

SEWER USE AND RENTS

Chapter 102

SEWER USE AND RENTS

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[HISTORY: Adopted by the Borough Council of the Borough of Alburdis: Part 1, 6-7-71 as Ord. No. 152, approved 6-11-71; Part 2, 6-7-71 as Ord. No. 153, approved 6-11-71. Amendments noted where applicable.]

GENERAL REFERENCES

Sewer Authority — See Ch. 30.
Water Authority — See Ch. 40.
Plumbing — See Ch. 93.
Water — See Ch. 133.
Sewer lease agreement — See Ch. A142.
Sewer plan approval — See Ch. A143.

Part 1

Sewer Connections and Use

[Adopted 6-7-71 as Ord. No. 152, approved 6-11-71]

ARTICLE I

Definitions

§ 102-1. Definitions of terms.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part 1 of this chapter shall be as follows:

AUTHORITY — Borough of Alburdis Sewer Authority, a Pennsylvania municipality authority.

BOROUGH — The Borough of Alburdis, Lehigh 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 wastes 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 a sewer to the curblineline or, if there shall be no curblineline, 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 by the Authority and leased to this borough for operation and use.

ARTICLE II

Use of Public Sewers Required

§ 102-2. Connections to available sewers.

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 this borough may require, within forty-five (45) days after notice to such owner from this borough 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 herein or as otherwise shall be established by this borough from time to time.

§ 102-3. Sewer use subject to limitations and restrictions.

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

§ 102-4. Prohibited discharges onto public or private property or to natural outlet.

- A. 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 § 102-2.
- B. 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 § 102-2 except where suitable treatment has been provided which is satisfactory to this borough.

§ 102-5. Cessation of use of cesspool or septic tank.

- A. 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 § 102-2 to be connected to a sewer.
- B. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this borough, shall be cleansed and filled at the expense of the owner of such improved property and under the direction and supervision of this borough; 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.

§ 102-6. Prohibited connections to sewer.

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

§ 102-7. Notice to make sewer connection.

The notice by this borough to make a connection to a sewer, referred to in § 102-2, shall consist of a copy of this Part 1 of this chapter, 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 1 of this chapter 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 wastes 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.

ARTICLE III
Building Sewers and Connections

§ 102-8. Permit required for connection.

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 this borough.

§ 102-9. Application for permit.

Application for a permit required under § 102-8 shall be made by the owner of the improved property served or to be served.

§ 102-10. Conditions for connection.

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 Secretary of this borough 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 § 102-8.
- C. Such person shall have given the Secretary of this borough 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 Secretary of this borough 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.

§ 102-11. Separate connection for each property; exception.

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 (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 this borough, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by this borough.

§ 102-12. Costs of construction and connection of building sewer.

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 this borough 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.

§ 102-13. Point of connection; connection joint.

A building sewer shall be connected to a sewer at the place designated by this borough 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.

§ 102-14. Connection by borough; costs.

If the owner of any improved property benefited, improved or accommodated by a sewer, after forty-five (45) days' notice from this borough requiring the connection of such improved property with a sewer, in accordance with § 102-2, shall fail to connect such improved property as required, this borough may make such connection and may collect from such owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

**ARTICLE IV
Rules and Regulations**

§ 102-15. Sewer connection from existing system.

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.

§ 102-16. Inspection of building sewer prior to covering.

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

§ 102-17. Maintenance of building sewer.

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

§ 102-18. Guarding of excavations; restoration of public property.

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 this borough.

§ 102-19. Remedying unsatisfactory conditions.

If any person shall fail or refuse, upon receipt of a notice from this borough, 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 industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this borough.

§ 102-20. Additional rules authorized.

This borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as a part of this Part 1 of this chapter.

ARTICLE V
Enforcement

§ 102-21. Violations and penalties.

Any person who shall violate this Part 1 of this chapter shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than fifteen dollars (\$15.) nor more than twenty-five dollars (\$25.), together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

§ 102-22. Recovery of fines and costs.

Fines and costs imposed under provisions of this Part 1 of this chapter shall be enforceable and recoverable in the manner and at the time provided by applicable law.

ARTICLE VI
Purpose

§ 102-23. Declaration of purpose.

It is declared that the enactment of this Part 1 of this chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this borough.

