

## CHAPTER 18

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## Part 1

### Connections to Sanitary Sewer

#### §101. Definitions.

The following words and terms as used in this ordinance, shall be construed and defined as follows, unless the context clearly indicates otherwise:

1. The words “sewer system”, “Borough Sewer System” or “sewer of the Borough” mean and refer to the present sanitary sewer collection system serving the Borough of Fountain Hill and any additions or extensions that hereafter may be made thereto by the Fountain Hill Authority or the Borough of Fountain Hill, but excluding storm water sewers. The use of these words shall not be determinative of the ownership of the sewer system which must be determined by reference to agreements between the Borough of Fountain Hill and the Fountain Hill Authority.
2. The word “sewage” means and refers to household waste, liquids, human or animal excretion and all substance commonly known as sewage, but shall not include roof or surface waters, exhaust steam, oils, tars, grease, gasoline, benzine, or other combustible gases and liquids, offal or insoluble solids, or substances which would impair, impede, affect, interfere with, or endanger the sewer system or any part thereof in any manner whatsoever, or the functioning of the processes of sewage treatment or industrial waste.
3. The words “industrial waste” mean and refer to any liquid, gaseous or solid substance resulting from any manufacturing or industrial processes.
4. The words “hospital waste” shall mean and refer to any liquid, gaseous, or solid waste, substance resulting from the operation of a hospital.
5. The words “occupied building” mean and refer to any structure erected and intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure sewage is or may be discharged.
6. The words “premises accessible to the sewer system” mean and refer to real estate which adjoins, abuts on or is adjacent to the sewer system.
7. The word “connection” means and refers to the pipe line or pipe lines from the main or street sewer in any public highway, street, lane or alley to the building line.
8. The word “person” shall include individuals or natural persons, artificial persons existing only in contemplation of law, and shall be construed to include associations, partnerships, limited partnerships, joint stock companies, and corporations.

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The singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 189, 7/14/1954, §1)

### **§102. Connections Required.**

1. All persons owning any occupied building now erected upon premises accessible to the sewer system shall at their own expense, connect such building with the sewer system on or before October 1, 1954.
2. All persons owning any premises accessible to the sewer system upon which a building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the sewer system.
3. All persons owning any occupied building upon premises which hereafter becomes accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 90 days after notice to do so from the Secretary of the Borough of Fountain Hill.

(Ord. 189, 7/14/1954, §2)

### **§103. Failure to Connect; Borough May Make Connection; Recovery of Cost.**

If the owner of any property, after October 1, 1954 in the case of property now accessible to the sewer system, and within 90 days after notice from the Borough to make connection of such property with the Borough sewer system in the case of property not now accessible to the sewer system, shall fail to make such connection, the Borough may make such connection and may collect the cost thereof from such owner by a municipal claim or in an action of assumpsit, as is provided by law.

(Ord. 189, 7/14/1954, §3)

### **§104. Conditions for Connections.**

No person shall make or cause to be made any connection of his property with the Borough sewer system until he has fulfilled all of the following conditions:

1. He shall notify the Borough Council of his desire and intention to make such connection;
2. He shall pay a sewer connection fee of \$2, which shall be payable in advance to the Borough Secretary;

3. He shall have applied for and obtained a permit to excavate in the street, in accordance with the Borough ordinance regulating the same.
4. He shall have given the Secretary of the Borough at least 24 hours' notice of the time when such connection shall be made, in order that the Borough Sewer Inspector or his authorized agent can be present to supervise the work of connection.

(Ord. 189, 7/14/1954, §4)

**§105. Borough Sewer Inspector to Supervise Connections.**

All work of making connections to any of the Borough sewers shall be done under the personal supervision of the Borough Sewer Inspector or his authorized agent.

(Ord. 189, 7/14/1954, §5)

**§106. Individual Property Connections Required.**

Every property to be connected to the sewer system as herein provided shall be connected separately and independently with the sewer system through the connection branch directly opposite the building or nearest in a downstream direction. Two or more properties shall not be permitted to discharge in the same building lateral connecting any property with the sewer system, except under special circumstances, and for good sanitary reasons, with special permission granted by the Borough Council upon recommendation of the Borough Sewer Inspector.

(Ord. 189, 7/14/1954, §6)

**§107. Certain Connections Require a Grease Interceptor.**

Where the building to be connected with the sewer system is used, in whole or in part, for the preparation or serving of food or for any other processing where grease, or grease in suspension, may be produced, including, but not limited to, eating houses, restaurants, hotels, drug stores, bars and saloons, there shall be installed in each such connection, a grease interceptor or trap of design and make approved by the Borough Sewer Inspector.

(Ord. 189, 7/14/1954, §7)

**§108. Cost of Borough Connection Work Charged to Property Owner.**

The Borough reserves the right and may elect to do all or part of the work incidental to making any connection and shall so endorse the permit. In such event the cost of labor and material for such part of such work shall be charged to and paid by the property

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owner. If not so paid, such costs may be collected by the Borough in such manner as may be permitted by law.

(Ord. 189, 7/14/1954, §8)

### **§109. Work to be Completed in Accordance With Terms of Required Permit.**

Each permit issued to a property owner, pursuant to the provisions of this ordinance for the making of a connection with the sewer system shall be invalid unless work is commenced and completed in accordance with the terms thereof, and no work shall be done after any permit has expired unless and until a new permit shall have been obtained from the Borough Secretary. The Borough reserves the right to revoke any permit so issued upon violation of any of the provisions of this ordinance and the property owner whose permit shall be so revoked shall thereupon be required to secure a new permit for the making of a connection or connections with the sewer system upon such terms as the Borough may prescribe.

(Ord. 189, 7/14/1954, §9)

### **§110. Certain Receptacles Prohibited.**

No privy vault, cesspool, sinkhole, septic tank or other receptacle for human excrement or other waste materials shall at any time, now or hereafter, be connected with any part of the Borough sewer system.

(Ord. 189, 7/14/1954, §10)

### **§111. Discharge of Certain Substances into System Prohibited.**

On and after August 1, 1954 it shall be unlawful for any person owning a building connected with the sewer system to discharge or permit to be discharged into any part thereof, roof or surface water, exhaust water, exhaust steam, oils, tar, grease, gasoline, benzine, or other combustible gases and liquids, offal, or insoluble solids or substance which would impair, impede, affect, interfere with or endanger the sewer system or any part thereof, in any manner whatsoever, of the functioning of the processes of sewage treatment.

(Ord. 189, 7/14/1954, §11)

### **§112. Pretreatment of Certain Industrial Wastes Required.**

On and after August 1, 1954 it shall be unlawful for any person to discharge or to permit to be discharged into the sewer system any industrial waste which would impair, impede, affect, interfere with or endanger the sewer system or any part thereof or the

functioning of the processes of sewage treatment. No permit shall be issued for a connection, or shall any connection be made, to the sewer system for the purpose of discharging industrial waste therein until the Borough Engineer shall have first determined that such industrial waste to be discharged into the sewer system is, or has been rendered by pretreatment or otherwise, reasonably harmless and would not impair, impede, affect, interfere with or endanger the sewer system or any part thereof or the functioning of the processes of sewage treatment. The Borough Engineer shall have access at all reasonable times to all plants and buildings from which industrial waste is being discharged into the sewer system for the purpose of determining whether any of the provisions of this ordinance are being violated. In the event of any violation of this §12, the Borough shall, in addition to the penalties provided for in this ordinance, have the right to compel the discontinuance of the discharge of such industrial waste.

(Ord. 189, 7/14/1954, §12)

**§113. Certain Sewage Receptacles Prohibited on Premises Accessible to Sewer System.**

No privy vault, cesspool, sinkhole, septic tank, or other receptacle for human excrement shall hereafter be maintained upon any premises accessible to the Borough sewer system. Every such privy vault, cesspool, sinkhole, septic tank, or other receptacle shall within 90 days after final enactment of this ordinance in the case of premises now accessible to the sewer system, and within 90 days after the sewer system is made accessible, in the case of premises not accessible to the sewer system, be abandoned, cleansed and filled under the direction of the Health Officer of the Borough. Any such privy vault, cesspool, sinkhole, septic tank, or other receptacle not abandoned, cleansed and filled as required by this section shall constitute a nuisance and such nuisance may be abated on order of the Board of Health as provided by law, at the expense of the owner of such property.

(Ord. 189, 7/14/1954, §13)

**§114. Penalty.**

Any persons who shall violate any of the rules, regulations or requirements set forth in this Part 1 shall be liable, upon conviction by a District Justice or other Court having jurisdiction, shall pay a fine of not more than \$300 and costs of prosecution, or, to undergo imprisonment for not more than one day for each \$10 of the unpaid balance of the fine and costs. Each 90 day period during which a violation continues shall be deemed and taken to be a separate offense and punishable as such.

(Ord. 189, 7/14/1954, §14; as amended by Ord. 348, 1/4/1982)

**§115. Fines and Penalties to be Applied to the General Fund.**

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All fines and penalties resulting from prosecutions for violation of this Part 1 shall be paid to the Secretary of the Borough of Fountain Hill to apply to the General Fund.

(Ord. 189, 7/14/1954, §15; as amended by Ord. 348, 1/4/1982)

### **§116. Validity.**

If any provisions, sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Borough Council, that this ordinance would have been adopted had such unconstitutional, illegal, or invalid provisions, sentence, clause, section or part not been included herein.

(Ord. 189, 7/14/1954, §16)

### **§117. Purpose; Effective Date.**

This ordinance is hereby declared to be urgent for the preservation of the peace, health and comfort of the citizens of Fountain Hill and shall take effect and be in force immediately after its passage.

(Ord. 189, 7/14/1954, §18)

**Part 2**

**Rates and Charges**

**§201. Definitions.**

The words “sewer system” “Borough sewer system” or “sewers of the Borough,” as used in this Part 2, shall mean and refer to the present sanitary sewer collection system serving the Borough of Fountain Hill and any additions or extensions that may hereafter by made thereto by the Fountain Hill Authority or the Borough of Fountain Hill, but excluding stormwater sewers. These words shall not, by inference or otherwise, be determinative of the ownership of such sewer system, which must be determined by reference to the appropriate agreements relating thereto between the Borough of Fountain Hill and the Fountain Hill Authority.

(Ord. 188, 7/14/1954, §1)

**§202. Imposition of Sewer Rental or Charge.**

There is hereby imposed an annual sewer rental or charge for the use of the sewers and sewage system of the Borough of Fountain Hill, to be payable by the owners of all properties to be served by any of the sewers of the Borough, at the rates hereinafter set forth.

