

## **Chapter 18**

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## Part 1

### Definitions

#### §18-101. Definitions.

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

*Ammonia nitrogen as N*—ammonia nitrogen as determined pursuant to the procedure set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by American Public Health Association, Inc.

*BOD (Biochemical Oxygen Demand)*—the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidations of organic matter under standard laboratory procedure for 5 days at 20 degrees Centigrade. The standard laboratory procedure shall be that found in the latest edition of *Standard Methods for the Examination of Water and Wastewater* published by the American Public Health Association.

*Borough*—the Borough of Nesquehoning, Carbon County, Pennsylvania, a municipal corporation of the Commonwealth, acting by and through its Council or, in appropriate cases, acting by and through its authorized representative.

*Building sewer*—the sewer extension from the sewage drainage system of any improved property to the lateral serving such improved property.

*Commercial establishment*—any room, group of rooms, building, or enclosure connected, directly or indirectly, to the sewer system and used or intended for use in the operation of a business enterprises for the sale and distribution of any product, commodity, article, or service.

*Commonwealth*—the Commonwealth of Pennsylvania.

*Council*—the Council of the Borough.

*Domestic sanitary sewage*—normal water-carried household and toilet wastes discharged from any improved property.

*Dwelling unit*—any room, group of rooms, house trailer, apartment, condominium, cooperative, or other enclosure connected, directly or indirectly, to the sewer system and occupied or intended for occupancy as living quarters by an individual, a single family or other discrete group of persons, excluding institutional dormitories.

*Educational establishment*—any room, group of rooms, building, or other enclosure connected, directly or indirectly, to the sewer system and used or intended for use, in whole or in part, for educational purposes, including both public and private schools or colleges.

*Equivalent dwelling unit* or *EDU*—the unit of measure by which a user charge and the tapping fee shall be imposed each improved property, as determined in this Chapter or in any subsequent ordinance of the Borough, which shall be deemed to constitute the estimated, equivalent amount of sanitary sewage discharged by a single-family dwelling unit.

*Improved property*—any property 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, which is located within the sewered area and is subject to this Chapter.

*Industrial establishment*—any improved property used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering, or assembling or any product, commodity, or article, or any other improved property from which wastes, in addition to or other than sanitary sewage, shall or may be discharged.

*Industrial wastes*—any and all wastes discharged from an industrial establishment, and/or any wastewater having characteristics which may have the potential to be detrimental to the WWIF, other than sanitary sewage.

*Institutional establishment*—any room, group of rooms, buildings, or other enclosure connected, directly or indirectly, to the sewer system, including institutional dormitories and educational establishments, which do not constitute a commercial establishment, a dwelling unit or an industrial establishment.

*Large consumer*—any commercial establishment educational establishment, institutional establishment or industrial establishment, regardless of water consumption or volume of sanitary sewage or industrial wastes discharged.

*Lateral*—that part of the sewer system extending from a sewer to the curblin, or if there is no curblin, to the property line, or if no such extension is provided, then “lateral” shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer.

*Multi-use improved property*—any improved property upon which there shall exist any combination of a dwelling unit, commercial establishment, industrial establishment, educational establishment or institutional establishment.

*Owner*—any person vested with title, legal or equitable, sole or partial, of any improved property.

*Person*—any individual, partnership, company, association, society trust, corporation, or other group or entity, including municipalities, municipality authorities, school districts and other units of government.

*pH*—the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

*ppm*—parts per million parts water, by weight.

*Sanitary sewage*—normal water-carried household and toilet wastes discharged from any improved property.

*Sewer*—any pipe or conduit constituting a part of the sewer system used or usable for collection of sanitary sewage and/or industrial wastes.

*Sewered area*—that geographic area of the Borough served by the sewer system as determined and designated, from time to time, by the Council of the Borough.

*Sewer system*—all facilities, at any particular time, acquired, constructed, operated, and/or owned by the Borough for collecting, pumping, transporting, treating and/or disposing of sanitary sewage and/or industrial wastes.

*Street*—any street, road, lane, court, cul-de-sac, alley, public way, or public square, including such streets as are dedicated to public use, and such streets as are owned by private persons.

*Tapping fee*—the tapping fee imposed by the Borough under Part 6 hereof against the owner of any improved property to connected to the sewer system.

*Total phosphorus as P*—total phosphorus as determined pursuant to the procedure set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, Inc.

*Total solids*—solids determined by evaporating at 100 degrees Centigrade a mixed sample of wastewater as determined pursuant to the procedure set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association. Total solids include floating solids, “suspended solids,” “settleable solids,” and “dissolved solids,” as defined below.

(1) *Suspended solids*—solids determined by standard laboratory procedure in the waste.

(2) *Settleable solids*—solids that settle in an Imhoff cone from a standard sample of waste.

