

Chapter 171

SEWERS AND SEWAGE DISPOSAL

[HISTORY: Adopted by the Borough Council of the Borough of North Wales 9-22-1992 by Ord. No. 650, amended in its entirety 8-26-2008 by Ord. No. 761. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Plumbing — See Ch. 157.

Water — See Ch. 199.

ARTICLE I Terminology

§ 171-1. Definitions and word usage.

A. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases as used in this chapter shall have the meanings hereinafter designated:

AUTHORITY — North Wales Water Authority in North Wales Borough, Montgomery County, Pennsylvania, or as the context may require.

BOROUGH — North Wales Borough in Montgomery County, Pennsylvania, or, as the context may require, the Borough Council or Mayor of the Borough (in connection with matters requiring action of the Council or Mayor) or such officers or employees of the Borough as are authorized to act for the Borough, including but not limited to the Borough Engineer, Building Inspector, and Zoning Officer.

CONNECTION UNIT — Each structure or portion of a structure for which a use and occupancy certificate is required upon original occupancy or resale.

HARMFUL WASTES — Any product or substance which, when released in the sewer system, may alone or in combination with other substances in the sewer system cause harm to any person, property, the sewer system or the treatment plant.

IMPROVED PROPERTY — Any property within the sanitary sewered area of the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial waste shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT — Any property used in whole or in part for the manufacturing, processing, cleaning or assembly of any product, commodity or article or any other property from which wastewater other than sanitary sewage is discharged.

INDUSTRIAL WASTE — Any solid, liquid or gaseous substance rejected or escaping in the course of any industrial, commercial, institutional or professional, manufacturing, trade or business process or practice or in the course of the development, recovery or processing of

natural resources, which is discharged into the sewer system, as distinct from sanitary sewage.

LATERAL (also referred to or known as a "SERVICE LATERAL") — That part of the sewer system extending from the sewage drainage system of any structure to the point where the curb ends and the cartway begins. On all properties on Walnut Street, the lateral shall be that part of the sewer system extending from the sewage drainage system of any structure to the right-of-way line.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) — A permit used by the Pennsylvania Department of Environmental Protection pursuant to Section 402 of the Federal Clean Streams Act (33 U.S.C. § 1317 et seq.).

NONRESIDENTIAL USER — Any person making a commercial, institutional, professional or industrial use, other than a residential use unit of improved property, which is connected to the sewer system and from which sanitary sewage or industrial waste is or may be discharged into the sewer system.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of real property located in the Borough.

PERSON — Any individual, partnership, company, association, society, corporation or other group or entity.

PLUMBING CODE — The most recent edition of the Uniform Construction Code (UCC) as adopted and amended by the Borough from time to time.¹ Wherever no other specific standard is stated, the specifications of the UCC Plumbing Code shall apply.

PRIVATE SEWER SYSTEM — The system of sanitary sewers and appurtenances for the collection, transportation and pumping of sewage that is located on private property or in noneasement areas and is not owned and maintained by the Borough.

PROCESS WASTEWATER — Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product or by-product, excluding sanitary wastes, noncontact cooling water and boiler blowdown.

RESIDENTIAL UNIT — Each private dwelling, each dwelling unit in a double house or in a row of connecting houses; each apartment, each room, group of rooms, house, trailer, mobile home or any structure occupied or intended for occupancy as separate living quarters by a family or group of persons living together or by persons living alone, which accommodation is connected to the sewer system and from which sanitary sewage is or may be discharged into the sewer system.

SANITARY SEWAGE — The type of toilet or other water-carried wastes normally discharged from residential properties and which may be referred to as "domestic sewage."

SEWER MAIN — Any pipe or conduit constituting a part of the sewer system, used or usable for sewage collection purposes, other than a lateral.

1. Editor's Note: See Chs. 107, Construction Codes, Uniform, and 157, Plumbing.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping and disposing of sanitary sewage and industrial waste, situate in the sewered area and/or otherwise owned and/or operated by the Authority within the Borough.

