

14701
Chapter 147

SEWERS

ARTICLE I
Discharge of Wastes

- § 147.1. Definitions.
- § 147.2. Discharge of certain toxic substances.
- § 147.3. Discharge of other substances.
- § 147.4. Violation of standards prohibited.
- § 147.5. Violations and penalties.

ARTICLE II
Disturbance of Sewer Lines

- § 147.6. Interference with sewer lines; placement of FILL.
- § 147.7. Written permission required to change contours.
- § 147.8. Application to change contour.
- § 147.9. Restoration of surface; work by BOROUGH.
- § 147.10. Violations and penalties.

ARTICLE III
Sewer Rates and Charges in Lick Run Watershed

- § 147.11. Sewerage rates established.
- § 147.12. Additional charges.
- § 147.13. Billing procedures.
- § 147.14. Payment; penalty for late payment; enforcement.
- § 147.15. Shutoff for delinquent payment.

ARTICLE IV
Sewer Service Charges

- § 147.16. Exercise of option to pay charges.
- § 147.17. Billing of customers.

14702

- § 147.18. Imposition of rental and charge.
- § 147.19. Basis for charges.
- § 147.20. Metered premises; wells or springs.
- § 147.21. Use by more than one family.
- § 147.22. Commercial use and residential use on same premises.
- § 147.23. Use of separate meter.
- § 147.24. Rates.
- § 147.25. Surcharge formulas for certain users.
- § 147.26. GARBAGE grinders.
- § 147.27. Bills to be rendered quarterly.
- § 147.28. Penalty and interest.
- § 147.29. Shutoff for delinquent payment.
- § 147.30. Sewer Rental and Sewer Service Charge Officer.
- § 147.31. Use of funds.
- § 147.32. Commencement of billing method.
- § 147.33. Violations and penalties.
- § 147.34. Review of rate schedule.

ARTICLE V***Evidence of Compliance for Sale of Real Property***

- § 147.35. Definitions.
- § 147.36. Sale without evidence of compliance prohibited.
- § 147.37. Procedure for evidence of compliance; fee.
- § 147.38. Temporary evidence of compliance; fee.
- § 147.39. BOROUGH lien letters; fees.
- § 147.40. Promulgation of rules and regulations.

14703

- § 147.41. Amendment of fees.
- § 147.42. Construal of provisions.
- § 147.43. Violations and penalties.

ARTICLE VI
Nonsewered Toilet Systems

- § 147.44. Definitions.
- § 147.45. Allowed and Prohibited Uses.
- § 147.46. Permit Required.
- § 147.47. Standards; Location and Orientation.
- § 147.48. Maintenance.
- § 147.49. Public Nuisance.
- § 147.50. Enforcement.

[HISTORY: Adopted by the BOROUGH COUNCIL: Art. I, 10-22-58 as Ord. No. 305, amended in its entirety 9-5-84 by Ord. No. 683; Art. II, 3-18-59 as Ord. No. 310; Art. III, 12-16-59 as Ord. No. 322; Art. IV, 4-24-84 as Ord. No. 692; Art. V, 4-6-88 as Ord. No. 728. Sections 147.3.1 and 147.8 amended at time of adoption of CODE; see Ch. 1, General Provisions, Art. I. Subsequent amendments noted where applicable. Article VI added 7-18-2018 by Ord. No. 1110]

GENERAL REFERENCES

Building construction - See Ch. 78.
Grading - See Ch. 107.
Plumbing standards - See Ch. 137.

ARTICLE I
Discharge of Wastes

[Adopted 10-22-58 as Ord. No. 305; amended in its entirety 9-5-84 by Ord. No. 683; amended in its entirety 5-3-95 by Ord. No. 834¹]

§ 147.1 Definitions. *[Amended 11-17-04 by Ord. No. 973]*

For the purposes of this Article, the following terms shall have the meanings hereinafter designated:

¹ Editor's Note: Section 2 of Ordinance 834 provides that Article I of Chapter 147 is severable.

14704

ALCOSAN - The Allegheny County Sanitary Authority including its treatment facility and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature.

CORROSIVE WASTE - A waste or substance which has any of the following properties:

It is aqueous and has pH of less than or equal to 5 or greater than or equal to 10, as determined by pH meter.

It is a liquid and corrodes steel (SAE1020) at a rate greater than 6.35 mm (0.250 in.) per year at a test temperature of 55°C (130°F).

EXPLOSIVE/REACTIVE WASTE - A waste or substance which can create an explosion hazard in the sewage collection system or the ALCOSAN treatment facility; which has any of but is not limited to the following properties:

It is normally unstable and readily undergoes violent change without detonating.

It reacts violently with water.

It forms potentially explosive mixtures with water.

When mixed with water, it generates toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

It is a cyanide or sulfide bearing waste which can generate toxic gasses, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.

It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.

It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.

It is a forbidden explosive as defined in 49 C.F.R. 173.51, or a Class A explosive as defined in 49 C.F.R. 173.53 or a Class B explosive as defined in 40 C.F.R. 173.88.

HAZARDOUS WASTE - All wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 C.F.R. 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 PA Code 261.

IGNITABLE WASTE - A waste or substance which can create a fire hazard in the sewage collection system or the ALCOSAN Treatment Facility which has any of but is not limited to the following properties:

It is liquid with a flash point less than 60°C (140°F) using the test methods specified in 40 C.F.R. 261.21.

14705

It is an oxidizer as defined in 49 C.F.R. 173.151.