Part 2
Sewer Rents
[Adopted 6-7-71 as Ord. No. 153, approved 6-11-71]

ARTICLE VII
Rents and Collections; Industrial Wastes

§ 102-24. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Part 2 of this chapter shall be as follows:

ALLENTOWN AGREEMENTS — Collectively, the agreement, dated December 22, 1969, between the city, as party of the first part, and the County Authority, as party of the second part, and the loan agreement, dated December 22, 1969, by and among the city, as party of the first part, and Coplay-Whitehall Sewer Authority, South Whitehall Township Authority and Salisbury Township Authority, all Pennsylvania municipality authorities, as parties of the second part, and the county, as party of the third part, including any amendments and/or supplements to either or both of said agreements at any time constituting a part of either or both of said agreements.

ALLENTOWN AUTHORITY — Allentown Authority, a Pennsylvania municipality authority.

AUTHORITY — Borough of Alburtis Sewer Authority, a Pennsylvania municipality authority, acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives.

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

BOD (biochemical oxygen demand) — The quantity of oxygen, expressed in parts per million, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees centigrade (20° C.). The standard laboratory procedure shall be that found in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

BOROUGH — The Borough of Alburtis, Lehigh 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.

CITY — The City of Allentown, Lehigh County, Pennsylvania.

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.

COUNTY — The County of Lehigh, Pennsylvania.

COUNTY AUTHORITY — Lehigh County Authority, a Pennsylvania municipality authority.

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.

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

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 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 one (1) 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.

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.

INTERCEPTOR SYSTEM — A system of interceptor sewers being acquired and constructed by the County Authority and leased to the county for use and operation, to which interceptor system the sewer system is to be connected for the purpose of receiving sewage and wastes collected in the sewer system and transporting the same to the sewer system owned by the Allentown Authority and leased to the city for the purpose of further transportation, treatment and disposal pursuant to the Allentown Agreements.

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.

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, by weight.

PROPERLY CHOPPED GARBAGE — Garbage that has been chopped to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension.

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

SEWAGE TREATMENT PLANT — The plant and facilities owned by Allentown Authority and leased to the city for operation and use for the purpose, inter alia, of

treatment and disposition of sanitary sewage and certain industrial wastes which may be collected in the sewer system and ultimately delivered to said plant and facilities, including all additions thereto.

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, pumping and disposing of sanitary sewage and industrial wastes, situate in or adjacent to the borough, owned by the Authority and leased to this borough for operation and use.

SUSPENDED SOLIDS — Solids neither dissolved nor floating on the surface of the liquid, as determined by appropriate procedures found in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

TOTAL SOLIDS — All solids as determined by appropriate procedures found in the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association.

TOXIC SUBSTANCE — Any poisonous substance, including copper, cyanide, chromium, beryllium, cadmium, lead, nickel, tin and zinc ions, and any phenolic bodies or radioactive isotopes.

WATER SYSTEM — The facilities owned by any person and used for the supply of water to the public in the borough.

§ 102-25. Imposition of rents 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 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 improved property to the sewer system and shall be payable as provided herein.

§ 102-26. Computation of rents or charges.

A. Flat rates for dwelling units, commercial establishments and institutional establishments.

- (1) Sewer rentals or charges for sanitary sewage discharged into the sewer system from any improved property constituting a dwelling unit, a commercial establishment or an institutional establishment shall be on a flat rate basis for the following classifications at the following rates per quarter annum:

Classification	Rate per Quarter Annum
Each dwelling unit	\$25.00
Commercial establishments	
Each social hall	25.00
Each church	25.00
Each retail gasoline station	37.50
Each motel, hotel or other establishment providing overnight facilities and each nursing or convalescent home that has private toilet or washing facilities in or connected to a room	12.50 per room
Each motel, hotel or other establishment	

Classification	Rate per Quarter Annum
<p>providing overnight facilities and each nursing or convalescent home that does not have private toilet or washing facilities in or connected to a room</p>	<p>\$8.33 per room</p>
<p>Wherever a restaurant or barroom is conducted in connection with any motel or hotel, a separate sewer rental or charge shall be imposed for such facilities in accordance with the classification set forth below</p>	
<p>Each restaurant, barroom or other commercial establishment which regularly dispenses food or beverages for consumption on the premises</p>	<p>2.00 per quarter annum per employee, plus \$2.50 per quarter annum for each seat regularly intended for customer use, subject to a minimum charge of \$50.00 per quarter. This sewer rental or charge shall be computed on the basis of the average daily number of employees for the quarter annum</p>

Classification	Rate per Quarter Annum
	immediately preceding the date of the bill. An owner shall be considered an employee for purposes of computing sewer rentals
Each retail store, business or professional office, barber-shop or beauty shop (not operated in a home by the homeowner or tenant of the home) . . .	\$25.00
All other commercial establishments not separately classified above and not constituting a combination dwelling unit and commercial establishment as classified below	2.00 per quarter annum per employee, plus \$20.00 per quarter annum for each public restroom, subject to a minimum charge of \$37.50 per quarter. This sewer rental or charge shall be computed on the basis of the average daily number of employees for the quarter annum immediately preceding the date of the bill. An owner shall be considered an employee for purposes

