

THE BOROUGH OF AVOCA
Luzerne County, Pennsylvania
SEWER CONNECTION AND USE ORDINANCE
RATES, RULES, AND REGULATIONS

AN ORDINANCE

OF THE BOROUGH OF AVOCA, LUZERNE COUNTY, PENNSYLVANIA,
REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS
BOROUGH AND ACCESSIBLE TO AND WHOSE PRINCIPAL BUILDING IS
WITHIN 150 FEET FROM THE SEWER SYSTEM TO CONNECT SUCH
IMPROVED PROPERTY WITH AND TO USE SUCH SEWER SYSTEM;
REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING
THIS BOROUGH TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF
ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH
CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AN
PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS;
PROHIBITING THE CONNECTION OR PRIVY VAULTS, CESSPOOLS,
SINKHOLES, SEPTIC TANKS, AND SIMILAR RECEPTACLES TO ANY
SEWER; PROHIBITING THE MAINTENANCE OF CERTAIN RECEPTACLES AND
REQUIRING ABANDONMENT THEREOF WHERE A SEWER IS AVAILABLE;
SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR
VIOLATION.

THE COUNCIL OF THE BOROUGH OF AVOCA, LUZERNE COUNTY,
PENNSYLVANIA, ENACTS AND ORDAINS AS FOLLOWS:

ARTICLE I
DEFINITIONS

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

1. Borough shall mean The Borough of Avoca.
2. BOD (Biochemical Oxygen Demand) shall mean the quantity of oxygen, expressed in parts per million (ppm) by weight, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty (20) degrees Centigrade. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods" for the Examination of Water and Sewage" published by the American Health Association.
3. Building Sewer shall mean the connection piping from the Sewage drainage system of any structure to the Main Collection Sewer.
4. Collection Sewer shall mean the Borough's sanitary sewers located under highways, road, streets and right-of-ways with that collect and convey Sanitary Sewage or Industrial Wastes or a combination of both and into which storm, surface, and ground water or unpolluted Industrial Wastes are not intentionally admitted.
5. Chlorine Requirement shall mean the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specific residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in "Standard Methods".
6. Connection Unit shall mean each individual building or house whether constructed as detached unit or as one of a pair or row which is designed or adaptable to separate ownership for use as a family dwelling unit or for commercial or industrial purposes. A school, factory, apartment house, office building, or other multiple unit structure whose individual apartments or units are connected to a common internal sewage system and which are not commonly subject to separate ownership shall be considered as one Connection Unit per individual unit or apartment.
7. Equivalent Dwelling Unit shall mean a family dwelling unit or the equivalent.

8. Garbage shall mean solid wastes resulting from preparation, cooling and dispensing of food and from handling, storage and sale of food products and produce.
9. Ground Garbage shall mean the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.
10. Improved Property means any property located on a building lot or for which a building permit has been issued within the Sewered Area 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.
11. Industrial Wastes shall mean any solid, liquid, or gaseous substance discharged, permitted to flow 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.
12. Member Municipal shall mean Avoca Borough when used herein.
13. Owner means any Person vested with ownership, legal or equitable, sole or partial, of property located in the Sewered Area.
14. Person means any individual, partnership, company, association, society, trust, corporation, or other group or entity.
15. PH shall mean the logarithm (base 10) of the reciprocal of the weight of hydrogen ions, expressed in grams per liter or solution, and indicates the degree of acidity or alkalinity of a substance.
16. Parts Per Million of ppm shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.
17. Sanitary Sewage means normal water-carried household and toilet wastes discharged from any Improved

Property.

18. Sanitary Sewer shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.
19. Service Lateral means that part of the Sewer System extending from a Collection Sewer to the drainage system of any structure and is same as a building sewer.
20. Sewage Treatment Plant shall mean the Plant and facilities operated for such purpose to which the Sewer System is to be connected .
21. Sewer shall mean any pipe or conduit constituting a part of the Sanitary Sewer System used or usable for sewage collection purposes and to which ground, surface and storm water is not intentionally admitted.
22. Sewer Rental Unit shall mean each family dwelling unit or the equivalent which is connected with the Sanitary Sewer System.
23. Sewer System shall mean all facilities, as of any particular time for collecting, pumping, treating and disposing of Sanitary Sewage and Industrial Wastes, situate in the Sewered Area and owned and/or operated by the Borough.
24. Sewerage shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial waste.
25. Sewered Area shall mean those portions of the Member Municipalities in which there shall be constructed a sewage collection system of the Borough in accordance with the plans of the Borough, as from time to time constructed and extended.
26. Shall is mandatory, may is permissible.
27. Slug shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of longer duration than 15 minutes, more than 5 times its average hourly concentration or flow.

28. Standard Methods shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Waste", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
29. Storm Sewer shall mean a sewer that carried storm, surface and ground water drainage but excludes Sewage and Industrial Wastes.
30. Surcharge shall mean the extra charge in addition to the service charge rental which is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage.
31. Suspended Solids shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtration. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods".
32. Street shall mean and include any street, highway, road, lane, court, alley and public square.
33. Toxic Substances shall mean any poisonous substance, including not but limited to copper, cyanide and chromium ions.
34. Borough shall mean Avoca Borough.
35. Unpolluted Water of Liquids shall mean any water or liquid containing none of the following: free or emulsified grease or oil, acids or alkalis, substances that may impart taste and odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. It shall contain not more than 1,000 parts per million by weight of dissolved solids, and not more than 5 parts per million each of suspended solids or biochemical oxygen demand. Analytical determination shall be made in accordance with procedures set forth in "Standard Methods".
36. Wastewater shall mean Sanitary Sewage and/or Industrial Wastes as defined in this Section.