(3) *Dissolved solids*—solids that are dissolved in the waste and cannot be removed by filtration but can be determined by evaporation.

*User*—any person who contributes, causes or permits the contribution of wastewater into the sewer system or the WWIF from an improved property.

*User charge*—the annual rental or charge imposed by the Borough hereunder, as amended from time to time, against the owner of each improved property, for the use of the sewer system.

*WWIF*—the Nesquehoning Borough Wastewater Treatment Facility.

(Ord. 95-5, 12/12/1995, §1.01; as amended by Ord. 2013-1, 6/26/2013)





**Part 2****Sewer Connections****§18-201. Use of Public Sewers Required.**

The owner of any improved property benefitted, improved, or accommodated by a sewer shall connect such improved property with such sewer, in such manner as this Borough may require, within 45 days after notice to such owner from this Borough to make such connection, for the purpose of discharging all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be estimated by this Borough, from time to time.

*(Ord. 95-5, 12/12/1995, §2.01)*

**§18-202. Discharge into Sewer System.**

All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under §18-201 shall be conducted into such sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough, from time to time.

*(Ord. 95-5, 12/12/1995, §2.02)*

**§18-203. Prohibited Discharge.**

1. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of §18-201.

2. No person shall discharge or shall permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of §18-201, except where suitable treatment has been provided that is satisfactory to this Borough.

*(Ord. 95-5, 12/12/1995, §2.03)*

**§18-204. Privy Vaults; Cesspools.**

1. No privy vault, cesspool, sinkhole, septic tank, or similar receptacle shall be used or shall be maintained at any time upon any improved property that has been connected to a sewer or that shall be required under §18-201 to be connected to a sewer.

2. 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 shall be filled, at the expense of the owner of such improved property, unless otherwise provided for by this Borough, 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, not 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.

*(Ord. 95-5, 12/12/1995, §2.04)*

**§18-205. Prohibited Connections.**

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

*(Ord. 95-5, 12/12/1995, §2.05)*

**§18-206. Notice to Connect to Sewer.**

The notice by this Borough to make a connection to a sewer, referred to in §18-201, shall include a reference to this Chapter, including any amendments and/or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Chapter and specifying that such connection shall be made within 45 days from the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place that can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served to the owner in accordance with law.

*(Ord. 95-5, 12/12/1995, §2.06)*

**Part 3****Building Sewers and Connections****§18-301. Permit Required.**

No person shall uncover, shall connect with, shall make any opening into, or shall use, shall alter, or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from this Borough.

*(Ord. 95-5, 12/12/1995, §3.01)*

**§18-302. Application.**

Application for a permit required under §18-301 shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

*(Ord. 95-5, 12/12/1995, §3.02)*

**§18-303. Conditions for Connections.**

No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

A. Such person shall have notified the Secretary of this Borough of the desire and intention to connect such improved property to a sewer.

B. Such person shall have applied for and shall have obtained a permit as required by §18-301.

C. Such person shall have given the Secretary of this Borough at least 24 hours notice of the time when such connection will be made so that this Borough may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

D. If applicable, such person shall have furnished satisfactory evidence to the Secretary of this Borough that any tapping (or connection) fee that may be charged and imposed by this Borough against the owner of each improved property who connects such improved property to a sewer has been paid.

*(Ord. 95-5, 12/12/1995, §3.03)*

**§18-304. Separate and Independent Connections.**

Except as otherwise provided in this §18-304, 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, but then only after special permission of this Borough, in writing, shall have been secured and only subject to such rules, regulations, and conditions as may be prescribed by this Borough.

*(Ord. 95-5, 12/12/1995, §3.04)*

**§18-305. Costs.**

All costs and expenses of construction and connection of a building sewer and all costs and expenses of construction and connection of a lateral to a sewer shall be borne by the owner of the improved property to be connected; and, such owner shall indemnify and shall 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 and lateral or of connection of the lateral to a sewer.

*(Ord. 95-5, 12/12/1995, §3.05)*

**§18-306. Connection of Building Sewer and Lateral.**

1. A building sewer and lateral shall be connected to a sewer at the place designated by this Borough.

2. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

*(Ord. 95-5, 12/12/1995, §3.06)*

**§18-307. Collection of Costs by Borough.**

If the owner of any improved property benefitted improved or accommodated by a sewer, after 45 days notice from this Borough, requiring the connection of such improved property with a sewer, in accordance with §18-201, shall fail to connect such improved property and use the sewer system, as required, this Borough may make such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

*(Ord. 95-5, 12/12/1995, §3.07)*

**Part 4****Rules and Regulations Governing Building Sewers,  
Laterals, and Connections to Sewers****§18-401. General.**

Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.

