

CHAPTER 187: SEWERS AND SEWAGE DISPOSAL

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[HISTORY: Adopted by the Borough Council of the Borough of Newport as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Uniform construction codes — See Ch. 99.

Streets and sidewalks — See Ch. 215.

Water — See Ch. 244.

Article I. Sewer System Rates

[Adopted 3-19-1996 by Ord. No. 295 (Ch. 18, Part 1, of the 1985 Code); amended in its entirety 1-8-2013 by Ord. No. 348]

§ 187-1. Definitions. (Amended 8-6-13 by Ord. No. 351)

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

AUTHORITY

Newport Borough Municipal Authority of Perry County, Pennsylvania, a Pennsylvania Municipality Authority.

BOD (BIOCHEMICAL OXYGEN DEMAND)

The quantity of oxygen, expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° C. The standard laboratory procedure shall be that found in the latest edition of “Standard Methods for the examination of Water and Sewage” published by the American Public Health Association.

BOROUGH

The Borough of Newport, Perry County, Pennsylvania, a Pennsylvania Municipal Corporation, acting by and through its Council, or in appropriate cases, acting by and through its authorized representative.

COMMERCIAL ESTABLISHMENT

Any room, group of rooms, building or other enclosure used for the sale or distribution of any provided community article or service, and specifically shall include churches, chapels, clubrooms, firehouses, professional offices, banks, schools or other rooms, group of rooms, building or enclosure not included in the definition of dwelling unit or industrial establishment.

CONSUME

The volume of water furnished as shown by the meter or otherwise established as used in a household or dwelling unit.

COUNCIL

The group of elected officials acting as the governing body of the Borough.

DWELLING UNIT

Room, group of rooms or combination of rooms established to have been placed in property, or having bath and kitchen facilities and intended for use or occupancy by one or more individuals, or building, or other enclosure occupied or intended for occupancy as separate living quarters by one family or other group of persons living together or by persons living alone. Each apartment flat, or efficiency unit shall be considered a dwelling unit; however, hotel rooms shall not be considered dwelling units.

EDU OR EQUIVALENT DWELLING UNIT

The Unit of measure by which the periodic user is charged for sewer services provided by the Borough are calculated and imposed upon each improved property served by the sewer system, as determined in accordance with the schedules contained in the applicable rate resolution or any subsequent rate resolutions of the Borough, from time to time.

EMPLOYEE

Includes part-time and full time workers, as well as agents, contractors, on premises on a regular basis.

IMPROVED PROPERTY

Any property upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT

Any room, building or enclosure used for the manufacturing, processing, cleaning, laundry or assembling of any produced commodity or article.

INDUSTRIAL WASTES

Any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources as distinct from sewage; and for the purpose of this article, the term "industrial waste(s)" shall include any sewage or other wastes which:

- A. Is (are) inhibitory to the treatment process of the sewage treatment plant.
- B. Contains flammable or explosive liquids, solids or gases.
- C. Carries fats, oils or greases in excess of 100 milligrams per liter.
- D. Has (have) a temperature in excess of 180° F.
- E. Is (are) discharged into the sewer system in batches of such volume as to tax the capacity of the sewer system or adversely affect the treatment process of the sewage treatment plant.
- F. Is (are) of such color or other characteristics to require special treatment to render the resulting effluent of the sewage treatment plant acceptable for discharge to the receiving system.
- G. Include(s) synthetic organic detergents or similar compounds in such volume as to interfere with the treatment process or the satisfactory operation of the sewage treatment plant.
- H. Include(s) any liquid(s) having pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazards to structures, equipment or personnel of the sewer system.
- I. Include(s) any waste or wastes with a BOD in excess of 250 milligrams per liter.
- J. Include(s) any waters or wastes with a suspended solids content in excess of 300 milligrams per liter, or containing suspended solids of such character and/or quantity that unusual attention to expense is required to handle and/or treat such materials.
- K. Include(s) any waters or wastes containing any toxic or poisonous materials in sufficient quantity to cause a hazard in the operation of the sewer system including the sewage treatment plant or which may result in an effluent discharge from the sewage treatment plant unacceptable to the Pennsylvania Department of Environmental Protection, or the Pennsylvania Fish Commission or any other official body having jurisdiction.
- L. Contain(s) any garbage which has not been properly or adequately ground by household type or other suitable garbage disposal.
- M. Contain(s) any ashes, cinders, sand, feathers, tar, mud strain shavings, metal, glass, rags, plastics, wood, paunch manure, or any other solid or viscous substances.

N. Contain(s) noxious or malodorous gases, or substances capable of creating a public nuisance.

OWNER

Any person vested with ownership, legal, equitable, whole or partial, of any improved property.

PERSON

Any individual, partnership, company, association, society, corporation or other entity or group.

pH

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

SEWAGE

The normal household water and toilet waste from any improved property.

SEWAGE TREATMENT PLANT

The plant and facilities constructed, or to be constructed by the Authority and leased to the Borough, or otherwise used by the Borough and/or the Authority, as part of the sewer system used or useful for the treatment of sewage and other wastes.

SEWER

Any sewer used or usable for sanitary collection purposes in the Borough constituting a part of the sewer system.

SEWAGE OR WASTEWATER TREATMENT PLANT

The plant of a facility is constructed, or to be constructed by the Authority and leased to the Borough, or otherwise used by the Borough and/or the Authority, as part of the sewer system used or useful for the treatment of sewage and other wastes.

SUSPENDED SOLIDS

Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtration.

SLUG

Shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than (5) five times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the Wastewater Treatment Works.

TOXIC POLLUTANTS

Shall mean any pollutant or combination of pollutants listed as toxic in U.S. Environmental Protection Agency regulations, as amended and supplemented from time to time.

TOXIC SUBSTANCE

Any poisonous or hazardous substance.

