

## **Chapter 18**

### **SEWERS AND SEWAGE DISPOSAL**



**Part 1**  
**SEWER CONNECTIONS AND USES**

**A.**  
**Definitions.**

**§ 18-101. Definitions. [Ord. 1985-4, 12/9/1985, Art. I, § 1.01; as amended by Ord. 2004-1, 2/9/2004, § 1]**

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

**AUTHORITY** — Eastern York County Sewer Authority, a Pennsylvania municipality Authority.

**BOROUGH** — Hallam Borough, York County, Pennsylvania.

**BUILDING SEWER** — The extension from the sewage drainage system of any structure to the lateral or service connection of a sewer.

**IMPROVED PROPERTY** — Any property located within Hallam Borough and within the area served by the Authority 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 or structures sewage and/or industrial wastes shall be or may be discharged.

**INDUSTRIAL WASTES** — Any solid, liquid or gaseous substance 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, excluding any ground, surface or stormwater.

**LATERAL** — That part of the sewer system extending from a sewer to a point behind the curblineline or, if there shall be no curblineline, to a point behind the curblineline projected.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any improved property located within the area served by the Authority within Hallam Borough.

**PERSON** — Any individual, partnership, company, association, society, trust, corporation or other group or entity, public or private.

**SERVICE CONNECTION** — That portion of, or place in, a sewer, in those cases where no lateral is provided, which is provided for connection of any building sewer.

**SEWAGE** — Normal water-carried household and toilet wastes from any improved property, excluding any ground, surface or stormwater.

**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, pumping, treating and disposing of sewage and industrial wastes.

**STREET** — Any street, road, lane, court, alley and public square.



## B.

**Use of Public Sewers Required.****§ 18-111. Certain Rights and Privileges. [Ord. 1984-1, 3/12/1984, §§ 1 — 2]**

1. This Borough does hereby grant to the Authority, its successors and assigns all easements, rights-of-way and other rights necessary and desirable in, along, over and under all streets, roads, avenues, courts, culs-de-sac, alleys, public ways, public squares and other properties of this Borough, including any dedicated but unopened or unadopted streets in which this Borough may have any rights or interest, together with free ingress, egress and regress therein and thereto, along with other persons having interests or rights therein, for use in connection with the constructing, replacing, repairing, altering and maintaining of the sewer system to be acquired and constructed by the Authority, as the same shall exist, from time to time.
2. The rights and privileges granted to the Authority under subsection (1) shall be exercised by the Authority under and subject to such reasonable rules, regulations and conditions as shall be adopted and specified, from time, to time, by resolution or ordinance of this Borough and this Borough does reserve the right to adopt and specify, from time to time, such reasonable rules, regulations and conditions with respect to the exercise by the Authority of such rights and privileges.

**§ 18-112. Improved Properties to Be Connected to Accessible Sewers. [Ord. 1985-4, 12/9/1985, Art. II, § 2.01]**

The owner of any improved property benefited, improved or accommodated by a sanitary sewer shall connect such improved property with the sewer system, in such manner as the Borough may require, within 60 days after notice to such owner from the Borough to make such connection, for the purpose of discharge of all sewage and, to the extent permitted by the Authority, industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority, from time to time.

**§ 18-113. Sewage and Certain Industrial Wastes to Be Discharged Into Sewers. [Ord. 1985-4, 12/9/1985, Art. II, § 2.02]**

All sewage and, to the extent permitted by the Authority, industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under § 18-112 shall be discharged into a sewer, subject to such limitations and restrictions as shall be established in this Part or otherwise shall be established by the Authority, from time to time.

**§ 18-114. Unlawful Discharge or Deposit of Sewage and Industrial Waste. [Ord. 1985-4, 12/9/1985, Art. II, § 2.03]**

1. No person shall place or deposit or permit to be placed or deposited upon public or private property within the area served by the Authority within the Borough any sewage or industrial wastes in violation of § 18-113.
2. No person shall discharge or permit to be discharged to any natural outlet within the area served by the Authority within the Borough any sewage or industrial

wastes in violation of § 18-113, except where suitable treatment has been provided which is satisfactory to the Authority.

**§ 18-115. Unlawful Discharge of Stormwater, Etc. [Ord. 1985-4, 12/9/1985, Art. II, § 2.04]**

No person shall discharge, or cause to be discharged, any stormwater, surface water, ground water, roof runoff or subsurface drainage into any sewer.

**§ 18-116. Certain Receptacles Not to Be Used on Improved Property Accessible to Sewer; Abandonment of Such Receptacles. [Ord. 1985-4, 12/9/1985, Art. II, § 2.05]**

1. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under § 18-112, to be connected to a sewer, except that with the approval of the Authority such receptacle may continue to be used and maintained solely for the purpose of receiving the discharge of water other than sewage from a basement floor drain and/or other surface or subsurface drainage facility. Under appropriate circumstances, and with the written approval of the Authority, existing septic tanks may continue to be used and maintained for the purpose of receiving the discharge of sewage from existing basement facilities where the sewer provided by the Authority does not permit the discharge of sewage from such facility by gravity and so long as such septic tank is operable and has not malfunctioned.
2. 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 filled under the observation 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 so 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.

**§ 18-117. Certain Receptacles and Drainage Facilities Not to Be Connected to Sewer. [Ord. 1985-4, 12/9/1985, Art. II, § 2.06]**

No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected to a sewer. No surface or substance drainage facility shall at any time be connected to a sewer.

**§ 18-118. Notice to Connect; Service. [Ord. 1985-4, 12/9/1985, Art. II, § 2.07]**

The notice by the Borough to make a connection to a sewer, referred to in § 18-112 shall consist of a written or printed document requiring the connection and referring to this Part and may be given at any time after a sewer is in place which can receive and convey sewage and, to the extent permitted by the Authority, industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner by the Borough Council, or by the Authority as their agent, either by personal service or by certified or registered mail or by such other method as at the time may be provided by law.

## C.

**Building Sewers and Connections.****§ 18-121. Permit to Connect to Sewer Required. [Ord. 1985-4, 12/9/1985, Art. III, § 3.01]**

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 sewer connection permit, in writing, from the Authority.