*(Ord. 95-5, 12/12/1995, §4.01)*

**§18-402. Inspection and Approval.**

No building sewer or lateral shall be covered until it has been inspected and approved by this Borough. If any part of a building sewer or lateral 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.

*(Ord. 95-5, 12/12/1995, §4.02)*

**§18-403. Maintenance by the Owner of Building Sewer.**

Every building sewer and lateral of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

*(Ord. 95-5, 12/12/1995, §4.03)*

**§18-404. Owner's Responsibility for Safety.**

Every excavation for a building sewer and lateral shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other property disturbed in the course of installation of a building sewer or lateral shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Borough.

*(Ord. 95-5, 12/12/1995, §4.04)*

**§18-405. Notice of Unsatisfactory Conditions.**

If any person shall fail or shall refuse, upon receipt of a written notice of this Borough, to remedy any unsatisfactory condition with respect to a building sewer or lateral within 45 days of receipt of such notice, this Borough may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Borough.

*(Ord. 95-5, 12/12/1995, §4.05)*



**Part 5****User Charge****§18-501. Imposition of Charge.**

A user charge is hereby imposed upon the owner of each improved property which is or shall be connected to the sewer system, for use of the sewer system, whether such use is direct or indirect, and for services rendered by the Borough in connection therewith, and shall be payable as provided herein. At the discretion of the Borough, such user charge may be imposed upon the owner of an improved property who fails or refuses improperly to connect such improved property to the sewer system, as compensation for the availability of service by the Borough in connection with the sewer system.

*(Ord. 95-5, 12/12/1995, §5.01)*

**§18-502. Obligation to User to Pay.**

The obligation to pay the user charge by the owner of each improved property presently connected to the sewer system shall commence immediately. The user charge shall be payable by the owner of each improved property hereafter to be connected to the sewer system commencing the earlier of: (A) the date of actual, physical connection of an improved property to the sewer system; or, (B) 60 days from the date indicated on the notice to connect described in this Chapter.

*(Ord. 95-5, 12/12/1995, §5.02)*

**§18-503. Computation of User Charge.**

1. The user charge applicable to any improved property constituting a dwelling or large consumer shall be calculated imposed and collected on the basis of the method provided in this Section.

2. Each improved property shall be charged a user charge as a specific amount per equivalent dwelling unit applicable to such improved property, as determined by the Borough, from time to time. The number of equivalent dwelling units applicable to each improved property shall be determined as follows:

A. Residential dwelling units (year-round or seasonal) shall be charged for one equivalent dwelling unit (EDU) for each single family dwelling unit. Each apartment shall be considered a single-family dwelling unit.

B. Commercial, industrial, and other nonresidential users shall be charged a minimum of equivalent dwelling unit. For commercial and industrial users an EDU shall allow for a maximum of 20,000 gallons per quarter of sewage flow. The sewage flow shall be based on water consumption as determined by water meter readings from the applicable water supplier. In the event that any commercial, industrial, and other nonresidential user should not be a customer of the Borough water system with a metered water supply but should instead have well water system the Borough shall have the right to require the commercial, industrial or other nonindustrial user to install a water meter to measure the water flow for the purpose of measuring the rate of sewage flow.

C. The commercial, industrial, and other nonresidential users may purchase additional EDU’s of sewage, initially or at any time during the first quarter of subsequent years at the then current tapping fee rate. Each purchase EDU will allow for 20,000 gallons/quarter with a surcharge for any usage exceeding the allowable based on the following schedule:

	<b>Normal Quarterly Charge</b>	<b>Level 1 Surcharge</b>	<b>Level 2 Surcharge</b>
1 EDU	0–20 M	20–55 M	Over 55 M
2 EDUs	0–40 M	40–110 M	Over 110 M
3 EDUs	0–60 M	60–165 M	Over 165 M

Above 3 EDUs, the allowable usage and surcharge levels increase by the same proportions as indicated above.  
M = 1,000 gallons

3. The annual user charge payable per equivalent dwelling unit shall be as adopted by resolution of the Borough Council.

4. User charges for any improved residential property, in the discretion of the Borough, may be determined on a metered rate basis calculated according to:

A. Metered volume of potable water usage by the improved property, adjusted, if appropriate, by the Borough.

B. Actual metered volume of wastewater discharged by the improved property into the sewer system.

5. In either of the foregoing cases, such user charges shall be computed in accordance with a metered rate schedule to be established by the Borough.

(Ord. 95-5, 12/12/1995, §5.03)

**§18-504. Multi-use Improved Property.**

1. In the case of existing multi-use improved property sharing a common connection to the sewer system or a common structure, the classification of the improved property shall be considered commercial and/or industrial as though it was housed in a separate structure and had a direct and separate connection to the sewer system, computed in accordance with §18-503 of this Part.