WASTEWATER

Shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

WATER AUTHORITY

The Newport Borough Water Authority, a Pennsylvania Municipality Authority.

WATER SYSTEM

The facilities owned by the Water Authority for use and operation of furnishing water services to the public in and adjacent to the Borough

§ 187-2. Sewer rates or charges.

Sewer rates or charges are established by the Borough and imposed upon the owner and shall be collected from the owner of each improved property within the Borough which shall be connected with the sewer system, for use of the sewer system, whether such use shall be direct or indirect, which sewer rates or charges shall commence and shall be effective on September 1, 1960, or on the date of connection of each improved property to the sewer system, whichever date shall be later.

§ 187-3. Amount and manner of computation of sewer rates and charges.

(Amended 8-6-13 by Ord. No. 351)

- A. Except as otherwise provided in this article, sewer rates or charges for sewage and/or industrial wastes discharged into the sewer system from any improved property shall be assessed, as determined by resolution of the Borough, by flat rate based upon equivalent dwelling units or based upon the volume of water used, consumed, adjusted, if appropriate, as provide din this article, where the volume of water consumed shall be metered, whether by the Water Authority or the Borough in connection with the water system or otherwise.
- B. Sewer rates or charges for sewage and/or industrial wastes discharged into the sewer system from any improved property, at the determination of the Borough by resolution shall be

assessed by flat rate based upon equivalent dwelling units, or may be based upon actual method volume of discharge, as provided in this article.

§ 187-4. Rates for customers of Newport sewer system.

- A. Rates. Rates shall be by resolution of the Borough.
- B. Each dwelling unit, each commercial establishment and each club served by the sewer system shall be considered a separate customer and each unit, establishment and club, shall pay the rates established herein.
- C. Anything elsewhere to the contrary notwithstanding, in these cases where more than one dwelling unit and/or industrial establishment and/or commercial establishment is located on or in one improved property which is connected to the sewer system, all rates or charges imposed by this article shall be computed and based upon the volume of water metered or consumed, adjusted, if appropriate as permitted in this article, or the volume of discharge to the sewer system, as applicable, for each such dwelling unit, industrial establishment and commercial establishment and, solely for the purpose of computing sewer rates or charges imposed upon and to be collected from the owner of each improved property, hereunder, each such dwelling unit, industrial establishment and commercial establishment shall be considered as a separate entity.
- D. For service periods of less or more than one quarter amount, the sewer rates or charges and the computation of the volume of water consumed or the volume of discharge to the sewer system, as applicable, shall be proportionately adjusted.

§ 187-5. Rate for unmetered water.

- A. Any new user of the system is required to install a water meter in accordance with Water Authority specifications and procedures.
- B. Any existing user of the sewer system who uses a private source of water shall install a water meter immediately following the discharge from the pump, or, if the pump is submerged, on or near the wellhead of a deep well.
- C. The meter shall be installed in such a manner so as to allow easy access for reading the meter by the Borough representative.
- D. The Borough representative shall inspect the installation and seal the meter, and shall thereafter be responsible to maintain the meter.

- E. The meter shall be installed at the expense of the property owner.
- F. Exception to the above would be the property owner who has a well where the water is being used only for heating purposes and all of the water is returned to the well and no water is being discharged into the system.
- G. The user shall install the water meter within 60 days from receipt of notification from the Borough.

§ 187-6. Rate charges for industrial establishment or business not otherwise referenced herein.

The total billing to industrial establishment for any service period shall not be less than 50% of the maximum billing of any one of the three consecutive preceding service periods.

§ 187-7. Rate charges for schools/institutions.

Schools are institutions which shall be billed at the current rate of residential households, which rates shall be set by resolution of the Borough.

§ 187-8. Rate charges for laundromats.

Notwithstanding the foregoing, the sewer rental or charge to each laundromat shall be as set by resolution of the Borough.

§ 187-9. Rate charges for car washes.

Notwithstanding the foregoing, the sewer rate or charge to each car wash shall be as set by resolution of the Borough.

§ 187-10. Effective date for billing rate changes.

The above rates are to become effective at the billing beginning April 1, 1996, for which bills will be mailed on or about July 15, 1996. Rate changes in the future can be made by resolution following publication of notice of intended changes.

§ 187-11. Sewer rentals based upon water volume usage and tapping fees.

- A. In those cases where bills for sewer rentals or charges are assessed and computed in whole or in part on the basis of water volume usage metered by this Borough in connection with the water system, the billing date shall be monthly and the same date as provided in this section.
- B. Bills shall be on a monthly basis and net bills due and payable on the 15th day of each month.
- C. Tapping fees covering the cost of providing collection and treatment for sewerage service are comprised of four parts and shall be as follows:

- D. (1) The Borough will establish by resolution the tapping fees for the property owner.
(2) Collection part includes those costs used to provide collection facilities to provide service, such as mains and pumping stations, equal to \$0.
(3) Special purpose part, for special purpose facilities applicable only to a particular group of customers, such as industrial wastewater treatment facilities, etc., equal to \$0.
(4) Reimbursement part, to recapture the allocable portion of expenses of line extensions constructed as the expense of another developer, equal to \$0.
- E. Classification and Equivalent Dwelling Units. The classification and equivalent dwelling units for each type of property or category serviced by the Borough shall be established by Resolution of the Borough. Where a new user does not meet a specific category in the schedule established by the Borough, the Borough shall determine the number of appropriate equivalent dwelling consumer units on the basis of information as provided by the applicant.

§ 187-12. Terms of payment. (Amended 8-6-13by Ord. No. 351)

The water and sewer terms of payment, late payment charge and interest are as follows.

