# Beech Creek Borough Authority

Rules and Regulations

WHEREAS, the present rules and regulations governing the operation of the Beech Creek Borough Authority sewer system do not adequately cover all aspects of sanitary sewage collection within the Borough.

NOW THEREFORE, BE IT RESOLVED, and it is hereby enacted by the Beech Creek Borough Authority, as follows:

# ARTICLE 1. DEFINITIONS

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

**Applicant** shall mean a Person who applies to become a customer of the Authority in accordance with Article 3 of this Ordinance. A Person shall not be eligible to be a customer unless the person is an Owner or occupies the property to be served under a written lease of at least twelve (12) months.

**Ammonia Nitrogen as N** shall mean ammonia nitrogen as determined pursuant to the procedure set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by American Public Health Association.

**Authority** shall mean the Beech Creek Borough Authority, an incorporated authority established under the Pennsylvania Municipal Authorities Act of 1945 as amended (P.L.382, No.164).

**Borough** shall mean the Borough of Beech Creek, a incorporated Borough under the Pennsylvania Borough Code (Act of Feb 1 (1966) 1965, P.L. 1656, No. 581, as amended.)

**B.O.D. (Biochemical Oxygen Demand)** shall mean the quantity of oxygen, expressed in ppm by weight, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees (20°) Centigrade. The standard laboratory procedure shall be that found in the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association.

**Bona Fide, Prospective Customer** shall mean any Owner or lessee who is or will be occupant of an existing premise, owned or leased by him, which premise has a curb line abutting on that part of a street or highway in which there is or is to be located a Sewer and which premise will receive service to begin immediately following installation of the Sewer and Lateral.

**Building Sewer** shall mean that part of the main building or house drain or sewer line inside the walls of the building and extending through the walls to a point a maximum of two (2’) feet outside the wall connecting to the Service Line.

**Cellar Drain** shall mean a floor drain for the purpose of carrying off spent waters from the basement of a dwelling, factory, laboratory, workshop, or other building.

**Commercial Establishment** shall mean any room, group of rooms, building or enclosure, or group thereof, connected, directly or indirectly, to the Sewer System and used or intended for use in the operation of a business enterprise for the sale and distribution of any project, commodity, article or service, which maintains separate toilet, sink, or other plumbing facilities in the room or group of which rooms utilized for such business enterprise.

**Commonwealth** shall mean the Commonwealth of Pennsylvania.

**Connection** shall mean the jointure, or the process of making the jointure, of the Service Line with the Lateral Sewer.

**Construction Drawings** shall mean drawings prepared by a design professional, which have been submitted to the Authority for and have received approval by Authority and all other applicable regulatory agencies, for construction. (see also Design Drawings and Record Drawings)

**Contractor** shall mean the individual or organization who undertakes, for a stated price, to supply goods or to perform construction services or other project for the Owner.

**Curb Line** is a theoretical line running parallel to the road centerline, located no less than three (3) feet and no more than six (6) feet from the edge of the asphalt cartway, or the back of the curb where curbing exists, of any Borough road, alley or street.

**Customer** shall mean the individual or organization who ultimately agrees to pay the Authority, for sanitary sewer services, including conveyance and treatment, under the rate schedules currently in effect and as amended in the future, until notice is given to discontinue service.

**Deformation or Deformed** shall refer to any change in the shape of a pipe, conduit or structure, from its original manufactured shape.

**DEP** shall mean the Pennsylvania Department of Environmental Protection.

**Design Drawings** shall mean drawings prepared by a design professional and submitted to the borough by the developer or his agent for approval. (See also Construction Drawings and Record Drawings.)

**Developer** shall mean any owner, promoter, broker, builder, or contractor or similar individual or entity engaged in the development or improvement of real estate or in the construction of residences, as opposed to a person who will occupy the subject property or premises at the time permanent sewer service is established.

