

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

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Part 1

Sewer Connections

§101. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

AUTHORITY - Nazareth Borough Municipal Authority, a Pennsylvania municipality authority.

BOROUGH - the Borough of Nazareth, Northampton County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, 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.

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

INDUSTRIAL ESTABLISHMENT - any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of a business enterprise for the manufacturing, fabricating, processing, cleaning, laundering or assembling of any product, commodity or article, or from which any process waste, as distinct from sanitary sewage, shall be discharged.

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 sanitary sewage.

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

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

PERSON - any individual, partnership, company, association, society, trust, corporation or other group or entity.

SANITARY SEWAGE - normal water-carried household and toilet wastes discharged from any improved property.

SEWER - any pipe, main 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, transporting, pumping, treating and disposing of sanitary sewage and industrial wastes, situate in or adjacent to this Borough, owned or operated by the Authority. (Ord. 424, 6/4/1973, Art. I; as amended by Ord. 490, 5/4/1981, §1)

§102. Use of Public Sewers Required.

1. The owner of any improved property benefited, improved or accommodated by a sewer shall connect such improved property with such sewer, in such manner as the Authority may require, within forty-

five (45) days after notice to such owner from the Authority to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established by the Authority from time to time.

2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under §102(1), to be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by the Authority from time to time.

3. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of §102(1).

4. No person shall discharge or permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of subsection (1), except where suitable treatment has been provided which is satisfactory to the Authority.

5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to a sewer or which shall be required under §102(1) 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 Borough, shall be cleansed and filled at the expense of the owner of such improved property and 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 this Borough, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.

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

7. The notice by the Authority to make a connection to a sewer, referred to in §102(1), shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within forty-five (45) days from the date such notice is given. Such notice may be given at any time after a sewer is in place, which can receive and convey sanitary sewage and industrial waste for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

(Ord. 424, 6/4/1973, Art. II; as amended by Ord. 490, 5/4/1981, §2)

§103. Building Sewers and Connections.

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

2. Application for a permit required under §103(1) shall be made by the owner of the improved property served or to be served.

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

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

B. Such person shall have applied for and obtained a permit as required by §103(1).

C. Such person shall have given the Authority at least twenty-four (24) hours notice of the time when such connection will be made so that this Borough may supervise and inspect the work of connection and necessary testing.

D. Such person shall have furnished satisfactory evidence to the Authority that any tapping fee charged and imposed by the Authority against the owner of each improved property who connects such improved property to a sewer has been paid.

4. Except as otherwise provided in this Subsection each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one (1) improved property on one (1) building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of the Authority, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Authority.

5. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer, including testing, shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of connection of a building sewer to a sewer.

6. A building sewer shall be connected to a sewer at the place designated by the Authority and where 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.

7. If the owner of any improved property benefited, improved or accommodated by a sewer, after forty-five (45) days notice from the Authority requiring the connection of such improved property with a sewer in accordance with §102(1), shall fail to connect such improved property, as required, the Authority may make such connection and may collect from such owner the cost and expenses thereof by a municipal claim, an action in assumpsit's or such other legal proceeding as may be permitted by law.
(Ord. 424, 6/4/1973, Art. III; as amended by Ord. 490, 5/4/1981, §3)

§104. Rules and Regulations Governing Building Sewers and Connections to Sewers.

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

2. No building sewer shall be covered until it has been inspected and approved by 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.

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

4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and all other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Authority.

5. If any person shall fail or refuse, upon receipt of a notice from the Authority, in writing, to remedy any unsatisfactory conditions with respect to a building sewer, within forty-five (45) days of receipt of such notice, this Borough may refuse to permit such person to discharge sanitary sewage and/or industrial wastes

into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of the Authority.

6. This Borough authorizes the Authority to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be construed as a part of this Part. (Ord. 424, 6/4/1973, Art. IV; as amended by Ord. 490, 5/4/1981, §4)

§ 105. Enforcement.

1. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000.00) and costs and, in default of payment thereof shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 595, 10/7/1991)

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

(Ord. 424, 6/4/1973, Art. IV; as amended by Ord. 490, 5/4/1981, §5; by Ord. 565, 8/1/1988; and by Ord. 595, 10/7/1991)

§106. Declaration of Purpose. It is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough. (Ord. 424, 6/4/1973, Art. VIII)

§107. Delinquent Payments. If any person shall fail or refuse to pay in full any sums due the Authority and an action for recovery of same is instituted, the persons liable for the payment of any sums adjudged to be due shall be assessed a twenty-five percent (25%) fee for collection payable to the Authority's attorney. (Ord. 515, 6/4/1984, §8)

Part 2

Sewer Rental Charges

§201. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part shall be as follows:

AUTHORITY - the Nazareth Borough Municipal Authority, a Pennsylvania municipality authority, acts by and through its Board or, in appropriate causes, acting by and through its authorized representatives.