ARTICLE II
USE OF PUBLIC SEWERS REQUIRED

SECTION 201. The Owner of any Improved Property accessible to and whose principal building is within 150 feet from the Sewer System shall connect such Improved Property with and shall use such Sewer System, in such manner as this Borough may require, within 60 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, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough from time to time.

Section 202. All Sanitary Sewage Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer as required under Section 201, shall be conveyed 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.

Section 203. 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 Section 201.

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 Section 201, except where suitable treatment has been provided which is satisfactory to this Borough.

Section 204. 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 Section 201 to be connection to a Sewer.

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, not 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.

Section 205. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected to a Sewer.

Section 206. The notice by this Borough to make a connection to a Sewer referred to in Section 201 shall consist of a copy of this Ordinance, 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 Ordinance and specifying that such connection shall be made within 60 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

Section 301. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any Sewer or the Sewer System without first obtaining written permission from this Borough. Such permission will be issued to Owners required to connect to a Sewer by Ordinance of the Borough subject to compliance with the Rates, Rules and Regulations and may be issued by the Borough to Owners not so required to connect.

Section 302. Application for a permit required under Section 301 shall be made by the Owner of the Improved Property to be served or his authorized Agent.

Section 303. 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:

Such Person shall have notified the Borough of the desire and intention to connect to a Sewer.

Such Person shall have applied for and obtained a permit as required by Section 301.

Such Person shall have given the Borough at least forty eight (48) 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.

Section 304. Except as otherwise provided in this Section 304, each Connection Unit on each Improved Property shall be connected separately and independently with a Sewer through a Building Sewer. Grouping of more than one Improved Property on one Building Sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown and then only after special permission of the Borough in writing, shall have been secured.

Section 305. All costs and expenses of construction of a Building Sewer to the Collection Sewer 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 the Collection Sewer.

Section 306. Materials for a Building Sewer, jointing materials and methods of installation shall be in accordance with requirements of Article IV and shall be subject to approval of this Borough.

Section 307. The permit required by Section 301 shall be displayed prominently upon the Improved Property to be connected to a sewer at all times during construction of the Building Sewer and connection of the Building Sewer to the Collection Sewer.

Section 308. A Building Sewer shall be connected to a Sewer at the location so designated by the Borough. No Person shall make a connection directly to or tamper with a Collection Sewer in any manner without borough authorization.

Connections to the Collection Sewer shall be accomplished by a branch or wye (y) fitting. The connection shall only be made under the presence of the Borough sewer inspector.

Section 309. Connections to existing Service Lateral shall be made by properly joining to the bell end of the existing Service Lateral. Where different types or sizes of materials are to be joined, an approved adapting fitting shall be used. Projecting the smaller pipe into the larger and sealing will not be permitted. This applies also to the connection of the house drain to the Building Sewer Pipe. It shall be the responsibility of the property owner to ascertain for himself/themselves if a Service Lateral exists at his/their property, and if the Service Lateral is at proper depth to adequately service the property in question. All costs associated hereto are to be borne by the property owner.

Section 310. The Borough recommends that all abandoned cesspools and seepage pits be filled with crushed stone, gravel or shale to prevent said pits from caving in or from in any other way becoming a health or safety hazard in the future.

ARTICLE IV
RULES AND REGULATIONS GOVERNING BUILDING
SEWERS AND CONNECTIONS TO SEWERS

Section 401. A Building Sewer shall be no less than four (4) inches in internal diameter except within public Rights of Way where this pipe shall be six (6) inches.

Section 402. All Service Laterals and Building Sewers shall be constructed of one of the following types of pipes:

1. Service weight cast iron soil pipe at least 4 inches in internal diameter conforming to ASTM A-74-66.
2. Schedule 40 or SDR-35 Polyvinyl Chloride (PVC) sewer pipe conforming to ASTM D-1785.

Jointing materials for the various types of pipe shall be as follows:

1. Cast Iron Pipe shall have leaded joints properly caulked or neoprene rubber gaskets conforming to C.I.S.P.I. HSN-68T.
2. PVC Pipe shall have solvent welded joints of the same schedules as the pipe used. The solvent shall conform to ASTM D-25464 and the fitting shall conform to ASTM D-2466 (Schedule 40) and D-2467 (Schedule 80).

Section 403. Uniform bearing shall be provided along the entire length of a Building Sewer; and all joints of a Building Sewer shall be watertight and root-proof. No cement mortar joints shall be used.

Section 404. Where an Improved Property, at the time of securing a permit under Section 301 to connect to a sewer 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, undiminished in inside diameter, but not less than four (4) inches to the Public R/W, thence six inches to the collection sewer.

Section 405. A Building Sewer to serve one Improved Property may occupy the same trench as a Building Sewer to serve the next adjoining Improved Property; provided, however, that the common trench is on or immediately adjacent to the common property line and such joint occupancy is by mutual agreement of the Owners concerned.

This Section 405 is subject in all respects to Section 304.

Section 406. It shall be the duty of every person constructing or owning any building connected to the Sewer System, to assure that their Building Sewer, house drain and plumbing fixtures are adequate for the purpose and will allow free passage of any material that enters or should enter the system.

