

TITLE FIVE - Sewers

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ARTICLE 921

Sanitary Sewer Regulations

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CROSS REFERENCES

- Tapping fee - See 3rd Class §3202 (53 P.S. §38202)
- Department of Public Works - See ADM. Art. 107
- Sewer rental - See S.U. & P.S. Art. 927
- On-Site Sewerage Systems - See HLTH. Art. 1163
- Garbage disposals emptying into sewer system - See BLDG. Art. 1717
- Industrial pretreatment - See S.U. & P.S. Art. 923

921.01 DEFINITIONS.

The following words, terms and phrases when used in this Article shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning. These definitions are applicable to all Articles contained within Part Nine, Title Five of the Codified Ordinances.

(a) "Air Conditioning" means the cooling or dehumidification, or both, of space for human occupancy or for any environmentally controlled equipment.

(b) "Approving Authority" means the Director of the Department of Public Works.

(c) "Authorized Industrial Waste" means industrial waste proposed for discharge into a sanitary sewer or storm sewer which complies with all provisions of this Article reff. arding quantity and quality and which:

- (1) In the case of proposed discharge into a sanitary sewer, is approved by the approving authority; or
- (2) In the case of proposed discharge into a storm sewer, is approved by the Department of Environmental Resources, Commonwealth of Pennsylvania, and approved by the approving authority in writing.

(d) "Building Drain" means the sewer or sewers within a building used to convey sewage and/or industrial waste to building sewers or laterals, and in this Article shall relate to the point of connection to the building sewers or laterals.

(e) "Building Sewer or Lateral" means the extension of the building drain from the building to the public sewer or other place of disposal.

(f) "City" means the City of Bethlehem, Counties of Lehigh and Northampton, Pennsylvania.

(g) "Color" of an industrial waste means the color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

(h) "Water as a Direct Cooling Medium" means the use of water as a refrigerant.

(i) "Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

(j) "Ground Garbage" means solid waste that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than one-half inch in any dimension.

(k) "Hearing Board" means the board appointed according to provisions of Section 923.05.

(l) "Improved Property" means any property located within the corporate limits of the City upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure or structures sewage and/or industrial waste shall be, or may be, discharged, or any property outside the corporate limits of the City upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use of human beings or animals and from which structure sewage and/or industrial waste shall be, or may be, discharged and which wastes are accepted by the City into the City's sewerage system as it exists now or with any extensions or enlargements that may be made in the future at any time.

(m) "Water As An Indirect Cooling Medium" means the use of water to extract heat from a refrigerant in a water-cooled condensing unit.

(n) "Mg/l" means milligrams per liter.

(o) "Municipality" means any county, county authority, municipal authority, city, borough, town, township or school district.

(p) "Owner" means any person vested with ownership, legal or equitable, sole or partial, of any improved property.

(q) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural, where indicated by the context.

(r) "Premises Accessible to the Sewerage System" means any improved property when the public sewer abuts, bounds or is adjacent to such improved property.

(s) "Public sewer" means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority. It shall also include sewer within or without the City limits, which serve one or more persons and discharge

into the City sewerage system.

(t) "Refrigeration" means the preservation of food products, process work and the maintenance of storage temperature.

(u) "Sanitary Sewer" means a sewer which carries sewage and/or authorized industrial wastes and to which storm, surface and ground waters are not intentionally admitted.

(v) "Sewage" means any substance that contains any of the waste products or excretions or other discharge from the bodies of human beings or animals.

(w) "Sewerage System or Sewerage Facility" means all facilities owned and/or operated by the City, which are used for collecting, pumping, transporting, treating, and disposing of sewage and industrial waste.

(x) "Sewer" means a pipe conduit for carrying sewage, industrial waste or storm or surface water.

(y) The word "shall" is mandatory; "may" is permissive.

(z) "Slug" means any discharges of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flow, during normal operation.

(aa) "Suspended Solids" means solids that either float on the surface of or are in suspension of water, sewage or other liquids and which are removable by laboratory filtering.