(Ord. 188, 7/14/1954, §2)

**§203. Annual Rate Based on Water Consumption.**

The sewer rental hereby imposed shall be an annual charge based upon the water consumption of the properties served, as measured by the following charges for water supplied by the City of Bethlehem:

First attachment, being the connection of the public water system with that on private property:

| <b>Size</b>        | <b>Per Annum</b> |
|--------------------|------------------|
| 5/8-inch ferrule   | \$16.00          |
| 1-inch ferrule     | \$20.00          |
| 1 1/4-inch ferrule | \$30.00          |
| 1 1/2-inch ferrule | \$45.00          |
| 2-inch ferrule     | \$80.00          |
| 2 1/2-inch ferrule | \$125.00         |

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| <b>Size</b>    | <b>Per Annum</b> |
|----------------|------------------|
| 3-inch ferrule | \$180.00         |
| 4-inch ferrule | \$320.00         |
| 6-inch ferrule | \$720.00         |

NOTE: THESE ARE MINIMUM RATES.

One spigot of every connection with the water system is at the above rate; additional spigots are at the following rates:

| <b>Type</b> | <b>Per Annum</b> |
|-------------|------------------|
|-------------|------------------|

**Dwelling and Apartment Domestic Rates**

|   |         |
|---|---------|
| First Attached Sink with Hot and Cold Spigot or Hydrant | \$16.00 |
| Additional Sink, each                                   | \$6.00  |
| Additional Hydrant                                      | \$10.00 |
| Bathtub, each   | \$4.00  |
| Each Additional Bathtub                                 | \$2.00  |
| Shower Bath, each                                       | \$4.00  |
| Foot Bath, each   | \$4.00  |
| Draw Knob Water Closet                                  | \$4.00  |
| Each Additional Draw Knob Water Closet                  | \$2.00  |
| Self-Acting or Syphon Flush Water Closet, each          | \$10.00 |
| Water Closet With Lever or Valve, each (hand-operated)  | \$20.00 |
| Water Closet, Frostproof, Self-filling Tank             | \$4.00  |
| Wash Basin, each  | \$4.00  |
| Each Additional Wash Basin                              | \$2.00  |
| Wash Tubs, each   | \$4.00  |
| Pave Wash, Screw Nozzle                                 | \$4.00  |
| Water Motor for Family Use                              | \$10.00 |
| Hot Water Heat or Steam Heat, each House or Apartment   | \$2.00  |
| Auto Cellar Drainer                                     | \$20.00 |

When more than one family is supplied from same fixture, each family is to be charged the same as if each had its own fixture.

| <b>Type</b>   | <b>Per Annum</b> |
|---------------|------------------|
| Urinals, each | \$6.00           |

| <b>Type</b>   | <b>Per Annum</b>                               |
|---|--|
| Other Spigots   | \$4.00   |
| <b>Barrooms, Saloons, Hotels, Clubhouses, Fraternities, Restaurants, Boarding-houses, Poolrooms and Offices</b> |  |
| Sink, Hot and Cold or Either or Hydrant   | \$20.00  |
| Additional Sink, each   | \$6.00   |
| Additional Hydrants, each   | \$10.00  |
| Bathtubs, Hot and Cold Water or Either, each  | \$8.00   |
| Foot Bath, each   | \$4.00   |
| Shower Baths, each  | \$8.00   |
| Water Closets, Draw Knob, each  | \$6.00   |
| Water Closets, Self-Acting or Syphon Flush, each  | \$10.00  |
| Water Closets, with Lever or Valve, each (hand-operated)  | \$20.00  |
| Water Closet, Frostproof, Self-filling, each  | \$6.00   |
| Wash Basins, each   | \$6.00   |
| Wash Tubs, each   | \$6.00   |
| Pave Wash, Hose Con or Screw Nozzle   | \$4.00   |
| Urinals (Individual) each   | \$6.00   |
| Urinals (Trough)  | \$3.00 per linear foot;<br>none less than 6.00 |
| Water Pressure Beer Pump in Addition to First Spigot  | \$16.00  |
| Bar Spigots in Addition to First Spigot   | \$16.00  |
| Each Additional Bar Spigot  | \$4.00   |
| Ice Water Spigot  | \$2.00   |
| Bar Flush   | \$10.00  |
| Horse Trough, Public, per season (April 1 to November 1)  | \$10.00  |
| Hot-Water Heating Plants, per season  | \$4.00 and up                                  |
| Steam Heating Plants, per season  | \$12.00 and up                                 |
| Coffee, Urn   | \$6.00   |
| Steam Kettles   | \$8.00   |
| Oyster Bar  | \$6.00   |
| Potato Peeler   | \$20.00  |
| Steam Bar   | \$10.00  |

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| <b>Type</b>  | <b>Per Annum</b>                                 |
|--|--|
| Dishwash Machine                                   | \$20.00  |
| Refrigerating Plants                               | \$6.00 and up                                    |
| Fire Hose Connections, each                        | \$4.00   |
| Other Spigots                                      | \$4.00   |
| Drinking Fountains, each                           | \$10.00  |
| <b>Schools and Churches</b>                        |  |
| First or 1 Spigot Only                             | \$16.00  |
| Additional Sinks, each                             | \$6.00   |
| Bathtub in Addition to First Spigot                | \$8.00   |
| Shower Baths, each                                 | \$8.00   |
| Water Closet, Draw Knob, each                      | \$6.00   |
| Water Closet, Self-Acting or Syphon Flush, each    | \$10.00  |
| Water Closet, Lever or Valve, each (hand-operated) | \$20.00  |
| Water Closet, Frostproof, Self-filling             | \$6.00   |
| Wash Basins, each                                  | \$6.00   |
| Drinking Fountains, each                           | \$10.00  |
| Urinals, Individual                                | \$6.00   |
| Urinals (Trough),                                  | \$3.00 per linear foot;<br>none less than \$6.00 |
| Water, Power Organ Motors, 1 1/4 Con               | \$30.00 and up                                   |
| Hot-Water Heat                                     | \$4.00 and up                                    |
| Steam Heat   | \$12.00 and up                                   |
| Fire Hose Con                                      | \$4.00   |
| Pave Wash  | \$4.00   |
| Other Spigots, each                                | \$4.00   |
| <b>Doctor and Dentist Offices</b>                  |  |
| First or 1 Spigot Only                             | \$16.00  |
| Additional Sinks, each                             | \$6.00   |
| Water Closet, Draw Knob, each                      | \$6.00   |
| Wash Basins, each                                  | \$6.00   |
| Dental Cuspidor, each                              | \$10.00  |
| Other Spigots, each                                | \$4.00   |

| <b>Type</b>   | <b>Per Annum</b>                 |
|---|----------------------------------|
| <b>Factories</b>  |                                  |
| First or 1 Spigot Only  | \$20.00                          |
| Additional Sinks, each  | \$6.00                           |
| Water Closets, Draw Knob, each  | \$6.00                           |
| Water Closets, Self-Acting or Syphon Flush, each  | \$10.00                          |
| Water Closets, Lever or Valve, each (hand-operated)   | \$20.00                          |
| Water Closet, Frostproof, Self-filling, each  | \$6.00                           |
| Wash Basins, each   | \$6.00                           |
| Drinking Fountains  | \$10.00                          |
| Hot-Water Heat Plant  | \$4.00 and up                    |
| Steam Heat Plant  | \$12.00 and up                   |
| Steam Boilers, each horsepower up to and including 20 horsepower in addition to first spigot, but no boiler |                                  |
| Less than \$10.00   | \$4.00                           |
| Each Additional Horsepower  | \$2.00                           |
| Breweries   | From \$200.00 upwards, per annum |
| Air Compressors   | \$20.00 and up                   |
| Soaking Vats or Tubs, each  | \$20.00                          |
| Spigot in Ice Cream Factory   | \$40.00 and up                   |
| <b>Stores, Drug Stores, Bakeries, Barber Shops Hair Dressing Establishments</b>                             |                                  |
| First or 1 Spigot or Hydrant Only, each   | \$16.00                          |
| Sink in Addition to First Spigot, each  | \$6.00                           |
| Sink in Bake House in Addition to First Spigot  | \$6.00                           |
| Additional Wash Basin in Barber Shop  | \$10.00                          |
| Water Closet, Draw Knob, each   | \$6.00                           |
| Water Closet, Self-Acting or Syphon, Flush, each  | \$10.00                          |
| Water Closet, with Lever or Valve, each (hand-operated)   | \$20.00                          |
| Water Closet, Frostproof, Self-filling, each  | \$6.00                           |
| Wash Basins in Stores, each   | \$4.00                           |
| Pave Wash, each   | \$4.00                           |
| Hot-Water Heat, per season  | \$4.00 and up                    |

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| <b>Type</b>  | <b>Per Annum</b> |
|--|------------------|
| Steam Heat, per season                               | \$4.00 and up    |
| Urinals, Individual                                  | \$6.00           |
| Ice Water Spigot                                     | \$2.00           |
| Carbonator   | \$6.00           |
| Glass Rinser, Automatic Shutoff                      | \$10.00          |
| Coffee Urn   | \$6.00           |
| Drinking Fountains, each                             | \$10.00          |
| Spigot in Milk House in Addition to First Spigot     | \$16.00          |
| Clothes Pressing Machine                             | \$2.00           |
| <b>Public Garages</b>                                |                  |
| Public Garage Including 1 Sp. and Automobiles        | \$100.00         |
| Each Additional Spigot or Hose Con                   | \$8.00           |
| Each additional Sink in Addition to First Spigot     | \$6.00           |
| Wash Basin, each, in Addition to First Spigot        | \$6.00           |
| Water Closets, each, in Addition to First Spigot     | \$6.00           |
| Water Closets, Self-Acting or Syphon Flush           | \$10.00          |
| Water Closets, Lever or Valve, each (hand-operated)  | \$20.00          |
| Water Closet, Frostproof, Self-filling Tank          | \$6.00           |
| Curb Water Supply in Addition to First Spigot        | \$8.00           |
| <b>Private Garage or Stable and Livery Stables</b>   |                  |
| 1 Spigot, Including 1 Automobile or 1 Animal         | \$16.00          |
| Each Additional Automobile or animal                 | \$6.00           |
| Other Spigot or Hose Connection                      | \$8.00           |
| Sinks in Addition to First Spigot                    | \$6.00           |
| Wash Basin in Addition to First Spigot               | \$6.00           |
| Water Closet, Draw Knob, in Addition to First Spigot | \$6.00           |
| Water Closet, Self-Acting or Syphon Flush            | \$10.00          |
| Water Closet, Lever or Valve, each (hand-operated)   | \$20.00          |
| Water Closet, Frostproof, Self-filling Tank          | \$6.00           |
| Bathtub  | \$4.00           |
| Pave Wash  | \$4.00           |

| <b>Type</b>  | <b>Per Annum</b> |
|--|------------------|
| Washing Autos, Carriages, Wagons or Other Vehicles When No Water Rent is Paid for Garage or Stable, each | \$6.00           |
| Photo Gallery  |                  |
| First Spigot for Washing Photos or Blueprints  | \$16.00          |
| Each Additional Spigot or Sink   | \$6.00           |
| Wash Basin   | \$6.00           |
| Water Closet, Draw Knob  | \$6.00           |
| <b>Bottling House</b>  |                  |
| First Spigot or 1 Spigot only  | \$50.00          |
| Spigot at Trough for Washing Bottles in Addition to First Spigot   | \$20.00          |
| Additional Sink, each  | \$6.00           |
| Wash Basin, each   | \$6.00           |
| Water Closet, Draw Knob, each  | \$6.00           |
| Urinals, Individual  | \$6.00           |
| <b>Fire Hydrants</b>   |                  |
| Public or Private  | \$60.00          |
| <b>Garages</b>   |                  |
| Frame Garage, for 2 Cars or Less   | \$1.00 net       |
| Each Additional Car Space  | \$0.50 net       |
| Brick Garage, 2 Cars or Less   | \$2.00 net       |
| Each Additional Car Space  | \$1.00 net       |
| <b>Public Bathing Establishments</b>   |                  |
| 1 Tub, when Tapped From Mains  | \$16.00          |
| 1 Tub, when Tapped From Private Pipes  | \$10.00          |
| Each Additional Tub  | \$6.00           |
| Other Fittings at Hotel rates  |                  |
| <b>Fountains</b>   |                  |
| Fountains, 1-32 inch jet, one  | \$20.00          |
| Fountains, 1-16 inch jet   | \$28.00          |
| Fountains, each additional 1-32 inch jet   | \$4.00           |
| Fountains, each additional 1-16 inch jet   | \$8.00           |