BILLING UNIT - includes, as applicable, each of the following: a "commercial establishment", a "dwelling unit", an "industrial establishment" and an "institutional establishment".

BOROUGH - the Borough of Nazareth, Northampton County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

COMMERCIAL ESTABLISHMENT - any room, group of rooms, building or enclosure used or intended for use in the operation of one (1) business enterprise for the sale and distribution of any product, commodity, article or service or used or intended for use for any social, amusement, religious, educational, charitable or public purpose and containing plumbing facilities for kitchens, toilet or washing facilities.

COMPANY - the Nazareth Sewerage Company, a Pennsylvania public utility.

DWELLING UNIT - any room, group of rooms, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person living alone.

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

INDUSTRIAL ESTABLISHMENT - any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one (1) business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

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 the development, recovery or processing of natural resources, as distinct from sanitary sewage.

INSTITUTIONAL ESTABLISHMENT - any room, group of rooms, building or other enclosure which does not constitute a commercial establishment, a dwelling unit or an industrial establishment.

MULTIPLE UNIT - any improved property in which shall be located more than one (1) billing unit.

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

PERSON - any individual, partnership, company, association, society, corporation or other group or entity, including a municipal authority, and any municipal subdivision.

SANITARY SEWAGE - the normal water-carried household and toilet waste from any improved property.

SEWAGE TREATMENT PLANT - the plant and facilities owned by the company and used for the purpose of treatment and disposition of sanitary sewage and certain industrial wastes.

SEWER - any pipe, main or conduit constituting a part of the sewer system and used or usable for collection and transportation of sanitary sewage and industrial wastes.

SEWER SYSTEM - all facilities, as of any particular time, for collecting, transporting and pumping of sanitary sewage and industrial wastes, situate in or adjacent to this Borough owned by the Authority and leased to this Borough for operation and use.

TREATMENT AGREEMENT - the agreement, dated as of June 1, 1973, between the Borough and the company providing, inter alia, for the ultimate discharge of sanitary sewage and industrial wastes into facilities of the company for ultimate treatment and disposal by the company, and such phrase shall include all future amendments and/or supplements thereto and an future agreement entered into in replacement and/or substitution thereof.

WATER SYSTEM - the facilities owned by any person and used for the supply of water to the public in and adjacent to this Borough.

(Ord. 428, 6/18/1973, §1)

§202. Connection to the Sewer System. No person shall connect any improved property with any part of the sewer system without first making application for and securing a permit, in writing, from this Borough. Such application shall be made on a form to be provided by this Borough. [See Part I of this Chapter] (Ord. 428, 6/18/1973, §2)

§203. Sewer Rentals or Charges. Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sewer system, for the use of the sewer system whether such use shall be direct or indirect, and which shall be payable as provided herein. In addition, rates and charges for transportation and treatment of sewage in facilities of the company shall be and hereby are imposed upon and shall be collected from the owner of each improved property by or in behalf of the Borough, in the amounts set forth in the currently effective tariff, as supplemented, on file with the Pennsylvania Public Utility Commission. (Ord. 428, 6/18/1973, §3)

§204. Time and Method of Payment.

1. Sewer rentals or charges shall be payable quarterly. (Ord. 595, 10/7/1991)
2. The quarterly billing date shall be the same date as shall be applicable for billing by the company. Such bill shall cover service during the three (3) months immediately preceding the billing date.
3. Sewer rentals or charges shall be due and payable upon the billing date provided for in §204(2). If sewer rentals or charges are not paid within thirty (30) calendar days after the same become due and payable, an additional sum of five percent (5%) shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such thirty (30) calendar day period shall constitute payment within such period. If the end of such thirty (30) calendar day period falls on a legal holiday or on a Sunday, payment made on or mailed and postmarked on the next succeeding business day, which is not a legal holiday, shall constitute payment within such period. If sewer rentals and charges are not paid within sixty (60) calendar days after the same become due and payable, the bill therefore, in addition to bearing the aforesaid five percent (5%) charge, shall also bear interest at the rate of one-half percent ($\frac{1}{2}\%$) per month or fraction thereof from the due date until the date of payment.

4. Whenever service to any improved property shall begin after the first day or shall terminate before the last day of any quarterly billing period, sewer rentals or charges for such period shall be prorated equitably, if appropriate, for that portion of the quarterly billing during which such improved property was served by the sewer system.