ILLEGAL STORM OR SURFACE WATER CONNECTION - The discharge of basement seepage or groundwater or the connection of downspouts, roof drainage, driveway drainage or surface or areaway drainage into the sanitary sewer system. **[Added 11-17-04 by Ord. No. 973]**

INTERFERENCE - A discharge originating in the Borough which, alone or in conjunction with a discharge or discharges from other sources, both:

Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal; and

Therefore is a cause of a violation of any requirement of ALCOSAN'S National Pollution Discharge Elimination System (hereinafter referred to as "NPDES") Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including Title 2 or more commonly referred to as the Resource Conservation and Recovery Act and including state regulations contained in the State Sludge Management Plan prepared pursuant to subtitle D of the Solid Waste Disposal Act), the Clean Air Act, and the Toxic Substances Control Act.

PASS THROUGH - The term pass-through shall mean any discharge of a pollutant through ALCOSAN into the waters of the Commonwealth of Pennsylvania in quantities or concentrations which, alone or in conjunction with other discharges from other sources, are a cause of a violation of any requirement of ALCOSAN'S NPDES Permit (including an increase in the magnitude or duration of a violation).

PERSON - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, Governmental Entity, or any other legal entity, or its legal representatives, agents, or assigns.

pH - The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTANT - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, emissions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or other industrial, municipal, or agricultural waste discharged into water.

POLLUTION - The man made or man induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

THE ACT - The Federal Water Pollution Control Act also known as The Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

TOXIC POLLUTANT - Any pollutant or combination of pollutants listed as toxic in

14706

regulations promulgated by the EPA, pursuant to Section 307 (A) of the Act.

WASTE WATER - The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed directly or indirectly into the facilities of ALCOSAN.

WATERS OF THE COMMONWEALTH - All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth of PA or any portion thereof.

§ 147.2. Discharge of certain toxic substances.

No PERSON shall introduce or cause to be introduced, directly or indirectly into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the BOROUGH and transmitting substances into the facilities of ALCOSAN, any toxic substance, pollutant or other wastewater which will:

147.2.1. Cause INTERFERENCE with the operation or performance of ALCOSAN'S treatment plant or other facilities; or

147.2.2. PASS THROUGH ALCOSAN'S treatment plant or other facilities.

§ 147.3. Discharge of other substances.

No PERSON shall introduce or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any piped sewer, pipe or other conveyance located in the BOROUGH and transmitting substances into the facilities of ALCOSAN any of the following:

147.3.1. Any substance which will endanger the life, health or safety of the treatment plant sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.

147.3.2. Any ignitable, reactive, explosive, corrosive, or hazardous waste, except as provided for by ALCOSAN's Rules and Regulations.

147.3.3. Any wastewater with a temperature greater than 140°F (60°C).

147.3.4. Any WASTES which exceeds the naturally occurring background levels for either Alpha, Beta, or Gamma radiation and/or any wastewater containing any radioactive wastes or isotopes of such half life or concentration not in compliance with applicable State or Federal regulations.

147.3.5. Any solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of ALCOSAN's facility or facilities discharging into the ALCOSAN system.

147.3.6. Any noxious or malodorous liquids, gasses or solids which either

14707

singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.

147.3.7. Pathological WASTES from hospital or other medical establishment.

147.3.8. GARBAGE, whether ground or not, except properly shredded food WASTE GARBAGE resulting from the proper use of a GARBAGE grinder or disposer type approved by ALCOSAN and maintained in good operating condition.

147.3.9. Sludges or other materials from septic tanks or similar facilities or from sewage or industrial WASTE treatment plants or from water treatment plants; unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.

147.3.10. Any pollutant including oxygen demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the ALCOSAN facilities.

147.3.11. Any substance which will cause ALCOSAN's effluent or any other produce of the ALCOSAN facilities such as residues, sludges, or scums to be unsuitable for reclamation processes, including any substance which will cause the ALCOSAN facility to be in non-compliance with sludge use or disposable criteria, guidelines, or regulations developed under Section 405 of the Act, any criteria, guidelines, or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State Laws or regulations applicable to the treatment or disposal of such effluent or such product.

147.3.12. Any illegal storm or surface water connections. **[Added 11-17-04 by Ord. No. 973]**

§ 147.4. Violation of standards prohibited.

No PERSON shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN.

The Pretreatment Regulations of the Allegheny County Sanitary Authority are incorporated into this Code by reference as though fully set forth herein.

§ 147.5. Violations and penalties.

Any person violating any provision of this Article shall, upon conviction, be punished by a fine not to exceed the sum of One Thousand Dollars (\$1,000.00) for each offense, recoverable with costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the Allegheny County Jail for a period not exceeding thirty (30) days. Each day a violation is continued shall constitute a separate offense. In addition, any person violating any provision of the ALCOSAN Pretreatment Regulations may be subject to administrative and civil penalties as provided for by the Pretreatment Regulations and administered by ALCOSAN. Such penalties may included, but are not limited to, injunctive relief and penalties of up to Twenty-Five Thousand Dollars (\$25,000.00) per day, per violation as provided for by the Publicly Owned Treatment Works Penalty Law, 35 P.S. §752.1, et seq. Authority to so enforce the Pretreatment

14708

Regulations is granted to ALCOSAN, and is in addition to but not in place of any other remedy available to the Borough.

ARTICLE II
Disturbance of Sewer Lines
[Adopted 3-18-59 as Ord. No. 310]

§ 147.6. INTERFERENCE with sewer lines; placement of FILL.