## SEWERS AND SEWAGE DISPOSAL

| Type   | Per Annum       |
|--|-----------------|
| <b>Rates for Sewerage, Based on Water Meter Readings</b> |                 |
| For 1-inch service connection or under:                  |                 |
| First 8,000 gallons or less of water consumed            |                 |
| Per month  | \$32.86         |
| Next 1,000 gallons consumed                              | \$1.20/thousand |
| Excess   | \$1.20/thousand |
| From 1-inch above to 2-inch service connection:          |                 |
| First 42,000 gallons or less of water consumed           |                 |
| Per month  | \$201.19        |
| Excess   | \$1.75/thousand |
| From 2-inch service connection:                          |                 |
| First 100,000 gallons or less of water consumed          |                 |
| Per month  | \$336.04        |
| Excess   | \$1.75/thousand |
| From 3-inch service connection:                          |                 |
| First 250,000 gallons or less of water consumed          |                 |
| Per month  | \$719.20        |
| Excess   | \$2.20/thousand |
| From 4-inch service connection:                          |                 |
| First 300,000 gallons or less of water consumed          |                 |
| Per month  | \$1,109.00      |
| Excess   | \$2.75/thousand |
| From 5-inch service connection:                          |                 |
| First 500,000 gallons or less of water consumed          |                 |
| Per month  | \$1,860.00      |
| Excess   | \$3.30/thousand |
| From 6-inch service including 8-inch connection:         |                 |
| First 800,000 gallons or less of water consumed          |                 |
| Per month  | \$3,100.00      |
| Excess   | \$3.30/thousand |

The above fees are subject to a two-percent discount if paid within 30 days of the billing date. The gross amount shall be payable for 30 days following the discount period. A

penalty of 10% shall be added to all bills which remain unpaid after the gross period ends.

(Ord. 188, 7/14/1954, §3; as amended by Ord. 299, 3/1/1971, §1; by Ord. 335, 12/27/1979, §1; by Ord. 383, 6/12/1985; by Ord. 421, 3/7/1988; by Ord. 463, 4/2/1990; by Ord. 521, 10/4/1993; by Ord. 534, 9/6/1994; by Ord. 574, 3/4/1996; by Ord. 614, 3/2/1998; by Res. 2003-4, 4/16/2003; by Ord. 710, 4/4/2005; and by Ord. 728, 2/5/2007)

**§204. Other Sources of Water to be Metered; Rates to be Same as Metered City of Bethlehem Water System.**

For a property which uses water, all or part of which is from a source or sources other than the water supply system of the City of Bethlehem, there shall be a sewer rental separate from and in addition to any sewer rental based on the consumption of water from the water supply system of the City of Bethlehem. Such separate or additional sewer rental shall be measured by the quantity of water from the source or sources other than the water supply system of the City of Bethlehem which is discharged into the sewers of the Borough of Fountain Hill from said property. The owner of each such property shall install, without cost to the Borough of Fountain Hill, a meter or meters to measure the quantity of water received from other than the water supply system of the City of Bethlehem and discharged into the sewers of the Borough of Fountain Hill. No meter shall be installed or be used for such purpose without the approval of the Borough Engineer; and the Borough Engineer shall certify to the Secretary of the Borough of Fountain Hill the ferrule size through which each meter so used would customarily be supplied with water from the water supply system of the City of Bethlehem; and the sewer rental based upon the water received from other than the water supply system of the City of Bethlehem shall be the same in amount as is required to be paid by the owner of a metered property receiving the same quantity of water from the water supply system of the City of Bethlehem and having the certified size of meter.

If the owner of said property fails to install an approved meter or meters, the Borough Engineer shall make flow measurements of the waste discharged and furnish to the Secretary of the Borough of Fountain Hill an estimate of the amount of water from sources other than the water supply system of the City of Bethlehem which is discharged into the sewers of the Borough of Fountain Hill from the said property and shall certify the meter size through which the estimated quantity of water equal to the amount required to be paid for a metered property receiving the estimated quantity of water and having the certified size of meter. Costs for such flow measurements shall be borne by the user of the particular property, and shall become part of the sewer rental charge.

(Ord. 188, 7/14/1954, §4)

**§205. Industrial or Commercial Water Discharge Measurement.**

Whenever a property upon which a sewer rental is hereby imposed uses water from the water supply system of the City of Bethlehem for an industrial or commercial purpose such that the water so used is not polluted to an extent that its discharge to storm sewers is objectionable, and is not discharged into the sanitary sewerage system of the Borough, the quantity of water so used and not discharged into the sanitary sewers of the Borough of Fountain Hill shall be excluded in determining the sewer rental of said property; provided that the quantity of water so used and not discharged into the Borough's sewers is measured by a device or devices approved by the Borough Engineer, and installed without cost to the Borough, and provided that the water supply of said property is metered and the owner pays for the water at meter rates. The sewer rental based upon the consumption of water to be paid by the owner of said property shall be computed at the percentage specified in §203 hereof for a metered property having the same size meter as said property and using a quantity of water equal to the total quantity of water furnished said property by the City of Bethlehem, less the quantity not discharged into the sanitary sewers of the Borough of Fountain Hill; provided, however, that where, in the opinion of the Borough Engineer, it is not practical to install a measuring device to determine continuously the quantity of water not discharged into the Borough's sanitary sewers, the Borough Engineer shall determine periodically, in such manner and by such method as he may prescribe, the percentage of metered water discharged into the Borough's sewers. The quantity of water used to determine the sewerage rental shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to the estimated amount shall be submitted to the Borough Council after notice of the estimate, whose decision on the matter shall be final for the current year.

(Ord. 188, 7/14/1954, §5)

**§206. Measuring Devices to be Controlled by Borough Engineer.**

All meters or other measuring devices installed or required to be used under the provisions of this Part 2 shall be under the control of the Borough Engineer. The owner of the property upon which any such measuring device is installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the owner's cost, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the Borough, shall be due and payable within one month of the completion of such repairs, shall bear a penalty of \$5 and shall be collected in the same manner hereinafter provided for collection of sewer rentals or charges.

(Ord. 188, 7/14/1954, §6)

**§207. Allowable Discount.**

A discount, in proportion to the amount of construction of facilities completed, may be allowed, at the discretion of the Borough Council, and shall be considered at a temporary rate of discount for payment of bills, as further stated in §203.

(Ord. 188, 7/14/1954, §7)

**§208. Meter Billings.**

The sewer rentals or charges hereby imposed shall be effective on and after January 1, 1971.

Meter billings shall be rendered periodically by the Borough Secretary and shall be payable 30 days after the date of the bill and shall be subject to the discount heretofore provided in §203 of this Part 2, as amended.

The annual sewer rentals and charges for the calendar year shall be billed by the Borough Secretary as soon as practicable after January 1 of each year, and payment shall be due within 60 days from the date of such bill, subject to a discount for prompt payment as set forth in §203 of this Part 2, as amended.

(Ord. 188, 7/14/1954, §8; as amended by Ord. 299, 3/1/1971, §2)

**§209. Determination of Charge for Less Than Full Year of Service.**

Whenever sewer service to any property begins after the first day or terminates before the last day of any year as set forth in §208 hereof, the sewer rental for such property for such year shall be for that portion of the year during which the said property is served; provided, however, that in making such apportionment, a fraction of a month amounting to 1/2 or more of a month shall be counted a full month, and a fraction of a month amounting to less than 1/2 of a month shall be disregarded.

(Ord. 188, 7/14/1954, §9)

**§210. Collection of Sewer Rents.**

The Tax Collector of the Borough of Fountain Hill is hereby charged with the duty of collecting all residential sewer rents and the Borough Secretary with the duty of collecting all commercial sewer rents, and each is authorized to adopt such regulations as may, in their discretion, seem fit and proper, subject to the approval of Borough Council.

(Ord. 188, 7/14/1954, §10; as amended by Ord. 534, 9/6/1994)

## SEWERS AND SEWAGE DISPOSAL

### **§211. Rate of Interest on Unpaid Rental.**

Any sewer or rental charge, if not paid within 30 days after the date due, shall bear interest at the maximum rate permitted by law.

- A. Legal Actions; Filing of Lien. Such sewer or rental charge shall be a lien on the properties charged with the payment thereof, from the date set forth in this section, and, if not paid after 30 days' notice, may be collected by an action of assumpsit in the name of the Borough against the owner of the property charged, or by distress of personal property on the premises, or by a lien filed in the nature of a municipal lien. Notice shall mean delivery of the sewer rental bill by ordinary mail to the owner of the premises.
- B. Shutting off Water If Sewer Rentals or Charges Are Not Paid; Notice; Statement of Defense.
- (1) If the owner or occupant of any premises served by the Borough sewer system shall neglect or fail to pay for a period of 30 days from the due date thereof any rental or charge imposed by the Borough for the use of the sewers and sewerage system, the Borough may request the City of Bethlehem, the utility supplying the Borough residents with water, to shut off the supply of water to such premises until all such overdue rentals and charges, together with any penalties and interest thereon, shall be paid to the Borough. Upon such request, the City of Bethlehem is hereby authorized and required to shut off the supply of water to such premises until all such overdue rentals and charges, together with any costs, penalties and interest thereon, shall be paid to the Borough.
  - (2) In no case shall the water supply be shut off to any premises until 10 days after written notice of an intention to do so has been mailed to the person liable for payment of the rentals or charges, and in addition, there has been posted a written notice at a main entrance to the premises. If during such ten-day period, the person liable for the payment of the rentals or charges delivers to the Borough or the City of Bethlehem a written statement, under oath or affirmation, stating that he/she has a just defense to the claim, or part of it, for such rentals or charges, then the water supply shall not be shut off until the claim has been judicially determined. The statement shall also contain a declaration under oath or affirmation that it was not executed for the purpose of delay.
  - (3) Nothing contained in this section shall authorize the Borough or the City of Bethlehem to shut off or deny water service to any lessee of a property because a previous lessee failed to pay the sewer rental charge.
  - (4) If requested by the City of Bethlehem, the Borough shall pay to the City the mutually agreed cost of such shutoff service and the estimated loss of water revenues resulting from such shutoff. Any such costs shall be reimbursed by the owner or occupant of the premises at which the water is shut off.