(bb) "Twenty-four Hour Composite Wastewater Sample" means a sample which consists of twenty-four hourly wastewater samples collected over a twenty-four hour period with the sample volume proportioned according to the flow rate at the time of the sample. The cumulative sample shall be refrigerated.

(cc) "Toxic Substance" means any noxious and/or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, which injures or interferes with any sewage treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates a hazard in any sewerage system or in

the receiving waters of a sewage treatment plant.

(dd) "Waste Water Treatment Plant" means any arrangement of devices and structures used for treating sewage or authorized industrial waste.

(ee) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 2323 §1. Passed 10/3/72; Ord. 3027 §1. Passed 10/15/85.)

921.02 GENERAL SANITARY REGULATIONS.

(a) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(b) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(c) The owner of any premises in the City accessible to the sewerage system is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the sanitary sewer in accordance with the provisions of this Article, within ninety days after date of official notice to do so.

(d) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article and the requirements of the Building and Plumbing Codes.

(e) No person shall uncover, make any connections with or opening into, use, alter or disturb any sanitary public sewer or appurtenance thereof without first obtaining a written permit from the approving authority.

(f) A separate and independent sanitary sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the sanitary sewer from the front building may be extended to the rear building and the whole considered as one sanitary sewer for purposes of this Article, provided appropriate written agreement

therefore shall be made between the affected property owners. In the case where there are multiple dwellings on a single property owned by one owner or condominium association, sanitary sewer lines may be joined for one connection to the City sewer system if approved by the approving authority.

(g) Existing building sewers and laterals shall connect with new building sewers and drainage systems only when it is determined by the City Plumbing Inspector, through examination and testing, that the same conforms with this Article. No connection to the existing sewers and laterals shall be made without the prior approval of the City Plumbing Inspector. The equipment, materials, power, and labor necessary for the inspection, examination, and testing of the system, shall be furnished by the permit holder. (Ord. 4101. Passed 12/4/2001)

(h) The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing testing and backfilling the trench, shall all conform to the requirements of the Building Code and Plumbing Code and other applicable rules and regulations of the City. In the absence of Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manuals of Practice shall apply.

(i) Whenever possible, the building sewer shall be brought from the building at a depth below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Exceptions to this requirement shall be requested in writing and approved by the Plumbing Inspector.

(j) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a sanitary sewer, building drain, or building sewer which in turn is connected directly or indirectly to a public sanitary sewer.

(k) The connection of the building drain to the building sewer shall conform to the requirements of the Building Code and Plumbing Code with other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manuals of Practice. The connection of the building sewer to the public sanitary sewer shall conform to the applicable rules and regulations of the City or the procedures set forth in appropriate specifications

of the A.S.T.M. and W.P.C.F. Manuals of Practice. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved in writing by the approving authority before installation.

(1) When a public sanitary sewer becomes available, the building sewer shall be connected to the sewer within ninety days, but if the private sewage disposal system is declared a health hazard by the City's Health Officer, the building sewer shall be immediately connected to the public sanitary sewer. At the time of connection, the private sewage disposal system shall be cleaned of sludge and filled with approved material.

(m) The owner of any improved property shall maintain and repair the building drain and sanitary sewer lateral at his own expense, and shall remove all trees, tree roots and other obstructions to the building drain and sanitary sewer lateral. (Ord. 2323 §1. Passed 10/3/72.; Ord. 3027 §1. Passed 10/15/85.)

921.03 USE OF SANITARY SEWERS AND ADMISSION OF INDUSTRIAL WASTE.

(a) All sewage and authorized waste may be discharged into the sanitary sewage system except that which is deemed harmful to the system or is specifically prohibited by this Article.

(b) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water into any sanitary sewer. Where existing surface water or roof drains are connected to the sanitary sewerage system, they shall be removed within 60 days of receipt of a notice from the City to remove such connection. In the event that the connection is not removed at the end of the 60 day notice, the City shall have the right to remove the connection and bill the property owner accordingly.