No change of the Building Sewer of any building shall be permitted unless notice thereof shall have been given Borough, and approval of the Borough thereto obtained in writing.

Section 407. Fittings in a Building Sewer shall conform to the type of pipe used in construction.

Section 408. Changes in direction in a Building Sewer must be made only by use of "Y" branches of 1/8 or 1/16 bends. No 1/4 bends will be permitted. Caulking of lead joints or alignment of self sealing joints to angles of less than 1/16 bend equivalent only shall be permitted.

Section 409. Fittings or connections in a Building Sewer which have an enlargement, chamber or recess with a ledge, and which reduce the pipe area in a matter that impedes or obstructs flow, shall not be allowed.

Section 410. Leaded joints in cast iron soil pipe in a Building Sewer shall be packed with oakum in the bell and spigot terminations and thereafter shall be filled with molten lead to a depth of at least one (1) inch for pipes 4" and 6" diameter pipe and 1.25 inches for 8" and 12" diameter pipe and not to be depressed more than one-eighth (1/8) inch below the rim of the hub. The lead then must be caulked in place. No paint, varnish or other coating shall be permitted on the jointing material until after the Building Sewer has been tested and approved as provided in Section 417, 418, and 419.

Section 411. Basement floor drains shall not be permitted to be connected to the Building Sewer except where it can be shown to the satisfaction of the Borough that the connection is necessary for sewage conveyance purposes.

A permit shall be obtained from the Borough before any floor drain may be attached to the Building Sewer drainage system.

No permit for a basement floor drain shall be granted until the Owner of the building or his agent has executed, signed, and filed with Borough a written statement releasing the Borough from any damage or personal injury that may result.

Section 412. Cleanouts. Generally, cleanouts shall be provided in each Building Sewer and at intervals to permit complete rodding with a 100-foot long auger or tape. Cleanouts shall be constructed by using a "Y" fitting in the run of pipe with a 45-degree bend and riser to the ground surface. The riser pipe must be provided with a standard 4-inch screw-type ferrule and plug.

Section 413. Special Conditions. Wherever in the opinion of the Borough the trenching conditions require either specific type of pipe jointing material or encasement in a concrete, such materials, as it may direct, shall be installed to protect the property owner and/or the Borough for special conditions as follows:

1. Where the trench is over twelve feet (12') deep, extra strength PVC pipe or Class 3300 A.C. Pipe or cast iron pipe or Schedule 80 PVC or SDR-35 pipe shall be used.
2. Where the trench is less than four feet (4') deep in a traveled roadway, special bedding consisting of crushed stone or concrete cradle, as directed by the Borough, shall be used.
3. Where lines are laid in fill, Extra Heavy Cast Iron Soil Pipe with lead joints are neoprene rubber gaskets may be used.
4. Where foundation conditions are poor due to ground-water or subsurface materials, a bedding of Pennsylvania Department of Transportation No. 2B crushed stone at least six inches (6") in depth shall be installed beneath the pipe.
5. Where rock is encountered, the trench shall be excavated to a depth of four (4) inches below the bottom of the pipe and the trench refilled to the grade line within clean earth or crushed stone.

In cases where the sewer will be deeper than 5 feet below adjacent ground, the property owners plumber/contractor must comply with applicable Local, State and Federal regulations pursuant to safety and the sheeting and shoring of trenches. Safety precautions are the sole responsibility of the property owner and his plumber/contractor.

Section 414. A Building Sewer may be provided with a horizontal trap, known as a house trap, of not less than four (4) inches inside diameter. Such trap shall be provided with a vent and cleanout openings, each to be at a level of at least equal to the finished grade level and to be provided with bent cowls. Lines from such trap to such finished grade level shall be of the same size and material as the Building Sewer.

Section 415. The house trap described under Section 414 shall be located at a point approved by the Borough Inspector in accordance with rules and regulations applicable thereto as adopted by this Borough. Such trap and its vent shall be on the property side of the curb.

Section 416. The slope or grade of a Building Sewer, when the inside diameter is four (4) inches or more, shall be no less than one-quarter ($1/4$) inch per foot of length and shall be downward in the direction of flow; provided, however, that when a commercial or industrial establishment requires a building sewer with an inside diameter of six (6) inches or more, the slope shall be no less than one-eighth ($1/8$) inch per foot of length. When physically required in order to connect with the Sewer Lateral, the slope of the Building Sewer may be reduced to one-eighth ($1/8$) inch per foot but only with the permission of this Borough.

Section 417. This Borough shall observe all testing of a Building Sewer. All equipment and material required for testing shall be furnished by the Owner of the Improved Property to be connected to a Sewer.

In the event that a Building Sewer is not approved by this Borough, further test or test shall be made following completion of necessary corrections. A fee of \$ 30.00 will be charged by the Borough for observation of each test subsequent to the initial test.

Section 418. No Building Sewer shall be covered until it has been inspected, tested, as provided in Section 417, and approved. If any part of a Building Sewer is covered before so being inspected, tested, and accepted, it shall be uncovered for inspection and testing at the cost and expense of the Owner of the Improved Property.

Section 419. Every Building Sewer shall be tested by filling the same with water, completely, so that every section shall be tested with not less than a ten (10) foot head of water. Water shall be kept in the Building Sewer for fifteen (15) minutes before inspection starts and no leakage shall be observable at the time of inspection.