- (5) The Borough may enter into a long-term agreement with the City of Bethlehem for the performance of such water shutoff services, which agreement shall be binding upon the City of Bethlehem, its successors and assigns.
- (6) The Borough Council may, by resolution, adopt such rules and regulations as are necessary to effectuate the purposes of this section.

(Ord. 188, 7/14/1954, §11; as amended by Ord. 534, 9/6/1994; and by Ord. 649, 10/2/2000)

**§212. Certain Properties Exempt from Rental or Charges.**

No sewer rental is hereby imposed on properties outside the Borough of Fountain Hill from which sewage and other liquid wastes are discharged into the sewers of the Borough under an agreement between the Borough of Fountain Hill and any other political subdivision of the commonwealth nor upon properties within the Borough where sewer facilities are not available.

Sewage and other liquid wastes from properties outside the Borough of Fountain Hill which are not included in the terms of any agreement between the Borough of Fountain Hill and the political subdivisions in which such property is situated shall not be discharged into the sewers or sewage system of the Borough of Fountain Hill in the absence of a contract, in writing, between the owner of such property and the Borough of Fountain Hill aforesaid which grants such right to such property owner and fixes the rentals or charges therefor.

(Ord. 188, 7/14/1954, §12)

**§213. Cost of Special Treatment Waste.**

In the event that an analysis of any sewage waste determines that such sewage waste requires special treatment at the sewage treatment plant of the City of Bethlehem, the Borough of Fountain Hill shall have the right to collect the cost of such special treatment from the persons, firms and corporations discharging such waste into the Borough's sewer system.

(Ord. 188, 7/14/1954, §13)

**§214. Charges for Industrial Waste.**

1. Industries, including hospitals, discharging wastes resulting from any manufacturing or industrial processes or resulting from the operation of a hospital shall be charged a sewer rental based upon the volume and concentration of each industry's or hospital's sewage waste as determined by measurement and analysis of

## SEWERS AND SEWAGE DISPOSAL

the waste of each industry or hospital discharging industrial or hospital wastes, as above set forth, in the sewer system of the Borough of Fountain Hill. The amount of sewer rental charged against each industry or hospital discharging industrial or hospital sewage wastes into the Borough's sewer system shall be determined quarterly, in the manner hereinafter set forth, and shall be payable to the Borough in quarterly annual installments in accordance with statements therefor forwarded by the Borough to each industry or hospital subject to such quarterly sewer rental charge. The concentration of waste is defined as the biochemical oxygen demand (BOD) and the chlorine demand (CD). Volume of flow shall be determined as stated in §§203, 204, 205 and 206 of this Part 2.

2. The concentration of a waste shall be determined by collection and analysis of quarterly samples of said waste, composited over the period of a working day of the industry or hospital discharging said waste. Said samples shall be collected and analyzed by the Borough Engineer or his qualified assistants. Analyses of samples shall be performed in accordance with methods prescribed in the most recent edition of "Standard Methods for the Examination of Water and Sewage, American Public Health Association."
3. The formula to be used in computing industrial or hospital waste sewer rentals or charges shall be the same as in use by the City of Bethlehem, which is as follows:  
$$R = (V_s \times F_1) + (V_I \times F_2) + (V_I \times \text{BOD } 165 + V_I \times \text{CD } 10) F_3$$
, in which

R = Rental or charge, per year.

$V_s$  = Volume of sanitary sewage discharged from the industry in thousands of gallons.

$V_I$  = Volume of industrial or hospital waste discharged from the industry or hospital in thousands of gallons.

$F_1$  = A factor based upon the cost of treating a thousand gallons of sanitary sewage.

$F_2$  = A factor based upon the fixed cost of treating a thousand gallons of industrial or hospital waste.

$F_3$  = A factor based upon the variable cost of treating a thousand gallons of industrial or hospital waste having a BOD and chlorine demand in excess of 165 and 10 parts per million, respectively, which is the average BOD and chlorine demand of normal domestic sewage from the Borough of Fountain Hill. The cost of treatment is determined by fixed charges plus the cost of labor, chemicals, fuel and electrical energy required for maintenance and operation of the complete sewerage system.

The fixed and variable costs of treatment are based upon the costs established by the City of Bethlehem and the Bethlehem Authority.

(Ord. 188, 7/14/1954, §14)

**§215. Certain Discharges to be Excluded from the Sanitary Sewer System; Alternative Receiving Body of Water.**

Stormwater and all other unpolluted drainage, including cooling water, shall be excluded from the sanitary sewer system and discharged to such sewers as are specifically designated by the Borough Engineer or to a natural outlet or stream, after approved by the Borough Engineer, his qualified assistants or other Borough designates, as being noninjurious to the sewer or receiving body of water.

(Ord. 188, 7/14/1954, §15)

**§216. When Required, Control Manhole to be Installed at Owner's Expense.**

When required by the Borough Engineer, the owner of any property served by a building sewer carrying industrial or hospital waste shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Borough Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Ord. 188, 7/14/1954, §16)

**§217. Special Agreements; Arrangements.**

No statement contained in this Part 2 shall be construed as preventing any special arrangement or agreement between the Borough of Fountain Hill and any industrial concern or hospital whereby an industrial or hospital waste of unusual strength or character may be accepted by the Borough for treatment, subject to payment therefor by the industrial concern or hospital.

(Ord. 188, 7/14/1954, §17)

**§218. Borough Engineer to be Notified of Changes that Alter Types of Industrial/Hospital Wastes.**

Any industry or hospital which is connected to the sewer system, and is discharging industrial or hospital wastes thereto, and shall change its methods of operation so as to alter the type of wastes previously discharged, shall notify the Borough Engineer 10 days previous to such change, so that the Borough Engineer or his qualified assistants or other Borough designates can sample the waste immediately after the change takes place and determine whether or not the new waste is injurious to the sewer system.

## SEWERS AND SEWAGE DISPOSAL

(Ord. 188, 7/14/1954, §18)

### **§219. Borough Has the Right to Enter Premises for Inspection Purposes.**

The Borough of Fountain Hill, by and through its duly authorized representatives, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, reading of meters, sampling and testing, in accordance with the provisions of this Part 2.

(Ord. 188, 7/14/1954, §19)

### **§220. In Case of Inaccurate Measurements, Borough May Assess Charges.**

In the event that any water or sewer meters herein referred to come into disrepair or become damaged or broken under such circumstances as make an accurate measurement impossible, the Borough may assess a sewer rental or charge based upon the sewer rentals or charges paid by property owners who own properties having the same or similar sewer connections.

(Ord. 188, 7/14/1954, §20)

### **§221. Validity.**

If any provisions, sentence, clause, section or part of this Part 2 is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Part 2. It is hereby declared as the intent of the Borough Council that this Part 2 would have been adopted had such unconstitutional, illegal or invalid provisions, sentence, clause, section or part not been included herein.

(Ord. 188, 7/14/1954, §21)

### **§222. Violations and Penalties.**

Any person who shall violate any rules, regulations or provisions set forth in this Part 2 of Chapter 18 of the Code of Ordinances shall be liable, upon conviction by a District Magistrate or other court having jurisdiction, and shall pay a fine of not more than \$300 and costs of prosecution, or undergo imprisonment for not more than 90 days. Failure to pay monthly, quarterly or annual rental (whichever billing period is established by the Borough) within the time period established by this Part 2 shall constitute a separate offense and shall be punishable as such.

(Ord. 711, 5/2/2005)

**Part 3**

**Permits for the Installation of Air-Conditioning and Refrigeration Systems or Equipment**

**§301. Definitions.**

The following words and phrases, as used in this ordinance, shall have the following meanings:

1. The terms “air conditioning system” and “refrigeration system” shall include any combination of air-cooling equipment, whether of compressor or of other type, by which the accumulated or effluent heat is wholly or partially removed by the use of water.
2. “Air conditioning system” shall mean an installation for maintaining temperature, by heat removal, at not less than 60°F.
3. “Refrigeration system” shall mean an installation for maintaining temperature, by heat removal, at less than 60°F.
4. “Water-cooled system”, as used in reference to two and three above, shall mean any individual unit, group or combination or collection of units of apparatus supplied with Municipal’s water and/or discharging into the sewerage system of the Borough.
5. “Direct water cooling” shall mean the use of water as a refrigerant.
6. “Indirect water cooling” shall mean the use of water to extract heat from a refrigerant in a water-cooled condensing unit.
7. “Air-cooled system” shall mean any unit or apparatus in which air is used as a refrigerant or as an indirect coolant.
8. “Installation” shall mean an installation of new equipment or the modification, alteration or change of existing equipment involving the use of water or the discharge thereof into the Borough’s sewer system.
9. “Person” shall mean and include an individual, partnership, corporation or association.

(Ord. 213, 8/4/1958, §1)

## SEWERS AND SEWAGE DISPOSAL

### **§302. Permits.**

No person, firm, or corporation shall, hereafter, in a structure or building in the Borough of Fountain Hill, install, operate, use, or maintain any air conditioning equipment or refrigeration system or equipment, or modify, change, operate, use, and maintain any air conditioning equipment or refrigeration system or equipment heretofore installed in any building or structure from which any waste results without having first filed a written application for a permit therefor and obtaining approval to install, operate, use, and maintain, or modify or change, any air conditioning equipment or refrigeration system or equipment from the Borough Secretary. Said written application shall set forth correctly the following information:

1. Name and address of applicant.
2. Location of proposed installation.
3. Name and address of owner of premises.
4. Manufacturer's name and other relative information pertaining to System to be installed.
5. Quantity of water required under maximum operating conditions.
6. Proposed source of water and disposal of waste water.
7. A drawing showing general arrangement of apparatus showing in detail all points of connection to water supply system and drain piping.
8. The name of any legally qualified person, firm or corporation employed by applicant to perform installation.
9. Any additional information required.

Approval to install, operate, use or maintain any air conditioning equipment or refrigeration system or equipment, or modify or change any such air conditioning equipment or refrigeration system or equipment shall be granted in the form of a permit and no installation of such air conditioning equipment or refrigeration system or equipment or operation, use, maintenance, modification or change of either of said air conditioning equipment or refrigeration system shall be commenced until the proper permit has been obtained from the Borough Secretary.