No PERSON, firm, corporation, partnership, contractor or owner of lands within the BOROUGH shall in any way whatsoever disturb or interfere with any storm or sanitary sewer maintained by the BOROUGH, and no such PERSON, firm, etc., shall place earth or FILL in the vicinity of such storm or sanitary sewers so as to jeopardize the stability of said sewers.

§ 147.7. Written permission required to change contours.

No PERSON, firm, corporation, partnership, contractor or owner of lands within the BOROUGH shall in any way disturb the contour of the land over and above any storm or sanitary sewer maintained by the BOROUGH, either by adding earth or FILL or by removing earth or FILL, without having first obtained written authorization as hereinafter provided in this Article.

§ 147.8. Application to change contour.

Any PERSON, firm, corporation, partnership, contractor or owner of lands within the BOROUGH desiring to change the contour of the land over and above any storm or sanitary sewer by either adding or removing earth or FILL shall submit written application therefor to the SECRETARY of the BOROUGH, together with plans of the proposed changes. No authorization to proceed shall be given by the SECRETARY of the BOROUGH unless and until the BOROUGH ENGINEER shall certify to the BOROUGH that the proposed change in the contour of the land will not be detrimental to the sewer installation and to the maintenance of said sewer or sewers.

§ 147.9. Restoration of surface; work by BOROUGH.

Any PERSON, firm, corporation, partnership, contractor or owner of lands who or which shall violate or fail to conform to any of the provisions of this Article insofar as it relates to the placing or removal of earth on storm or sanitary sewers shall forthwith replace the land to its original condition at his or their sole cost and expense, and if said condition is not corrected within ten (10) days after notification to do so by the BOROUGH Secretary, the BOROUGH may enter upon and restore the land over the storm or sanitary sewer to its original condition, and the cost and expense thereof, with a penalty of ten percent (10%), shall be collected from the owner or the PERSON or PERSONS violating this Article in the manner provided by law, provided that the recovery of such costs and expense, together with the penalty, may be in addition to the penalty imposed by this Article.

§ 147.10. Violations and penalties. *[Amended 4-18-84 by Ord. No. 680]*

Any PERSON, firm, corporation, partnership, contractor or owner of lands who or which shall violate or fail to conform to any of the provisions of this Article shall, upon conviction thereof before any District Justice, be subject to the maximum penalty provided by law. Each day's

14709

continuance of a violation after notice thereof by the BOROUGH Secretary shall constitute a separate offense.

ARTICLE III
Sewer Rates and Charges in Lick Run Watershed
[Adopted 12-16-59 as Ord. No. 322]

§ 147.11. Sewerage rates established. [Amended 12-16-70 by Ord. No. 476; 12-4-74 by Ord. No. 521; 8-7-85 by Ord. No. 696]

147.11.1. The charges for sewerage services to seweraged premises within the Lick Run Watershed in the BOROUGH shall be based upon the quantity of water delivered to each water user up to the maximum of four million five hundred thousand (4,500,000) gallons as measured by the most recent available water meter reading, subject to a minimum of Six Dollars (\$6.00) per quarter year, and subject to the prevailing ALCOSAN service charge: 58% of the prevailing ALCOSAN charge as set forth by ALCOSAN plus the prevailing ALCOSAN rate. **[Amended 12-16-87 by Ord. No. 724; 11-16-88 by Ord. No. 731; 12-19-90 by Ord. No. 766; 2-19-92 by Ord. No. 779; 12-16-92 by Ord. No. 792; 12-4-96 by Ord. No. 857; 12-20-00 by Ord. No. 920; 12-05-01 by Ord. No. 938; 12-18-02 by Ord. No. 953; 12-20-06 by Ord. No. 994; 12-17-14 by Ord. No. 1072; 12-2-15 by Ord. No. 1079]**

147.11.2. There shall be a minimum charge of five dollars (\$5.) per quarter year.

147.11.3. The charges for sewerage services to the Harrison Middle School shall be charged at the prevailing rate established by the Pleasant Hills Authority.

§ 147.12. Additional charges. [Amended 12-16-70 by Ord. No. 476; 12-4-74 by Ord. No. 521; 8-7-85 by Ord. No. 696; 11-16-88 by Ord. No. 731; 12-19-90 by Ord. No. 766; 2-19-92 by Ord. No. 779; 12-16-92 by Ord. No. 792]

147.12.1. An additional charge equal to the prevailing ALCOSAN GARBAGE grinder fee shall be added to the water user's sewerage bill calculated as hereinabove provided for each household GARBAGE grinder in a private dwelling unit.

147.12.2. For GARBAGE grinders other than those described in **Subsection 147.12.1** above, an additional charge equal to the prevailing ALCOSAN commercial GARBAGE grinder fee shall be added to the water user's sewerage bill.

§ 147.13. Billing procedures.

The BOROUGH'S sewerage bill will be sent to the party to whom water bills are addressed; in the event that the party billed is not the owner of the premises and the sewerage bill is not paid when due, a duplicate bill will be sent to and shall be payable by the owner of the premises.