5. 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 quarterly bills for sewer rentals or charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(Ord. 428, 6/18/1973, §5)

§205. Liens for Sewer Rentals or Charges; Filing and Collection of Liens. Sewer rentals or charges imposed by this Part shall be a lien on the improved property connected to and served by the sewer system; and any such sewer rentals or charges which are not paid within sixty (60) days after each quarterly billing date applicable to the particular improved property shall be filed as a lien against the improved property so connected to and served by the sewer system, which lien shall be filed in the office of the Prothonotary of Northampton County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims (Ord. 428, 6/18/1973, §6)

§206. Measuring Volume of Sanitary Sewage.

1. Methods of Measuring Volume.

A. Whenever the entire water supply of an improved property or, if applicable, a billing unit or billing units located therein, constituting a commercial establishment, an institutional establishment or an industrial establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewer system, is supplied by the water system, the volume of water furnished, as determined from meter readings of the water system, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges subject to adjustment, if appropriate, as provided in this Part.

B. Whenever an improved property or, if applicable a billing unit or billing units located therein, constituting a commercial establishment, an institutional establishment or an industrial establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewer system, shall have a source or sources of water supply in addition to or other than the water system, the owner of such improved property shall provide a meter or meters on such additional or other source or sources of water supply. The total volume of water consumed, as determined from the meter readings of the water system and the meter readings of the meter or meters on such additional or other source or sources of water supply, or the meter readings of the meter or meters on such other source or sources of water supply, as appropriate, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing the sewer rentals or charges, subject to adjustment, if appropriate, as provided in this Part.

C. Whenever an improved property or, if applicable, a billing unit or billing units located therein, constituting a commercial establishment, an institutional establishment or an industrial establishment shall use water from the water system and/or water from source or sources of supply in addition to or other than the water system for cooling or unpolluted commercial or industrial process purposes and all or part of the water so used shall not be discharged into the sewer system, the volume used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges may be adjusted by one (1) of the following methods:

(1) 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 sanitary sewage and/or industrial wastes in computing sewer rentals or charges.

(2) By installing a meter or other measuring device to measure volume not being discharged into the sewer system. The readings from such meter or measuring device shall be deducted from the total water meter readings and the remainder shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges.

(3) If it is not practical, in the opinion of this Borough to install a meter or other measuring device to determine continuously the volume not discharged into the sewer system, this Borough shall determine, in such manner and by such method as it may prescribe, the percentage of metered water which is being discharged into the sewer system. The quantity of water used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to such estimated percentage shall be submitted to this Borough, after notice of such estimate. The decision of this Borough with respect to the matter shall be final for the then current calendar year.

D. Whenever an industrial establishment shall discharge only industrial wastes into the sewer system, the volume of water used, measured as herein provided, shall be used as a measure of the quantity of industrial wastes so discharged.

2. Measuring Devices. Meters or other measuring devices which shall not be available in connection with the water system, but which shall be required or permitted under the provisions of this Part, shall be furnished and installed in accordance with specifications of this Borough by the owner of the improved property at his expense, shall be under the control of this Borough, and may be tested, inspected or repaired by this Borough whenever necessary. The owner of the improved property upon which such meter or other measuring device shall be installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the expense of the owner, whether such repairs shall be made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by this Borough, shall be due and payable immediately upon completion of such repairs and shall be collected in the same manner as quarterly bills for sewer rentals or charges.

3. Meter Readings. This Borough, except to the extent that meter readings are made by any other person in connection with the water system and are made available to this Borough for purposes of this Part, shall be responsible for the reading of all meters or other measuring devices and the same shall be available to this Borough at all reasonable times.

(Ord. 428, 6/18/1973, §7)

§207. Prohibited Wastes.

1. No person shall discharge or cause to be discharged into the sewer system any waste or substance which is prohibited by the company to be discharged to the sewage treatment plant.

2. This Borough reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system, or to compel pretreatment of industrial wastes in order to prevent discharges deemed harmful or to have a deleterious effect upon any portion of the sewer system or the sewage treatment plant.

3. Nothing contained in this Section shall be construed as prohibiting any special agreement or arrangement between this Borough and any person whereby industrial wastes of unusual strength or character may be admitted into the sewer system by this Borough, upon approval by the company, either before or after preliminary treatment.

(Ord. 428, 6/18/1973, §8)

§208. Right of 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, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by this Borough through the sewer system.

(Ord. 428, 6/18/1973, §9)

§209. Responsibility of Owners of Improved Property. The owner of each improved property connected to the sewer system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this Part.

(Ord.428, 6/18/1973, §10)

§210. Adoption of Additional Rules and Regulations. This Borough reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with the use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this Part.

Ord. 428, 6/18/1973, §11)