2. New multi-use improved properties shall have separate sewer laterals for each use located within or on the property.

3. All multi-use improved properties shall be classified as a minimum of two equivalent dwelling units.

(Ord. 95-5, 12/12/1995, §5.04)

**§18-505. Volume Surcharge; Strength of Waste Surcharge.**

1. The owner of any improved property which shall discharge sanitary sewage and/or industrial wastes into the sewer system in excess of a total flow of 200 gallons per day per equivalent dwelling unit with a peak flow rate in excess of 400 gallons per day for any 10-minute period, per equivalent dwelling unit, as determined or reasonably estimated by the Borough, shall pay a volume surcharge. The owner of any improved



property which shall discharge domestic sanitary sewage and/or industrial wastes to the sewer system having a BOD greater than 250 ppm, or a suspended solids content greater than 250 ppm, or a dissolved solids content greater than 400 ppm, or a total solids, content greater than 650 ppm, or a total phosphorus as P content greater than 6.6 ppm or an ammonia nitrogen as N content greater than 20 ppm, shall pay a strength of waste surcharge, in addition to applicable user charges.

2. Surcharges shall be paid in addition to all user charges computed in accordance with provisions of this Part and shall be computed on such basis as this Borough may from time to time adopt. All surcharges, whether volume or strength, shall include a 10 percent administration fee. The strength of sanitary sewage and/or industrial wastes to be used for establishing the amount of surcharge shall be determined periodically at the discretion of the Borough either: (A) by suitable sampling and analysis of such wastes during a time of normal plant operation; (B) from estimates made by the Borough; or (C) from known relationships of products produced to strengths of such wastes for those industries where such factors have been established. In establishing such waste strengths for surcharge purposes by analysis, analysis shall be made in accordance with procedures outlined in the latest edition of *Standard Methods for the Examination of Water and Wastewater* published by the American Public Health Association, Inc.

(Ord. 95-5, 12/12/1995, §5.05)

#### **§18-506. Information for Determination of User Charges.**

1. The owner of any improved property discharging sanitary sewage and/or industrial wastes into the sewer system shall furnish to the Borough, including by way of the application for permit described in this Chapter, all information deemed essential or appropriate by the Borough for the determination of all applicable user charges and surcharges. The costs of obtaining such information shall be borne by such owner of the improved property.

2. In the event of the failure of the owner to provide adequate information, the Borough shall estimate the applicable user charge and surcharges based upon available information, until such time as adequate information is received. There shall be no rebate of past payments if the owner's refusal to provide such information results in overpayment.

(Ord. 95-5, 12/12/1995, §5.06)

#### **§18-507. Special Agreements for User Charges.**

Nothing herein contained shall be deemed to prohibit this Borough from entering into separate or special agreements with owners of improved property with respect to the user charge or surcharge to be imposed in those cases where, due to special or unusual circumstances, the user charge set forth herein shall be deemed by this Borough, in its sole discretion, to be inequitable, or where it is in the best interests of this Borough to do so.

(Ord. 95-5, 12/12/1995, §5.07)

#### **§18-508. Billing Procedures.**

User charges and surcharges, as applicable, shall be payable on a quarterly basis,

cover billing period consisting of the immediately preceding 3 months. Owners of improved property that shall be first connected to the sewer system during any quarterly period shall pay a pro-rata user charge for service for the balance of the quarterly period, plus any applicable surcharges.

(*Ord. 95-5, 12/12/1995, §5.08*)

**§18-509. Payments.**

Payments of user charges and any applicable surcharges shall be due and payable upon the applicable billing date, at the office of the Borough, in the appropriate amount, computed in accordance with this Chapter, which constitute the net bill. If any user charge or any applicable surcharge is not paid within 30 calendar days after the applicable billing date, an additional sum of 10 percent shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such 30 calendar period shall constitute payment within such period. If the end of such 30 calendar day period shall fall on a legal holiday or on a Sunday, then payment made on or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such period. Any and all payments received on account of delinquent accounts shall be applied first to the oldest outstanding gross bill, including any accumulated late fee.

(*Ord. 95-5, 12/12/1995, §5.09*)

**§18-510. Owner's Responsibility to Keep Borough Informed of Mailing Address.**

It shall be the responsibility of each owner of an improved property to provide the Borough with, and thereafter keep the Borough continuously advised of, the correct mailing address of such owner. Failure of any owner to receive a bill for charges due and payable shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(*Ord. 95-5, 12/12/1995, §5.10*)

**§18-511. Official Action by Borough Required for Modification of Charges.**

1. No officer or employee of the Borough is authorized to reduce, vary or exempt charges imposed herein or other provisions or this Chapter without official action by the Council of this Borough.