§ 147.14. Payment; penalty for late payment; enforcement. [Amended 3-15-67 by Ord. No. 440; 2-19-92 by Ord. No. 779]

147010

Sewer rental and service charges imposed hereunder and not paid within thirty (30) days of the billing date shall be subject to a penalty of ten percent (10%) and shall bear interest at the rate of one-half percent (1/2%) per month upon one hundred ten percent (110%) of the sewage charge or fraction thereof, plus accumulated interest, until paid and shall be a lien upon the real property to which said sewer rental or sewer service charge applies from the date said sewer rental or sewer service charge becomes due and payable. Said sewer rental or sewer service charge, if not paid within thirty (30) days, may be collected as provided by law, including but not limited to the filing of a municipal lien or an action in assumpsit.

§ 147.15. Shutoff for delinquent payment. [Added 7-19-89 by Ord. No. 744]

147.15.1. In addition to the enforcement powers set out in § 147.14 of this CODE, the proper officers of the BOROUGH are empowered to enter into the standard water shutoff agreement with Pennsylvania-American Water Company or its successor to provide for water shutoff in the event of delinquency in the payment of sewer charges imposed by the BOROUGH.

147.15.2. The BOROUGH shall request implementation of the water shutoff subject to a water-shutoff policy of which the following is a statement:

"First notice of shutoff shall be mailed after any sewage account is delinquent two (2) quarters.

"If payment of the delinquency is not received within fifteen (15) days, a certified-letter notice shall be mailed informing the delinquent account that the water-shutoff letter will be issued in ten (10) days.

"If the delinquent account is not paid within that ten (10) days, a water-shutoff letter shall be issued after which the water company shall shut off the water supply from its system to the delinquent premises until it is advised, in writing, by the BOROUGH that all delinquent accounts, including service charges, penalty and interest, have been paid or until the MUNICIPALITY directs otherwise."

147.15.3. The BOROUGH SECRETARY/MANAGER is authorized to accept time payments on delinquent accounts.

147.15.4. Exercise of the right to lien on delinquent charges as authorized in § 147.14 shall be unaffected by use of the water-shutoff policy provided in this section. A copy of the standard water-shutoff agreement with Pennsylvania-American Water Company shall be maintained in the BOROUGH offices.

ARTICLE IV
Sewer Service Charges
[Adopted 4-24-85 as Ord. No. 692]

§ 147.16. Exercise of option to pay charges.

147011

The BOROUGH shall and does hereby exercise its option, as set out more fully in Paragraph 16 of Ordinance No. 61,² of paying the aggregate amount of all sewage service charges which would be payable by water users in the BOROUGH, and the BOROUGH hereby covenants and agrees that it will pay each quarterly statement by ALCOSAN out of current revenues of the BOROUGH and within sixty (60) days after the date of billing of each quarterly statement.

§ 147.17. Billing of customers.

The BOROUGH shall bill all customers of ALCOSAN in an amount set out below, which amount shall be at least equal to the amount which would be payable otherwise by sewer users within the BOROUGH to ALCOSAN for sewage treatment services contemplated by Ordinance No. 61.

§ 147.18. Imposition of rental and charge.

There is hereby imposed a sewer rental and sewer service charge in the BOROUGH upon the owners and/or occupants of all properties within the BOROUGH served by the sanitary sewers of the BOROUGH or private sewer systems which discharge ultimately into the sewage system of ALCOSAN for the purpose of providing for the cost of operation, maintenance, expenses of administration, applicable debt service costs, charges by ALCOSAN and other related costs.

§ 147.19. Basis for charges.

In order to apportion the sewer rental and sewer charges herein imposed equitably among the properties served by the BOROUGH sanitary sewers or private sewer facilities discharging ultimately into the sewage system of ALCOSAN, the sewer rentals and sewer charges shall be based on water used on such property, subject to such appropriate adjustment as hereinafter provided and subject to such additional charges as are adopted for wastes other than sewage, based on the strength and characteristics of such wastes.

§ 147.20. Metered premises; wells or springs.

Where the entire source of water on the premises is metered, the rate shall be based on the quantity of water used as measured by the meter. In cases where the properties obtain water from wells or springs, the BOROUGH, at its option, shall require the owner or occupant, without expense to the BOROUGH, to provide a meter acceptable to the BOROUGH, on the well or spring; or the BOROUGH shall make an estimate of the amount of water used from nonmetered sources and discharged into the sanitary sewers of the BOROUGH or private sewers discharging into the sewage system of ALCOSAN or shall charge the flat rate established.

§ 147.21. Use by more than one family.

² Editor's Note: Ordinance No. 61 was adopted 10-19-1949 and is on file in the office of the BOROUGH SECRETARY/MANAGER. Said ordinance apparently authorizes an agreement with the City of Pittsburgh and ALCOSAN.

14712

Where more than one (1) family unit uses a single service line, separate meters shall be installed for each family unit, or the charge for all service to said building shall be apportioned between or among all family units, or the charge for all service to said building shall be charged to the landlord or owner of the building undertaking responsibility for the payment of sewage charges, or each family unit shall pay the quarterly flat rate for nonmetered residential use, as, the BOROUGH may elect. For purposes of this section, a "family unit" shall mean an individual or two (2) or more PERSONS living together as a single household within a dwelling. The BOROUGH'S sewage bill will be sent to the party to whom water bills are addressed; in the event that the party billed is not the owner of the premises and the sewage bill is not paid when due, a duplicate bill will be sent to and shall be payable by the owner of the premises.

§ 147.22. Commercial use and residential use on same premises.

Where a residential use and a commercial use are conducted on the same premises, separate meters shall be installed for each such use, or the residential use shall be charged the flat rate for nonmetered residential use, and the commercial use charged an amount based on usage according to the meter, or the charge for all service to said premises shall be apportioned between and among all occupants, as the BOROUGH may elect.