(c) Except as otherwise provided in this Article and Article 923 (Disposal and Discharge of Industrial Waste), no person shall discharge or cause to be discharged into the sanitary sewerage system any matter or substance:

- (1) Heat in amounts producing interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40oC (104oF)

unless the Approval Authority, upon request of the POTW, approves alternate treatment limits. At no time shall a discharge to the POTW have a temperature higher than 150oF or less than 32oF. (Ord. 3304. Passed 12/5/89.)

- (2) Containing more than 100 mg/1 of mineral/petroleum oil and grease and 300 mg/1 of animal/vegetable oil and grease; (Ord. 3868. Passed 2/17/98.)
- (3) Containing any gasoline, benzine, naphtha, fuel oil, paint products, acid or other flammable or explosive liquids, solids or gases;
- (4) Containing unground garbage;
- (5) Containing any ashes, cinders, sand, mud, straw, shaving, metals, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bentonite, lye, building materials, rubber, hair, bones, leather, porcelain, china, ceramic wastes or other solid or viscous substances capable of causing obstruction or other interference with the operation of the sewage system;
- (6) No pollutant may be discharged into the sanitary sewer collection system to be treated at the POTW which will cause any damage to the collection system and the POTW, but in no case may the pollutants being discharged have a pH lower than 5.0 nor greater than 11.5. (Ord. 3304. Passed 12/5/89; Ord. 3868. Passed 2/17/98.)
- (7) Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of a sewage treatment plant of the sewerage system;

- (8) Containing noxious or malodorous gas or a substance which creates a public nuisance;
- (9) Containing dye from any source that will not have an effluent the equivalent of that produced by alum coagulation and chlorination to remove suspended or colloidal matter and bleach the dissolved dyes;
- (10) Containing radioactive substances and/or isotopes;
- (11) Containing wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically nonbiodegradeable complex carbon compounds;
- (12) Containing concentrations of anions, cations and other various objectionable substances that would make the City responsible for discharging such substances in excess of that amount permitted in the allocated portion of the critical flow of the receiving stream as determined by the Pennsylvania Department of Environmental Resources.

[Note: Former (8) Deleted by Ord. 3304-Passed 12/5/89.]

(d) If any waters or wastes are discharged, or are proposed to be discharged into the sewerage system, which waters contain the substances or possess the characteristics enumerated in this section, and which in the judgment of the approving authority may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the approving authority may:

- (1) Reject the waste;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers (refer to Article 923, Disposal and Discharge of Industrial Waste);
- (3) Require control over the quantities and rates of discharge, and/or;
- (4) Require additional payment to the City for the added cost

of handling and treating the wastes, under the provisions of subsection (e) hereof;

- (5) Require immediate discontinuance of the waste discharge until such time as it meets the requirements of this section.

If the approving authority permits the pretreatment (Article 923) or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and acceptance of the approving authority and also subject to the requirements of all applicable codes, ordinances, laws and regulations.

(e) Nothing contained in this section shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby industrial waste of unusual strength or character may be admitted into the sewerage system by the City, subject to payment therefore by such person, or by proper continuous pretreatment (Article 923) prior to discharge into the sewerage system.

(f) Grease, oil and sand interceptors or traps shall be provided where, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and/or other harmful ingredients. All interceptors shall be of a type and capacity acceptable to the approving authority and shall be located as to be readily and easily accessible for cleaning and inspection.

(g) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense and shall be accessible to the City for inspection and testing. (Ord. 2323 §3. Passed 10/3/72; Ord. 2363 §1. Passed 3/6/73; Ord. 3027 §1. Passed 10/15/85.)

921.04 PERMITS.

(a) There shall be two classes of building sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial wastes.

In either case, the property owner or his agent shall make application to the

Department of Public Works, on a special form supplied for that specific purpose. A permit and inspection fee of fifty dollars (\$50.00) for each class of building sewer permit shall be paid to the City at the time the application is filed. The permit application may be required to be supplemented by any plans, specifications or other information considered pertinent in the judgment of the approving authority. Permit fees for excavating in the street or sidewalk area remain in force and shall be paid in addition to the building sewer permit. Other plumbing permits applicable to the residence or building shall be obtained from the Building and Plumbing Inspector's Office. A Sewer Connection Charge of one hundred dollars (\$100.00) shall be paid in those cases where a sewer assessment has not been paid or exonerated. (Ord. 3297. Passed 11/21/89; Ord. 4098. Passed 11/20/01.)