- A. Bills are due and payable at total net amount shown by due date.
- B. A late payment charge of 5% of the unpaid balance will be assessed on the seventh (7th) day after the due date of a bill.
- C. Any unpaid balance on the customer's bill, after 30 days from the due date shown, will be subject to interest at 5% per month, calculated on the amount then due (face plus late payment charges).
- D. All property owners must advise the Borough in writing of any change in ownership and/or address.

E.Mail.

- (1) Post office cancellation date will determine late payment charges, interest and service charges on payments received via mail.
- (2) Every owner of improved property which is connected to the sewer system initially shall provide this Borough with and thereafter shall keep this Borough advised of his correct address. Failure of any person to receive bills for sewer rental or charges shall not be considered an excuse or nonpayment nor shall such failure result in an extension of a period of time during which the net bill shall be payable.

(3) A charge of \$70 shall be made for each customer's check that is returned to the Borough from the bank due to insufficient funds.

E. Failure to receive bills will not be an excuse for nonpayment nor permit an extension of the period during which bills are payable. In the event bills for sewerage services are not promptly paid, the customer shall be liable for all costs of collection, including all attorney fees and other expenses.

F. Termination of service.

(1) Any unpaid balance remaining 60 days after the due date shall result in a written notice to the customer that their water and sewer services will be terminated. Termination of services shall occur 10 days after notification if unpaid balance not paid in full.

(2) The user will be notified in writing regarding the time and date for the shutoff of the water.

(3) A seventy-five-dollar administrative fee shall be imposed for processing of the shutoff action and a twenty-five-dollar turn-on fee when service is resumed.

(4) Any additional late charges will continue to accumulate until the account is paid in full.

F. Charges or Lien on Property. All charges imposed hereby, together with all penalties thereon, shall be alien on the property serviced, and all delinquent bills for such charges shall, at the option of the Borough, be entered as a lien against the property serviced, and such lien shall be filed in the Office of the Prothonotary of Perry county and collected in the manner provided by law for the filing and collection of municipal claims, inclusive of all cost, fees and reasonable attorneys fees.

§ 187-13. Measuring volume for computation of sewer rates and charges.

(Amended 8-6-13 by Ord. No. 351)

A.Methods of measuring volume. (Amended 9-01-15 by Ord. No. 362)

(1) The owner of each improved property discharging sewage and/or industrial wastes to the sewer system shall be responsible for furnishing, installing and maintaining a meter (in accordance with the Water Authority specifications for measuring the volume of water consumed or the volume of sewage discharged to the sewer system for purposes of computation of sewer rentals or charges hereunder). In those cases where more than one dwelling unit, industrial establishment or commercial establishment is located on or in any such improved property, separate meters shall be furnished, installed and maintained as necessary, for each such dwelling unit and/or industrial establishment and/or commercial establishment on one meter. In the event any such permission is granted, it shall be deemed as a condition thereto that the Borough then may specify the method of estimating or computing the volume of water consumed or the volume of sewage discharged to the sewer establishment and/or commercial establishment for the purpose of computing sewer rentals or charges herewith.

(2) Subject to the provisions of Subsection A(1), whenever the entire water supply of any improved property or, if applicable any dwelling unit industrial establishment and/or

commercial establishment discharging sewage and/or industrial wastes into the sewer system is supplied by the Borough in connection with the water system, the volume of water furnished, as determined from meter readings of the Borough in the connection with the water system shall be used as the volume of water consumed in computing sewer rates or charges, subject to adjustment, if appropriate, as provided in this article.

(3) Whenever any improved property or if applicable dwelling unit, industrial establishment and/or commercial establishment discharging sewage and/or industrial wastes into the sewer system shall provide a meter on such additional or other source of or sources of water supply as provided in and subject to provisions of Subsection A(1), the total volume of water consumed and the meter readings of the water or meters of such additional source or sources of water supply, as appropriate, shall be used as the volume of water consumed in computing the sewer rates or charges, subject to adjustment, if appropriate, as provided in this article.

(4) The Borough, at its option, may refuse the owner of any improved property discharging sewage and/or industrial wastes into the sewer system in which case sewer rates or charges shall be based upon the actual volume of wastes so metered as being discharged into the sewer system, said sewer rates shall be computed at the rates set forth in § 187-3 above.

(a) Whenever any property has had service shut off for non-payment, a rate charge for minimum useage shall continue to be billed if the propery is being occupied by any individual and /or persons.

- A. (5) Exclusion from the sewer system of noncontaminated wastewaters used for cooling purposes may be required by the Borough or such exclusion may be optional unto the owner if not required by the Borough. When such waters are excluded, the volume of water or other measure to be used for computation of sewer rates or charges shall be computed in one of the following methods:
 - B. (a) By installing a meter or other measuring device on the connection to the sewer system. The readings from such meter or measuring device shall be used as the measure of discharge of sewage and/or industrial wastes in computing sewer rates or charges in accordance with the volume rate schedule set forth in § 187-3.
 - (b) By installing a meter or other measuring device to measure the volume of water not being discharged into the sewer system. The readings from such meter or measuring device readings and the remainder shall be the volume of water to be used in computing sewer rates or charges.
- C. Measuring devices. The furnishing and installation and calibration of meters or other measuring devices which shall not be owned by this Borough or by the Authority in connection with the water system which shall be required or permitted under provisions of this article shall be the sole responsibility of the owner. The installation or use of such meters or other measuring devices shall at all times be subject to the approval of this Borough whenever

necessary. The safekeeping and repair of any such meter, whether such repairs shall be made necessary by ordinary wear and tear or other causes is the responsibility of the owner.

- D. Meter readings. This section shall apply in those cases where the Borough has determined by resolution that sewer rentals or charges are to be computed in whole or in part on the basis of water volume usage metered by this Borough with respect to an improved property.