2. Every owner of improved property shall remain liable for the payment of user charges and surcharges until the later of: (A) the receipt by the Borough of written notice by such owner that the property has been sold, containing the correct name and mailing address of the new owner; or, (B) the date on which title to the improved property is transferred to new owner. Failure to provide notice renders an owner continuously liable for any charges that may accrue until such time as the Borough has been properly notified of any change in ownership as described above.

(*Ord. 95-5, 12/12/1995, §5.11*)

**Part 6****Tapping Fee****§18-601. Permit Required for Connection.**

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. Such application shall be made a form to be provided by the Borough and shall be submitted in the manner described in this Chapter.

*(Ord. 95-5, 12/12/1995, §6.01)*

**§18-602. Imposition of Tapping Fee.**

1. A tapping fee is hereby imposed and shall be charged against the owner of any improved property (other than such owners who are subject to separate or special agreements providing for payment of certain sums in lieu of a tapping fee) whenever such owner hereafter shall be required to connect such improved property with the sewer system. The tapping fee hereby imposed shall be \$2,000 per equivalent dwelling unit applicable to such improved property (determined in accordance with §§18-503 and 18-504 of the Chapter.)

2. The fee components included in such tapping fee, calculated pursuant to Acts 203 and 209 of 1990, are separately set forth in Exhibit 18-6-A attached hereto and made a part hereof. This Borough reserves the right to revise and substitute, from time to time, Exhibit 18-6-A, which shall be available for public inspection to reflect appropriate amendments to the cost components, design capacity or other elements of the required calculation of the tapping fee. Such amendments shall be deemed to revise the maximum permissible tapping fee, of this Borough set forth therein, and shall be, shall become and shall be construed as part of this Chapter, and be applicable to those persons who subsequently connect to the sewer system.

*(Ord. 95-5, 12/12/1995, §6.02)*

**§18-603. Imposition of Connection Fee.**

A connection fee is hereby imposed and shall be charged against the owner of any improved property (other than such owners who construct their own laterals serving such improved property) whenever such owner shall connect or be required to connect such improved property with the sewer system. The connection fee hereby imposed shall be \$700 per improved property. The calculation of such connection fee, pursuant to Acts 203 and 209 of 1990, is set forth in Exhibit 18-6-A attached hereto and made a part hereof. This Borough reserves the right to revise and substitute, from time to time, Exhibit 18-6-A, which shall be available for public inspection to reflect appropriate amendments to the cost components or other elements of the required calculation of the connection fee. Such amendments shall be deemed to revise the maximum permissible connection fee of this Borough set forth therein, and shall be, shall become and shall be construed as part of this Chapter.

*(Ord. 95-5, 12/12/1995, §6.03)*

**§18-604. Alteration or Expansion of the Use of Improved Property.**

If any owner of improved property connected to the sewer system shall alter or expand the use of such improved property such that a larger number of EDUs shall be applicable to such improved property, as determined in accordance with §§18-503 and 18-504 hereof, such owner must apply for a permit in accordance with the provisions of §18-601 of this Chapter, and an additional tapping fee in the applicable additional amount described in §18-602 shall be due and payable at the time application is made for such permit.

*(Ord. 95-5, 12/12/1995, §6.04)*

**§18-605. Payment of Fees.**

All tapping fees and connection fees shall be payable to the Treasurer of this Borough or to such other officer or agent of this Borough as shall be authorized from time to time by resolution of the Council of this Borough to accept payment thereof.

*(Ord. 95-5, 12/12/1995, §6.05)*

**§18-606. Enforcement.**

Payment of tapping fees and connection fees imposed under this Chapter shall be enforced by this Borough in any manner appropriate under laws at the time in effect.

*(Ord. 95-5, 12/12/1995, §6.06)*

**§18-607. Special Agreements for Tapping Fees.**

Nothing herein contained shall be deemed to prohibit this Borough from entering into separate or special agreements with the owner of any property with respect to the tapping fees to be imposed in those cases where such owner shall agree to make a capital contribution toward the cost of constructing or improving the sewer system, or shall agree to construct any facilities, at such owner's cost and expense, thereafter to become part of the sewer system owned and operated by this Borough, where, due to special or unusual circumstances, the tapping fee set forth herein shall be deemed by this Borough, in its sole discretion, to be inequitable, or where it is in the best interests of this Borough to do so.

*(Ord. 95-5, 12/12/1995, §6.07)*

**§18-608. Costs of Installing Necessary Facilities.**

The owner of any improved property connecting to the sewer system shall be responsible for the costs and expense of acquiring and installing any grinder pump or related and necessary facilities in the manner, of the type and model prescribed by the Borough in connection with construction of a building sewer.