§ 147.23. Use of separate meter.

If any substantial portion of the water used regularly on any lot or parcel of ground does not enter the sewage system, the owner, tenant or occupant of such lot or parcel may secure a reduction of the amount of sewage service charges to be paid by him, subject to the established minimum charges, by installing at his own expense and subject to such regulations as may be prescribed a separate meter or other measuring device approved for measuring water so used, in which event the quantity of water so used shall thereafter be excluded in computing the sewage service charges to be paid by the owner, tenant or occupant of such lot or parcel. The charge, if any, for reading such water meter shall be added to the quarterly sewer rate.

§ 147.24. Rates.

The rates for sewage service to sewered premises within the BOROUGH shall be as follows:

147.24.1. Metered water uses. Saw Mill Run and Streets Run Watershed. The following schedule of rates shall be applicable to residential users of metered water, and the charges shall be based on the quantity of water delivered to each water user up to the maximum of four million five hundred thousand (4,500,000) gallons as measured by the most recent available water meter reading, subject to a minimum of Six Dollars (\$6.00) per quarter year, and subject to the prevailing ALCOSAN service charge: 58% of the prevailing ALCOSAN charge as set forth by ALCOSAN plus the prevailing ALCOSAN rate. *[Amended 12-16-87 by Ord. No. 724; 11-16-88 by Ord. No. 731; 12-19-90 by Ord. No. 766; 2-19-92 by Ord. No. 779; 12-16-92 by Ord. No. 792; 12-4-96 by Ord. No. 857; 12-20-00 by Ord. No. 920; 12-05-01 by Ord. No. 938; 12-18-02 by Ord. No. 953; 12-20-06 by Ord. No. 994; 12-17-14 by Ord. No. 1072; 12-2-15 by Ord. No. 1079]*

147.24.2. Nonmetered water user. The rates applicable to users of metered water shall be applied to nonmetered water users based on the estimated quantity of water

14713

used. The BOROUGH'S estimate of water usage shall be presumed prima facie correct, and the burden shall be upon the water user in the event that the BOROUGH'S estimate is challenged.

§ 147.25. Surcharge formulas for certain users. [Amended 12-16-87 by Ord. No. 724; 12-16-92 by Ord. No. 792]

Commercial or industrial water users whose WASTES have an unusually high concentration of suspended solids and/or biochemical oxygen demand (BOD) and/or an unusually high chlorine demand shall be subject to a surcharge formula identical to the surcharge formula used by ALCOSAN.

§ 147.26. GARBAGE grinders. [Amended 11-16-88 by Ord. No. 731; 12-19-90 by Ord. No. 766; 2-19-92 by Ord. No. 779; 12-16-92 by Ord. No. 792]

The following charges shall be added to each water user's sewage bill, as calculated hereinbefore, for each GARBAGE grinder:

147.26.1. Household grinder in a private dwelling unit: the prevailing ALCOSAN GARBAGE grinder fee.

147.26.2. Other grinder: the prevailing ALCOSAN commercial GARBAGE grinder fee.

§ 147.27. Bills to be rendered quarterly.

Bills for sewer rental and services as imposed by this Article shall be rendered quarterly by the BOROUGH on the basis of the most recent quarterly water meter reading or estimate. Such charges shall be due and payable within thirty (30) days of the billing date.

§ 147.28. Penalty and interest. [Amended 2-19-92 by Ord. No. 779]

Sewer rental and service charges imposed hereunder and not paid within thirty (30) days of the billing date shall be subject to a penalty of ten percent (10%) and shall bear interest at the rate of one-half percent (1/2%) per month upon one hundred ten percent (110%) of the sewage charge or fraction thereof, plus accumulated interest, until paid and shall be a lien upon the real property to which said sewer rental or sewer service charge applies from the date said sewer rental or sewer service charge becomes due and payable. Said sewer rental or sewer service charge, if not paid within thirty (30) days, may be collected as provided by law, including but not limited to the filing of a municipal lien or an action in assumpsit.

§ 147.29. Shutoff for delinquent payment. [Added 7-19-89 by Ord. No. 744]

147.29.1. In addition to the enforcement powers set out in § 147.28 of this CODE, the proper officers of the BOROUGH are empowered to enter into the standard water-shutoff agreement with Pennsylvania-American Water Company, or its successor, to provide for water shutoff in the event of delinquency in the payment of sewer charges imposed by the BOROUGH.

14714

147.29.2. The BOROUGH shall request implementation of the water shutoff subject to a water-shutoff policy of which the following is a statement:

"First notice of shutoff shall be mailed after any sewage account is delinquent two (2) quarters.

"If payment of the delinquency is not received within fifteen (15) days, a certified-letter notice shall be mailed informing the delinquent account that the water-shutoff letter will be issued in ten (10) days.

"If the delinquent account is not paid within that ten (10) days, a water-shutoff letter shall be issued after which the water company shall shut off the water supply from its system to the delinquent premises until it is advised, in writing, by the BOROUGH that all delinquent accounts, including service charges, penalty and interest have been paid, or until the MUNICIPALITY directs otherwise."

147.29.3. The BOROUGH SECRETARY/MANAGER is authorized to accept time payments on delinquent accounts.

147.29.4. Exercise of the right to lien on delinquent charges as authorized in § 147.28 shall be unaffected by use of the water-shutoff policy provided in this section. A copy of the standard water-shutoff agreement with Pennsylvania-American Water Company shall be maintained in the BOROUGH offices.