§ 187-14. Prohibited wastes.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into any sewer.
- B. No person shall discharge or cause to be discharged into the system any industrial wastes except upon written application and by permission of the Borough and subject to such rules and regulations as the Borough may prescribe with respect to such industrial wastes and subject to such special surcharge as this Borough shall deem proper and suitable for the special handling and treatment required for any such industrial wastes. Any person desiring to make or use a connection to the sewer system through which industrial wastes shall be discharged into the sewer system shall file with this Borough an industrial waste questionnaire to be furnished by this Borough, which shall supply pertinent details including estimated quantity of flow to this Borough with respect to the industrial wastes proposed to be discharged into the sewer system.
- C. The Borough reserves the right to refuse permission to connect to the sewer system to compel discontinuance of use of the sewer system or to compel pretreatment of any wastes by an owner in order to prevent discharges deemed harmful or to have a deleterious effect upon any portion of the sewer system.

§ 187-15. Access.

This Borough shall have the right of access at reasonable times to any part of any improved property served by the sewer system as shall be required for purposes of inspection, measurement sampling and testing and for performance of any other, function or purpose relating to services rendered by this Borough through the sewer system.

§ 187-16. Meter reading.

Any meter inaccessible for reading for three consecutive quarters shall be converted to a remote meter at the owner's expense. The costs for same shall be collectible as provided by law for municipal claims.

§ 187-17. Payment and disposition of sewer rates and charges.

All sewer rates or charges shall be payable to the Treasurer of this Borough to such other office or representative of this Borough as shall be authorized from time to time, by resolution of this Borough to receipt payment thereof.

§ 187-18. Adoption of additional rules and regulations.

This Borough adopts rules and regulations and reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall become and shall be construed as part of this article, and such rules and regulations, as well as all provisions of this article shall be enforceable as herein and therein provided, including all rights in equity or law and, where applicable, a fine of \$600 per day per violation, and/or 30 days' imprisonment, plus costs.

Article II. Common Waste Systems

[Adopted 2-4-1997 (Ch. 18, Part 2, of the 1985 Code); amended in its entirety 1-8-2013 by Ord. No. 348]

§ 187-19. No common waste systems are permitted.

- A. Each equivalent dwelling unit shall have a separate line, pipe or lateral connecting that unit to the main owned by the Authority. No combined connections for a double dwelling, multiple dwelling or other combination of units shall be permitted. A combined connection is one in which discharge from more than one house or building is combined before discharging into the Authority line.
- B. The owner of any dwelling unit which has a combined, common or joint connection must comply with the above requirement and install, pursuant to the other requirements and regulations herein contained or in the rules and regulations pertaining hereto, a separate connection by the earliest of anyone of the following events, occurrences or dates:
 - (1) December 31, 2016; or
 - (2) The sale or transfer of said dwelling, whether said sale or transfer is evidenced by deed, lease with option to buy, installment purchase agreement or other similar transaction or contract.

(3) A subdivision affecting the subject property or a portion of the property of which the dwelling unit was a part.

(4) A malfunction of the line or any part thereof which now carries the sewage or waste from the subject property, where such malfunction's repair or elimination would require any excavation, digging, installation or other substantial change to the surface or depth of the line in the soil.

(5) The installation, by the Borough or the Authority, of any new main, line, lateral or stub to or serving the affected property.

- C. Upon notice, the affected property owner shall, within 90 days after notice, comply with separating a combined connection into a separate connection at that property owners' expense, or pursuant to an agreement reached by the property owner with any other affected property owner; in the event no arrangements are made and compliance herewith is not achieved as required, then, and in that event, the Borough or the Authority may install the required line or lateral and connection, and bill the affected property owner therefor, and enter a municipal lien against the property as security for the payment thereof, together with all costs, fees and expenses, plus interest at the rate of 10%.
- D. Any line, pipe or lateral installed under the provisions of this article shall be installed by the property owner from their dwelling to a point at the curblin.

§ 187-20. Other drainage not to be discharged.

- A. It shall be unlawful for any person or persons, company or corporation to allow drainage of any house refuse, offal, wastewater from sinks or kitchen or other liquid refuse to flow, be thrown or cast in or upon any street, lane or alley of said Borough from any dwelling house, hotel, restaurant, manufactory, or place of business whatsoever or to allow any overflow from any sink or cesspool or waste from any manufactory, or place of business to escape into any street, lane or alley or into any private or public ground, or unimproved lot or lots within the Borough.
- B. It shall be the duty of the Borough Code Enforcement Officer that upon observation or knowledge or upon information of any other persons that such nuisance or nuisances as are described exists on any pavement, sidewalk or street, public or private lot, or in any gutter or drain within the Borough to notify the person or persons, company or corporation, whether owner or owners, tenant or tenants, occupier or occupiers, verbally or in writing, the time of

which notice he or they shall make note of such nuisance or nuisances, and demand the removal or abatement thereof after such notice has been given. If such nuisance or nuisances has not been removed or abated within the time specified, it shall be the duty of the Borough Code Enforcement Officer to remove or abate the nuisance or nuisances and the owner or owners, tenant or tenants, occupier or occupiers of the premises in front of, along which or on which such nuisance or nuisances were found to exist shall be subject to a fine and costs of removal or abatement of such nuisances as provided for in this section.

- C. Any person or persons, company or corporation violating any of the provisions of this section shall be guilty of maintaining a nuisance and/or creating a public health and safety risk and shall, upon written notice given, abate the same, and/or be liable for the expense of the abatement and remedy thereof and, in addition, to the penalty of \$600 and/or 30 days' imprisonment for each offense, plus all costs. Each day the same exists shall be considered a separate offense.

§ 187-21. Release of liability.

In consideration of the right to connect to the sewer system, the Borough shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any house or building. It is hereby expressly agreed by all persons making connection with the sewer system that no claims shall be made against the Borough on account of the breaking or stoppage of, or damage to, any service line or connection when the cause thereof is found to be in such house lateral or connection. The Borough shall not be liable for a deficiency or failure when occasioned by an emergency or repairs, failure or damage for any cause beyond its control.

