

ORDINANCE NO. 351

BOROUGH OF NEWPORT

AN ORDINANCE AMENDING REGULATIONS AND REQUIREMENTS REGARDING THE USE OF PUBLIC SEWERS, CRITERIA REGARDING DISCHARGE TO THE SEWER SYSTEM, PENALTIES AND ENFORCEMENT PROVISIONS WITHIN THE BOROUGH OF NEWPORT

NOW BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Newport, Perry County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION I:

The Code of Ordinances of the Borough of Newport, Chapter 187, Sewers and Sewage Disposal, Article I, Sewer System Rates, Section 187-1, Definitions, is hereby amended and supplemented with respect to the following term:

EDU OR EQUIVALENT DWELLING UNIT – The unit of measure by which the periodic user 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.

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.

“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 five (5) 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.

“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.

SECTION II:

The Code of Ordinances of the Borough of Newport, Article III, Public Sewers, Section 187-3, Amount and Manner of Computation of Sewer Rates and Charges, Subsections A and B thereof, are amended and supplemented to read as follows:

A. Except as otherwise provided in this article, sewer rates or charges for sewage and/or industrial wastes discharged into the sewer system for 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 provided in 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.

SECTION III:

The Code of Ordinances of the Borough of Newport, Article III, Public Sewers, Section 187-11, Sewer Rentals Based Upon Water Volume Usage and Tapping Fees, Subsection A and B thereof are amended and supplemented and Subsection D added to read as follows:

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.

D. 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.

SECTION IV:

The Code of Ordinances of the Borough of Newport, Article III, Public Sewers, Section 187-12, Terms of Payment, Subsections B, G(1) are amended and Subsection H, Charges or Lien on Property, is added to read as follows:

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.

G. 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 the unpaid balance is not paid in full.

H. Charges or Lien on Property. All charges imposed hereby, together with all penalties thereon, shall be a lien 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 costs, fees and reasonable attorneys fees.

SECTION V:

The Code of Ordinances of the Borough of Newport, Article III, Public Sewers, Section 187-13, Measuring Volume for Computation of Sewer Rates and Charges, Subsection D is hereby added to read as follows:

D. 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.

SECTION VI:

The Code of Ordinances of the Borough of Newport, Article III, Public Sewers, Section 187-23, Use of Public Sewers Required, is hereby amended and supplemented to add and include the following:

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 Wastewater Treatment Plant, including, but not limited to, waste streams 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 sufficient quantity, either singly or by interaction 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 Wastewater Treatment Plant.
- (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 Wastewater Treatment Plant.
- (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 Wastewater Treatment Plant facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by Garbage grinders.

- (5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into 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 Wastewater Treatment Plant 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 Wastewater Treatment Plant resulting in interference, but in no case Wastewater with a temperature exceeding 104°F at the headworks of the Wastewater Treatment Plant.
- (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 Wastewater Treatment Plant.
- (11) Any Wastewater containing any radioactive wastes 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 Wastewater Treatment Plant, (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 Wastewater Treatment Plant, degree of treatability of the waste in the Wastewater Treatment Plant, 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 are as follows:

- (1) Wastewater having a temperature higher than 150° 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 Floatable Oils, fat, 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 amendable to treatment or reduction by the treatment processes employed, or are amenable to treatment only to such degree that the Wastewater Treatment

Plant 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 judgment of the Authority, may have a deleterious effect upon the Wastewater Treatment Plant, 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.

K. 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.

SECTION VII:

The Code of Ordinances of the Borough of Newport, Chapter 187, Sewers and Sewage Disposal, Article III, Public Sewers, Section 187-26, Violations and Penalties; Enforcement, is hereby amended and supplemented to read as follows:

Section 187-26. Violations and Penalties; Enforcement.

A. Any person who shall violate this chapter shall be liable, upon summary conviction for first offense and upon summary conviction for each subsequent offense, to a fine and/or imprisonment in an amount and term of imprisonment not exceeding the maximum allowed by law, 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 such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

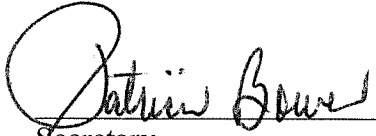
SECTION X: Effective Date.

This ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED by the Borough Council of the Borough of Newport, Perry County, Pennsylvania, in lawful session duly assembled this 6th day of August, 2013.

ATTEST:

Borough of Newport
Perry County, Pennsylvania


Secretary

By: 
President of Council

APPROVED this 6th day of August, 2013.

By: 
Mayor

09036-001/202562

ORDINANCE NO. 350

BOROUGH OF NEWPORT

AN ORDINANCE AMENDING GENERAL PARKING REGULATIONS TO PROHIBIT PARKING IN DESIGNATED TEMPORARY NO PARKING AREAS WITHIN THE BOROUGH OF NEWPORT

NOW BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Newport, Perry County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION I:

The Code of Ordinances of the Borough of Newport, Article III, General Parking Regulations, Chapter 237, Vehicles and Traffic, Section 237-21, is hereby amended and supplemented to add and include the following:

§ 237-21. Vehicles to be parked within marked spaces; parking prohibited in certain marked areas.

C. Borough Council may from time to time designate temporary or emergency parking regulations and temporary no parking areas within the Borough to accommodate public or other events, to facilitate public works, or, in the case of emergencies including but not limited to fire, flood, storm, accident, public health, safety, welfare or other emergency. Except in the event of an emergency, temporary "no parking" signs shall be installed and placed in designated temporary no parking areas a minimum of twenty-four (24) hours in advance of the event and designated period of prohibited parking.

Any person who shall operate or park a vehicle in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall, upon conviction thereof, be subject to the penalties set forth by law, this chapter and the Code of Ordinances. Temporary and emergency regulations shall be enforced in the same manner as permanent regulations.

SECTION II: 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 III: 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 such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

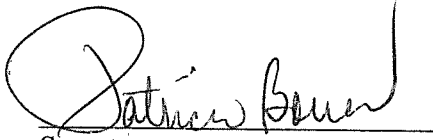
SECTION IV: Effective Date.

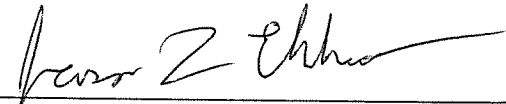
This ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED by the Borough Council of the Borough of Newport, Perry County, Pennsylvania, in lawful session duly assembled this 2nd day of April, 2013.

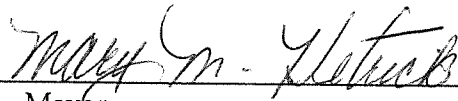
ATTEST:

Borough of Newport
Perry County, Pennsylvania


Secretary

By: 
President of Council

APPROVED this 10 day of April, 2013.

By: 
Mayor