Upon approval of the test of a Building Sewer by this Borough, a certificate of approval will be issued to the Owner of the Improved Property to be connected to a Sewer.

Section 420. Whenever this Borough has reason to believe any Building Sewer has become defective, such Building Sewer shall be subject to test and inspection. Defects found upon such test and inspection shall be corrected as required by this Borough, in writing, at the cost and expense of the Owner of the Improved Property served through such Building Sewer.

Section 421. Every Building Sewer of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

Section 422. Every excavation for a Building Sewer shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Streets, sidewalks, and other public property disturbed in the course of installation of a Building Sewer shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to the Borough.

Section 423. Street Opening Permits and Restoration of Surface. Whenever the surface of any public street, sidewalk, or cartway is disturbed by construction of the Building Sewer, the surface restoration shall be restored in kind, unless specified otherwise by the Borough. Any and all construction in a public Borough street shall be conducted in strict conformance with applicable Borough Ordinances. For work within State Highways, all construction shall be completed in strict conformance with the Pennsylvania Department of Transportation Regulations governing the work. All necessary Permits shall be obtained by the property owner prior to commencement of construction, including any Permits required for opening or disturbing the street surface. For work within Borough rights-of-way, the Permit must be secured from the Borough. For work within State Road rights-of-way, the property owner shall secure the Permit from Penn Dot and pay all costs in connection therewith, including engineering, fees, legal, construction, etc. In event Penn Dot requires the Permit in the name of the Borough, the property owner or developer shall enter into an agreement with the Borough to pay all expenses of the Borough in connection therewith, including but not limited to legal, administrative, inspection, engineering, posting of required bonds and warranties, etc. The property owner shall provide all required engineering, bonds, etc., as may be required. In addition, the property owner will provide the Borough an irrevocable letter of credit in the amount of 110% of the Borough's estimate of expenses including but not limited to legal, administrative, inspection, and engineering. The amount of expenses will be documented by the Borough and shall be paid for by the property owner/developer within 30 days of receipt of the invoice. The Agreement will be prepared by the Borough Solicitor. Once the Permit is secured, the property owner/developer will secure a Penn Dot approved contractor to complete all work in conformance with the Permit conditions. All construction costs shall be borne fully by the property owner/developer.

Section 424. The construction of Building Sewers shall, at all times, be subject to supervision and inspection by this Borough or its representative and shall conform to these specifications. The Building Sewer shall not be covered until permitted by this Borough and all backfilling of trenches shall be performed only upon supervision of the Borough inspector. Select backfill shall be thoroughly compacted by tamping in six (6) inch layers to a minimum height of 12 inches above the top of the pipe to at least 98% of the materials dry weight density (100% in State Roads).

Section 425. Connections with sewers that run through private property shall in all respect be governed by these rates, rules and regulations or subsequent revision.

Section 426. No roof drainage, cellar, surface water, waste from hydrants, or groundwater from underground drainage field shall be permitted to drain into the Sewer System. The Sewer System shall convey sanitary sewage and liquid waste only.

Section 427. The Borough shall have the right to close up or disconnect from the Sewer System any Service Lateral or Building Sewer used for carrying rain, cellar drainage, surface water, groundwater, or objectionable matter whenever any violations of these rules and regulations are committed.

Section 428. The Borough shall not be liable for any damage or expense resulting from leaks, stoppages, or defective plumbing or from any other cause occurring to any premises or within any house or building; and it is expressly stipulated by and between this Borough and the Owner that no claims shall be made against this Borough on account of the breaking or stoppage of, or any damage or expense to, any lateral, Building Sewer, or house connection when the cause thereof is found to be in the lateral, Building Sewer, or house connection.

Section 429. The Borough shall not be liable for a deficiency or failure of service when occasioned by emergency, required repairs, or failure from any cause beyond control. This Borough reserves the right to restrict the use of sewer service whenever the public welfare may require it. In consideration of the right to connect to the Sewer System, this Borough shall not be liable for any damage or expense resulting from leaks, stoppages, or defective plumbing or from any other cause occurring to any premises or within any building and it is hereby expressly agreed by all persons making connection with the Sewer System that no claims shall be made against this Borough or the Borough on account of the breaking or stoppage of, or any damage or expense to, any Service Lateral or Building Sewer where the cause thereof is found to be in such Service Lateral or Building Sewer.

ARTICLE V
PERSONS AUTHORIZED TO DO WORK
RELATING TO CONNECTIONS

Section 501. Any person desiring to do plumbing work upon any building Sewer for any Improved Property shall obtain from the Borough a permit authorizing such individual to engage in such plumbing work. Such permits shall be issued on a calendar year basis. A fee of Fifty Dollars (\$50.00) shall be charged for issuance of each permit. Such permits shall be issued to such individuals who have demonstrated by past performance to the satisfaction of the Borough that they are qualified and capable of performing plumbing work in accordance with good plumbing practice and shall be revocable by this Borough for negligent or willful failure to comply with these Rates, Rules and Regulations. Such permits shall be reissued from calendar year by appropriate endorsement of this Borough or by issuance of a new permit, at the discretion of this Borough upon payment of the required fee. Owners, their agents, employees or independent contractors may do ditch preparation work independently of the plumbing work involved upon receipt of a permit from the Borough and subject to compliance with these regulations and inspection requirements.