*(Ord. 95-5, 12/12/1995, §6.08)*

**Exhibit 18-6-A**

**Tapping Fee and Connection**

A. Maximum tapping fee computation (per Act 203).

Total construction cost:	\$6,385,160
Total estimated project cost:	\$7,442,631

**Capacity Part**

\$2,182,811 construction cost
<u>361,504</u> other project costs
\$2,544,315 eligible capacity part

**Collection Part**

\$4,202,349 construction cost
<u>695,967</u> other project costs
\$4,898,316 total collection part
<u>(468,343)</u> lateral costs
\$4,429,973 eligible collection part

**Component Parts Reduced by Contributions and Grant**

Eligible costs
Developer contributions: \$327,000**
D.O.C. Grant: \$75,000**

**Capacity Part (34% of Total)**

\$2,544,315
(327,000)
<u>(0)</u>
\$2,217,315

**Collection Part by (66% of Total)**

\$4,429,973
(0)
<u>(67,500)***</u>
\$4,362,473

Sewage Treatment Facilities have a maximum permitted capacity of 650,000 GPD

$$\text{Cost / Gal} = \frac{\$2,217,315}{650,000\text{GPD}} = \$3.41 / \text{GPD} = \frac{\$4,362,473}{650,000\text{GPD}} = \$6.71 / \text{GPD}$$

Equivalent Dwelling Unit = 200 GPD

$$\text{Cost / EDU} = \frac{\$3.41}{\text{GPD}} \times \frac{200 / \text{GPD}}{\text{EDU}} = \$682 / \text{EDU} \quad \frac{\$6.71}{\text{GPD}} \times \frac{200 / \text{GPD}}{\text{EDU}} = \$1,342 / \text{EDU}$$

Special Purpose Part

(pump stations, extensions, etc.)

\$0. (case-by-case only)

Reimbursement Part

(for sharing privately constructed line extensions)

\$0. (case-by-case only)

\*\*Grant and developer contributions not included in cost base calculation.

\*\*\*\$75,000 grant adjusted to 90% of total to exclude grant attributable to laterals.

### Summary of Tapping Fee Components

Capacity part	\$ 682
Collection part	1,342
Special purpose part	0
Reimbursement component	<u>0</u>

### Maximum Tapping Fee

Per Acts 203 and 209	\$2,024
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#### B. Maximum Connection Fee Computation

Connection fee calculation—Based on actual construction costs

$$\frac{\$468,343 \text{ const. cost}}{667 \text{ laterials installed}} = \$702$$

NOTE: Customer must run building sewer from property line to dwelling; therefore, there is no “customer facilities fee.”

**Part 7****Prohibited Wastes****§18-701. Enumeration of Prohibited Wastes.**

No person shall discharge or shall cause to be discharged into the sewer system any stormwater, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, or drainage from roof leader connections.

(*Ord. 95-5, 12/12/1995, §7.01*)

**§18-702. Types of Discharge Identified.**

Except as otherwise provided, no person shall discharge or cause to be discharged into the sewer system any matter or substance:

- A. Having a temperature higher than 104 degrees Fahrenheit (40 degrees Centigrade) or less than 32 degrees Fahrenheit.
- B. Containing more than 50 mg/l of fat, oil, or grease.
- C. 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 in any other way to the WWIF or to the operation of the WWIF. At no time shall two successive readings on an explosion hazard meter at any point of discharge into the system (or at any point in the system) be more than 5 percent nor any single reading over 10 percent of the lower explosive limits (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the Borough, the Commonwealth, or EPA has notified the user is a fire hazard or a hazard to the sewer system.
- D. Containing any solid wastes with particles greater than ½ inch in any dimension, resulting from preparation, cooking, and dispensing of food and from handling, storage, and sale of produce, which wastes commonly are known as garbage, which have not been ground by household type garbage disposal units or other suitable garbage grinders.
- E. Containing any solids or viscous substances which may cause obstruction to flow in the sewer system or other interference with the proper operation of the WWIF such as, but not limited to, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, feathers, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, strings, wood, plastics, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, dental floss, wool or other fibers.
- F. Having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazards to structures or

equipment of the sewer system or any sewer or to any person engaged in operation and maintenance of the sewer system.

G. Containing toxic or poisonous substances in sufficient quantity to injure or to interfere with any sewage treatment process, to constitute hazards to humans or animals or to create any hazards in waters which shall receive treated effluent from the sewer system.

H. Containing dyes or other materials with objectionable color, from any source that will result in a treatment plant effluent exceeding limits in compliance with applicable State or Federal regulations.

I. Any substance which may cause the WWIF's effluent or any other product of the WWIF such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the WWIF cause the WWIF to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or Commonwealth criteria applicable to the sludge management method being used.

J. Containing radioactive substances and/or isotopes of such half-life or concentration that will result in a treatment plant effluent exceeding limits in compliance with applicable State or Federal regulation.