**§ 18-122. Application by Owner. [Ord. 1985-4, 12/9/1985, Art. III, § 3.02; as amended by Ord. 2004-1, 2/9/2004, § 1]**

Application for a permit required under § 18-121 shall be made by the owner of the improved property served or to be served.

**§ 18-123. Certain Conditions to Be Met Prior to Making of Connection to Sewer. [Ord. 1985-4, 12/9/1985, Art. III, § 3.03; as amended by Ord. 2004-1, 2/9/2004, § 1]**

1. 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 § 18-121 and shall have paid all required permit and/or inspection fees.
  - C. Such person shall have given the Authority at least 24 hours' notice of the time when such connection will be made so that the Authority may observe and inspect the work of connection and necessary testing.
  - D. Such person shall have furnished satisfactory evidence to the Authority that any tapping fee or connection charge imposed by resolution of the Authority and/or reserve rental charges or fees imposed by resolution of the Authority against the owner of each improved property who connects such improved property to a sewer has been paid, or in those cases where the developer connects the building sewer into the sewer system and no tapping fee is charged, that all required permit and/or inspection fees to cover the costs of inspection of each improved property so connected have been paid, or that adequate bond or surety has been provided to ensure payment thereof.

**§ 18-124. Each Improved Property to Be Connected Separately; Exceptions. [Ord. 1985-4, 12/9/1985, Art. III, § 3.04]**

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 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.

**§ 18-125. Certain Costs Payable by Property Owner, Liability Thereof. [Ord.**

**1985-4, 12/9/1985, Art. III, § 3.05]**

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 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.

**§ 18-126. Point of Connection; Manner of Connection. [Ord. 1985-4, 12/9/1985, Art. III, § 3.06]**

1. A building sewer shall be connected to a sewer at the place designated by the Authority and where the lateral or service connection is provided.
2. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made with the use of a flexible coupling and the connection of the building sewer to the later or service connection shall be made secure and water-tight.

**§ 18-127. Authority for Borough to Make Connection and Collect Costs and Expenses. [Ord. 1985-4, 12/9/1985, Art. III, § 3.07]**

If the owner of any improved property benefited, improved or accommodated by a sanitary sewer, after 60 days' notice from the Borough, in accordance with § 18-112, shall fail to connect such improved property, as required, the Borough or its agent may make such connection and the Borough may collect from such owner the costs and expenses thereof by filing of a municipal claim or lien, an action in assumpsit or such other legal proceeding as may be permitted by law.

## D.

**Rules and Regulations Governing Building Sewers and Connection to Sewers.****§ 18-131. Conditions for Use of Existing Structure Sewer. [Ord. 1985-4, 12/9/1985, Art. IV, § 4.01]**

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 structure sewer line may be broken at the structure line of such improved property and attachment may be made, with proper fittings, to continue such structure sewer line as a building sewer.

**§ 18-132. Building Sewer to Be Inspected Before Covering. [Ord. 1985-4, 12/9/1985, Art. IV, § 4.02]**

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 the sewer.

**§ 18-133. Responsibility for Maintenance of Building Sewers. [Ord. 1985-4, 12/9/1985, Art. IV, § 4.03; as amended by Ord. 2004-1, 2/9/2004, § 1]**

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

**§ 18-134. Guarding of Excavations; Restoration of Streets, Sidewalks and Other Public Property Disturbed. [Ord. 1985-4, 12/9/1985, Art. IV, § 4.04]**

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 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.

**§ 18-135. Effect of Failure to Remedy Unsatisfactory Conditions. [Ord. 1985-4, 12/9/1985, Art. IV, § 4.05]**

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

**§ 18-136. Installation of Building Sewers. [Ord. 1985-4, 12/9/1985, Art. IV, § 4.06]**

The installation of a building sewer shall be the responsibility of the owner and shall be installed at the cost and expense of the owner. Building sewers shall be installed in accordance with the rules and regulations regarding the installation of building sewers, which are attached to or appended to Authority Res. 1984-4, which rules and regulations are incorporated as a part of this Part and made a part hereof.<sup>1</sup>

**§ 18-137. Additional Rules and Regulations Authorized. [Ord. 1985-4, 12/9/1985, Art. IV, § 4.07]**

The Borough and the Authority reserve the right to amend the rules and regulations regarding the installation of building sewers, from time to time, and to adopt, from time to time, additional rules and regulations as they shall deem necessary and proper relating to connections with a sewer and the sewer system and all of which rules, regulations, conditions and obligations shall become and shall be construed as part of this Part.

---

1. Editor's Note: Attached current copy of Easter York County Sewer Authority Res. 1984-4 is on file in the Borough office.

## E.

**Enforcement and Penalties.****§ 18-141. Penalty for Violation. [Ord. 1985-4, 12/9/1985, Art. V, § 5.01; as amended by Ord. 2004-1, 2/9/2004, § 1]**

Any person, firm or corporation who shall violate any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

**§ 18-142. Enforcement and Recovery of Fine and Costs. [Ord. 1985-4, 12/9/1985, Art. V, § 5.02]**

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

**§ 18-143. Declaration of Purpose. [Ord. 1985-4, 12/9/1985, Art. V, § 7.01]**

It is 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 Hallam Borough.

**§ 18-144. Severability. [Ord. 1985-4, 12/9/1985, Art. VI, § 6.01]**

The provisions of this Part are severable. In the event that any provision, Section, sentence, clause or part of this Part shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part. It is hereby declared to be the intent of the Borough that such remainder of the Part shall be and shall remain in full force and effect.

**§ 18-145. Declaration of Purpose. [Ord. 1985-4, 12/9/1985, Art. VII, § 7.01]**

It is 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 Hallam Borough.

**§ 18-146. Repealer. [Ord. 1985-4, 12/9/1985, Art. VIII, § 8.01]**

All ordinances or parts of ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.