Article III. Public Sewers

[Adopted 3-3-1998 by Ord. No. 299 (Ch. 18, Part 3, of the 1985 Code); amended in its entirety 1-8-2013 by Ord. No. 348]

§ 187-22. Definitions.

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

AUTHORITY

Newport Borough Municipal Authority, a municipality authority incorporated pursuant to provisions of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as

amended and supplemented, of the commonwealth. Editor's Note: See now 53 Pa.C.S.A. § 5601 et seq.

BOROUGH

The Borough of Newport, Perry County, Pennsylvania, a municipal corporation of the commonwealth, acting by and through its Council, or, in appropriate cases, acting by and through its authorized representatives.

BUILDING SEWER

The extension from the sewage drainage system of any structure to the lateral of a sewer.

COMMONWEALTH

The Commonwealth of Pennsylvania.

IMPROVED PROPERTY

Any property within this Borough upon which there is erected any structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT

Any improved property located in this Borough and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property located in this Borough, from which wastes, in addition to or other than sanitary sewage, shall be discharged.

INDUSTRIAL WASTES

Any and all wastes discharged from an industrial establishment, other than sanitary sewage.

LATERAL

That part of the sewer system extending from a sewer to the curblin or, if there shall be no curblin, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer.

OWNER

Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON

Any individual, partnership, company, association, society, trust, corporation, municipality authority or other group or entity.

SANITARY SEWAGE

Normal water-carried household and toilet wastes from any improved property.

SEWER

Any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM

All facilities, as of any particular time, for collecting, transmitting, treating or disposing of sanitary sewage and/or industrial wastes, situated in or about this Borough, and owned by the Authority.

STREET

Includes any street, road, lane, court, cul-de-sac, alley, public way or public square.

§ 187-23. Use of public sewers required.

- A. The owner of any improved property located in this Borough and which is benefitted, improved or accommodated by a sewer of the Authority shall connect such improved property with such sewer, in such manner as this Borough may require, within 45 days after notice to such owner from this Borough or the Authority to make such connection, for the purpose of discharging all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority from time to time.
- B. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under Subsection A, shall be connected into such sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time.
- C. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of Subsection A. No person shall discharge or shall permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of Subsection A, except where suitable treatment has been provided that is satisfactory to the Authority.
- D. No privy vault, cesspool, sinkhole, septic tank or receptacle shall be used or shall be maintained at any time upon any improved property that has been connected to a sewer or that shall be required under Subsection A to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Authority, shall be cleansed and shall be filled, at the expense of the owner of such improved property, unless otherwise provided for by the Authority, under the direction and supervision of the Authority; and any such privy vault, cesspool, sinkhole, septic

tank or similar receptacle not so abandoned and, if required by the Authority, not cleansed and filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

- E. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
- F. The notice by this Borough or the Authority to make a connection to a sewer, referred to in Subsection A, shall include a reference to this article, including any amendments or supplements at the time in effect, or a summary of each section thereof, and a written or printed document requiring the connection in accordance with the provisions of this article and specifying that such connection shall be made within 45 days from the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place that can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given to or served upon the owner in accordance with law.
- G. No person(s) shall discharge, cause to be discharged, or continue prior discharge, if any, of any of the following described water or wastes to any Public Sewers:
 - 1. Pollutants which create a fire or explosive hazard in the WWTP, including but not limited to, waste steams with a closed-cup flashpoint of less than 140 degrees F(60 degrees C) using the test methods specified in 40 CFR 261.21.
 - 2. Any waters containing Toxic Pollutants, toxic or poisonous solids, liquids, or gases in suggicient quantity, weither singly or by iteration with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the WWTP.
 - 3. Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the WWTP.
 - 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other interferences with the proper operation of the WWTP facilities such as, but not limited to, ashes. bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc, either whole or ground by garbage grinders.

5. Any noxious or malodorous liquids, gases, solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry in the sewers for maintenance and repair.
 6. Any substance which may cause the Sewer system effluent or any other product of the Sewer System such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the Sewer system cause the Sewer system to be in non-compliance with sludge use or disposal criteria as promulgated by Federal, State or local agencies.
 7. Any substance which will cause the WWTP to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
 8. Any Wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 9. Any Wastewater having a temperature which will inhibit biological activity in the WWTP resulting in interference, but in no case Wastewater with a temperature exceeding 104 degrees F at the headworks of the WWTP.
 10. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the WWTP.
 11. Any Wastewater containing any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable State or Federal regulations.
 12. Any Wastewater which causes a hazard to human life or creates a public nuisance.
 13. Trucked or hauled pollutants, water or wastes.
- H. The following substances, materials, waters, or wastes shall be limited in discharges to the Sewer System to concentrations or quantities which: (1) will not harm the Sewers or the WWTP, (2) will not inhibit the treatment process; (3) will not have an adverse effect on the receiving stream, and (4) will not endanger lives, limb, public property, or constitute a nuisance. The Authority may set limitations lower than the limitations established in the regulations below if in his opinion more stringent limitations are necessary to meet the above objectives. In forming his opinion, the Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the Sewers, materials of construction of the Sewers, quantity of subject waste from other Consumers, the wastewater treatment process employed, capacity of the WWTP, degree of treatability of the waste in the

WWTP, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the Sanitary Sewer which shall not be violated without approval of the Authority as follows:

1. Wastewater having a temperature higher than 150 degrees Fahrenheit.
2. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
3. Wastewater containing more than 100 milligrams per liter float-able oils, fats, or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to Sanitary Sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

5. Wastewater containing more than the following pollutant loads:

Arsenic	0.0340 lbs/day
Cadmium	0.0018 lbs/day
Chromium	0.0854 lbs/day
Copper	0.0230 lbs/day
Cyanide	0.0035 lbs/day
Lead	0.0071 lbs/day
Mercury	0.0007 lbs/day
Molybdenum	0.1641 lbs/day
Nickel	0.0229 lbs/day
Phenol	0.7767 lbs/day
Selenium	0.0046 lbs/day
Silver	0.0444 lbs/day
Zinc	0.0212 lbs/day

6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Authority.