Section 502. Any individual not possessing a permit as required under Section 501 shall not perform any plumbing work upon any Building Sewer.

Section 503. The Borough reserves the right to revoke any permits issued under this Article for just cause; such notice of revocation to be given in writing to their permit holder, stating the reasons for the action.

ARTICLE VI
RESERVATIONS

Section 601. If any Person shall fail or refuse upon receipt of a notice of this Borough, in writing, to remedy any unsatisfactory condition with respect to a Building Sewer, within sixty (60) 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.

Section 602. This Borough reserves the right to refuse to any Person the privilege of connection of any Improved Property to a Sewer, or to compel discontinuance of use of a Sewer by an Person or to compel the pretreatment of Industrial Wastes, in order to prevent discharge into the Sewer System of wastes which may be deemed by this Borough to be harmful to the Sewer System or to have a deleterious effect on the sewage treatment process.

Section 603. 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 part of these Rates, Rules and Regulations.

ARTICLE VII
CONNECTION FEE

Section 701. There is hereby imposed a connection fee for each connection to be made to the Sewer System, which fee shall be payable upon application for permit to make the connection, and which fee shall be calculated by reference to the size of the building lateral so connected as follows:

1. For each improved property applying for a permit, the fee shall be \$44000.00 plus the direct and indirect costs to the Borough for any legal and administrative expenses.

Section 702. Existing or proposed sub-divisions connecting to the system must receive a permit from the Borough. This permit will be issued after the Borough has assured itself that the connection will be made properly. The cost for this permit shall be determined by multiplying \$ 400 .00 by the number of improved properties located in the sub-division at the time of application for the permit. All costs related to the connection shall be borne by the applicant, including construction, legal, administrative, etc.

Thereafter, each individual improved property will receive its permit based on the fee schedule set forth in Section 701 above. Any other costs associated hereto, as specified in Agreements between the Borough and the applicant, as specified in Section 423, shall be at the expense of the property owner, applicant, or developer.

ARTICLE VIII
SEWER RENTS AND CHARGES

Section 801. Sewer rents and charges are hereby established which shall be payable and collected from the Owner of each Connection Unit which is required to be connected to the Sewer System starting from a date 60 days after public notice is given that the Borough is prepared to accept wastewater from transportation to and treatment at the Sewage Treatment Plant.

Section 802. There is hereby imposed upon the Owners and upon the Users of each property in the Borough served by the facilities, for the use thereof, an annual rent, to be computed and payable quarterly in accordance with the following Sections of this Article. No free service shall be rendered to any user whatsoever.

Section 803. Sanitary Sewer Rentals.

1. The sewer rent in respect of all properties in the Township served by the Sewer System (other than those for which the rent is computed as provided in Sub-Section 2 of this Section) shall be computed on a flat rate basis at the rate of ____ .00 quarter year per Sewer Rental Unit or Equivalent Dwelling Unit which shall be computed in accordance with the following table:

Classifications	Units
A Single family dwelling	1
Each family apartment or business suite in a multiple dwelling or office building	1
Each half of a double house	1
Each barroom, beauty parlor, food market, service station, garage, funeral parlor doctor's or dentist office	1
Each church or fire company or similar charitable organization	1
Each restaurant or boarding house of 30 seats or less	2
Each additional 15 seats or portion thereof	1
Each motel or hotel of 50 beds or less	2
Each additional 25 beds or portion thereof	1
Each nursing home, institution or hospital housing 3 beds or less	1

Each additional 3 beds or portion thereof 1

Each commercial and industrial establishment or professional office not otherwise classified which does not discharge an Industrial Waste regularly occupied during business hours by less than 10 persons. 1

For each 10 additional persons or portion thereof in regular occupancy during business hours. 1

Each school and/or day care center regularly occupied during school hours by 18 persons or less. 1

For additional 18 persons or portion thereof 1

For the purpose of computing school and day care center occupancy, the number of pupils to be included for each school year shall be the number enrolled in the school on October 1st.

The Borough reserves the right to change equivalency values from time to time to add or delete property classifications and, in cases of dispute, to determine the proper classifications of any property. In the event that the Borough is not provided upon request with accurate information, including supporting documents, necessary in order to determine a user's classifications or rate hereunder, the Borough's estimate or determination shall be conclusive.

2. If two or more dwellings, apartments, stores, commercial or industrial establishments are connected to the Sewer System through a single lateral, or if two or more families use separate cooking and/or toilet facilities in a single dwelling, the sewer rent payable under Section 1 shall be computed as though each such dwelling, apartment or small unmetered commercial establishment and each such family were a separate property or user with a separate connection to such Sewer System.
3. The Sewer rent in respect of non-residential properties upon application to the Borough may be computed by meter on the basis of gallonage of discharge, per quarter-year or monthly, as the Borough may determine, at the rates outlined in Section 804, but in no case will the minimum charge be less than \$95.00 per quarter.

Section 804. Industrial Waste Charges. The Owner of each factory or similar industrial establishment which shall discharge Industrial Waste into the Sewer Systems shall pay

each quarter, a minimum charge of ____ .00 per quarter or the charges based on measured volume of discharge as set forth below which ever shall be the greater.

First 15,000 gallons per quarter	_____	per 1,000 gal.
Next 35,000 gallons per quarter	_____	per 1,000 gal.
First 50,000 gallons/quarter	_____	/1,000 gallons
Next 150,000 gallons/quarter	_____	/1,000 gallons
All Additional gallons/quarter	_____	/1,000 gallons

(This Section is being reserved pending recommendations from the Borough Engineer.)