**Part 2**  
**PERMITS AND ENFORCEMENT**

**§ 18-201. Permit Required. [Ord. 1975-2, 4/14/1975, § 1; as amended by Ord. 2004-1, 2/9/2004, § 1]**

No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community sewage system, or construct or request bid proposals for construction, or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and plans and specifications of such system are in compliance with the provisions of the Act of 1966 P.L. (1965) 1535 No. 537, as amended by 1974 P.L. 621 No. 208 and the standards adopted by the Department of Environmental Protection of the Commonwealth of Pennsylvania pursuant to those Acts.

**§ 18-202. Creation of Positions of Sewage Enforcement Officer and Assistant Sewage Enforcement Officer; Qualifications; Duties. [Ord. 1975-2, 4/14/1975, § 2; as amended by Ord. 2004-1, 2/9/2004, § 1]**

The positions of Sewage Enforcement Officer and Assistant Sewage Enforcement Officer are created to be filled by appointment by resolution of Council. No person shall be appointed as a sewage enforcement officer or assistant unless he has been certified "qualified" by the Department of Environmental Protection. The duly appointed sewage enforcement officer and/or the assistant shall administer the provisions of the Act of 1966 P.L. (1965) 1535 No. 537, as amended 1974 P.L. 621 No. 208, insofar as those provisions are applicable to this Borough.

**§ 18-203. Application Fees; Deposit. [Ord. 1975-2, 4/14/1975, § 4; as amended by Ord. 2004-1, 2/9/2004, § 1]**

1. Application fees shall be the actual costs of administering and processing the application in accordance with the prevailing fee schedule as adopted, from time to time, by resolution of Council; provided, however, that a deposit shall be paid to the Borough when the application is first submitted, in accordance with the following schedule:
2. Upon completion of the alteration or construction for which the permit has been issued, the Borough shall refund to the applicant the amount by which the applicant's deposit exceeds the actual costs or applicant shall pay to the Borough the amount by which the actual costs exceed applicant's deposit. Final approval of the permit may be withheld until any excess costs are paid by applicant.

**§ 18-205. Incorporation of Pennsylvania Sewage Facilities Act, As Amended, by Reference. [Ord. 1975-2, 4/14/1975, § 5]**

All provisions of the Act of 1966 P.L. (1965) 1535 No. 537, as amended, 1974 P.L. 621 No. 208, as those provisions apply to this Borough are incorporated into this Part by reference.

**§ 18-206. Penalty for Violation. [Ord. 1975-2, 4/14/1975, § 6; as amended by Ord.**

**2004-1, 2/9/2004, § 1]**

Any person, firm or corporation who violates any provision of the Act of 1966 P.L. (1965) 1535 No. 537, as amended 1974 P.L. 621 No. 208, or the rules, regulations or standards promulgated under that Act as amended or who violates any provision of this Part or who resists or interferes with any officer, agent or employee of the Borough or the Department of Environmental Protection in the performance of his duties shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

**Part 3**  
**SEWER RENTALS AND CHARGES; DISCHARGES INTO SEWER SYSTEM;**  
**ADDITIONAL RULES AND REGULATIONS AUTHORIZED**

**§ 18-301. Definitions. [Ord. 1985-5, 12/9/1985, § 1; as amended by Ord. 2004-1, 2/9/2004, § 1]**

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

**AUTHORITY** — Eastern York County Sewer Authority, a Pennsylvania municipal authority.

**B.O.D. (BIOCHEMICAL OXYGEN DEMAND)** — The quantity of oxygen, expressed in ppm 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** — Borough of Hallam, York County, Pennsylvania.

**CALENDAR OR FISCAL QUARTER** — A three-month period determined by dividing the calendar or fiscal year into four periods of three months each.

**CHLORINE DEMAND** — The quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of 0.1 ppm by weight after 15 minutes of contact.

**COMMERCIAL ESTABLISHMENT** — Any improved property which shall be used, in whole or in part, for sale or distribution of any product, commodity, article or service excluding, however, churches and chapels (which shall be considered to be domestic units) and industrial establishments.

**COMPOSITE SAMPLE** — A combination of individual samples obtained at regular intervals over a specific time period not to exceed two hours.

**DAILY AVERAGE CONCENTRATION** — The concentrations as determined by a twenty-four-hour composite sample.

**DOMESTIC UNIT** — Any room, group of rooms, building or enclosure which shall be occupied or intended for occupancy as separate living quarters by one family or other group of people living together or by individuals living alone and also shall mean schools, churches and chapels upon an improved property.

**GARBAGE** — Solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce.

**GRAB SAMPLE** — An individual sample collected in less than 15 minutes.

**HOME OCCUPATION OR PROFESSIONAL USE** — An occupation or profession such as, but not limited to, physician (M.D. or D.O.), dentist, optometrist, optician, chiropractor, podiatrist, veterinarian, psychologist, artist, writer, lawyer, realtor, real estate salesperson, salesperson, sales representative, surveyor, engineer, architect, accountant, barber, beautician, seamstress, dressmaker, music or dance instructor or teacher, maintenance or repair service, insurance agent, any business involving the display or sale of a product or other similar occupation or profession which:

- A. Is carried on only in a domestic unit or in a structure accessory to a domestic unit.
- B. Is carried on by a member of the family residing in the domestic unit and not more than one employee outside the family.
- C. Is clearly incidental and secondary to the use of the domestic unit for residential purposes and does not involve the use of more than 25% of the total combined floor area of the domestic unit and any accessory structure and does not result in more than 25% of the total combined gross income of all family members occupying the domestic unit as reported on their Federal income tax returns.

A home occupation or profession use will be considered as, and billed at, the same rate as provided for a residential use under the provisions of this Part, relating to sewer rentals or charges for the use of the sewer system. In the event that the use of the domestic unit meets or satisfies all of the above requirements except for subsection (C), it shall be billed at the same rate as provided for a commercial establishment.

**IMPROVED PROPERTY** — Any property within Hallam Borough and within the area served by the Authority 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 or structures sewage and/or industrial wastes shall be or may be discharged.

**INDUSTRIAL ESTABLISHMENT** — Any improved property upon which shall be used, in whole or in part, for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sewage, shall be discharged.