(b) A permit must be obtained prior to the installation of a private sewage disposal system, or prior to making or changing a residential or commercial connection to the sewerage system, or prior to making an industrial connection, or continuing an industrial discharge into an existing connection to the sewerage system. Industrial waste permit applications shall contain all pertinent data including but not limited to estimated quantity of flow, character of waste, maximum rate of discharge and proposed pretreatment facilities. Industrial pretreatment requirements are covered by Article 923.

(c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the sanitary sewer.

(d) The applicant for the sanitary sewer permit shall notify the City Plumbing Inspector when the building sewer is ready for inspection to the lateral at the curb line. When the connection is made to the public sewer, within the street right-of-way or easement, the Department of Public Works shall be notified twenty-four hours before starting work. (Ord. 2323 §5. Passed 10/3/72; Ord. 3027 §1. Passed 10/15/85.)

921.05 DRAINAGE OF SWIMMING POOLS.

Drain lines from all swimming pools shall be connected or discharged to the storm sewer system where available. Where no storm sewer waterways are available, the pool drain may be connected to the sanitary sewerage system subject to approval by the Department of Public Works.

Filter backwash lines shall be connected directly to the sanitary sewerage system as follows:

(a) Sand filter backwash shall be connected directly to the sanitary sewer.

(b) Diatomaceous earth filter backwash shall be connected to the sanitary sewer through settling tanks with four months storage capacity, which tanks shall be readily accessible for removing solid waste for disposal. (Ord. 3027 §1. Passed 10/15/85; (Ord. 3027 §1. Passed 10/15/85.)

921.06 DRAINAGE OF AIR CONDITIONING OR REFRIGERATION EQUIPMENT.

Drainage of air conditioning or refrigeration equipment shall be in accordance with the provisions of Article 915 of these Codified Ordinances. (Ord. 2323 §9. Passed 10/3/72; Ord. 3027 §1. Passed 10/15/85.)

921.07 HEARING BOARD.

The Hearing Board, as established by 923.05 (e), shall arbitrate the differences between the approving authority and owners of any improved property on matters concerning interpretation and execution of the provisions of this Article by the approving authority. Cost of arbitration shall be borne by the person requesting arbitration. (Ord. 3027 §1. Passed 10/15/85.)

921.08 CITY TAPPING FEE

(a) The duly adopted fee schedule for tapping fees as that term is defined by the Pennsylvania Municipal Authority's Act to be charged by the City to owners of improved property who desire to or are required to connect to the City's sewer system is as follows:

- (1) A tapping fee of \$2,527.00 per equivalent dwelling unit (EDU)
- (2) For purposes of this ordinance, an equivalent dwelling unit (EDU) shall be equivalent to the amount of waste water discharged from a single, one family residence consistent with Chapter 73 of Title 25 of the Pennsylvania Code.

- (3) The above tapping fee includes and is comprised of a capacity part of \$1,418.00 and a collection part of \$1,109.00.
 - a. For residential properties the fee is calculated as follows:
1 EDU = 225 gpd or (90 gpcd x 2.5/c).
 - b. Tapping fees for bulk users such as industrial, commercial or any other zoning designation shall be calculated by dividing the requested allocation by 225 gpd and multiplying the result by \$2,527.00.
- (4) The Tapping Fee described in subsection (1) shall be paid at or before the earlier of the date that the Owner obtains an allocation of additional capacity in the Sewer System, or –
 - a. the time the Owner or his agents obtains a building permit, if a building permit is required in connection with the circumstances under which the Tapping Fee is imposed;
 - b. the time the Owner or his agents obtains a zoning permit, if a building permit is not required but a zoning permit is required in connection with the circumstances under which the Tapping Fee is imposed;
 - c. at or before the time the Owner or his agents completes his improvements, alterations, extensions, or modifications, or establishes his new use, or intensifies his existing use, if neither a building permit nor a zoning permit is required in connection with the circumstances under which the Tapping Fee is imposed;
 - d. immediately upon demand by the City, if a building permit or zoning permit is required but not obtained, and activity which would have to be authorized by a valid building permit or zoning permit is undertaken.