Where applicable, the industrial waste surcharge in Section 806, will be applied.

When, in the opinion of the Borough, a Connection Unit shall discharge excessively large volumes of Sanitary Sewage into the Sewer System, the Borough may, at its option, apply the above metered rates to such Connection Unit in the place of the flat rate.

Section 805. Time and Method of Payment--Interest. The flat-rate sewer rents imposed by Section 803 shall be payable quarterly in advance and rent for each quarter shall be billed and payable on a cycle or staggered basis on a quarter shall be billed and payable on a cycle or staggered basis on a quarter annual date for each Owner or User as determined by the Borough. Rent for the quarter in which the connection is made shall be prorated, and shall be billed in conjunction with the next regular quarterly billing or by special billing as the official responsible for billing may elect.

The water-usage sewer rents imposed by Section 804 shall be payable quarterly in advance and rent for each quarter shall be billed and payable on a cycle or staggered basis on a quarter annual date for each Owner or User as determined by the Borough. Rent for the quarter in which the connection is made shall be prorated, and shall be billed in conjunction with the next regular quarterly billing or by special billing as the official responsible for billing may elect.

The water-usage sewer rents imposed by Section 804 shall be payable upon billing and shall be billed and payable on a quarterly or monthly basis, as the Borough may determine. The respective dates of quarterly or monthly meter reading and billing, as the case may be, in respect of the several properties subject to such a sewer rents shall be established by the Borough or their representatives and may be on a cycle or staggered basis. The first such reading and billing in respect of each such property may be based upon such time period not exceeding three months as the Borough may determine, with appropriate proration of the rent in respect of any such periods which vary from an exact quarter year.

Bills for sewer rent shall be mailed to the address of the record Owner of the Unit unless and until a different address is specified by the Owner or User of the property to the Borough. Failure to receive a bill as a result of incorrect address or otherwise shall not excuse non-payment or sewer rent or extend the time for payment.

In any quarterly installment of sewer rent is not paid within 30 days after the date of the bill, a 10 percent penalty shall be added thereto; and if the installment plus penalty is not paid within 60 days after the date of the bill, aggregate amount thereof shall bear interest from the penalty date at the rate of 1/2 of 1 percent per month or fraction thereof.

Section 806. Measuring Volume of Wastewater.

1. Method of Measuring Volume.

- a. It shall be the responsibility of the Owner of an industrial, commercial, or institutional property or if the Borough shall so decide it may be the responsibility of the Borough to so measure the flow of water to the said facility and/or the flow of Industrial Waste and/or Sanitary Sewage out of the said facility that the volume of Wastewater being discharged into the Sewer System may be determined with reasonable accuracy to the satisfaction of the Borough.
- b. If it is not practical in the opinion of the Borough, to so measure the volume of Wastewater being discharged into the Sewer System, then the Borough shall, in such manner and by such method as it may prescribe, estimate such volume which estimate shall be final for the then current fiscal year of the Borough.

2. Measuring Devices.

- a. Meters or other measuring devices required to comply with the above provisions shall be furnished, installed, repaired and maintained by the Owner at his expense and shall be accessible to the Borough at all reasonable times for testing, inspection or repair. Should the Owner fail, after notice, to keep required meters in good operation condition, the Borough may make replacements and repairs 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 and charges.

3. Meter Readings.

The Borough 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.

Section 808. Unpaid Claims--Liens. Any unpaid sewer rent (together with penalties and interest therein to the extent permitted by law) shall be a lien on the property served which may be collected by action in assumpsit, by distress or by a lien filed in the nature of a municipal claim, as and to the extent provided by law. In addition, the Borough, may require any water utility to shut off the water supply to any property with respect to which the sewer rent imposed hereby is unpaid until all such sewer rent, together with interest and penalties as aforesaid, is paid.

ARTICLE IX
INDUSTRIAL WASTES AND PROHIBITED WASTES

Section 901. Admission of Industrial Wastes into the Sewer System.

1. Approval Required for Industrial Wastes.

Industrial Wastes may be discharged into the Sewer System, but only upon prior written permit issued by the Borough. Application for any such permit shall be accompanied by such information, relating to the nature or character of the Industrial Waste proposed to be discharged or otherwise, including without limitation a detailed engineering report in respect thereof or an Industrial Wastes Questionnaire prepared by a registered engineer or engineering firm, as the Borough may reasonably require. Any permit issued under this Section may be conditioned upon compliance with such reasonable restrictions as the Borough may impose. No permit for the discharge of Industrial wastes issued under this Section shall be deemed to give any right to the applicant to continue such use and any such permit may be revoked by the Borough at any time.

2. Preliminary Treatment and Handling of Industrial Wastes.

Whenever necessary, in the opinion of this Borough, the Owner of Improved Property shall provide, at his expense, such facilities for preliminary treatment and handling of Industrial Wastes as may be necessary to:

- a. Reduce BOD to two hundred and fifty (250) ppm and Suspended Solids to three hundred (300) ppm by weight; or
- b. Reduce objectionable characteristics or constituents to come within the maximum limits permitted in these Rate, Rules and Regulations; or
- c. Control the quantities and rates of discharge over a twenty four (24) hour day and a seven (7) day week.