(Ord. 213, 8/4/1958, §2)

### **§303. Fees.**

The following schedule of fees shall be applicable and be paid at the time of the filing of each application for permit:

| <b>Description of System</b>                                       | <b>Fee</b>                |
|--|---------------------------|
| 1. Air-cooled system   | No fee or permit required |
| 2. Water-cooled system up to 3 tons/24 hr.                         | \$5.00                    |
| 3. Water-cooled systems over 3 tons/24 hr. and up to 10 tons/24hr. | \$10.00                   |
| 4. Water-cooled systems larger than 10 tons/24 hr.                 | \$20.00                   |

(Ord. 213, 8/4/1958, §3)

**§304. Borough Storm Sewer Connection.**

Whenever any air conditioning or refrigeration equipment herein permitted is connected with the Borough's storm sewer system for the purpose of disposing of said equipment's waste water, each such installation shall be equipped with a municipal water meter for the purpose of measuring the discharge of all water for any such equipment. A charge for each installation as herein provided for of \$.05 per \$1,000 gallons of water consumed (or discharged into the Borough's storm sewers) is hereby imposed for storm sewer purposes and maintenance.

(Ord. 213, 8/4/1958, §4)

**§305. Direct Water Cooling.**

No direct water-cooled system shall discharge any water used as a cooling medium into the Borough's sanitary or storm water sewer systems.

(Ord. 213, 8/4/1954, §5)

**§306. Water Use and Conservation.**

1. A water-cooled system of total capacity of 1 1/2 tons or less shall not use municipal water directly (or indirectly, except when used with approved conservation equipment and provided with approved water meter).
2. A water-cooled system with a total capacity of more than 1 1/2 tons but not exceeding three tons may use water directly from the municipal water supply at a rate not exceeding 2.0 gallons per minute per ton provided it is equipped with a water meter installed by the Borough, or its water supplier, and an automatic regulating valve which will stop the flow of water when the refrigerating machine is shut down, and will throttle the flow of water down to the momentary requirements of the system.

## SEWERS AND SEWAGE DISPOSAL

3. A water-cooled system having a total capacity exceeding three tons per 24 hours shall be equipped with evaporative condenser, cooling tower, spray pond or other water cooling equipment satisfactory to the Borough Engineer. Such equipment shall be of sufficient capacity to insure that the use of water for make-up purposes shall not exceed 0.1 gallon per minute per ton when operating under full loading at maximum summer temperature.

(Ord. 213, 8/4/1958, §6)

### **§307. Sanitary Sewer Connection Forbidden.**

Except for seasonal flushing and draining of system, no water-cooled air conditioning, refrigerator, or other water-cooled system shall be connected to the Borough's sanitary sewer system.

(Ord. 213, 8/4/1958, §7)

### **§308. Protection Against Contamination.**

1. On installations which operate with use of water directly from the municipal water supply, every direct connection shall be equipped with an approved brass body, spring loaded brass fitted check valve, placed in a position satisfactory to the Borough Engineer, in the branch supply line to each unit.
2. Discharge connections for disposal of waste waters shall be in strict accordance with applicable statutes, ordinances, rules and regulations of state and local health and regulatory bodies.
3. Cooling water which is to be re-used for other purposes shall be provided with free, above-the-rim discharge before entering other equipment unless otherwise permitted in writing by the Borough Engineer.
4. On installations other than those described above, there shall be a physical break between the municipal water piping and the piping of the installation, so arranged as to make back-siphonage to the municipal water supply impossible.

(Ord. 213, 8/4/1958, §8)

### **§309. High Temperature Protection.**

All systems shall be provided with devices which shall afford positive protection against development of excessive pressures and/or temperatures in either the refrigerant system or the water system. Such devices shall meet the general standards of the refrigeration industry.

(Ord. 213, 8/4/1958, §9)

**§310. Existing Installation shall be Reported.**

The owner of premises in which an individual or collective air conditioning or refrigeration system has been installed prior to the passage of this ordinance is required to inform the Borough Secretary within one month after the effective date of this ordinance of the existence of every such system. He shall furnish the Borough Secretary all such information, in writing, as is required from an applicant for a permit to install a new air conditioning or refrigeration system, on forms furnished by the said Borough Secretary.

(Ord. 213, 8/4/1958, §10)

**§311. Electric Wiring and Equipment.**

All electrical equipment and service installation necessary to properly and adequately install any air conditioning or refrigeration system must be made in compliance with the National Electrical Code. All work shall be subject to inspection and approval by Borough Officials or their duly authorized employees. So far as may be necessary, the Borough's Officials, or their duly authorized employees, shall have the right, upon exhibiting their credentials, to enter any structure or premises in the Borough to inspect any air conditioning, refrigeration or other water-cooled equipment.

(Ord. 213, 8/4/1958, §11)

**§312. Penalties.**

1. Any person violating any of the provisions of this Part 3 or any order or regulation made pursuant thereto, shall upon conviction by a District Justice or other Court having jurisdiction, pay a fine not exceeding \$300 for each offense and costs, or to imprisonment for not more than one day for each \$10 of the unpaid balance of fine and costs. All fines and costs imposed and collected under the provisions of this ordinance shall be paid to the Borough Secretary.
2. Any Master Plumber or Journeyman Plumber violating any of the provisions of this ordinance, shall upon conviction thereof before a District Justice or other Court having jurisdiction, in addition to being subject to the penalties in clause I hereof, lose his license to practice in the Borough of Fountain Hill as a Registered Plumber or Journeyman Plumber for a period of one year from the date of his conviction.

(Ord. 213, 8/4/1958, §12; as amended by Ord. 348, 1/4/1982)

## SEWERS AND SEWAGE DISPOSAL

### **§313. Intent.**

The provisions of this ordinance are deemed to be urgent for the preservation of the public peace, health, and comfort of the citizens, and shall become effective immediately after its enactment by Borough Council, provided, however, that all persons who have heretofore installed, used, maintained and operated air conditioning equipment and refrigeration systems and have not complied with the provisions of this ordinance, shall have 60 days from the date of the enactment, in which to comply with the provisions, hereof as hereinabove provided.

(Ord. 213, 8/4/1958, §13)

### **§314. Exceptions.**

Nothing herein contained shall prohibit or be deemed to prohibit any person, firm or corporation from using water in any manufacturing process wherein water so used becomes a part of the manufactured product.

(Ord. 213, 8/4/1958, §14)

### **§315. Purpose.**

This ordinance is enacted for the sole purpose of preventing the needless wasting of municipal's water supply and to protect its sewage system under existing conditions and the Borough shall have the right to amend or supplement this ordinance by additional ordinances or completely repeal the same whenever scientific improvements to air conditioning systems and refrigeration systems warrant the same.

(Ord. 213, 8/4/1958, §15)

## Part 4

### Disposal and Discharge of Industrial Waste

#### §401. Definitions.

1. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part 4, shall have the meanings hereinafter designated:

ACT or THE ACT — the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.

ADMINISTRATOR or THE ADMINISTRATOR — the Administrator of the United States Environmental Protection Agency.

APPROVAL AUTHORITY — the Regional Administrator of EPA Region III, as defined in 40 CFR 403.3(c).

AUTHORIZED REPRESENTATIVE OF A USER — an authorized representative of an industrial user may be:

- A. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation;
- B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;
- C. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates;
- D. A director or highest official appointed or designated to oversee operations and performance, if the user is a federal, state or local governmental facility.

BEST MANAGEMENT PRACTICES (BMPs) — schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD<sub>5</sub>) — the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C., expressed as a concentration (mg/l, milligrams per liter), and determined in accordance with EPA test methods referenced in 40 CFR 136.

## SEWERS AND SEWAGE DISPOSAL

**BUILDING SEWER** — a sewer conveying wastewater from the premises of a user to the POTW.

**CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD<sub>5</sub>)** — the quantity of oxygen utilized in the biochemical oxidation of carbonaceous organic matter expressed as a concentration (mg/l, milligrams per liter), and determined in accordance with EPA test methods referenced in 40 CFR 136.

**CATEGORICAL STANDARD or CATEGORICAL PRETREATMENT STANDARD** — a national categorical standard.

**CHEMICAL OXYGEN DEMAND (COD)** — the quantity of oxygen utilized in the chemical oxidation of organic matter which is susceptible to conversion to carbon dioxide and water and expressed as a concentration (mg/l, milligrams per liter), and determined in accordance with EPA test methods referenced in 40 CFR 136.

**CITY** — the City of Bethlehem, Pennsylvania, or the City Council of Bethlehem.

**CONTROL AUTHORITY** — the City of Bethlehem.

**COOLING WATER** — the water discharged from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**DIRECT DISCHARGE** — the discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.

**DIRECTOR OF WATER AND SEWER RESOURCES** — the person designated by the City to implement, administer and enforce the provision of this Part, or the Director's duly authorized representative.

**DOMESTIC SEWAGE** — liquid or water-carried waste generated from sanitary conveniences of campers, trailers, dwellings, office buildings, factories or institutions and from household laundry operations, washing and cooking foods and dishwashing, but does not contain industrial waste.

**ENVIRONMENTAL PROTECTION AGENCY or EPA** — the United States Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

**EXISTING SOURCE** — Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

**GRAB SAMPLE** — a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and taken over a period of time which does not exceed 15 minutes.

**HEARING BOARD** — the Board appointed by the City pursuant to its ordinance on disposal and discharge of industrial waste.

**HOLDING TANK WASTE** — any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuuming tank trucks.

**INDIRECT DISCHARGE** — the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act (33 U.S.C. §1317) into the POTW (including holding tank waste discharged into the system).

**INDUSTRIAL PRETREATMENT COORDINATOR** — the person designated by the City to supervise the operation of its Industrial Pretreatment Program, who is charged with certain duties and responsibilities by this Part, or a duly authorized representative as delegated by the Industrial Pretreatment Coordinator.

**INDUSTRIAL USER** — a source of indirect discharge.

**INDUSTRIAL WASTE** — solid, liquid or gaseous wastes from any industrial, manufacturing, or commercial process or from the development, recovery or processing of natural resources, but not domestic sewage.

**INDUSTRIAL WASTE DISCHARGE PERMIT (IWDP)** — a permit as set forth in §923.04 of the City of Bethlehem ordinance.

**INTERFERENCE** — A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more-stringent state or local regulations): Section 405 of the Clean Water Act, 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 the Marine Protection, Research and Sanctuaries Act.

**MONTHLY AVERAGE** — the arithmetic mean of the value for users' samples collected over a calendar month.

## SEWERS AND SEWAGE DISPOSAL

**NATIONAL CATEGORICAL STANDARD or CATEGORICAL STANDARD** — a standard specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to the POTW by existing or new industrial users in specific industrial subcategories as established as separate regulations under 40 CFR, Chapter 1, Subchapter N.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT** — a permit issued pursuant to Section 402 of the Act (33 U.S.C. §1342).