7. Any radioactive waters or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable state or federal regulations.

8. Quantities of flow, concentrations, or both which constitute a Slug.

9. Waters or wastes containing substances which are not amenable to treatment or reduction by the treatment processes employed, or are amenable to treatment only to such

degree that the WWTP effluent cannot meet the requirements of other agencies having jurisdiction over discharges to the receiving waters.

10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

I. If any water or wastes are discharged or are proposed to be discharged to the public sewers, which water contains the substances or possesses the characteristics enumerated in Section 4 of this Article, and which, in the judgement of the Authority, may have deleterious effect upon the WWTP. processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Authority may:

1. Reject the wastes and otherwise prevent recurrence of the waste discharge.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge; and /or
4. Require payment to cover added cost of handling and treating the wastes. When considering the above alternatives, the Authority shall give consideration to the economic impact of each alternative on the discharger. If the Authority permits or requires the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the Authority.

J. A discharge into the sewer system having, at any time, any one or more of the following characteristics shall be subject to prior review and approval by the Authority.

1. A five (5) day BOD greater than 300 mg/L; or
2. A suspended solids content greater than 300 mg/L; or
3. An ammonia content greater than 30 mg/L; or
4. A C.O.D. greater than 600 mg/L; or
5. A chlorine demand greater than 12 mg/L; or
6. An average daily flow greater than 5% of the average daily Sewage flow of the sewer system; or
7. Any quantity of substances possessing characteristics described in Subpart G of this Section G.

J. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the sewer system.

§ 187-24. Building sewers and connections.

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

- B. Application for a permit required under Subsection A shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
- C. No person shall make or shall cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:
- (1) Such person shall have notified the Borough or the designated representative of the Authority of the desire and intention to connect such improved property to a sewer.
 - (2) Such person shall have applied for and shall have obtained a connection permit as required by Subsection A.
 - (3) Such person shall have given the Borough or the designated representative of the Authority at least 72 hours' notice of the time when such connection will be made so that the Authority may supervise and inspect or may cause to be supervised and inspected the work connection and conduct necessary testing.
 - (4) If applicable, such person shall have furnished satisfactory evidence to the designated representative of the Authority that any fee that may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a sewer has been paid.
- D. Except as otherwise provided in this section, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property, or more than one structure discharging sanitary sewage or industrial wastes on a single improved property, on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Authority, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Authority.
- E. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and shall save harmless this Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.
- F. A building sewer shall be connected to a sewer at the place designated by the Borough or by the Authority and where, if applicable, the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the

sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

- G. If the owner of any improved property not yet benefited, improved or accommodated by a sewer, after 45 days' notice from this Borough requiring the connection of such improved property with a sewer, in accordance with § 187-23A, shall fail to connect such improved property and use the sewer system, as required, this Borough may make such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

§ 187-25. Rules and regulations governing building sewers and connections to sewers.

- A. When an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, and the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device, new and secure attachments shall be made, with proper fittings, to continue such house sewer line as a building sewer.
- B. No building sewer shall be covered until it has been inspected and approved by the Borough or the designated representative of the Authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.
- C. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- D. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Borough.
- E. If any person shall fail or shall refuse, upon receipt of a written notice of this Borough, to remedy any unsatisfactory condition with respect to a building sewer within the stated terms of such notice, the Authority may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of the Authority.

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

§ 187-26. Violations and penalties; enforcement. (Amended 8-6-13 by Ord. No. 351)

- A. Any person who shall violate this chapter shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not more than \$600 and/or 30 days' imprisonment, together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.
- B. Penalties, fines and costs imposed under provisions of this chapter shall be enforceable and recoverable in the manner at the time provided by applicable law.
- C. Any person violating any provisions of this chapter shall become liable to the Borough for any expense, loss, or damage occasioned the Borough by reason of such violation.
- D. Proper officers of this Borough are authorized and directed to do all things and take all legal action necessary, including the filing of municipal claims, shutting off water service, or any other action, in accordance with law, to enforce collection of sewer rents and charges established and opposed hereby and otherwise to carry out provisions hereof.

SECTION VIII. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency only and necessary to give this ordinance full force and effect.

SECTION IX. Severability.

If any 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 effect 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 unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

§ 187-27. Purpose.

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

ARTICLE IV. FATS, OILS AND GREASE

(Amended to add Article IV – 4/7/15 by Ord. No. 357)

§ 187-28. Purpose and Policy.

The purpose of this Article is to reduce the amount of fats, oils and grease (“FOG”) entering the Borough of Newport Wastewater Collection System in order to comply with the Clean Water Act of 1977 and general pretreated regulations (40CFR, Part 403). This Article applies to the regulation of “FOG” contributors to publicly owned treatment works (“POTW”) through the issuance of permits, inspections, sampling and enforcement of the requirements within this Article shall be applied to, but not limited to all food processing facilities within the Borough that discharge wastewater to be treated by the POTW. The requirements within this Article shall also be applied to residential users within the Borough that discharge wastewater to the POTW and that contribute “FOG” to the Borough’s sewage collection system.

Definitions. The following terms and phrases shall have the designated meaning in the context of this Article.

DAYS – Days shall be considered as calendar days unless otherwise specified.

FOG – All fats, oils and grease whether or not they are created as a byproduct of cooking.

FOG ADMINISTRATOR – A duly authorized agent responsible for the enforcement of this Article.

