective operation by the applicant at his expense.

SECTION 4.18 ILLEGAL CONNECTIONS - No roof drainage, cellar seepage, surface water, waste from hydrants, residential floor drain drainage, ground water or water from underground drainage fields shall be permitted to drain into the public Sewer System. The public Sewer System is intended to convey sanitary sewage and approved Non-Domestic wastes only.

SECTION 4.19 RIGHT TO CLOSE ILLEGAL CONNECTIONS - The Borough shall have the right to close up or disconnect from the public Sewer System any service lateral or building sewer used for carrying rain, surface water, ground water or any prohibited matter or whenever any violation of this document is committed.

SECTION 4.20 TRENCHING, SHORING AND BRACING - The holder of a permit shall, while excavating, furnish, place and maintain shoring, bracing and sheeting in compliance with the OSHA regulations. The open trench shall be barricaded and covered at night. Lights shall be placed at night to warn the public of danger. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored at the cost and expense of the Owner of the improved property being connected in a manner satisfactory to the Borough and any owner of any public utility impacted.

SECTION 4.21 COST OF INSTALLING BUILDING DRAIN - All costs and expenses of construction of a building drain shall be borne by the Owner of the improved property to be connected; and such Owner shall indemnify and save harmless this Borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building drain or of connection of a building drain to the service lateral.

SECTION 4.22 ABANDONMENT - When a building drain is to be demolished that is served by the Borough and the building drain is not going to be reused, the building drain must be excavated and disposed at the location determined by the Borough.

SECTION 4.23 LIABILITY FOR DAMAGES - The Borough shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any house or building; and it is expressly stipulated by and between the Borough and the Owner that no claims shall be made against the said Borough on account of the breakage or stoppage of, or any damage or expense to, any service lateral, building drain or house connection when

the cause thereof is found to be in the service lateral, building drain or house connection.

The Borough is not liable for a deficiency or failure of service, when occasioned by an emergency, for required repairs or failure from any cause beyond its control. The Borough may restrict the use of the drain service whenever the public welfare may require it. The Borough is not liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any building, and, no user of the Borough Sewer System shall make any claims against the Borough on account of the breaking or stoppage of, or any damage or expense to, any service lateral or building drain where the cause thereof is found to be in such service lateral or building drain.

CONSUMER SERVICE CODE

SECTION V

RESERVATIONS

SECTION 5.1 REPAIR OF UNSATISFACTORY CONDITIONS - If any person shall fail or refuse, upon receipt of a notice from the Borough in writing, to remedy any unsatisfactory condition with respect to a building drain within thirty (30) days of receipt of such notice, the Borough may refuse to permit such person to discharge sanitary sewage and/or industrial wastes into the public drain system until such unsatisfactory condition shall be remedied to the satisfaction of the Borough.

SECTION 5.2 USE OF PUBLIC DRAIN - The Borough may refuse to any person or property owner the ability to connect to a collection drain, or to compel discontinuance of use of a collection drain by any person or to compel the pretreatment of industrial wastes, in order to prevent discharge into the public drain system of wastes which may be deemed by the Borough to be harmful to the public drain system or to have a deleterious effect on the sewage treatment process.