STREET — Any street, road, lane, court, alley or public square, whether public or private.

WASTEWATER — The liquid and water-carried industrial or domestic wastes from residential units, commercial buildings, industrial facilities and institutions, together with any other waters which may be present, whether treated or untreated, which are contributed into or permitted to enter the publicly owned treatment works (POTW).

B. Word usage. The term "shall" is mandatory; "may" is permissive.

ARTICLE II Laterals and Connections

§ 171-2. Guarding of excavations; restoration.

Every excavation for the installation, maintenance or repair of a lateral shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a lateral shall be restored at the cost and expense of the owner of the property being connected, in a manner satisfactory to the Borough. Every excavation requiring a road opening of a Borough, state or county highway requires a highway occupancy permit from the appropriate agency. The road restoration must be done in accordance with the specifications of the appropriate agency. The Borough authorizes the Authority to conduct all inspections for the installation, maintenance or repair of a lateral.

§ 171-3. Maintenance of lateral.

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

§ 171-4. Surface water prohibited from sewer system.

No person shall make connection of roof downspouts, foundation drains, sump pump, areaway drains or other sources of surface runoff or groundwater in any manner resulting in such surface water, runoff or groundwater being discharged directly or indirectly into the sewer system. Any person found to have a connection of this type shall be formally notified that he must remove the connection discharging such surface water, runoff or groundwater. Such person shall have 30 days from notification in which to remove such connection or shall hereby be in violation of this chapter, and such person shall, upon conviction, be subject to the penalties set forth hereinbelow. The Borough shall give the Authority the authorization to enforce this section. The Authority shall be entitled to all fines and fees collected pursuant to this section with the exception of the Borough's administrative costs.

§ 171-5. Substances excluded from sewer system.

A. No person shall cause, permit or allow any discharge or flow of any flammable or explosive substance, solid, liquid or gas (such substances include but are not limited to

acetone, benzene, fuel oil, gasoline, kerosene or naphtha), either directly or indirectly, into the sewer system that could create any danger of fire or explosion or result in damage or injury to persons or to the structures, equipment or processes of the sewer system or treatment plant.

- B. No person shall cause, permit or allow any discharge or flow of any corrosive substance, solid, liquid or gas, either directly or indirectly, into the sewer system that could create any danger or corrosive damage or injury to persons or to the equipment, structures or processes of the sewer system or treatment plant.
- C. No person shall cause, permit or allow the discharge, flow or placement directly or indirectly into the sewer system of any substance, material or object that, in quantities or concentrations which alone or in conjunction or combination with the discharge from other sources, could cause or result in the obstruction of flow of wastewater in the sewer system or the interference with or damage to the equipment, structures or processes of the sewer system or treatment plant or a violation of any requirement of the Authority's NPDES permit.

ARTICLE III Connection to Sewer System

§ 171-6. Prohibited wastes; exception.

No owner or occupant of property shall be permitted to discharge into the sewer system any waste or drainage other than sanitary sewage except as may be expressly permitted by the rules and regulations of the Authority.

§ 171-7. Prevention of discharge of harmful wastes.

The Borough authorizes and empowers the Authority with the right to refuse to any person the use of the sewer system or to compel the pretreatment of industrial waste in order to prevent discharge into the sewer system of harmful wastes.

§ 171-8. Inspections of suspected violations.

In the event of suspected violation of this chapter or any Borough ordinance or resolution or Borough rule or regulation related to the sewer system, the Borough empowers and authorizes the Authority, by its employees and agents to enter upon the property where the violation is suspected to exist for the purposes of investigation, enforcement and, if necessary, abatement of any violation. Denial of access by an owner or person in possession or control of the subject property shall result in the Borough and/or the Authority instituting appropriate actions or proceedings at law or in equity to obtain an administrative warrant and/or to restrain, correct or abate the suspected violation. Any legal action necessary to recover the expenses may also be instituted by the Borough and/or the Authority.