**INDUSTRIAL WASTE** — Solid, liquid or gaseous substances or forms of energy released or escaping in the course of an industrial, manufacturing, trade or business process or in the course of development, recovery or processing of natural resources, as distinct from sewage, excluding any ground, surface or stormwater.

**INSTANTANEOUS MAXIMUM CONCENTRATION** — The concentration not to be exceeded at any time in any grab sample.

**NONRESIDENTIAL USE** — All commercial establishments, industrial establishments and all other uses other than domestic units and any combination thereof.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any improved property located within Hallam Borough and within the area served by the Authority.

**PERSON** — Any individual, partnership, company, association, society, trust, corporation or other group or entity, public or private.

**pH** — The logarithm of the reciprocal of the weight of hydrogen ions, expressed in grams per liter of solution and indicates the degree of acidity or alkalinity of a substance.

**ppm** — Parts per million.

**PROPERLY SHREDDED GARBAGE** — Garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than 1/2 inch in dimension.

**RESIDENTIAL USES** — All domestic units.

**SCHOOL** — Any improved property owned or occupied by any school district or school districts and used in connection with the public education system of the Commonwealth of Pennsylvania and any establishment used for private school purposes and not falling within the foregoing definition shall be considered to be a commercial establishment.

**SEWAGE** — Normal water-carried household and toilet wastes from any improved property, excluding any ground, surface or stormwater.

**SEWER** — Any pipe or conduit constituting a part of the sewer system which shall be used or usable for sewage collection purposes.

**SEWER SYSTEM** — All facilities, as of any particular time, for collecting, pumping, treating and disposing of sewage and industrial 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.

**TOXIC SUBSTANCE** — Any poisonous substance, including copper, cyanide and chromium ions.

**WATER COMPANY** — Any publicly or privately owned duly authorized agency, corporation, municipality or organization which is the approved purveyor of the public water supply within the area served by the Authority within Hallam Borough.

**§ 18-302. Sewer Rentals and Charges. [Ord. 1985-5, 12/9/1985, § 2; as amended by Ord. 1995-4, 4/10/1995, § 1]**

Sewer rentals and charges are imposed upon and shall be collected from the owner of each improved property for the use of the sewer system, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as of the date of connection of each such improved property to the sewer system or 60 days from the date of notice to connect such improved property to the sewer system, whichever first occurs, and shall be payable as provided herein.

**§ 18-303. Computation of Sewer Rentals and Charges. [Ord. 1985-5, 12/9/1985, § 3]**

1. Sewer Rental and Charges to Improved Property. Sewer rentals and charges for sewage and industrial wastes discharged into the sewer system from any improved property, or part thereof, shall be based upon the volume of water supplied to such improved property, or parts thereof, adjusted if appropriate, as provided in this Part and as shown by the water meter readings or other documentation of the water company servicing said improved property. Sewer rentals and charges imposed by this section shall be computed in accordance with the following metered rate schedule; subject, however:
  - A. To the minimum sewer rentals and charges provided below in this subsection.
  - B. To the provisions, if applicable, of special agreements between the Authority and owners of improved property as may be appropriate:

| <b>Metered Rate Schedule</b>  |  |
|---|--|
| <b>Residential Uses</b>   |  |
| <b>Per Quarter-Annun Water Consumption or Metered Waste Discharge</b> | <b>Sewer Rental and Charge Per Quarter-Annun</b> |
| First 21,000 gallons  | \$104  |
| Over 21,000 gallons   | \$4.95 per 1,000 gallons                         |
| First 21,000 gallons  | \$160.25   |
| Over 21,000 gallons   | \$7.63 per 1,000 gallons                         |

Notwithstanding the foregoing, the minimum quarterly rate for any improved property, or parts thereof, as set forth in this section, including users for less than a quarterly period, shall be \$104 in the case of residential uses and \$160.25 in the case of nonresidential uses. In the case of improved properties with multiple uses therein (domestic units, commercial establishments and industrial establishments or any combination of the three) the above metered or minimum rates, as applicable, shall be payable for each separate domestic unit, commercial establishment or industrial establishment located within or upon such improved property. In addition to the foregoing rates, the following charges are imposed for the use of garbage or other types of disposal devices:

- Residential Uses                      \$5 quarter-annually per grinder
- Nonresidential Uses                 \$25 quarter-annually per grinder

Whenever an improved property, subject to the metered rate schedule as provided above, shall obtain all or part of its water supply from sources other than a water company and such other water supply is discharged into the sewer system, then and in that event the owner of such improved property shall install and maintain, at his sole cost and expense, a water meter or meters satisfactory to the Authority on all such sources of water supply, as provided in § 18-306. The quantity of water so used to determine the sewer rental or charges under this Part shall be the sum of the quantities of water measured by all meters.

2. Rules and Regulations Relative to Computation of Sewer Rentals and Charges. In the event that sewage and/or industrial wastes which originate from more than one domestic unit, commercial establishment and/or industrial establishment situate within or upon any improved property is discharged into the sewer system, the sewer rental shall be computed for each separate domestic unit, commercial establishment or industrial establishment located within or upon the improved property as provided in subsection (1) of this section and the rentals and charges so computed shall be consolidated into one account or sum which shall be the aggregate quarterly sewer rental or charge allocable to such improved property. If the owner of any improved property shall fail to provide the Authority with any and all information and/or access required to compute the sewer rentals and charges applicable to such improved property, the Authority may make a reasonable estimate of the appropriate sewer rentals and charges, which shall be the actual sewer rentals and charges payable until the required information is available to the

Authority; provided, however, that rebates will be paid by the Authority if the information subsequently provided would support lower indicated sewer rentals and charges than those estimated by the Authority. Exclusion from the sewer system of noncontaminated wastewaters from any improved property may be required by the Authority. When such wastewaters are so excluded and are not discharged into the sewer system, the sewer rental and charges shall be based on total volume of water usage, less the volume of wastewater excluded, in accordance with the metered rate schedule set forth in subsection (1) of this section, subject, however, to the same minimum sewer rentals and charges and to the provisions, if applicable, of this section. The volume of noncontaminated wastewaters originating from such improved property which are excluded from the sewer system shall be determined at the sole discretion or option of the Authority as provided in § 18-306. Sewer rentals and charges based upon metered volume of water consumption or upon metered volume of wastes discharged to the sewer system or upon estimates of the Authority shall be rendered on a quarterly basis and shall cover the immediately preceding quarterly service period applicable to the particular improved property.