Section 902. Prohibited Wastes. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial or unpolluted commercial process water into any Sewer.

Except as otherwise provided in these Rates, Rules and Regulations, no person shall discharge or cause to be discharged and of the following described wastes or waters into the Sewer System:

1. Having a temperature of higher than 150 degree F;
2. Containing more than 120 parts per million by weight of tar, oil and/or grease;
3. Containing any gasoline, benzine, naphtha, fuel, oil or other flammable or explosive liquids, solids, or gases;
4. Containing any garbage which has not been ground by a household type or other suitable garbage grinder;
5. Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, cotton, wool or other solid or viscous substances capable of causing interference with proper operation of the Sewer System;
6. Having a PH lower than 6.0 or higher than 9.0 or having any other corrosive property causing damage or hazards to structures, equipment or operating personnel of the Sewer System;
7. Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage or sludge treatment process, constitute hazards to humans or create any hazard in operation of the Sewer system. Toxic wastes shall include, but not by way of limitation, wastes containing cyanide, chromium and/or copper ions;
8. Containing noxious or malodorous gases or substances capable of creating a public nuisance;
9. Any water or waste containing Suspended Solids of such character and quantity that unusual attention or expense shall be required to handle such Water or Waste at the Sewage Treatment Plant;
10. Any toxic radioactive isotopes, except by special permission of this Borough; or

11. Any drainage from building construction.

Gas Stations and garages may be required to provide oil interceptors of the types Series GA, GX, GWC, GRC of Josam Manufacturing Company, Michigan Borough, Indiana, or equivalent, in the proper location, where the dangerous liquids are to be intercepted.

Restaurants or other Commercial Establishments as directed may be required to provide grease interceptors of the type Series J of the Josam Manufacturing Company or equivalent.

Nothing contained in this Section 902 shall be construed as prohibiting any special agreement or arrangement between this Borough and any Person whereby Industrial Wastes or Unusual strength or character may be admitted into the Sewer System by this Borough, either before or after this preliminary treatment.

Section 903. Regulations Governing Admission of Industrial Wastes into the Sewer System.

1. Control Manholes:

- a. 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.
- b. 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.

2. Grease, Oil and Sand Interceptors:

Grease, oil and sand interceptors shall be provided by the applicant when they are required by the Borough for the proper handling of liquid wastes containing grease in excessive amounts, or flammable wastes, sand or other harmful ingredients. All such interceptors shall be of a type and capacity approved by the Borough and shall be located as to be readily and easily accessible for cleaning and inspection. Where any such required facilities or interceptors are constructed, they shall be maintained continuously in satisfactory and effective operation by the applicant at his expense.

3. Sewage Sampling:

Industrial Wastes being discharged into the Sewer System shall be subject to periodic sampling, inspection and determination of character and concentration. Such sampling, inspection and determination shall be made by this Borough as frequently as may be deemed necessary and the cost for the analysis will be billed to the industry. Sewage sampling facilities shall be accessible to this Borough at all times. Due care shall be exercised in the collection and preservation thereof in as nearly the natural state as possible, including refrigeration of all samples which are intended for analysis by biochemical methods.

4. Analysis:

- a. This Borough shall be responsible for analysis of samples of Industrial Wastes.
- b. Laboratory methods used in the analysis of samples of Industrial Wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage" as published by the American Public Health Association; provided, however, that alternate methods for the analysis of Industrial Wastes may be used, subject to mutual agreement between this Borough and the Person discharging such Industrial Wastes into the Sewer System.

5. Changes in Type of Wastes:

Any Owner of an Improved Property who is discharging Industrial Wastes into the Sewer System and who contemplates a change in the method of operation which will alter the type of Industrial Wastes at the time being discharged into the Sewer System shall notify this Borough, in writing, at least ten (10) days prior to consummation of such changes.

Section 904. Slugs and Equalized Discharge. No person shall cause the discharge of Slugs of Water or Wastes. The borough may require, without limitation, the construction of flow equalization facilities to assure a uniform rate of discharge.

Section 905. Computation of Surcharge: The surcharge per person shall be determined as follows:

The excess pounds of 5-day biochemical oxygen demand (BOD), suspended solids (SS), and chlorine demand will be computed by multiplying the persons waste-water flow volume in million gallons per day by the constant 8.345 and then multiplying this product by the difference between the person's concentration of biochemical oxygen (BOD), suspended solids (SS), and chlorine demand in mg/L (parts per million by weight) and the "normal" concentration of 250 mg/L BOD, 200 mg/L SS, and 5 mg/L chlorine demand. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge listed in Section 906. This product will then be multiplied by the number of days in the billing period to determine the surcharge.

Section 906. Rates of Surcharge. The rates of surcharge for each of the aforementioned constituents shall be as follows:

- a. For biochemical oxygen demand (BOD), 0 cents per pound.
- b. For suspended solids (SS), 0 cents per pound.
- c. For chlorine requirement, 0 cents per pound.

Section 907. Discount for Off-Peak Discharge. when approved by the Borough in its absolute and sole discretion, a 30 percent discount from the rates listed in Section 703 will be given for discharge during the Off-Peak hours from approximately midnight to six (6) a.m., depending upon location. The Industrial Discharger must provide the necessary facilities and controls to store the wastewater during the day and discharge only during the specified Off-Peak (night-time) hours. This discount is offered to encourage the use of the full capacity of the treatment plant during the Off-Peak hours and will be offered only until this unused capacity is committed.