(b) The Owner of each Improved Property which is connected to the Sewer System shall pay a Tapping Fee to the City, in the amount specified under Section (a)(3) whenever the use of the Improved Property is to be changed, intensified, or

improvements, alterations, extensions, or modifications are to be constructed or made on the Improved Property, unless the EDU for the Improved Property as of the date the new use intended for the Improved Property is established, the date the existing use of the Improved Property is intensified, or the date the improvements, alterations, extensions, or modifications contemplated for the Improved Property are completed, is less than or equal to the EDU assigned to the Improved Property at the time the most recent Tapping Fee was paid.

(c) The Owner of each Improved Property which is connected to the Sewer System shall pay a Tapping Fee to the City, in the amount specified under Section (a)(3) whenever the City shall reasonably determine, based on actual data that the EDU for the Improved Property is more than one hundred and twenty-five percent (125%) of the total EDU for which a Tapping Fee has been paid with respect to the Improved Property.

- (1) The Tapping Fee described in subsection (c) shall be paid within thirty (30) days after demand by the City.
- (2) For purposes of this Section, all Improved Properties connected to the Sewer System on the effective date of this Ordinance shall be deemed to have paid a Tapping fee on the date of this Ordinance (although no such fee is due) based on the EDU for each given Improved Property as of the date of this Ordinance.

(d) Any person connecting any improved property with any part of the Sewer System must first make application for and secure a permit, in writing, from the City, as provided for by ordinance of the City. Such application shall be made on a form to be provided by the City.

(e) The Tapping fees paid under this Ordinance shall not be refundable in whole or in part in the event that the quantity of wastewater used by an Improved Property should be reduced and/or should be lower than estimated. The Tapping fees are paid for the right, under ordinary conditions to use wastewater capacity in mains and at the treatment facility. No refund is justified under any circumstances.

(f) The Director of Public Works shall waive these fees for any residential units that utilize any federal, state, or local public funds, tax credits, or other similar financial programs in which the owner agrees to keep the housing units affordable for low and moderate income residents based on the affordability guidelines in the

specific program or programs used in financing the housing units. Financing programs would include but not be limited to the use of Federal Community Development Block Grant (CDBG) and HOME Investment Partnership funds, Pennsylvania Housing Finance Agency tax credit or other financing programs, programs using public housing funding, local or county affordable housing trust fund projects, or programs using funding provided for low and moderate income housing by foundations or not-for-profit organizations. The specific term of affordability would be established under the terms of the individual program or programs used in the financing of the units.

(g) All provisions of any City Ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

(h) This Ordinance shall be effective for all persons who obtain a permit to connect to the System, or who require or use additional System capacity, after the date of this Ordinance.

(Ord. 4342. Passed 10/4/05.)

921.09 CONSTRUCTION AND SEVERABILITY.

In the event any provision, section, sentence, clause or part of this Article shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this Article, it being the intent of the City that such remainder shall remain in full force and effect. (Ord. 2323 §13. Passed 10/3/72; Ord. 3027 §1. Passed 10/15/85.)

921.99 PENALTY.

(a) Any person who violates any provision of this Article shall be subject to the following penalties:

(1) First violation - A fine of \$200.00, or thirty days imprisonment, or both;

(2) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;

(3) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both. (Ord. 3027. Passed 10/15/85; Ord. 3242-Passed 2/7/89)

(b) This Article and the foregoing penalties shall not be construed to limit or deny the right of the City or any person to such equitable or other remedies as may otherwise be available with or without process of law, including payment of damages to the City by any person causing damage or injury to the sewerage system. (Ord. 2323 §11. Passed 10/3/72.)