3. Additions and Changes to Schedules. Additional classifications and sewer rentals or charges therefor or modifications of the above schedules of sewer rentals or charges may be adopted and promulgated by the Authority, from time to time, as shall be deemed necessary.

**§ 18-304. Time and Method of Payment. [Ord. 1985-5, 12/9/1985, § 4]**

1. Sewer rentals and charges imposed under § 18-303 shall be payable on the first day of each calendar or fiscal quarter, as may be established by the Authority, and shall cover a quarterly billing period consisting of the immediately preceding calendar or fiscal quarter.
2. Sewer rentals and charges shall be payable upon the date set forth in subsection (1) of this section and the appropriate amount, computed in accordance with this Part, shall constitute the net bill. If sewer rentals and charges shall not be paid within 30 calendar days after the applicable date upon which such shall be payable, as set forth in subsection (1) of this section, an additional sum of 20% 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 of such 30 calendar day period shall constitute payment with such period. If the end of such 30 calendar day period shall fall on a legal holiday or on a Sunday, payment which shall be made or mailed and postmarked on the next succeeding week day which is not a legal holiday shall constitute payment within such period. Whenever service to any improved property shall begin after the first day or shall terminate before the last day of any calendar or fiscal quarter, sewer rentals and charges for such period shall be prorated equitably, as appropriate, for that portion of the calendar or fiscal quarter during which such service was rendered by the Authority.

Where an improved property is vacant for a period of more than three consecutive calendar months and no sewer service is provided during such vacant period, the Authority may, upon receipt of written request from the owner of such improved property, grant a proportionate refund or abatement for the period of such vacancy from that portion of the sewer rental or charge which is for operation and

maintenance only.

3. Every owner of improved property which is connected to the sewer system initially shall provide the Authority with and thereafter shall keep the Authority advised of his correct address. Failure of any person to receive quarterly bills for sewer rentals and 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.

**§ 18-305. Liens for Sewer Rentals; Filing and Collection of Liens. [Ord. 1985-5, 12/9/1985, § 5]**

Sewer rentals and charges imposed by this Part shall be a lien upon the improved property connected to and served by the sewer system and such sewer rentals and charges which shall be delinquent for a period of 180 days after the applicable date upon such shall be payable, as set forth in § 18-304(1) 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 York County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

**§ 18-306. Measuring Volume of Sewage and Industrial Wastes. [Ord. 1985-5, 12/9/1985, § 6; as amended by Ord. 2004-1, 2/9/2004, § 1]**

1. Methods of Measuring Volume.
  - A. Whenever the entire water supply of an improved property which shall discharge sewage and/or industrial wastes into the sewer system shall be supplied by a water company, the volume of water furnished, as determined from meter readings of the water company, shall be used as the measure of discharge of sewage and/or industrial wastes in computing sewer rentals and charges, subject to adjustment, if appropriate, as provide in this Part.
  - B. Whenever an improved property which shall discharge sewage and/or industrial wastes into the sewer system shall have a source or sources of water supply in addition to or other than a water company, the owner shall provide a meter 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 company 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 sewage and/or industrial wastes in computing the sewer rentals and charges, subject to adjustment, if appropriate, as provided in this Part.
  - C. Whenever an improved property shall use water from the water company and/or water from a source or sources of water in addition to or other than the water company and all or part of the water so used is required to be excluded from the sewer system by the Authority the volume used as the measure of discharge of sewage and/or industrial wastes in computing sewer rentals and charges may, at the sole discretion or option of the Authority, be adjusted by one 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 sewage and/or industrial wastes in computing sewer rentals and charges.
  - (2) By installing a meter or other measuring device to measure the volume required to be excluded from the sewage 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 sewage and/or industrial wastes in computing sewer rentals and charges.
  - (3) If it is not practical, in the opinion of the Authority, to install a meter or other measuring to determine continuously the volume required to be excluded from the sewer system, the Authority 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 sewage and/or industrial wastes in computing the sewer rentals and 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 the Authority, after notice of such estimate. The decision of the Authority with respect to the matter shall be final for the then current calendar year.
2. **Measuring Devices.** Meters and other measuring devices which shall be required or permitted under this section, other than meter of the water company, shall be furnished and installed by the owner, at his expense, shall be under the control of the Authority and may be tested, inspected or repaired by the Authority whenever necessary. The owner shall be responsible for the maintenance and safekeeping of such meter or other measuring device 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 cause. Bills for such repairs, if made by the Authority, 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 and charges.
  3. **Meter Readings.** The Authority shall be responsible for the reading of all meters or other measuring devices required or permitted under this section, other than those owned and read by a water company and the same shall be available to the Authority at all reasonable times.

**§ 18-307. Admission of Industrial Wastes Into the Sewer System. [Ord. 1985-5, 12//9/1985, § 7]**

1. **Approval Required for Industrial Wastes.** The discharge into the sewer system of industrial wastes having:
  - A. A five day B.O.D. greater than 300 ppm by weight.
  - B. A suspended solids content greater than 300 ppm by weight.
  - C. A chlorine demand greater than five ppm.
  - D. An average daily flow greater than 5% of the average daily sewage flow at the

sewerage treatment works of the sewer system.

- E. Any quantity of substances possessing characteristics described in subsection (2) of this section shall be subject to prior review and approval of the Authority.
2. Preliminary Treatment and Handling of Industrial Wastes. Whenever necessary, in the opinion of the Authority, the owner shall provide, at his expense, such facilities for preliminary treatment and handling of industrial wastes as may be necessary to:
    - A. Reduce B.O.D. to 300 ppm and suspended solids to 300 ppm by weight.
    - B. Reduce objectionable characteristic or constituents to come within the maximum limits permitted in this Part.
    - C. Control the volume, rate of discharges and/or quality over a 24 hours day and seven-day week.

Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of industrial wastes shall be submitted to the Authority and no construction of any such facility shall be commenced until such plans, specifications and other pertinent information first shall have been submitted to the Authority and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction. Whenever facilities for preliminary treatment and handling of industrial wastes shall have been provided by the owner, which shall be satisfactory to the Authority, such facilities continuously shall be maintained, at the expense of the owner, in satisfactory operating condition and the Authority shall have access to such facilities at reasonable times for purposes of inspection and testing.

**§ 18-308. Prohibited Wastes. [Ord. 1985-5, 12/9/1985, § 8]**

1. No person shall discharge, or cause to be discharged, any stormwater, surface water, ground water, roof runoff or subsurface drainage into any sewer.
2. Except as otherwise provided in this Part, no person shall discharge, or cause to be discharged, any of the following described wastes or waters into the sewer system:
  - A. Any liquid or vapor having a temperature higher than 150° F. or less than 32° F.
  - B. Any water or waste containing more than 70 ppm by weight of fats, oils or greases.
  - C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas which, by reason of its nature or quality, may cause fire or explosion or which may be injurious to any person or to the sewer system or the operation thereof.
  - D. Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, shall be capable of creating a public nuisance or hazard to life or of preventing entry into any sewer or into the sewage treatment works of the sewer system for maintenance and repair.

- E. Any garbage, except properly shredded garbage.
- F. Any ashes, cinders, sand, mud, hay, straw, scraps, shavings, metal, glass, rags, bones, feathers, tar, plastic, wood, paunch manure, butcher's offal, whole blood, bentonite, lye, building material, rubber, leather, porcelain, china, ceramic wastes or any other solid or viscous substance which shall be capable of causing obstruction to the flow in any sewer or other interference with the proper operation of the sewer system.
- G. Any water or waste having a pH lower than 6.0 or higher than 9.0 or having any corrosive or scale-forming property capable of causing damage or hazard to structures, equipment or bacterial action of the sewer system or to personnel engaged in the operation and maintenance thereof.
- H. Any water or waste containing any toxic substance in quantity sufficient to constitute a hazard to humans or animals or to interfere with the biochemical processes of the sewerage treatment works of the sewer system or that will pass through the sewerage treatment works of the sewer system in such condition so that it will exceed State, Federal or other validly existing requirements for the receiving system.
- I. Any water or waste containing total solids greater than 2,000 ppm or having suspended solids greater than 150 ppm of such character and quantity that unusual attention or expense shall be required to handle such water or waste at the sewerage treatment works of the sewer system.
- J. Any toxic radioactive isotopes.
- K. Any drainage from building construction.
- L. Any pathological matter originating from doctor's offices, hospitals, laboratories, etc.
- M. Waste containing any of the following substances in solution or in suspension in concentrations exceeding those shown in the following table:

| Daily Average Concentration | Instantaneous Maximum Concentration |                     |
|-----------------------------|-------------------------------------|---------------------|
|                             | Substance                           | (24 Hour Composite) |
|                             | mg/l                                | mg/l                |
| As                          | 0.5                                 | 1.0                 |
| B                           | 5.0                                 | 10.0                |
| Cd                          | 0.5                                 | 1.0                 |
| Cr+6                        | 0.05                                | 0.1                 |
| Cr                          | 0.6                                 | 1.2                 |
| Cu                          | 0.8                                 | 1.6                 |
| CN                          | 0.15                                | 0.3                 |
| H2S                         | —                                   | 10.0                |

| Daily Average Concentration | Instantaneous Maximum Concentration |                     |
|-----------------------------|-------------------------------------|---------------------|
|                             | Substance                           | (24 Hour Composite) |
|                             | mg/l                                | mg/l                |
| Fe                          | 25.0                                | 25.0                |
| Pb                          | 0.5                                 | 1.0                 |
| Hg                          | 0.003                               | 0.006               |
| Ni                          | 1.0                                 | 2.0                 |
| NQ                          | —                                   | 10.0                |
| Phenolics                   | 0.3                                 | 0.6                 |
| Ag                          | 1.0                                 | 2.0                 |
| SO2                         | —                                   | 10.0                |
| Zn                          | 1.0                                 | 2.0                 |

- N. Any other toxic substance that will pass through the sewage works and exceed State or Federal environmental quality standards or cause an adverse effect on the sewage treatment process or the quality of the treatment plant effluent.
- 3. Charges are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sewer system from which there shall be discharged, directly or indirectly, into the sewer system a substance or quantity of a substance in violation of the provisions of this section if different from the owner and whether or not the unlawful discharge shall emanate from an improved property. The charge shall be the amount of the cost, expense, loss or damage to the sewer system of the Authority as a result, directly or indirectly, of the discharge, including by way of example and not limitation, physical damage to the sewer system or any component part, the cost of labor, equipment rental and materials used in the repair or replacement of the damaged components upon the Authority or its agents, officers and employees, damages to third parties and costs incident to litigation, civil or criminal or the preparation, defense or settlement of the litigation.
- 4. Nothing contained in this section shall be construed as prohibiting any special agreement or arrangement between the Authority and any person whereby industrial wastes of unusual strength or character may be admitted into the sewer system by the Authority, either before or after preliminary treatment.

**§ 18-309. Regulations Governing Admission of Industrial Wastes Into the Sewer System. [Ord. 1985-5, 12/9/1985, § 9]**

- 1. Required Survey Data. Any person desiring to make a connection to the sewer system through which industrial wastes shall be discharged into the sewer system shall file with the Authority and "industrial wastes questionnaire," to be furnished by the Authority, which shall supply pertinent data, including estimated quantity of flow, to the Authority with respect to industrial wastes proposed to be discharged into the sewer system.