§ 147.30. Sewer Rental and Sewer Service Charge Officer.

The BOROUGH COUNCIL shall, by resolution or motion, designate a qualified entity as the BOROUGH'S Sewer Rental and Sewer Service Charge Officer charged with the duty of billing and collecting all sewer rentals and sewer service charges imposed herein, and shall approve the form and style of all bills, forms and records required.

§ 147.31. Use of funds.

Funds received by the BOROUGH for collection of sewer rentals and sewer service charges herein provided for shall be used only for the following purposes:

147.31.1. Payment of the aggregate sewer service charges of ALCOSAN.

147.31.2. Defraying the cost of construction, extension, addition, operation, maintenance, repair, alteration, inspection and administration in connection with any part of the sanitary sewer system of the BOROUGH and private sewers discharging ultimately into the sewage system of ALCOSAN.

147.31.3. Payment of applicable debt service costs and charges for construction, maintenance, repair or upkeep of any part of said sewer system.

14715

147.31.4. Payment of any other related costs related to the BOROUGH sewer system, private sewer systems discharging ultimately into the sewage system of ALCOSAN and ALCOSAN's service charges.

147.31.5. Payment of any charges or expenses and service fees of the BOROUGH'S designated agent.

§ 147.32. Commencement of billing method.

The billing method provided for in this Article shall commence with the beginning of the next quarter after all of the following conditions have been met:

147.32.1. ALCOSAN has approved the revision in billing and payment procedures.

147.32.2. The BOROUGH has paid all delinquent bills and charges of ALCOSAN rendered to users within the BOROUGH.

147.32.3. There has been written notice and advertisement of the revision and the billing and payment procedures.

§ 147.33. Violations and penalties.

Any PERSON, firm, association or corporation violating any provision of this Article shall, upon conviction, be subject to the maximum penalties permitted by law. Each day a violation continues shall constitute a separate offense. Partners or members of firms or associations and officers of corporations shall be individually liable for violations chargeable to a firm, association or corporation.

§ 147.34. Review of rate schedule.

The COUNCIL shall, at one (1) of its regular meetings in November of each year, review the rate schedule then in effect pursuant to this Article to determine if such schedule is producing revenues required for the purposes set out in this Article. If the rate schedule is found to be producing a shortfall or a material surplus of funds, it shall be adjusted by COUNCIL for the next succeeding calendar year so that the estimated revenues to be derived therefrom shall be reasonably in balance with the estimated fiscal requirements of the sewer system.

ARTICLE V

EVIDENCE OF COMPLIANCE for Sale of Real Property
[Adopted 4-6-88 by Ord. No. 728]

§ 147.35. Definitions.

Terms used in this Article, shall have the meanings set forth as follows:

BOROUGH LIEN LETTER - A written letter from the BOROUGH concerning municipal liens.

DYE TEST - Any commonly accepted plumbing test wherein dye is introduced into the

14716

storm- or surface water collection system of real property to determine if storm- or surface water is entering the sanitary sewer system.

EVIDENCE OF COMPLIANCE - An official statement from the BOROUGH stating that it has on file a written statement from a licensed plumber that there are no illegal storm- or surface water connections into the sanitary sewer connections which would violate BOROUGH or county ordinances, the state statutes or BOROUGH, county or state plumbing regulations.

ILLEGAL STORM- OR SURFACE WATER CONNECTIONS - The discharge of basement seepage or ground-water or the connection of downspouts, roof drainage or surface or areaway drainage into the sanitary sewer system.

PERSON - Any PERSON, partnership, association, syndicate, firm, corporation, institution, agency, authority or other entity recognized by law as the subject of rights and duties.

TEMPORARY EVIDENCE OF COMPLIANCE - A temporary statement from the BOROUGH issued pursuant to the terms of § 147.38 of this Article.

§ 147.36. Sale without EVIDENCE OF COMPLIANCE prohibited.

After the effective date of this Article, it shall be unlawful for any PERSON to sell real property within the BOROUGH on which a building or improvement exists without first delivering to the purchaser EVIDENCE OF COMPLIANCE or TEMPORARY EVIDENCE OF COMPLIANCE from the BOROUGH.

§ 147.37. Procedure for EVIDENCE OF COMPLIANCE; fee.

Any PERSON (hereafter "APPLICANT") selling real property within the BOROUGH shall make application for EVIDENCE OF COMPLIANCE on a form furnished by the BOROUGH at least fourteen (14) days before the date of SALE. The APPLICANT shall then have a plumber who is registered and licensed by the Allegheny County Health Department perform a DYE TEST on the real property to be sold. The plumber shall complete the appropriate portions of the form confirming that the property has been DYE TESTED and certifying the results of such test. In the event that there are no ILLEGAL STORM- OR SURFACE WATER CONNECTIONS, the BOROUGH SECRETARY/MANAGER or his designee shall issue EVIDENCE OF COMPLIANCE, upon payment of a fee of twenty-five dollars (\$25.). If the DYE TEST reveals the existence of an illegal storm- or surface water connection, no EVIDENCE OF COMPLIANCE will be issued until the illegal connections are removed and certification of such removal by a registered licensed plumber is received.

§ 147.38. TEMPORARY EVIDENCE OF COMPLIANCE; fee.