**NATIONAL PRETREATMENT STANDARD or NATIONAL STANDARD** — any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to all industrial users. This term includes the prohibitive discharge limits established pursuant to 40 CFR 403.5.

**NEW SOURCE** — any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- A. The building, structure, facility or installation is constructed at a site at which no other source is located;
- B. The building, structure, facility or installation totally replaced the process or production equipment that causes the discharge of the pollutants at an existing source; or
- C. The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

**PASS-THROUGH** — a discharge which exits the publicly owned treatment works (POTW) into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

**PERSON** — any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, or any other legal entity, or their representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural, where indicated by the context.

pH — a measure of the acidity or alkalinity of a solution, expressed in standard units, and determined in accordance with EPA test methods referenced in 40 CFR 136.

POLLUTANT — any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemicals, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into the environment.

POLLUTION — the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of the environment.

POTW TREATMENT PLANT — that portion of the POTW designated to provide treatment to wastewater.

PRETREATMENT or TREATMENT — 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 POTW. 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 403.6 (d).

PRETREATMENT REQUIREMENTS — any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

PRETREATMENT STANDARD — see “national pretreatment standard.”

PUBLICLY OWNED TREATMENT WORKS (POTW) — a treatment works as defined by Section 212 of the Act (33 U.S.C. §1292), which is owned in this instance by the City. This definition includes any devices or systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of the liquid nature and any manholes, sewers, pumping stations, force mains, siphons or other facilities or appurtenances which are part of the system utilized to convey wastewater to a POTW treatment plant. The POTW shall also include any collection and conveyance systems which convey wastewaters to the City’s POTW from persons outside the City who are, by contract or agreement with the City, users of the City’s POTW.

SEPTAGE — a type of holding tank waste originating from the discharge of strictly domestic sewage to holding tanks, chemical toilets, camper waste tanks, trailer waste tanks, cesspools and septic tanks.

SEWAGE — see “wastewater.”

SIGNIFICANT INDUSTRIAL USER — any industrial user of the City’s POTW who:

## SEWERS AND SEWAGE DISPOSAL

- A. Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
- B. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down wastewater); or contributes a process waste stream which makes up 5% or more of the average dry-weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

**SLUG LOAD or SLUG** — any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5 (b) and/or any discharge of nonroutine nature or episodic nature, including but not limited to accidental spills or noncustomary batch discharges, or which could cause a violation of the prohibited discharge standards of §402.

**SPECIFIC POLLUTANT DISCHARGE LIMITATIONS or LOCAL LIMITS** — numeric quantities or concentrations of pollutants which may be discharged to the POTW by existing or new industrial users developed by the City in accordance with 40 CFR 403.5(c) and defined in §402(4).

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** — a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

**STATE** — the State of Pennsylvania.

**STORMWATER** — any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUPERINTENDENT** — the person designated by the City to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this Part, or his duly authorized representative.

**TOTAL SUSPENDED SOLIDS (TSS) or SUSPENDED SOLIDS** — the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering and determined in accordance with EPA test methods referenced in 40 CFR 136.

**USER** — any person who utilizes the service of the City POTW.

**WASTEWATER** — the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with other wastes which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**WATER QUALITY MANAGER** — the person designated by the City to supervise the operation of the Water Quality Bureau.

**WATERS OF THE STATE** — all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

**WEEKLY AVERAGE** — the arithmetic mean of the values for the users' samples collected over a seven-day calendar week.

2. "Shall" is mandatory; "may" is permissive.
3. Abbreviations. The following abbreviations shall have the designated meanings:

**BOD5** — Biochemical oxygen demand (five-day)

**CBOD5** — Carbonaceous biochemical oxygen demand (five-day)

**CFR** — Code of Federal Regulations

**COD** — Chemical oxygen demand

**EPA** — Environmental Protection Agency

**IWDP** — Industrial waste discharge permit

**mg/l** — Milligrams per liter

**NH3-N** — Ammonia-nitrogen

**NPDES** — National Pollutant Discharge Elimination System

**POTW** — Publicly owned treatment works

**RCRA** — Resource Conservation and Recovery Act

**SIC** — Standard Industrial Classification

**SWDA** — Solid Waste Disposal Act, 42 U.S.C. §6901 et seq.

**USC** — United States Code

**TSS** — Total suspended solids

(Ord. 830, 5/6/1985; as amended by Ord. 467, 5/7/1990; by Ord. 520, 8/9/1993; by Ord. 669, 5/6/2002; and by Ord. 745, 7/6/2009)

**§402. General Discharge Regulations.**

1. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass-through or interference with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:
  - A. Quantity of liquids, solids or gases (including but not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides) 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 way to the POTW or to the operation of the POTW, including but not limited to any discharge with a closed-cup flash-point of less than 140° F. (60° C.), using the test methods specified in 40 CFR 261.21. At no time shall any wastewater cause two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), to be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter.
  - B. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference, such as but not limited to: grease, garbage with particles greater than three inches in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
  - C. Pollutants which will cause any damage to the POTW, but in no case may pollutants being discharged have a pH lower than 5.0 or greater than 11.5.
  - D. Pollutants in sufficient quantity which, either alone or by interaction with other pollutants, would result in the presence of toxic gases, vapors or fumes, cause worker injury or disruption of any wastewater treatment process, including the disposal of sludge, or would be in noncompliance with any categorical or pretreatment standards established in accord with 40 CFR 403.6.
  - E. Noxious or malodorous liquids, gases, or solids which, either alone or by interaction with other wastes, cause a public nuisance or hazard to life or prevent entry into the sewers for maintenance and repair.

- F. Pollutants, including oxygen demanding pollutants, released in a discharge at a flow rate and/or concentration which will cause interference with the POTW.
- G. Substances which will cause pass-through and cause the POTW to violate its NPDES and/or state solid waste disposal system permit(s) or the air quality and/or receiving water quality standards.
- H. Wastewater with excessive discoloration not removed in the POTW treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which cause or contribute to interference, pass-through, or any violation at the POTW treatment plant.
- I. Heat in amounts producing interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C. (104° F.). At no time shall a discharge to the POTW have a temperature higher than 150° F. or less than 32° F.
- J. Slug loads as defined in §401 of this Part.
- K. Wastewater containing any radioactive material or isotopes of such half-life or concentration as may cause pass-through or interference in the POTW or exceed limits established by the Superintendent in compliance with applicable Delaware River Basin Commission, state or federal regulations.
- L. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
- M. Discharge of mineral/petroleum oil and grease of in concentrations greater than 100 mg/l and animal/vegetable oil and grease in concentrations greater than 300 mg/l.
- N. Discharge of holding tank waste or septage, except as provided in §408.
- O. Discharge which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR Part 261, without prior notification by the user in writing to the POTW, the state and EPA in accordance with 40 CFR 403.12(p)(1).
- P. New or increased discharges or changes in the nature of discharges without prior notification to the POTW. The City may establish appropriate conditions and written approval of the Superintendent.
- Q. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, unpolluted industrial process water, unpolluted cooling water (also refer to Article 915), or swimming pool drainage (also refer to Article 921), unless specifically authorized by the Superintendent.

## SEWERS AND SEWAGE DISPOSAL

- R. Sludges, screenings or other residues from the pretreatment of industrial wastes, unless specifically authorized by the Superintendent.
- S. Wastes generated in the diagnosis, treatment, immunization or autopsy of human beings or animals, in research pertaining thereto, or in the preparation of human or animal remains for burial or cremation, unless specifically authorized by the Superintendent.
- T. Wastewater, alone or in conjunction with other sources, causing the POTW treatment plant's effluent to fail a toxicity test.
- U. Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.

When the Industrial Pretreatment Coordinator determines that a user is contributing to the POTW any of the above-enumerated substances in such amounts as to cause pass-through or interference with the operation of the POTW and/or POTW treatment plant, the Industrial Pretreatment Coordinator shall: (1) notify the user of the impact of the contribution on the POTW and/or POTW treatment plant; (2) develop effluent limitation(s), as needed, for the user to correct the pass-through or interference with the POTW and/or POTW treatment plant; and (3) proceed with enforcement pursuant to the provisions of §405 of this Part.

Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they have a reasonable potential to be discharged to the POTW.

- 2. National Pretreatment Standards and National Categorical Standards. All industrial users are immediately subject to the National Pretreatment Standards. Upon promulgation of National Categorical Standards listed in 40 CFR, Subchapter N, Parts 405-471, industrial users must comply with all applicable standards and other requirements promulgated by EPA. Any categorical standard, if more stringent than any limitations imposed under this Part, shall immediately supersede the limitations imposed under this Part. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.
  - A. Where a categorical standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Industrial Pretreatment Coordinator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
  - B. When wastewater subject to a categorical standard is mixed with wastewater not regulated by the same standard, the Industrial Pretreatment Coordinator shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6 (e).

- C. An industrial user may obtain a variance from a categorical standard from EPA if the industrial user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical standard. If a variance is obtained, the City reserves the right to modify the industrial user's permit to incorporate the revised standards and requirements.
- D. An industrial user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
3. Modification of National Categorical Standards. Where the City's POTW treatment plant achieves consistent removal of pollutants limited by National Categorical Standards, the City may apply to the approval authority for modification of specific limits in the National Categorical Standards. "Consistent removal" is defined by EPA in 40 CFR 403.7(b). The City may then modify pollutant discharge limits in the National Categorical Standards if the requirements contained in 40 CFR, Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained.
4. Specific Pollutant Discharge Limitations, Local Limits. Under §402(6) of this Part and in accordance with 40 CFR §403.5(c), the Borough imposes the following specific pollutant discharge limitations for all industrial users:

**Maximum Allowable Concentration  
(Twenty-Four-Hour Average)**

| <b>Pollutant<br/>(Total)</b> | <b>Local Limit<br/>(mg/l)</b> |
|------------------------------|-------------------------------|
| Arsenic                      | 0.11                          |
| Cadmium                      | 0.05                          |
| Chromium                     | 0.91                          |
| Copper                       | 1.35                          |
| Lead                         | 0.39                          |
| Mercury                      | 0.007                         |
| Molybdenum                   | 0.22                          |
| Nickel                       | 1.36                          |
| Selenium                     | 0.23                          |
| Silver                       | 0.21                          |
| Zinc                         | 2.58                          |
| Cyanide                      | 0.38                          |

## SEWERS AND SEWAGE DISPOSAL

The specific pollutant discharge limitations listed above are the highest allowable concentration in any type of sample, either a grab or composite, collected over any time interval, unless otherwise specified in an IWDP.

The specific pollutant discharge limitations listed above apply at the point where the wastewater is discharged to the POTW or at the point designated by the Industrial Pretreatment Coordinator.

In addition to industrial users, the City reserves the right to apply the specific pollutant discharge limitations listed above to any user's wastewater discharge which is not composed of strictly domestic sewage.