2. Control Manholes. Any person who shall discharge industrial wastes into the sewer system, when required by the Authority, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole to facilitate observation, measurement and sampling by the Authority. Any such control manhole, when required by the Authority, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by the Authority prior to commencement of construction.
3. Sewage Sampling. Industrial wastes being discharged into the sewer system shall be subject to periodic sampling, inspection and determination of character and concentration. Such sampling, inspection and determination shall be made by the Authority as frequently as may be deemed necessary. Representative samples for a full working day shall be obtained by taking hourly samples and compositing them in accordance with the flow at the time of sampling. Sewage sampling facilities shall be accessible to the Authority at all times. Due care shall be exercised in the collection and preservation of all samples to ensure preservation thereof in as nearly the natural state as possible, including refrigeration of all samples which are intended for analysis by biochemical methods. The owner of any improved property from which such industrial wastes are discharged into the sewer system shall be responsible for payment of, or reimbursement to the Authority for all costs incurred in connection with such periodic sampling, inspection and determination of character and concentration of such wastes, together with such charges as may be established by resolution of the Authority, from time to time, in connection with the administration and enforcement of this section.
4. Analysis. The Authority shall be responsible for analysis of samples of industrial wastes. Laboratory methods used in the analysis of samples of industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage" as published by the American Public Health Association. Provided, however, that alternate methods for the analysis of industrial wastes may be used, subject to mutual agreement between the Authority and the person discharging such industrial wastes into the sewer system.
5. Changes in Types of Waste. Any owner of an improved property who is discharging industrial wastes into the sewer system and who contemplates a change in the method of operation which will alter the type of industrial wastes at the time being discharged into the sewer system shall notify the Authority in writing, at least 10 days prior to consummation of such change.

**§ 18-310. Access. [Ord. 1985-5, 12/9/1985, § 10]**

The Authority shall have the right to 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 other functions relating to services rendered by the Authority through the sewer system.

**§ 18-311. Adoption of Additional Rules and Regulations. [Ord. 1985-5, 12/9/1985, § 11]**

The Borough and the Authority reserve the right to adopt, from time to time, such additional rules and regulations as they shall deem necessary and proper in connection

with the use and operation of the sewer system, all of which rules and regulations shall be, shall become and shall be construed as part of this Part.

**§ 18-312. Penalty for Violation. [Ord. 1985-5, 12/9/1985, § 12; as amended by Ord. 2004-1, 2/9/2004, § 1]**

Any person, firm or corporation who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

**§ 18-313. Declaration of Purpose. [Ord. 1985-5, 12/9/1985, § 14]**

It is 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 Hallam Borough.

**§ 18-314. Construction and Severability. [Ord. 1985-5, 12/9/1985, § 13]**

The provisions of this Part are severable. In the event that any provision, Section, sentence, clause or part of this Part shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part. It is hereby declared to be the intent of the Borough that such remainder of the ordinance shall be and shall remain in full force and effect.

**§ 18-315. Repealer. [Ord. 1985-5, 12/9/1985, § 15]**

All ordinances or parts of ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

**Part 4**  
**REPAIRS TO EXISTING SYSTEMS**

**§ 18-401. Unlawful to Maintain or Use Certain Systems; Requirement for Repair. [Ord. 1981-2, 3/9/1981, § 1]**

1. It shall be unlawful for any person, firm, association or corporation to maintain or use any sewage disposal system of any kind so that sewage disposal, directly or indirectly, drains or discharges over or upon the surface of the ground or into any waters of the Borough. It shall be also unlawful for any person, firm, association or corporation to fail to comply with the requirements set forth in subsections (A) and/or (B) of this section.
  - A. In the event any sewage disposal system shall be in violation of this section, the owner of that system shall within two days of the occurrence of that violation apply to the Sewage Enforcement Officer for a permit to repair or replace that system, and within 10 days of being requested to do so, shall make such tests as the Sewage Enforcement Officer deems necessary to enable him to determine whether the sewage disposal system can be repaired and, if so, how it can be repaired, or if it cannot be repaired, whether it can be replaced, and if so, how it can be replaced. The Sewage Enforcement Officer shall investigate the conditions and evaluate the tests made by the owner, and if he determines the system can be repaired, or alternatively replaced, he shall issue a permit authorizing the repair or replacement. He shall set forth on the permit authorizing the repair or replacement. He shall set forth on the permit or on an attachment to the permit, the steps that the owner is to take to effect the repair and/or replacement of the system.
  - B. The owner shall within 10 days of the issuance of the permit complete the repair and/or replacement of the sewage disposal system in accordance with the requirements set forth on the permit or on the attachment to the permit unless the Sewage Enforcement Officer grants an extension of time, in writing, in which event the repair and/or replacement shall be completed within the extended time. No work shall be covered until inspected by the Sewage Enforcement Officer.

**§ 18-402. Penalty for Violation. [Ord. 1981-2, 3/9/1981, § 2; as amended by Ord. 2004-1, 2/9/2004, § 1]**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.



**Part 5**  
**STORM SEWER DISCHARGES**

**§ 18-501. Definitions. [Ord. 2005-1, 4/11/2005, § 1]**

For the purposes of this Part, the following shall mean:

**BEST MANAGEMENT PRACTICES (BMPs)** — Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT** — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY** — Activities subject to NPDES construction permits. Beginning in March 2003, NPDES Stormwater Phase II permits will be required for construction projects resulting in land disturbance of one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

**DEP** — Pennsylvania Department of Environmental Protection.

**HAZARDOUS MATERIALS** — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLICIT CONNECTIONS** — An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**ILLICIT DISCHARGE** — As defined in § 18-505.

**INDUSTRIAL ACTIVITY** — Activities subject to NPDES industrial permits as defined in 40 CFR, § 122.26 (b)(14).

**MUNICIPALITY** — Hallam Borough.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT** — A permit issued by EPA [(or by PA DEP

under authority delegated pursuant to 33 USC § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**NONSTORMWATER DISCHARGE** — Any discharge to the storm drain system that is not composed entirely of stormwater.

**PERSON** — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT** — Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**PREMISES** — Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**STORM DRAINAGE SYSTEM** — Publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

**STORMWATER** — Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORMWATER POLLUTION PREVENTION PLAN** — A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

**WASTEWATER** — Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

**§ 18-502. Applicability. [Ord. 2005-1, 4/11/2005, § 2]**

This Part shall apply to all water entering the storm drain system of the Municipality generated on any developed and undeveloped lands unless explicitly exempted by the Municipality.