Classification	Rate per Quarter Annum
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of computing sewer
rentals

<p>Combination dwelling unit and commercial establishment located in one structure and owned or occupied and operated by the same person; provided, however, that this classification shall not be applicable in those cases where the commercial establishment shall constitute a restaurant, barroom or other commercial establishment which regularly dispenses food and/or beverages for consumption on the premises</p>	\$37.50
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Institutional establishments

<p>Each public or private school</p> <p>per full-time pupil, based upon the daily average number of full-time pupils enrolled on days when the school was in session during the immediately preceding full school term. Teachers and employees shall be classified and treated as pupils for purposes of this Part 2 of this chapter</p>	1.50
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Classification	Rate per Quarter Annum
Each public or private school per part-time pupil, based upon the daily average number of part-time pupils enrolled on days when the school was in session during the immediately preceding full school term. Teachers and employees shall be classified and treated as pupils for purposes of this Part 2 of this chapter	\$0.75

- (2) The borough reserves the right to require any of the above units or establishments to pay sewer rentals or charges on the basis of metered rates. In such case, such units or establishments shall pay the same rentals or charges as are provided herein for industrial establishments; provided, however, that such units or establishments shall not pay less than the above flat rates.

B. Metered rates for industrial establishments.

- (1) Sewer rentals or charges for sanitary sewage and industrial wastes discharged from any improved property constituting an industrial establishment may be based upon volume of water usage, adjusted, if appropriate, as provided in this Part 2 of this chapter, where the volume of water usage shall be metered in connection with the water system or otherwise, or upon actual metered volume of discharge, as permitted in this Part 2.

- (2) In either of the foregoing cases, such sewer rentals or charges shall be computed in accordance with the following metered charge per quarter annum, or, regardless of volume of water usage or of volume of actual metered waste discharge, a minimum charge of twenty-five dollars (\$25.) per quarter annum or two dollars (\$2.) per employee, based upon the daily average number of employees for the quarter annum immediately preceding the quarter annum for which the bill is rendered, whichever is larger:

METERED RATE SCHEDULE

Volume of Water Usage (gallons)	Rate per Quarter Annum per 1,000 Gallons
First 15,000	\$25.00 per quarter
Next 15,000	1.35
Next 70,000	1.15
Next 100,000	.75
Next 800,000	.60
Next 2,000,000	.50
Next 6,000,000	.35
Over 9,000,000	.33

- C. Nonmetered rates for industrial establishments. Sewer rentals or charges for sanitary sewage and industrial wastes discharged from any improved property constituting an industrial establishment, when the volume of water usage shall not be metered in connection with the water system or otherwise and when the actual volume of discharge shall not be metered as permitted in this Part 2 of this chapter, shall be computed in accordance with the metered rate schedule provided herein and shall be based upon an estimate by this borough of the water consumption of said improved property constituting an industrial establishment, subject, however, to minimum

charges applicable to industrial establishments as set forth herein.

- D. Multiple users. Each billing unit located in a multiple unit shall be billed as a separate entity and the foregoing sewer rentals or charges, as appropriate, shall be used in computing the sewer rentals or charges applicable to each such billing unit as though such billing unit was in a separate structure and had a direct and separate connection to the sewer system; provided, however, that this Subsection D shall not be applicable to a combination dwelling unit and commercial establishment as specified in the schedule in Subsection A(1) above.
- E. Additional minimum rates for industrial establishments. Notwithstanding the aforesaid provisions with respect to rentals or charges to industrial establishments, no industrial establishment shall pay a sewer rental or charge for any quarter annum of less than seventy-five percent (75%) of the average sewer rental or charge paid by said industrial establishment during the same quarter annum period of the two (2) preceding calendar years or, if said industrial establishment did not pay rentals or charges during such two (2) previous years, then not less than seventy-five percent (75%) of the sewer rental or charges paid by said industrial establishment during the same quarter annum of the previous year.
- F. Changes in flat rate classifications. If the use or classification of any improved property shall change during any quarter annum period, the sewer rental or charge shall be adjusted by this borough by proration on a monthly basis to the nearest calendar month, with a credit or charge, as shall be appropriate under the circumstances, being made on the statement for the next succeeding quarter annum period.
- G. Additional flat rate classifications and modifications of flat rate classifications. This borough reserves the right, from time to time, to establish additional flat rate classifications and to establish quarter annum rates therefor; and this borough further reserves the right, from time to time, to

alter, modify, revise and/or amend flat rate classifications and the quarter annum rates applicable thereto.