Section 908. Revision of Rates. The rates of surcharge shall be reviewed periodically by the Borough in order to determine whether they are sufficient to defray the fixed charges, amortization costs, and annual cost of operation as determined from the sewage treatment plant records. If the difference between the revenue derived from the rates of surcharge and the total annual cost is sufficient to justify an increase or decrease in the rates the Borough shall make the appropriate change.

ARTICLE X
HOUSING DEVELOPMENTS AND REAL ESTATE SUBDIVISIONS

Section 1001. Construction of Extensions. In cases where a builder or developer desires or is required by local Ordinance to install Collection Sewers, Service Laterals, and Building Sewers to every housing unit within a housing development prior to their individual sale, he may do so upon meeting all conditions as set forth in this paragraph and in other sections of these rates, rules and regulations. Plot plans for such a development must be submitted to the Borough for approval prior to any construction. Sewer plans conforming to all original specifications established by the Borough, as to type of pipe, location of mains, size of pipe, grades, all necessary appurtenances will be prepared by the Borough's Engineer prior to approval from the necessary State agencies. The engineering fees and charges for permits shall be paid by the builder or developer to the Borough. In no case will lesser standards than exist in the presently constructed Sewer System and as outlined in these rates, rules and regulations be permitted for any future extensions may be constructed by and at the expense of the builder or developer, but only under the inspection of an inspector designated by the Borough and/or its Engineer. The cost of such inspections, including salaries and expenses, shall be borne by the builder or developer making the extensions.

In addition to the above, the developer or builder shall provide a duly executed Maintenance Bond in the amount of 100 percent of the Construction Costs as security for the maintenance of the work described in the approved plans and specifications for a period of one (1) year from the date of acceptance of said work, and having as surety each surety company or companies as are acceptable to the Borough.

Upon completion of Sewer System for a housing development or subdivision and following formal acceptance by the Borough, the ownership of said Sewer System shall be deeded to the Borough, after which time the Borough will assume all maintenance and operation of said System except that maintenance which is specifically excluded at the time of acceptance.

ARTICLE XI
MISCELLANEOUS

Section 1101. Access. This Borough shall have the right of access at reasonable times to any part of any Improved property served by the Sewer System as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by this Borough through the Sewer System.

Section 1102. Additional Rules and Regulations. This Borough reserves the right to amend these Rates, Rules and Regulations or to adopt additional Rates, Rules and Regulations from time to time as it shall deem necessary and proper in connection with the use and operation of the Sewer System or as may be required to meet necessary costs and expenses or in order to comply with the covenants of the Borough with the holders from time to time of its Sewer Revenue Bonds.

Section 1103. Variance from Rules. No officer or employee of the Borough is authorized to vary these Rules without action by the Borough.

Section 1104. Control of Service. The Borough shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs, or failure from any cause beyond control. The Borough reserves the right to restrict the use of sewer service whenever the public welfare may require it.

Section 1105. Vacating Premises. When premises are vacated, the Property Owner must give notice at the Office of the Borough and he will be responsible for the sewage charges until such notice is given.

Section 1106. Notice of Change of Ownership. Each Property Owner must give the Borough or his authorized representative, written notice of any change of Ownership of any Improved Property.

Section 1107. Abatement from Bills. An Owner desiring an abatement from sewage bills shall report same in writing or call in person at the office of the Borough. All vacancies shall date from the day reported at the office of the Borough. When vacancy is properly reported an allowance will be made for the period of vacancy, but not for a period of less than 90 consecutive days.

Section 1108. Construction and Severability. In the event that any provision, section, sentence, clause or part of these Rates, Rules and Regulations shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of these Rates, Rules and Regulations, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE XII
ENFORCEMENT

SECTION 1201. Any person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense upon summary conviction for each subsequent offense, to a fine of not less than \$100 nor more than \$300, 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.

SECTION 1202. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE XIII
EFFECTIVE DATE

SECTION 1301. This Ordinance shall become effective in accordance with laws.

ARTICLE XIV
SEVERABILITY

SECTION 1402. In the event that any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE XV
DECLARATION OF PURPOSE

SECTION 1501. It is declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this Borough.

ARTICLE XVI
REPEALER

SECTION 1601. All Ordinances or parts of Ordinances inconsistent herewith expressly are repealed.

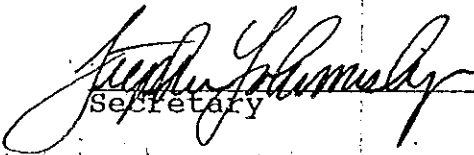
ARTICLE XVII
COVENANTS OF BOROUGH

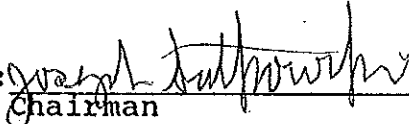
SECTION 1701. The Borough does hereby agree and covenant to keep this Ordinance or a subsequent similar Ordinance requiring such connections in full force and effect continuously during the time the Borough owns and operates the sewer system and to enforce the same as may be permitted by law.

DULY ENACTED AND ORDAINED this 9th day of July, 1992
~~1990~~, by the Council of Avoca Borough, Luzerne County
Pennsylvania, in lawful session duly assembled.

AVOCA BOROUGH
LUZERNE COUNTY, PENNSYLVANIA

ATTEST:


Secretary

BY: 
Chairman

(SEAL)