TEMPORARY EVIDENCE OF COMPLIANCE may be issued at the BOROUGH'S sole discretion when either:

147.38.1. The APPLICANT proves that DYE TESTING cannot be performed because of weather conditions. In this case, the APPLICANT shall provide the

14717

BOROUGH with security in the amount of two hundred dollars (\$200.) to guarantee that the DYE TEST will be performed. The APPLICANT will cause the DYE TEST to be performed within fourteen (14) days of written notification from the BOROUGH, which will be given at such time as weather conditions make the DYE TEST possible. In addition, the APPLICANT shall provide the BOROUGH with a signed, written acknowledgement from the purchaser agreeing to correct, at the purchaser's sole expense, any violations discovered as a result of subsequent DYE TESTS. Nothing in this subsection shall prohibit any purchaser from requiring the APPLICANT to reimburse the purchaser for any costs incurred; provided, however, that primary liability for correction of any illegal connection shall run with the land, and no agreement between the APPLICANT and the purchaser shall affect the BOROUGH'S enforcement powers or excuse the current owner from performance; or

147.38.2. When an illegal storm- or surface water connection is discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the APPLICANT, the APPLICANT may apply to the BOROUGH SECRETARY/MANAGER for TEMPORARY EVIDENCE OF COMPLIANCE, which may only be issued when the APPLICANT provides the BOROUGH with all of the following:

147.38.2.1. A bona fide executed contract between the APPLICANT and a registered licensed plumber legally requiring the plumber to complete the necessary remedial work and granting the BOROUGH the legal power to enforce the contract.

147.38.2.2. Cash security in the amount of said contract, posted with the BOROUGH.

147.38.2.3. An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to enter upon the property to complete the work in case of default by the contractor. The BOROUGH SECRETARY/MANAGER shall determine by regulation when such TEMPORARY EVIDENCE OF COMPLIANCE shall expire, and the APPLICANT and the purchaser shall be advised of the expiration date. Upon expiration of the TEMPORARY EVIDENCE OF COMPLIANCE, the security shall be forfeited and the BOROUGH may use the security to have the necessary remedial work completed.

§ 147.39. BOROUGH LIEN LETTERS; fees. [Amended 11-1-95 by Ord. No. 834; 12-4-96 by Ord. No. 856]

147.39.1. A request for a BOROUGH LIEN LETTER must be accompanied by a valid EVIDENCE OF COMPLIANCE and a lien letter fee of twenty-five dollars (\$25.00), all of which shall be delivered at least seven (7) days prior to the day said letters are to be provided.

147.39.2. When requested by a property owner or his agent and subject to the time availability as determined solely by the BOROUGH SECRETARY/MANAGER, the BOROUGH may issue an expedited BOROUGH LIEN LETTER on two (2) days' notice, upon the payment of an expedition fee of twenty-five dollars (\$25.00), in addition

14718

to the fee set forth in §147.39.1.

§ 147.40. Promulgation of rules and regulations.

147.40.1. The BOROUGH shall promulgate such reasonable rules and regulations as approved by the COUNCIL for the operation and enforcement of this Article, which shall include but not be limited to:

147.40.1.1. Establishing acceptable forms of security or guaranty.

147.40.1.2. Establishing the form of applications, purchaser acknowledgments and plumber certifications.

147.10.1.3. Limiting the times of year in which TEMPORARY EVIDENCE OF COMPLIANCE is available for reasons of weather.

147.40.2. Rules and regulations issued pursuant to this section shall be in writing and distributed as necessary to ensure compliance with this Article.

§ 147.41. Amendment of Fees.

The fees set forth in this Article may be changed from time to time by resolution of COUNCIL.

§ 147.42. Construal of provisions.

Nothing in this Article shall limit in any fashion whatsoever the BOROUGH'S right to enforce its ordinances or the laws of the commonwealth. Nothing in this Article shall be a defense to any citation issued by any municipal corporation or the commonwealth pursuant to any law or ordinance.

§ 147.43. Violations and penalties.

Any PERSON violating any provisions of this Article or of any regulation or requirement pursuant thereto and authorized thereby shall, upon conviction, be subject to the maximum penalty provided by law.

ARTICLE VI
NONSEWERED TOILET SYSTMS
[Adopted 7-18-18 by Ord. No. 1110]

§ 147.44. Definitions. For the purpose of this Article, the following terms shall have the meanings hereinafter designated:

COMMUNITY EVENT – A planned occasion or activity open to the general public and sponsored by the Borough of Whitehall, another governmental entity, or a private party.

OFFENSIVE ODOR – Any noxious or unpleasant odor escaping from the NST structure that can be detected outside of said structure.

OWNER – The owner of the NST and the owner of the property on which the NST is located.

NONSEWERED TOILET SYSTEM (NST) – A free-standing, movable toilet structure equipped with a watertight impervious container which receives waste discharged through a hopper, seat, urinal or similar device, and into which container may be placed disinfecting or deodorizing chemicals, and which is not designed or intended for connection to a sewer system with a standard connection.

PRIVY – An outbuilding with one or more seats and a pit serving as a toilet.

RESPONSIBLE PARTY – Any person or entity renting or leasing a NST.

SEASONAL USE – Use that is dependent upon or accompanying the seasons of the year or some particular season, and that is repeated or intended to be repeated annually, but for no more than one-hundred eighty (180) consecutive days in a calendar year.

TEMPORARY USE – Use that lasts, exists, serves, or is effective for a limited time only, not exceeding seven (7) consecutive days, and which is not repeated, or intended to be repeated, subsequently within the calendar year.

§ 147.45. Allowed and Prohibited Uses.