FOG OVERFLOW REPORT – A report supplied to the FOG Administrator by the Producer with (50 days of a FOG overflow explaining the cause of the overflow, steps taken to contain and clean up the overflow, and measures taken to prevent the overflow from occurring again.

GREASE TRAP – An apparatus located inside the structure that collects and contains the fats, oils and grease and remove a significant portion of it from the wastewater to be discharged.

NOV – Notice of violation. A written notice specifically citing the nature of the violation and a specific time frame for correction.

OILS AND GREASE INTERCEPTOR – An apparatus located outside the structure that collects and contains the fats, oils and grease and removes a significant portion of it from the wastewater to be discharged.

OVERFLOW – A discharge of “FOG” from a grease trap or interceptor into the POTW in a concentration greater than 100mg/L or in the form of visible masses detrimental to the POTW.

POTW – Publicly owned treatment works including the Borough Wastewater Collection and Conveyance System.

PRODUCER – Any commercial or public facility or private residential property that is connected to the Borough POTW and that produces, or is likely to produce, whether directly or indirectly, wastewater containing “FOG” in a concentration greater than defined in the general regulation of this Article. Commercial facilities include, but limited to, restaurants, schools, private clubs, delis, churches and daycare centers. Producers shall be classified as follows:

CLASS (1) PRODUCER – Any producer who has an oil and grease interceptor on the sewer line.

CLASS (2) PRODUCER – Any producer who has a grease trap.

CLASS (3) PRODUCER – Any residential producer.

§ 187-29 General Regulations.

The following regulations apply to all Producers contributing to the Borough POTW.

1. All Class 1 and 2 Producers must have a FOG Permit in order to discharge to the POTW. The FOG Administrator shall receive all FOG Permit Applications. All Class 1 and 2 Producers are required to renew their permit annually.

2. At no time shall any individual or property discharge, or cause to be discharged, any quantity of FOG to the POTW that exceeds the discharge limitation of 100 mg/L. At the discretion of the FOG Administrator, sampling by the Borough of a property's discharge may occur when the FOG Administrator has evidence that indicates the individual or property may not be complying with the requirements of this Article. All Class 1 Producers shall be responsible for providing an adequate sampling port on their grease interceptors. If an individual or property is likely to or has discharged an amount of FOG in excess of the discharge limitation, the individual may be required to install a grease trap or interceptor at Producer's full expense.

3. The Producer is responsible for cleaning and or having the oil and grease interceptor trap cleaned on a regular basis so as not to discharge fats, oils and grease to the POTW that exceed the discharge limitation of 100 mg/L. The frequency of cleaning at a minimum shall be in accordance with the "25% Rule", as determined by the FOG Administrator and directed in the FOG Permit. The "25% Rule" requires that the depth of oil and grease (floating and settled) in an interceptor or trap shall not be equal to or greater than 25% of the total operating depth of the interceptor or trap. The operating depth of an interceptor or trap is determined by measuring the internal depth from the outlet water elevation to the bottom of the interceptor or trap. In application of this Rule, the cleaning frequency shall also be determined by the size of the interceptor and inspection of the sewer lines. The Class 1 Producer shall empty and clean the grease interceptor as often as necessary to prevent overflowing of FOG into the POTW.

4. Existing Producers which currently have an internal grease trap shall be required to clean and maintain that trap in an efficient manner. The following is prohibited to be discharged to an internal grease trap:

(a) Wastewater with a temperature greater than 140 degrees Fahrenheit.

(b) Acid or caustic trap cleaners; this may include enzymes and/or de-greasers which liquify the fats, oils and grease and allow them to pass from the grease trap and deposit in the POTW lines. Therefore, all enzymes and de-greasers must be approved by the FOG Administrator or duly authorized representative.

5. An existing Producer's FOG prevention procedures may be evaluated at any time by the FOG Administrator. If the FOG Administrator determines a Producer requires a grease

interceptor, the Producer shall have a maximum of (45) days to install a properly sized grease interceptor by a qualified installation company.

6. Newly built Class 1 Producers or renovated existing Class 1 Producers, or any commercial or industrial property which may have a likelihood of directly or indirectly discharging wastewater containing FOG, shall install a properly sized oil and grease interceptor on the sewer line from the facility. The oil and grease interceptor shall be approved by the FOG Administrator. The oil and grease interceptor shall have the following design features (as a minimum): a tee inlet in which one (1) tee branch extends a minimum of one (1) foot below the liquid level, an outlet tee with a minimum submergence of two-thirds (2/3) of the liquid depth, a baffle to separate the trap into two (2) compartments, and two (2) manhole access ways for inspection of the inlet and outlet tees. The interceptor shall have cleanouts and shall be located with easy access for pump out and inspection. The Producer may present alternative designs for the FOG Administrator. The FOG Administrator reserves the right to approve or reject the alternative design.

7. All Producers may be inspected by the FOG Administrator at the complete discretion of the FOG Administrator. The FOG Administrator has the authority to access and inspect any oil and grease interceptor or grease trap. The FOG Administrator shall give adequate notice to all Class (3) Producers prior to inspection on their property.

8. Overflowing an oil and grease interceptor on the sewer line or on the sink discharge line is strictly prohibited. In such case, the Producer shall be responsible for the subsequent containment, cleanup and disposal of the overflow material as well as its expense. It is the responsibility of the Producer to immediately notify the Borough FOG Administrator of the incident. The notification shall include the location of the overflow, the type of material, the volume and corrective actions. Within (5) days of the overflow, the Producer shall submit to the Borough a detailed written report describing the overflow, the steps taken to contain the overflow, steps taken to prevent it from occurring again and the cleanup of the overflow.

9. Class 1 and 2 Producers must keep on site a current grease interceptor and grease trap cleaning log. Included on the cleaning log shall be the following information: date, time, who did the cleaning, volume of waste disposed of, location of disposal, and manifest if done by an outside hauler. Permit renewals shall require submission of the prior year's cleaning log.