The City reserves the right to establish alternate specific pollutant discharge limitations in individual industrial waste discharge permits, but only in accordance with regulatory requirements. In no event shall any alternate limit allow the total loading allocated to all industrial users for any pollutant to exceed the maximum allowable industrial headworks loading as determined by the City's most recent local limits evaluation approved by the approval authority, defined in 40 CFR Part 403. The specific pollutant discharge limitations, if more stringent than the National Categorical Standards, shall immediately supersede the categorical standards.

5. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this Part 4.
6. Borough's Right of Revision. The Borough reserves the right to establish by ordinance more-stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary.
7. Excessive Discharge. No user shall increase the use of process water solely for the purpose of complying with this Part or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Standards, or in any other pollutant-specific limitation developed by the City or state. The Industrial Pretreatment Coordinator may impose mass limitations on users who are using dilution to meet applicable National Categorical Standards, or in any other pollutant-specific limitations or requirements, or in other cases when the imposition of mass limitations is appropriate.
8. Slug Load/Accidental Discharges. Each industrial user shall provide protection from slug loads and/or accidental discharges of prohibited materials or other substances regulated by this Part. Facilities to prevent slug loads and/or accidental discharges of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. In the case of an accidental discharge/slug loads, it shall be the responsibility of the industrial user, upon discovery, and after assessing the situation and taking initial corrective action, to immediately telephone and notify the Industrial Pretreatment Coordinator of the incident. The

notification shall include location of discharge, type of waste, estimated concentration and volume if known, and initial corrective actions taken by the industrial user.

- A. **Written Notice.** Within five days following a accidental discharge/slug loads; the industrial user shall submit to the Industrial Pretreatment Coordinator a detailed written report including the date, time, duration of the discharge as well as describing the cause of the discharge, all corrective measures implemented or attempted, and measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expenses, loss, damage or other liability which may be incurred as a result of damage to the POTW, fishkills or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this Part or other applicable articles or laws.
  - B. **Notice to Employees.** A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge/slug load. Employers shall ensure that all employees are advised of the emergency notification procedures.
9. **Accidental Discharge/Slug Control Plans.** An accidental discharge or slug control plan, as prescribed under 40 CFR 403.8(f)(2)(v), shall be required:
- A. **For new source industrial users.** Detailed plans showing facilities and operating procedures to provide protection from accidental discharges or slugs shall be submitted to the City for review as part of the IWDP application and shall be approved by the City before construction of the facility.
  - B. **For existing industrial users.** The Industrial Pretreatment Coordinator shall evaluate whether each industrial user needs a new or updated accidental discharge/slug control plan.
10. Should the Industrial Pretreatment Coordinator require the industrial user to develop, submit for approval, and implement a new or updated accidental discharge/slug control plan, the accidental discharge/slug control plan shall address, at a minimum, the following:
- A. Description of discharge practices, including nonroutine batch discharges;
  - B. Description of stored chemicals;
  - C. Procedures for immediately notifying the Industrial Pretreatment Coordinator of any accidental or slug discharge, as required by Section 923.02(h) of this the City ordinance; and

## SEWERS AND SEWAGE DISPOSAL

- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures shall include but are not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

When an existing industrial user is required by the Industrial Pretreatment Coordinator to provide and/or modify an accidental discharge/slug control plan, the industrial user shall provide the plan within 60 days of notification. Should the plan require construction or implementation of measures to meet compliance, the plan shall provide a schedule for those actions. After initial review, should additional information be required to provide a complete plan, it shall be furnished to the Industrial Pretreatment Coordinator within 30 days of the date of notification. Failure to submit a revised plan and/or failure to provide a complete plan after the thirty-day submission period may render the industrial waste discharge permit void.

The City's review and approval of accidental discharge/slug control plans shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this Part.

If not specifically required by the Industrial Pretreatment Coordinator, the information, requirements, etc., called for in a plan are not waived by the City and the industrial user shall provide all necessary items, procedures, etc., to prevent any accidental discharge and/or slug discharge to the POTW.

An approved state pollution prevention plan may substitute for all or a portion of the contents of an accidental discharge/slug control plan to the extent that it satisfies the requirements described herein.

All users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge.

(Ord. 380, 5/6/1985; as amended by Ord. 467, 5/7/1990; by Ord. 520 8/9/1993; by Ord. 591, 11/4/1996, §402; by Ord. 669, 5/6/2002; and by Ord. 745, 7/6/2009)

### **§403. Fees.**

It is the purpose of this section to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The City of Bethlehem's Ordinance on Disposal and Discharge of Industrial Waste, Article 923.03, as amended, is hereby incorporated in its entirety by reference and made applicable to Borough users. A copy of the City of Bethlehem Ordinance, Article 923, is on file and available for inspection at the Borough Office of the Executive Administrator.

(Ord. 380, 5/6/1985; as amended by Ord. 591, 11/4/1996, §403; by Ord. 669, 5/6/2002; and by Ord. 745, 7/6/2009)

**§404. Permits.**

1. It shall be unlawful for any significant and/or categorical industrial user to discharge to the sanitary system tributary to the City's wastewater treatment plant without having first obtained a City IWD permit (IWPD), except as authorized by the Director of Water and Sewer Resources in accordance with the provisions of this Part, subject to state and federal laws and regulations.

In addition to the industrial waste discharge permit, the user shall obtain such additional permits as required by applicable sections of the Codified Ordinances of the City of Bethlehem.

2. The compliance schedules, reporting requirements, notification requirements, certification requirements, authorized signatory requirements, recordkeeping requirements, sampling requirements, inspection, copying, surveillance and monitoring requirements, confidentiality/nonconfidentiality requirements, and all other requirements imposed under Section 923.04 of the Codified Ordinances of the City of Bethlehem, as amended, are hereby incorporated herein in their entirety by reference and made applicable to the Borough. A copy of the City of Bethlehem's Ordinance, Article 923, is on file and available for inspection at the Borough Office of the Executive Administrator.

(Ord. 380, 5/6/1985; as amended by Ord. 520, 8/9/1993; by Ord. 669, 5/6/2002; and by Ord. 745, 7/6/2009)

**§405. Enforcement.**

1. **Suspension.** The City may suspend the wastewater treatment service and/or an IWD permit without prior notice when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent and substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES permit. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take steps as deemed necessary, including immediate termination of water service and/or immediate severance of the sewer connection, to prevent or minimize danger to the POTW system or endangerment of any individuals. The service and/or IWD Permit shall be restored within five working days when, in the opinion of the City, the actual or threatened cause for the suspension has been removed. The above actions shall be taken only as ordered by the Director of Water and Sewer Resources.

## SEWERS AND SEWAGE DISPOSAL

2. Notice of Suspension. In the event that the City decides it is necessary to suspend its wastewater treatment service for reasons other than as described above, the user shall be given a fifteen-day notice of such suspension. Any person notified of a suspension of the wastewater treatment service and/or IWD permit shall stop or eliminate the contribution as required in the suspension notice. Between the time of the notice of suspension of services and the date services are terminated, the user shall have the right to have a show-cause hearing with appropriate City officials regarding the cause of the suspension. The City shall reinstate the IWD permit and/or wastewater treatment service within five working days upon proof of the elimination of the noncomplying discharge or in compliance with instruction of the hearing board. A detailed written statement submitted by the user describing the causes of the harmful contributions and the measures taken to prevent any future occurrence shall be submitted to the City within five days of the date of occurrence. In the event of a failure of the user to comply with the suspension notice, the City may take such steps as deemed necessary to terminate the service.
3. Revocation of Permit. Any user who violates the following conditions of this Part, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of §405 of this Part:
  - A. Failure to notify the Industrial Pretreatment Coordinator of significant changes to the wastewater prior to the changed discharge;
  - B. Misrepresentation or failure to fully disclose all relevant facts in the IWDP application;
  - C. Falsifying self-monitoring reports;
  - D. Tampering with monitoring equipment;
  - E. Refusing to allow the Industrial Pretreatment Coordinator timely access to the facility premises and records;
  - F. Failure to meet effluent limitations;
  - G. Failure to pay fines;
  - H. Failure to pay sewer charges;
  - I. Failure to meet compliance schedules;
  - J. Failure to complete a wastewater survey or the IWDP application;
  - K. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  - L. Violation of any pretreatment standard or requirement or any terms of the IWDP or this Part.

4. Notification of Violation. Whenever the City finds that any user has violated or is violating this Part 4, the industrial waste discharge permit, or any prohibition, limitation of requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.
5. Hearing Board.
  - A. A Hearing Board shall be appointed by the Mayor of the City of Bethlehem as needed, for the purpose of hearing and deciding appeals between the City and users on matters concerning interpretation and execution of the provisions of this Part. Cost of appeals shall be borne by the user requesting an appeal.
  - B. The Chairperson of the Board shall be a member of City Council's Public Works Committee; one member shall be a professional engineer skilled in the practice of sanitary engineering; one member shall be a representative of an industry or manufacturing enterprise; one member shall be a representative of a local environmental organization; and one member shall be selected at large for that member's interest in accomplishing the objectives of this Part.
  - C. Terms on the Board shall be for a period of five years. The Mayor shall appoint representatives to fill vacancies on the Board to complete unexpired terms. Interim appointments may be permitted to serve an additional full term on the Board. Hearing Boards may be appointed as standing panels, or on a case-by-case basis, as determined from time to time, in the sole discretion of the Mayor.
6. Show-Cause Hearing.
  - A. The City may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Hearing Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Hearing Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Hearing Board 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 Hearing Board may itself conduct the hearing and take the evidence or may designate any one or more of its members, or any officer or employee of the assigned department, to:

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- (1) Issue in the name of the Hearing Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
    - (2) Receive evidence.
    - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Hearing Board for action thereon.
  - C. At any hearing pursuant to this Part, testimony taken 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. After the Hearing Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further and/or other orders and directives as are necessary and appropriate may be issued.
7. Consent Orders. The City may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document.
  8. Compliance Orders. When the Industrial Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this Part, an IWDP or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, wastewater service may be discontinued unless adequate facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance schedule contained in any compliance order shall not be construed as an extension of the deadline for compliance established for any pretreatment standards or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation.
  9. Cease and Desist Orders. When the Industrial Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this Part, an IWDP or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an

order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
  - B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations, terminating the discharge or hauling noncompliant discharges off-site for proper disposal.
10. Administrative Fines.
- A. When the Industrial Pretreatment Coordinator finds that a user has violated, or continues to violate, any provision of this Part, an IWDP or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such user in an amount not to exceed the amount set forth Section 923.99 of the City's Ordinance for each violation regardless of jurisdictional boundaries. Such fines shall be assessed in accordance with the terms set forth in this Part and/or the City's enforcement response plan. In the case of weekly, monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
  - B. A lien against the user's property will be sought and other enforcement collection action may be taken for unpaid fines.
  - C. Users desiring to dispute such fines shall file a written request for the City to reconsider the fine along with the full payment of the fine amount within 30 days of being notified of the fine. The Hearing Board may convene to deliberate on the matter. In the event the appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine when the fine and/or a portion of same is substantiated.
  - D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
11. Legal Action. The City shall be able to seek injunctive relief for noncompliance by users with pretreatment standards or requirements. Injunctive relief is available for violations of any requirement stated in this Part or industrial waste discharge permits, including but not limited to wastewater discharge violations, failure to allow access by the City to a user's facility, failure to submit reports by a specified deadline or any violation of any order of the City. The City Solicitor may commence an action for appropriate legal and/or equitable relief in the local Court of Common Pleas.
12. Remedies Nonexclusive. The remedies provided for in this Part are not exclusive. The City may take any, all or any combination of these actions against a noncom-

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pliant user. Enforcement of industrial pretreatment program violations will be in accordance with this Part and/or the City's enforcement response plan. However, the City may take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. Where the enforcement response plan does not provide guidelines on enforcement action for a specific instance of noncompliance, the City may impose other appropriate enforcement action to address the noncompliance.