**§ 18-503. Responsibility for Administration. [Ord. 2005-1, 4/11/2005, § 3]**

The Municipality shall administer, implement, and enforce the provisions of this Part. Any powers granted or duties imposed upon the Municipality may be delegated in writing by the governing body of the Municipality to employees, agents or designees of the Municipality.

**§ 18-504. Ultimate Responsibility. [Ord. 2005-1, 4/11/2005, § 5]**

The standards set forth herein and promulgated pursuant to this Part are minimum standards; therefore, this Part does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

**§ 18-505. Prohibition of Illicit Discharges. [Ord. 2005-1, 4/11/2005, § 6]**

1. No person shall discharge or cause to be discharged into the Municipality's storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. Any discharge in violation of this section shall be considered illicit discharges, except as exempted below.
2. The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:
  - A. The following discharges are exempt from discharge prohibitions established by this Part: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated. - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
  - B. Discharges specified in writing by the Municipality as being necessary to protect public health and safety.
  - C. Dye testing is an allowable discharge, but requires a verbal notification to the Municipality prior to the time of the test.
  - D. The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of DEP, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

**§ 18-506. Prohibition of Illicit Connections. [Ord. 2005-1, 4/11/2005, § 7]**

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
  - A. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

- B. A person is considered to be in violation of this Part if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

**§ 18-507. Suspension of MS4 Access. [Ord. 2005-1, 4/11/2005, § 8]**

1. Suspension due to Illicit Discharges in Emergency Situations. The Municipality may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the Commonwealth of Pennsylvania or the United States. If the violator fails to comply with a suspension order issued in an emergency, the Municipality may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons, including, without limitation, entering onto property for the purpose of disconnecting and/or performing emergency maintenance or repairs to storm sewers. In the event the Municipality must disconnect or perform emergency maintenance and/or repairs, the Municipality may file and attach a municipal lien on the property which is causing the illicit discharge.
2. Suspension due to the Detection of Illicit Discharge or Illicit Connection. Any person discharging to the MS4 in violation of this Part may have their MS4 access terminated if such termination would abate or reduce an illicit discharge or illicit connection. The Municipality will notify a violator of the proposed termination of its MS4 access. The violator may petition the Municipality for a reconsideration and hearing.
3. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the Municipality.

**§ 18-508. Industrial or Construction Activity Discharges. [Ord. 2005-1, 4/11/2005, § 9]**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit shall be required in a form acceptable to the Municipality prior to the allowing of discharges to the MS4.

**§ 18-509. Monitoring of Discharges. [Ord. 2005-1, 4/11/2005, § 10]**

1. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
2. Access to Facilities.
  - A. The Municipality shall be permitted to enter and inspect facilities subject to regulation under this Part as often as may be necessary to determine compliance with this Part. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Municipality.

- B. Facility operators shall allow the Municipality ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- C. The Municipality shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge,
- D. The Municipality has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of Municipality and shall not be replaced, The costs of clearing such access shall be borne by the operator.
- F. Unreasonable delays in allowing Municipality access to a permitted facility is a violation of a stormwater discharge permit and of this Part. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Municipality reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Part.
- G. If Municipality has been refused access to any part of the premises from which stormwater is discharged, and it is able to demonstrate probable cause to believe that there maybe a violation of this Part, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Part or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Municipality may seek issuance of a search warrant from any court of competent jurisdiction.

**§ 18-510. Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices. [Ord. 2005-1, 4/11/2005, § 11]**

Municipality will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the

discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

**§ 18-511. Watercourse Protection. [Ord. 2005-1, 4/11/2005, § 12]**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**§ 18-512. Notification of Spills. [Ord. 2005-1, 4/11/2005, § 13]**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in an illicit discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Municipality in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Municipality within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**§ 18-513. Enforcement. [Ord. 2005-1, 4/11/2005, § 14]**

1. Notice of Violation. Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Part, the Municipality may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
  - A. The performance of monitoring, analyses, and reporting;
  - B. The elimination of illicit connections or illicit discharges;
  - C. That violating discharges, practices, or operations shall cease and desist;
  - D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - E. Payment of a fine to cover administrative and remediation costs; and
  - F. The implementation of source control or treatment BMPs.

2. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator or assessed as a municipal lien on the property.

**§ 18-514. Appeal of Notice of Violation. [Ord. 2005-1, 4/11/2005, § 15]**

Any person receiving a notice of violation may appeal the determination of the Municipality. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before a designated hearing representative of the Municipality shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Municipality or their designee shall be final.

**§ 18-515. Enforcement Measures After Appeal. [Ord. 2005-1, 4/11/2005, § 16]**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 15 days of the hearing representative's decision upholding the decision of the Municipality, then representatives of the Municipality shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Municipality or designated contractor to enter upon the premises for the purposes set forth above.

**§ 18-516. Cost of Abatement of the Violation. [Ord. 2005-1, 4/11/2005, § 17]**

1. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may thereafter file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a municipal lien on the property for the amount of the assessment.
2. Any person violating any of the provisions of this Part shall become liable to the Municipality by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 12% per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

**§ 18-517. Injunctive Relief. [Ord. 2005-1, 4/11/2005, § 18]**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Part. If a person has violated or continues to violate the provisions of this Part, the Municipality may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**§ 18-518. Compensatory Action. [Ord. 2005-1, 4/11/2005, § 19]**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Part, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

**§ 18-519. Violations Deemed a Public Nuisance. [Ord. 2005-1, 4/11/2005, § 20]**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Part is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such public nuisance maybe taken.

**§ 18-520. Criminal Prosecution. [Ord. 2005-1, 4/11/2005, § 21]**

Any person that has violated or continues to violate this Part shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of up to \$5,000 per violation per day and/or imprisonment for a period of time not to exceed 90 days.

**§ 18-521. Attorney Fees and Costs. [Ord. 2005-1, 4/11/2005, § 22]**

The Municipality may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Part, either criminal or civil, including sampling and monitoring expenses or other costs of investigation.

**§ 18-522. Remedies Not Exclusive. [Ord. 2005-1, 4/11/2005, § 23]**

The remedies listed in this Part are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Municipality to seek cumulative remedies.