10. The Borough reserves the right to inspect a connected residential user(s) of the POTW if evidence within the POTW indicates that a significant buildup of FOG is occurring within proximity of the residential user(s) and that such evidence cannot be attributed to Class 1 and Class 2 Producers. Sampling will occur at the residential lateral cleanouts whenever possible.

§187-30 Permit Fees.

The following permits shall apply to all Class 1 and Class 2 Producers contributing to the POTW:

- (a) Initial Permit
- (b) Annual Permit Renewal

All permit fees are the responsibility of the Producer and must be paid within (30) days. Bills remaining unpaid after the due date will be charged additional interest of 6% per annum. Producers with unpaid permit fees shall be prohibited from obtaining any further annual permit renewals.

Any change in the rate and/or fees charged shall be made by Resolution adopted by the Borough Council.

§187-31 Enforcement.

1. The Borough shall suspend any FOG Permit held by a Producer if the Producer does not adhere to the requirements of this Article. Once the permit is suspended, the Producer shall not discharge to the POTW until the permit is reinstated. The permit shall remain suspended until the Producer demonstrates proof that the noncompliance was eliminated.

2. The methods of enforcement shall include the issuance of a NOV and/or the assessment of a monetary penalty as defined in Sections 187-32 and 187-33.

3. Should the FOG inspector need to sample any Producer, the Producer shall be responsible for the costs required for the analytical laboratory to perform the analysis of the sample. Payment must be paid within (30) thirty days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such (30) day period will be charged interest at the rate of 6% per annum.

4. Any cost incurred by the Borough for cleaning the Producer's FOG from the POTW and/or penalties, fines or other costs incurred by the Borough for the Producer's FOG shall be the responsibility of the Producer. Payment must be paid within (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such (30) day period will be charged interest at the rate of 6% per annum.

§187-32 Notice of Violations.

In addition to all other remedies available to it, the Borough shall have the right to issue a NOV (s) and/or impose a monetary penalty(ies), as hereinafter set forth in 187-33, for a violation of any requirements of this Article. The following factors shall be considered in imposing any and all monetary penalties:

- (a) Damage to the air, water and land of the Borough and surrounding Township.
- (b) Damage and/harm to the POTW and/or personnel.
- (c) Past violations and compliance history.
- (d) Producer's willingness and efficiency to comply; response to the NOV in a timely manner; notification to the Borough; and quick, effective corrective action to eliminate the noncompliance.

§187-33 Types of Violations and Penalties.

The following is a schedule of violations and maximum penalties to be assessed. Payment must be paid within (30) days of the date on which the FOG Administrator mails a bill to the Producer. Bills remaining unpaid after such (30) day period will be issued a citation.

- (a) Failure to clean oil and grease interceptor/grease trap (1st offense) – NOV
- (b) Failure to clean oil and grease interceptor/grease trap (2nd offense) according to schedule – NOV plus up to a two hundred and fifty dollar (\$250.00) penalty.
- (c) Failure to clean oil and grease interceptor/grease trap (3rd offense and thereafter) according to schedule – NOV plus up to a five hundred dollar (\$500.00) penalty for every day the cleaning is not completed.
- (d) Failure to clean oil and grease interceptor/grease trap (40 or more times within a twelve (12) month period – NOV plus up to a one thousand dollar (\$1,000.00) penalty and the revocation of the Producer’s permit.
- (e) Failure to keep and maintain cleaning log with necessary hauling manifests (1st offense) – NOV plus up to a one hundred dollar (\$100.00) penalty.
- (f) Failure to keep and maintain cleaning log with necessary manifests (2nd offense) – NOV plus a two hundred dollar (\$200.00) penalty.
- (g) Failure to keep and maintain cleaning log with necessary manifests (3rd offense and thereafter) – NOV plus a three hundred dollar (\$300.00) penalty.
- (h) Failure to keep and maintain cleaning log with necessary manifests four (4) times within a twelve (12) month time period – NOV plus a five hundred dollar (\$500.00) penalty and the revocation of the Producer’s permit.
- (i) Overflow of oil and grease interceptor/grease trap – NOV plus a penalty to be assessed by factors set forth in 187-32, plus the violator will be liable for the entire cost of cleanup of site.
- (j) Failure to notify FOG Administrator of overflow immediately – NOV plus up to a one thousand dollar (\$1,000.00) penalty. Within (5) days, an overflow report must be submitted to the FOG Administrator.
- (k) Failure to submit FOG overflow report within (5) days to FOG Administrator – NOV plus up to a two hundred fifty dollar (\$250.00) penalty.
- (l) Deliberately pouring FOG into the sewer system, including pouring anything that will wash out the oil and grease interceptor/grease trap – NOV plus up to a five thousand dollar (\$5,000.00) penalty and also may be required to install a grease trap or interceptor at the expense of the Producer.
- (m) Discharging more than 100mg/L of fats, oils and grease – NOV plus up to a one hundred dollar (\$100.00) and also may be required to install a grease trap or intercepter at the expense of the Producer.

Section 2. Construction and Severeability.

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

Section 3. Additional Remedies.

Any Producer which refuses or fails to comply with any of the provisions of this Article, in addition to the enforcement proceedings, fines, and penalties set forth in Sections 187-31, 187-32, and 187-33 may suffer discontinuance of water/sewer service and/or subject to all other remedies available to the Borough at law, or equity, or both. Each owner of a regulated facility shall be deemed to have joint and severable liability and responsibility under the provision of this ordinance.

Section 4. Repealer.

All ordinances, or parts of Ordinances, of the Borough which shall be inconsistent with this ordinance shall be, and the same expressly are, repealed.

Section 5. Effective date.

This Article IV shall become effective immediately upon enactment.