**Dwelling Unit** shall mean any room, group of rooms, house trailer, apartment, condominium, cooperative or other enclosure connected, directly or indirectly, to the Sewer System and occupied or intended for occupancy as living quarters by an individual, a single family or other discrete group of persons, excluding institutional dormitories.

**EDU or Equivalent Dwelling Unit** shall mean the unit of measure by which the User Charge and the Tapping Fee shall be imposed upon each Improved Property, as determined by these Rules and Regulations established by the Authority One EDU is deemed to be an equivalent liquid volume of 350 gallons of Domestic Sanitary Sewage per day which shall be considered the average daily discharge of a single family residential unit.

**Educational Establishment** shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System and used or intended for use, in whole or in part, for educational purposes, including both public and private schools or colleges.

**Engineer** shall mean a registered architect or engineer, individual or organization, who acts for and on behalf of the Owner in the transaction for sanitary sewer services.

**EPA** shall mean the Environmental Protection Agency of the United States of America.

**Equivalent Dwelling Unit** or **EDU** shall mean the unit of measure by which the User Charge and the Tapping Fee shall be imposed upon each Improved Property, as determined by this Ordinance established by the Borough One EDU is deemed to be an equivalent liquid volume of 350 gallons of Domestic Sanitary Sewage per day which shall be considered the average daily discharge of a single family residential unit.

**Extension Deposit Agreement** shall mean an agreement between the Authority and either a bona fide customer or a developer which includes (1) the specifications for the sewer extension to be installed; (2) amounts to be paid; and (3) any other reasonable terms and conditions.

**Grade Level** shall refer to the level of the lowest adjacent grade or ground surface as it meets the wall or foundation of any structure

**Improved Property** shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Domestic Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

**Industrial Establishment** shall mean any Improved Property used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property from which wastes, in addition to or other than Domestic Sanitary Sewage, shall or may be discharged.

**Industrial Wastes** shall mean any solid, liquid, or gaseous substance or form of energy, which is produced as a result, whether directly or indirectly, or any industrial, manufacturing, trade or business process or activity, or in the course of developing, recovering or processing of natural resources; but not Sanitary Sewage.

**Infiltration** shall mean a volume of ground water or liquid of any type entering sewers, building sewers and lateral sewers from the soil, through defective joints, broken or cracked pipe, improper connections, manhole walls, etc.

**Inflow** shall mean the volume of any kinds of unpermitted water discharge into sewers, building sewers and lateral sewers from such sources such as but not limited to roof spouting, cellar and yard area drains, foundation drains, drains from springs and wet areas, and any surface or runoff water discharging directly into an opening in the sewer system, building sewers or lateral sewers.

**Institutional Establishment** shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System, including institutional dormitories and Education Establishments, which do not constitute a Commercial Establishment, a Dwelling Unit or an Industrial Establishment.

**Interference** shall mean the condition in which a discharge, alone or in conjunction with discharges from other sources, inhibits or disrupts the collection system, Sewage Treatment Plant, the Sewage System, their processes or operations or sludge treatment, handling or disposal processes, or cause or be capable of causing a resulting violation of any requirement of any of the Borough’s environmental permits, such as NPDES or sludge disposal permits, or other environmental laws or regulations.

**Invert** shall mean the elevation of the surface of the inside of the pipe at the bottom of the pipe.

**Large Consumer** shall mean a Person whose metered or estimated consumption of water is in excess of 22,500 gallons per calendar quarter in the case of a Dwelling Unit, or any Commercial Establishment, Educational Establishment, Institutional Establishment or Industrial Establishment, regardless of water consumption or volume of Domestic Sanitary Sewage or Industrial Wastes discharged.

**Lateral Sewer** shall mean the part of the Sewer System extending from a Sewer Main to the curb line, or, if there shall be no curb line, to the edge of the Street abutting the property affected or, any part extending from the sewer main to the edge of any public right-of-way provided that the Authority, has legal access to and through said right-of-way for purposes of inspecting and rehabilitation of the line, or if no such Lateral shall be provided then Lateral Sewer or Service Connection shall mean that portion, or place, in a Sanitary Sewer which is provided for the connection of any Service Line.