- H. Special agreements. Notwithstanding any provision to the contrary in this Part 2 of this chapter, this borough shall have the right, based upon good reasons and circumstances existing, to enter into special agreements with the owner of any improved property, which improved property shall constitute an industrial establishment, with respect to terms and conditions upon which sanitary sewage and/or industrial wastes may be discharged into the sewer system and with respect to payments to be made to this borough in connection therewith. In such event, such service and payments with respect thereto shall be governed by terms and conditions of such special agreement.

§ 102-27. Time and method of payment.

- A. Sewer rentals or charges imposed by this Part 2 of this chapter shall be payable quarterly.
- B. All bills with respect to billing units shall be rendered each calendar quarter on the first days of January, April, July and October of each year for service during the preceding quarter annum or, at the discretion of the borough, the same may be rendered monthly.
- C. Payment of sewer rents.
- (1) Sewer rentals or charges shall be due and payable five (5) days after mailing or delivery by or in behalf of this borough to the person responsible for payment thereof. 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 per centum (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-calendar-day period shall constitute payment within such period. If the end of such thirty-calendar-day period shall fall 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 therefor, in addition to bearing the aforesaid five-percent charge, shall also bear interest at the rate of one-half per centum ($\frac{1}{2}\%$) per month or fraction thereof from the due date until the date of payment.

- (2) 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 period during which such improved property was served by the sewer system.

D. Every owner of an 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.

§ 102-28. Liens for rents.

Sewer rentals or charges imposed by this Part 2 of this chapter 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 thirty (30) days after each quarterly billing date applicable to the particular improved property, at the discretion of the borough, 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 Lehigh County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

§ 102-29. Measuring volume of sewage and industrial wastes for industrial establishments.

A. Methods of measuring volume.

- (1) Whenever the entire water supply of an improved property or, if applicable, a billing unit or billing units located therein, constituting 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 2 of this chapter.
- (2) Whenever an improved property or, if applicable, a billing unit or billing units located therein, constituting 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 2 of this chapter.
- (3) Whenever an improved property or, if applicable, a billing unit or billing units located therein, constituting an industrial establishment, shall use water from the water system and/or water from a 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:

- (a) By installing a meter or other measuring device on the connection to the sewer system. The readings from such meter or measuring device shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges.
- (b) By installing a meter or other measuring device to measure the 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.
- (c) 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.

- (4) 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.
 - (5) Whenever an industrial establishment shall discharge combined sanitary sewage and industrial wastes into the sewer system, the volume of water used, measured as herein provided, chargeable as industrial wastes shall be the total volume of water used, less the volume of water determined to be sanitary sewage. The volume of water determined to be sanitary sewage shall be determined, at the option of the borough, in either of the following ways:
 - (a) Actual measured flow; or
 - (b) By multiplying the average number of employees in the industrial establishment during the calendar quarter annum immediately preceding the billing date by nine hundred (900) gallons.
- B. 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 provisions of this Part 2 of this chapter, 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.

- C. 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 2 of this chapter, 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.

§ 102-30. Admission of industrial wastes into sewer system.

- A. Approval required for industrial wastes. The discharge into the sewer system of industrial wastes having:

- (1) A five-day BOD greater than two and five-tenths (2.5) pounds per one thousand (1,000) gallons; or
- (2) A suspended solids content greater than three (3) pounds per one thousand (1,000) gallons; or
- (3) An average daily flow greater than five per centum (5%) of the average daily sewage flow at the sewage treatment plant; or
- (4) Any quantity of substances possessing characteristics described in § 102-31C,

shall be subject to prior review and approval of this borough.

- B. Preliminary treatment and handling of industrial wastes.

- (1) Whenever necessary, in the opinion of this borough, the owner of an improved property shall provide, at his expense, or otherwise cause to be provided to the satisfaction of this borough, such facilities for preliminary treatment and handling of industrial wastes as may be necessary in order that such industrial wastes will be acceptable to the city to be received and handled at the sewage treatment plant.
- (2) Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of industrial

wastes shall be submitted for approval to this borough and the city, and no construction of any such facility shall be commenced until approval thereof shall first have been obtained in writing from this borough and the city and until approval thereof shall first have been obtained from any governmental regulatory body having jurisdiction.

- (3) Whenever facilities for preliminary treatment and handling of industrial wastes shall have been provided by the owner of such improved property or otherwise provided to the satisfaction of this borough, such facilities shall be maintained continuously in satisfactory operating condition at no expense to this borough; and this borough shall have access to such facilities at reasonable times for purposes of inspection and testing.