1. NSTs may only be used to provide: bathroom facilities for community events; seasonal use bathroom facilities in conjunction with commercial activities; bathroom facilities in conjunction with and during public or private construction activities; bathroom facilities located on public property for members of the public; and bathroom facilities for Temporary Use and under special circumstances when adequate permanent bathroom facilities are unavailable.
2. In no case shall NSTs be placed or maintained as permanent sanitary facilities or in lieu of the connection of a site or facility to the sanitary sewer system.
3. No person shall construct or maintain a privy in the Borough of Whitehall.

§ 147.46. Permit Required.

1. Except as provided in Section 147.45, no NST for an allowed use shall be placed or maintained on public or private property without first obtaining an administrative permit from the Borough of Whitehall.
2. The following information shall be provided as part of the permit application:
 - a. The site address where the NST will be located.
 - b. The date(s) during which the NST is to be located on the property.
 - c. The name, address and phone number of the owner of the NST and contact information for the owner of the property upon which the NST will be placed.

14720

- d. The name, address and phone number of the Responsible Party.
 - e. A description of the allowed use for which the NST is requested.
 - f. A site plan identifying the proposed location of the NST and any proposed handwashing/hand-sanitizing stations.
 - g. A description of the emptying and maintenance schedule and procedures for the NST and any handwashing/hand-sanitizing station, together with identification of the location of disposal of waste materials from the NST and documentation of authorization for said disposal.
3. A NST placement permit shall not be required for:
- a. The placement of NSTs by the Borough of Whitehall on public property for Temporary Use in conjunction with community events.
 - b. Any placement of NSTs by the Borough of Whitehall for use by the public on property owned, leased, or maintained by the Borough of Whitehall.
 - c. Any placement of NST's by the Baldwin-Whitehall School District on property owned, leased or maintained by the School District.
 - d. The placement of NSTs at public transit sites, PROVIDED, the Borough of Whitehall shall approve the location of the placement.
 - e. The placement of NSTs on public or private property in conjunction with public road and utility construction projects, PROVIDED, the Borough of Whitehall shall approve the location of the placement.
 - f. The placement of NSTs on private property in conjunction with private development, construction, road and utility projects during periods of active construction.
 - g. The placement of NSTs to support emergency services operations during emergencies and natural disasters, and during interruption of sewer service due to emergencies or planned upgrades/repairs.

§ 147.47. Standards; Location and Orientation.

1. Setbacks. Non-screened NSTs shall be located at least eight (8) feet from any property line.
2. Orientation; Screening.
 - a. NSTs shall be oriented in such a way that the opening or door faces away from any right-of-way or residential dwelling unit unless screened by a sight-obscuring fence or enclosure at least six (6) feet in height equipped with a door or screen wall which completely blocks the view of the NST from said right-of-way or residential dwelling unit.

- b. Screening of NSTs must be provided whenever a permit is required under this section and for any permanent installation unless a determination is made by the Borough that the screening requirement can be waived due to site conditions that sufficiently block the NST from view from rights-of-way or adjacent residential areas.
3. Location.
 - a. All NSTs shall be located in such a manner as to allow for the appropriate servicing and to ensure that any vehicle required for said servicing shall not cause damage to property.
 - b. NSTs shall be located on the site so as to not obstruct existing structures or driveways. NSTs shall be located in such a manner as to not be potentially impacted by site conditions such a slopes, ditches, or prevailing winds.
4. All NSTs shall comply with all Wastewater, Building, Fire, and other applicable codes and regulations, including the Americans With Disabilities Act. The Owner and/or the Responsible Party are responsible for ensuring compliance with all applicable codes and regulations, including Chapter 875 of the Allegheny County Code.
5. All NSTs utilized in conjunction with the preparation, service or consumption of food shall be equipped with, or shall be accompanied by, an approved handwashing/hand-sanitizing station.

§ 147.48. Maintenance.

1. All NSTs shall be monitored and serviced by a person, firm or corporation engaged in the business of cleaning or emptying NSTs and recharged at a sufficient frequency to prevent the escape of offensive odors or spillage.
2. Every person, firm or corporation cleaning or emptying NSTs shall use a suitable vehicle which utilizes water-tight, completely closed tanks or boxes designed to prevent leakage and the escape of Offensive Odors. The Owner or Responsible Party shall provide proof of an agreement to monitor and service the NST prior to placement.
3. NSTs, including any handwashing/hand-sanitizing stations, shall be kept in good working condition without any broken surfaces or leaks. Doors must be in good working condition and must be able to be securely latched while in use.
4. It is the Owner's and the Responsible Party's responsibility to ensure that NSTs are not used in a dangerous or inappropriate manner. This may be accomplished by monitoring or securing the NSTs during periods of inactivity, such as night time and weekend hours, or by other effective means as appropriate.

§ 147.49. Public Nuisance.

Any NST that is placed without the required permit, remains on the property after the permit period expires, emits an offensive odor, is leaking, is located in violation of the requirements of this chapter, is located in such a manner as to block any public or private right of way, or that in

14722

any way causes a hazard to the public health safety and welfare is declared a public nuisance

§ 147.50. Enforcement.

An authorized Borough of Whitehall official may enforce the provisions of this chapter by declaring a public nuisance and requiring the immediate removal of any NST, and the Owner and Responsible Party of said NST shall be responsible for such removal and any cost thereof. The declaration of public nuisance may be in addition to any penalty provided by the Borough of Whitehall Code or other remedy provided by law.