13. Appeals. A user may appeal the terms of an IWDP, administrative fine or any administrative action within 30 days of notice of its issuance. The written appeal request shall provide the name, address and telephone number of the appellant as well the date that the City took the action which is the subject matter of the appeal. In its petition, the appealing party shall also indicate the provisions objected to, the reasons for this objection and the alternative condition, if any.
  - A. Failure to submit a timely appeal for review shall be deemed to be a waiver of the administrative appeal.
  - B. The conditions of the current IWDP shall remain in effect pending the appeal of the new IWDP.
  - C. The City shall respond with its position within 60 days of filing of an appeal.
  - D. The user must file its appeal with the Hearing Board, described in this section, to conduct a hearing and decide an appeal on the matter.
  - E. Aggrieved parties seeking judicial review of the final administrative decision must do so by filing a complaint with the local Court of Common Pleas, within 30 days of the decision of the Hearing Board.
14. Conference Option. At the time an appeal is requested, the user may also request a conference with the City prior to the scheduling of a Hearing Board hearing. Said conference will include appropriate members of the City staff and its agents. Violations and penalties will be explained and discussed. Electing this option does not foreclose and/or affect the user's right to a hearing, provided that the written request for the hearing was filed within 30 days of service as noted above. The purpose of this option is to provide the user with an informal forum within which to discuss the alleged violations and expedite conclusion and/or resolution of outstanding enforcement actions. If resolution is not reached within 90 days of the scheduled conference, the City shall schedule the matter for Hearing Board hearing. In any event either party may request a Hearing Board hearing at any point during the conference proceedings.

(Ord. 380, 5/6/1985; as amended by Ord. 520, 8/9/1993; and by Ord. 669, 5/6/2002)

**§406. Inconsistent Ordinances Repealed.**

Any ordinance of the Borough of Fountain Hill or parts of ordinances in conflict herewith are hereby repealed.

(Ord. 380, 5/6/1985; as amended by Ord. 591, 11/4/1996, §406)

**§407. Severability.**

If any court of competent jurisdiction declares any provision to be unconstitutional or invalid, that decision shall only affect the provision so declared. The declaration shall not affect any other portion of this Part 4, as a whole.

(Ord. 380, 5/6/1985)

**§408. Holding Tank Waste.**

1. Holding Tank Waste. The City may accept discharged, trucked or hauled waste exclusively from holding tanks for treatment. The decision for approval shall be based on, but not limited to, the source, characteristics and volume of waste to be discharged. In no instance shall holding tank waste be discharged to the POTW without prior approval by the Superintendent. All holding tank waste discharges shall be regulated through the City's Industrial Pretreatment Program.
2. Septage. The City may accept for treatment trucked and hauled septage which originated from chemical toilets, campers, trailers or residential, commercial or industrial septic tank/cesspools containing domestic sewage only. The decision for approval shall be based on, but not limited to, the characteristics of the septage in conjunction with the volume of septage to be discharged. In no instance shall septage be discharged to the POTW without prior approval by the Superintendent. All septage discharges shall be regulated in accordance with the City's industrial Pretreatment Program and/or Septage Management Plan.
3. Discharge Points. The City shall designate the authorized discharge point(s) for holding tank waste and septage. All such discharges must be made at the designated point(s).
4. Application for Discharge. The City may require that some or all of the information listed in Section 923.04(d) of the City's Ordinance be submitted to the Industrial Pretreatment Coordinator for review as part of the decision-making process for approval to discharge holding tank waste or septage.
5. Approval to Discharge. The City may issue a letter approval for limited frequency discharges or may require that a permit be obtained for the proposed discharge. Permits will be obtained in accordance with Section 923.04 of the City's Ordinance and/or the City's Septage Management Plan.

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6. **Enforcement.** Users will adhere to and obey all terms and conditions stated in their individual approval letters or permits and the requirements of this Part. Any violation of the terms and conditions of individual approval letters or permits or the requirements of this Part shall subject the user to the sanctions set out in this Part. Obtaining an approval to discharge holding tank waste or septage from the City does not relieve a user of his or her obligation to comply with any other requirements of federal, state and local law.
7. **Fees.** A fee based on the City's current fee schedule will be levied on all holding tank waste or septage discharged to the City's POTW. Holding tank waste and septage may also be subject to surcharge fees as described in Section 923.03 of the City's Ordinance.

(Ord. 380, 5/6/1985; as added by Ord. 669, 5/6/2002; and as amended by Ord. 745, 7/6/2009)

### **§409. Penalty.**

1. **Criminal Penalties.** A user who willfully or negligently violates any provision of this Part, an IWDP, or order issued hereunder, or who willfully or negligently introduces any substance into the POTW which causes personal injury, property damage, pass-through, or interference or any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed, or required to be maintained pursuant to this Part, an IWDP or order issued under this Part or who falsifies, tamper with or knowingly renders inaccurate any monitoring device or method required under this Part, 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.
2. **Civil Penalties.**
  - A. In accordance with Pennsylvania Act 9, any user who has violated, or continues to violate, any provision of this Part, an IWDP or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$25,000 per violation, per day.
  - B. In determining the amount of civil liability, there shall be taken into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires. All penalties shall be assessed in accordance with this Part and the City's enforcement response plan.
  - C. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

- D. In the event any user violation(s) results in the imposition of a fine or other penalty on the City by EPA, the state or any other agency, such violation(s) shall be punishable by a civil penalty at least equal to the dollar amount imposed upon the City plus its administrative, legal, engineering costs, and expenses, but not more than \$25,000 per day, per violation.
3. Pursuant to 40 CFR 403.8(f)(1)(vi)(A), any penalties required under this section will apply per violation per day. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In the case of weekly, monthly or other long-term average discharge limits, penalties shall accrue for each day during the period of the violation. In addition to the penalties provided herein, the City may recover reasonable costs for any loss, damage, cleaning, repair, or replacement, work caused by the violation, attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Part or the orders, rules, regulations and permits issued hereunder.

(Ord. 380, 5/6/1985; as amended by Ord. 467, 5/7/1990; by Ord. 520, 8/9/ 1993; by Ord.. 591, 11/4/1996, §408; and by Ord. 669, 5/6/2002)



**Part 5<sup>1</sup>**  
**(Reserved)**

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<sup>1</sup> Editor's Note: Former Part 5, Water Conservation, adopted by Ord. 497, was repealed by Ord. 516.



## Part 6

### Power to Lay Out, Ordain and Construct Sanitary Sewer Lines

#### **§601. Power to Lay Out, Ordain and Construct.**

The Borough may lay out, ordain and construct sanitary sewers in streets and on public or private property, and may construct sewage treatment works on lands owned or acquired for such purposes, and pay the costs and expenses thereof out of Borough funds, or may assess the costs and expenses of sanitary sewers as herein provided. Sanitary sewers laid and constructed in streets may be located in the center of the street or on either side of the cartway or of the curb lines thereof in any street and may be for the service and use of properties on both sides of the street or on only one side of the street in which they are laid, as directed by the Borough Council, and the costs and expenses of such sanitary sewers may be assessed against properties benefited, accommodated or improved thereby regardless of the property line location, and regardless of whether any portion of a property so benefited, accommodated or improved shall physically abut upon such sanitary sewer. The term "sanitary sewer," as used in this Part, shall mean and include a sewer used for receiving and collecting sewage matter and liquid waste from the inside of the buildings and structures.

(Ord. 671, 6/3/2002, §601)

#### **§602. Assessment According to Benefits.**

Where the Borough constructs sanitary sewers and desires to assess the costs and expenses upon property benefited, whether or not such property abuts upon such sewer, then on petition, viewers shall be appointed in accordance with eminent domain code, who shall assess the damages, costs and expenses of the sanitary sewer upon the property benefited, accommodated or improved according to benefits, if sufficient can be found, but if not, then the deficiency when finally ascertained shall be paid by the Borough.

(Ord. 671, 6/3/2002, §602)

#### **§603. Assessment by Foot-Front Rule.**

The expenses shall be assessed against the property benefited, improved or accommodated by any sanitary sewer, whether or not such property abuts upon such sewer, by the foot front rule and may provide for equitable assessments and/or adjustments when special conditions exist where an assessment for the full frontage would be unjust. The Secretary of the Borough shall cause 30 days notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises.

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(Ord. 671, 6/3/2002, §603)

### **§604. Places and Manner of Construction.**

The Borough shall fix the places along where such sanitary sewer and branches thereof shall be laid down and shall prescribe the manner in which they shall be constructed.

(Ord. 671, 6/3/2002, §604)

### **§605. Permit from Department of Environmental Protection.**

No contract for the construction of any sewer system or treatment works shall be entered into until a permit for the construction of the same shall have been obtained from the Department of Environmental Protection.

(Ord. 671, 6/3/2002, §605)

### **§606. Assessments of Cost.**

Whenever any borough shall construct any sanitary sewer and assess the cost thereof by the foot-front rule, the assessment, duly certified under the seal of the Borough, attested by the President of Council and Secretary, shall be collectible from the owner of the property benefited, improved or accommodated thereby.

- A. Such certificate of assessment shall be prima facie evidence, in any suit for the recovery of the same, of the correctness and validity of such assessment.
- B. The assessment herein referred to shall be computed under the terms of the Part, but the individual assessments need not be expressed therein.

(Ord. 671, 6/3/2002, §606)

### **§607. Collections of Assessments.**

If the owners of property against which a foot-front assessment has been made shall refuse to pay such assessment within 30 days after notice of the same, it shall be the duty of the Borough Solicitor to collect the same, with interest from the date of completion of the improvement, by action of assumpsit, or by lien to be filed and collected in the same manner as municipal claims. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim.

(Ord. 671, 6/3/2002, §607)

**§608. Regulations of Borough.**

The Borough may enforce by penalties, such regulations as it may ordain with reference to the use and maintenance of such sanitary sewerage system and treatment works.

(Ord. 671, 6/3/2002, §608)