K. Having a chlorine demand in excess of 12 mg/1 at a detention time of 20 minutes.

L. Prohibited by any permit issued by the Commonwealth of Pennsylvania or the U.S. Environmental Protection Agency.

M. Containing waste which are not amenable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradable complex carbon compounds.

N. Having a BOD content greater than 250 ppm.

O. Having a total suspended solids content greater than 250 ppm.

P. Having a total phosphorus as P content greater than 6.6 ppm.

Q. Having an ammonia nitrogen as N content greater than 20 ppm.

R. Having any waste containing toxic or poisonous substance in excess of the following limits, measured at the point of discharge to the sewer system:

<b>Substance</b>	<b>Maximum Concentration ppm</b>
Arsenic	0.05
Cadmium	0.03
Chromium	0.76
Copper	0.61
Cyanides	0.58
Lead	0.70



Substance	Maximum Concentration ppm
Mercury	0.01
Nickel	0.38
Phenolic Compounds	0.005
Silver	1.64
Zinc (as Zn)	0.46

S. Containing any substance not mentioned in the foregoing list that will pass through the WWIF and exceed the maximum permitted levels for such substance under the requirements of the Commonwealth or other governmental agencies having jurisdiction.

T. Any other substance prohibited by ordinance, resolution, rule, or regulation of the Borough hereafter enacted or adopted from time to time.

*(Ord. 95-5, 12/12/1995, §7.02)*

**§18-703. Written Permission for Discharge Required.**

Under no circumstances shall any person discharge or cause to be discharged into the sewer system any of the substances listed in §18-702 above, without first securing written permission to do so from the Borough.

*(Ord. 95-5, 12/12/1995, §7.03)*

**§18-704. Federal Standards to Supersede.**

Upon the promulgation of the Federal categorical pretreatment standards for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this Chapter. The Borough shall notify all affected users of the applicable reporting requirements under 40 CFR §403.12.

*(Ord. 95-5, 12/12/1995, §7.04)*

**§18-705. Increase of Process Water; Dilution.**

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal categorical pretreatment standards, or in any other pollutant-specific limitations developed by the Borough or Commonwealth (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in §18-702, e.g., the pH prohibition. Such practices must receive prior written approval from the Borough.)

*(Ord. 95-5, 12/12/1995, §7.05)*

**§18-706. Continual Approval for Special Discharges.**

Whenever a person is authorized by the Borough and the appropriate governmental agencies to discharge any polluted water, domestic sanitary sewage or industrial waste

containing any of the substances or possessing any of the characteristics referred to in §18-702, such discharge shall be subject to the continuing approval, inspection and review of the Borough. If, in the opinion of the Borough, such discharges are causing or will cause damage to the sewer system, or cause the Borough to be in violation of any agreement or order, the Borough shall order the person causing such discharge to cease doing so forthwith, or to take other appropriate action, including exercising the remedies provided in this Chapter, to eliminate the harmful discharge.

*(Ord. 95-5, 12/12/1995, §7.06)*

**§18-707. Special Agreements for Wastes of Unusual Strengths.**

Nothing contained herein shall be construed as prohibiting any special agreement or arrangement between the Borough and the owner of an improved property allowing industrial wastes of unusual strength or character to be admitted into the sewer system.

*(Ord. 95-5, 12/12/1995, §7.07)*

**§18-708. Pretreatment Facilities.**

1. Where necessary or appropriate, in the opinion of the Borough, the owner of an improved property shall provide, at the sole expense of the owner, suitable pretreatment facilities acceptable to the Borough.

2. Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of Industrial Wastes shall be submitted for approval of the Borough. No construction of any such facility shall commence until approval has been obtained, in writing, from the Borough, and until approval has been obtained from any and all regulatory bodies having jurisdiction.

3. Such facilities for preliminary treatment and handling of industrial wastes shall be continuously maintained, at the sole expense of the owner, in good operating condition satisfactory to the Borough. The Borough shall have access to such facilities at reasonable times for purposes of inspection and sampling.

*(Ord. 95-5, 12/12/1995, §7.08)*

**Part 8****Admission of Industrial Wastes into Sewer System****§18-801. Prior Application Required.**

No person shall discharge or cause to be discharged into the sewer system any industrial wastes without prior application for and receipt of a written permit from the Borough.

(Ord. 95-5, 12/12/1995, §8.01)

**§18-802. Industrial Wastes Questionnaire.**

Any person desiring to make or use a connection through which industrial wastes shall be discharged into the sewer system shall file with the Borough a completed "industrial wastes questionnaire," furnished by the Borough, which shall supply pertinent data, including estimated quantity of flow, characteristics, and constituents of the proposed discharge. The cost of obtaining all such data shall be borne by the person desiring to make or use the connection to the sewer system.