ARTICLE IV Surcharge and Private Systems

§ 171-9. Wastewater strength surcharge.

It is possible that, depending upon the wastewater characteristics and the Authority's discharge permit requirements, if any, or applicable laws or regulations, a surcharge may be imposed by the Authority. Any such surcharge will be determined by a quality analysis of the wastewater, which shall consist of laboratory analysis to determine the strength(s) of the wastewater.

§ 171-10. Private systems.

- A. Metering facilities; water usage. The volume of water to be used for billing sewer rentals to industrial establishments and nonresidential users shall include any and all water purchased from the Authority as determined by meters installed and maintained by the Authority, by meters maintained and installed by the property owner as may be required, approved and inspected by the Authority, or from estimates or measurements made by the Authority where metering is considered impractical by the Authority or when meters have not been installed.

§ 171-11. Waters excluded from sanitary sewer.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, surface drainage, water from swimming pools, cooling water or unpolluted process waters to any sanitary sewer. This prohibition shall include, but not be limited to, the discharge and drainage of water from sump pumps, floor drains and downspouts.

ARTICLE V
Miscellaneous Provisions

§ 171-12. Access to property.

The Authority, by its employees or agents, shall serve a request for entry on the owner or person in possession or control of any part of any improved property served by the sewer system for the purposes of inspection, measurement, surveying, sampling and testing and for performance of other functions related to the service rendered by the Authority through the sewer system. The request should describe with reasonable particularity the property to be entered and the activities to be performed. Denial of access by an owner or person in possession or control of the subject property shall result in the Borough and/or the Authority instituting appropriate actions or proceedings at law or in equity to obtain an administrative warrant to gain access to the subject property.

§ 171-13. Compliance with other provisions.

Except as expressly provided herein, compliance with this chapter shall not relieve any person from the requirement of complying with other ordinances, resolutions or specifications of the Borough.

ARTICLE VI
Enforcement

§ 171-14. Violations and penalties.

A violation of any of the terms of this chapter shall constitute a summary offense, and any person

violating the terms of this chapter shall be liable, upon conviction in a summary proceeding, to a fine of not more than \$1,000, together with the costs of prosecution (including attorneys' fees) or, upon default in payment of the fine and costs, by imprisonment in the Montgomery County Prison for no more than 30 days. Where more than one provision of this chapter has been violated, each such violation shall constitute a separate offense, and, where any violation shall continue from day to day, each day that such violation shall continue shall constitute a separate offense. In addition, the Authority is empowered and authorized on behalf of the Borough to file an action for civil remedies for all costs associated with correcting a violation, including all costs of enforcing this chapter and attorneys' fees. The Borough shall also be entitled to the remedy of municipal liens for unpaid costs, charges, rentals and fees.

§ 171-15. Additional violations.

In addition to the penalties provided by law for criminal mischief under Section 3304 of the Pennsylvania Crimes Code, as amended,² any person who intentionally, recklessly or by criminal negligence damages, destroys or tampers with any equipment, structure or other property of the sewer system or treatment plant or who opens or tampers with any manhole or metering facilities shall be guilty of a violation of this chapter and shall be subject to the penalties provided herein.

§ 171-16. Disposition of fines and penalties.

Except as may be provided by other law, all fines and penalties collected for violation of this chapter shall be paid into the Borough.

§ 171-17. Indemnification and defense of Borough.

The Authority, by operating and maintaining the sewer system, and assuming all enforcement and inspection responsibilities for same, furthermore agrees to fully indemnify and hold harmless the Borough for any claims and/or actions made by any entity or person arising from or related to said operation, maintenance, enforcement and/or inspection responsibilities. It is further understood and agreed to that in the event any such claim or action as above described is commenced by any person or entity, the Authority agrees to provide a defense for the Borough in lieu of the Borough providing its own defense.

2. Editor's Note: See 18 Pa. C.S.A. § 3304.