§ 102-31. Prohibited wastes.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, springwater, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections and overflow or drainage from cesspools into any sewer.
- B. 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 by an industrial establishment in order to prevent discharges deemed harmful or to have a deleterious effect upon any sewer or the sewer system or the sewage treatment plant and to comply with provisions of the Allentown Agreements.
- C. Except as provided in § 102-30B of this Part 2 of this chapter, no sewage or industrial wastes or other wastes shall be discharged to the sewer system:
 - (1) Having a temperature higher than one hundred fifty degrees Fahrenheit (150° F.).

- (2) Containing more than one hundred (100) milligrams per liter by weight of fat, oil or grease.
- (3) Containing any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (4) Containing any unground garbage.
- (5) Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction or other interference with the proper operation of the sewage treatment plant.
- (6) Having a pH lower than six point zero (6.0) or higher than nine point zero (9.0) or having any other corrosive or scale-forming property capable of causing damage or hazard to structures, equipment or personnel operating the sewage treatment plant.
- (7) Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant; toxic wastes shall include wastes containing cyanide, copper and/or chromium ions.
- (8) Containing suspended solids in excess of three (3) pounds per one thousand (1,000) gallons and of such character that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (9) Containing noxious or malodorous gas or substance capable of creating a public nuisance.
- (10) Containing BOD in excess of two and five-tenths (2.5) pounds per one thousand (1,000) gallons and of such character that unusual attention or expense is required to handle such materials at the sewage treatment plant, unless otherwise agreed to by the city and permitted by the Commonwealth of Pennsylvania

or any duly constituted board, commission or department thereof.

(11) Having a chlorine demand in excess of one-tenth (0.1) pound per one thousand (1,000) gallons.

(12) Prohibited by any permit issued by the Commonwealth of Pennsylvania.

D. As provided in the Allentown Agreements, any industrial waste or other waste which is dangerous to the public health and safety or which at any time is prohibited by any ordinance, resolution, rule or regulation of the city from entering into the sewage treatment plant shall not be discharged into any sewer.

E. Nothing contained in this section shall be construed as prohibiting any special agreement or arrangement between this borough and any person whereby wastes of unusual strength or character may be admitted into the sewer system by this borough either before or after preliminary treatment, provided such special agreement or arrangement also is approved by the city.

§ 102-32. Regulations for industrial wastes.

A. 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 this borough an industrial wastes report, which shall supply pertinent data, including estimated quantity of flow and chemical and bacteriological analyses, to this borough with respect to industrial wastes proposed to be discharged into the sewer system.

B. Screening and holding tanks.

(1) Industrial establishments shall install fine screens to remove husks, hulls, vegetable skins, peelings, threads, lint, grease and other such nonsettleable and floating solids or other organic or inorganic substances determined by this borough to overload,

impair the efficiency of or cause difficulties in operation of the sewage treatment plant used to treat and dispose of the wastes or in maintaining required quality of the sewage treatment plant effluent.

- (2) Any improved property discharging three thousand (3,000) cubic feet or more of sanitary sewage and/or industrial wastes per day into the sewer system and having large variations in the rate of discharge of such within a twenty-four-hour period shall install suitable holding tanks for equalizing the rate of discharge uniformly over the entire twenty-four-hour period. The average rate of discharge during any twenty-four-hour period shall not be exceeded by more than fifty percent (50%) at any time during such twenty-four-hour period.

C. Control manholes.

- (1) Any person who shall discharge industrial wastes into the sewer system, when required by this borough, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole to facilitate observation, measurement and sampling by this borough.
- (2) Any such control manhole, when required by this borough, shall be constructed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this borough prior to commencement of construction.

D. 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 this borough 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 this borough 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.

E. Analysis.

- (1) This borough shall be responsible for analysis of samples of industrial wastes at such intervals as this borough shall determine or at the request and expense of the industrial establishment.
- (2) 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 Wastewater 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 this borough and the person discharging such industrial wastes into the sewer system.

F. Changes in type of wastes. Any owner of an improved property who is discharging or permitting to be discharged 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 this borough, in writing, at least ten (10) days prior to consummation of such change.

§ 102-33. Access to improved property.

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.

§ 102-34. Responsibility of property owners.

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 2 of this chapter.

§ 102-35. Additional regulations authorized.

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 use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this Part 2 of this chapter.

§ 102-36. Declaration of purpose.

It hereby is declared that the adoption of this Part 2 of this chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the borough.