(Ord. 95-5, 12/12/1995, §8.02)

**§18-803. Industrial Wastes Report.**

1. Ten days prior to the first day of January, April, July, and October of each year, each major contributor of industrial wastes shall file with the Borough a report on the quality and quantity of their discharge. The report forms shall be supplied by the Borough and shall be similar to EPA 7550-22, page IV-L.

2. Major contributors shall consist of those whose total estimated or metered discharge exceeds 20,000 gallons per day, have in their waste a toxic pollutant or, in the judgment of the Borough, would have a significant impact on the sewer system or the quality of its effluent.

(Ord. 95-5, 12/12/1995, §8.03)

**§18-804. Installation of Control Manholes and Meters.**

1. When required by the Borough, the owner of any improved property serviced by a building sewer carrying industrial wastes shall install, at his expense, a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling, and measurement of the waste flow.

2. All measurements, tests, and analysis of the characteristics of water and wastes to which reference is made herein shall be determined in accordance with the latest edition of *Standard Methods for Examination of Water and Wastewater*, published by the American Public Health Association, Inc. and shall be determined by or under the direct supervision of a "qualified analyst" at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer system and to determine the existence of hazards

to life, limb, and property. (The Borough will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples must be taken.)

3. All cost associated with the construction and maintenance of sampling ports and sampling equipment and all cost associated with testing and analyses of water and waste samples shall be the responsibility of the owner of the improved property.

(*Ord. 95-5, 12/12/1995, §8.04*)

**§18-805. Prior Notification of Change in the Method of Operation.**

Any industrial establishment discharging domestic sanitary sewage and/or industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics an/or volume of such wastes being discharge shall notify the Borough in writing at least 10 days prior to institution of such change.

(*Ord. 95-5, 12/12/1995, §8.05*)

**§18-806. Interceptors.**

Grease, oil, and sand interceptors shall be provided by the owner of any industrial, commercial, or institutional establishment, at his or its sole cost, when required by the Borough, for the proper handling of liquid wastes containing excessive grease, inflammable wastes, sand, or other harmful substances. All interceptors shall be of a type and capacity approved by the Borough and constructed or installed at a satisfactory location in accordance with plans approved by the Borough prior to installation or commencement of construction.

(*Ord. 95-5, 12/12/1995, §8.06*)

**§18-807. Use of Garbage Grinders.**

The use of mechanical garbage grinders in an industrial establishment or a commercial establishment shall not be permitted without prior approval from the Borough.

(*Ord. 95-5, 12/12/1995, §8.07*)

**§18-808. Regulating Devices.**

The Borough may require industrial establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.

(*Ord. 95-5, 12/12/1995, §8.08*)

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**Part 9****Miscellaneous****§18-901. Right to Access.**

The Borough shall have the right of access, at all reasonable times, to any part of any improved property as necessary for purposes of inspection, observation, measurement, sampling, and testing and for performance of other functions relating to service rendered by the Borough.

*(Ord. 95-5, 12/12/1995, §9.01)*

**§18-902. Grinder Pump for Improved Property.**

The owner of any improved property, upon direction of the Borough, shall acquire and install, at such owner's cost and expense, a grinder pump or similar apparatus satisfactory to the Borough in the manner and at the location directed by the Borough. Such grinder pump shall be installed at the time such improved property is connected to the sewer system and shall be subject to inspection and approval together with the remainder of the building sewer.

*(Ord. 95-5, 12/12/1995, §9.02)*

**§18-903. Owner Liable for Tenants.**

The owner of any improved property shall be held liable for all acts of tenants or other occupants of such improved property, as may be permitted by law, insofar as such acts shall be governed by the provisions of this Chapter.

*(Ord. 95-5, 12/12/1995, §9.03)*

**§18-904. Additional Fees, Rules, and Regulations.**

This Borough reserves the right to adopt, from time to time, such additional fees, rates, and charges, classifications, rules, and/or regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which additional fees, rates, and charges, classifications, rules, and/or regulations shall be, shall become and shall be construed as part of this Chapter.

*(Ord. 95-5, 12/12/1995, §9.04)*



**Part 10****Enforcement****§18-1001. Fines and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 95-5, 12/12/1995, §10.01; as amended by Ord. 2013-1, 6/26/2013)*

**§18-1002. Enforcement.**

Fines and costs imposed under provisions of this Chapter shall be enforceable and recoverable in the manner at the time provided by applicable law.

*(Ord. 95-5, 12/12/1995, §10.02)*





**Part 11****Declaration of Purpose****§18-1101. Purpose.**

It is declared that enactment of this Chapter is necessary for the protection, benefit and preservation of the health, safety, and welfare of inhabitants of this Borough.

*(Ord. 95-5, 12/12/1995, §13.01)*