**Multiple Use Improved Property** shall mean any Improved Property upon which there shall exist any combination of a Dwelling Unit, Commercial Establishment, Industrial Establishment, Education Establishment or Institutional Establishment.

**Municipal Engineer** shall mean an engineer retained or employed by the Authority including any authorized member of the staff of such engineer.

**Natural Outlet** shall mean any outlet into a watercourse, ditch, pond, lake, or other body of surface of ground water.

**Owner** shall mean the individual or organization for whom sanitary sewer service being constructed under an agreement with a contractor. Owner is the purchaser of goods and services pertaining to sanitary sewer systems. The Owner is vested with ownership, legal or equitable, sole or partial, of any property situated in the service area of the Authority.

**Pass Through** shall mean discharge of pollutants in an untreated or insufficiently treated state to the receiving water of the Sewage Treatment Plant, so as to cause pollution, or violation of the Plant’s NPDES Permit; or causing concentration of pollutants in the sludge so that the end use of the sludge results in pollution or violates any applicable state law or regulation.

**Permittee** shall mean any individual, organization, or other group who shall secure a permit as herein provided.

**Person** shall mean any individual, partnership, company, association, society, corporation, or other group.

**Ph** shall mean the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

**Plumbing Fixture** shall mean any receptacle intended to receive and discharge any liquid water, or water carried waste into a Service Line or House Connection.

**Ppm** shall mean parts per million parts water, by weight.

**Record Drawings** shall mean drawings of record which have been updated by the design professional after the construction of the facilities, to reflect the actual dimensions, location and construction details and have been sealed by the registered design professional responsible for the design.

**Rules/Regulations** shall mean any rules and/or regulations enacted by the Authority including any amendments, related to the construction, management or operation of the sewer system serving the Authority’s service area.

**Sanitary Facilities** shall mean toilets, sinks, and other plumbing fixtures and related piping intended to receive and discharge Sanitary Sewage into a Service Line or House Connection.

**Sanitary Sewage** shall mean the normal water-carried household waste and toilet waste, including but not limited to toilet waste water, sink waste water, dishwasher waste water, garbage disposal waste water, cloths washer waste water, tub or shower waste water, bidet waste water or water softener backwash, from any Improved Property, excluding, however, the effluent from septic tanks or cesspools, swimming pools, infiltration, inflow, or accumulation thereof whether underground or in cellars or basements.

**Sanitary Sewer** shall mean a sewer which is part of the Sewer System and which carries Sanitary Sewage and/or Industrial Waste permitted to be discharged into the Sewer System.

**Service Area** **or Sewered Area** shall mean any area in the Borough of Beech Creek, or the Township of Beech Creek with access to any sewer line either gravity or pressure.

**Service Line** shall mean that part of the sewer line extending from a point of one (1’) foot outside the outer building wall or inundation wall to its connection with the lateral sewer, which shall be monumented on all future connections as the upstream edge of the cleanout tee installed at the right-of-way line.

**Sewage Treatment Plant** shall mean devices and/or structures or facilities for the treatment and disposal of Sanitary Sewage and Industrial Waste as owned and operated by the Beech Creek Municipal Authority.

**Sewer** shall mean any pipe or conduit constituting a part of the Sewer System and used or usable for sewage collection or transportation purposes.

**Sewer Main** shall mean any borough owned sewage collection or conveyance line, 6” or larger which is used to collect sewage from sewer laterals and/or convey the collected sewage.

**Sewer System** shall mean sewer mains, Lateral Sewers from a sewer main to Service Line, Sewage pumping stations, sewer force mains, sewage treatment facilities, and all appurtenant facilities operated by the Beech Creek Borough Authority furnishing sewerage service.

**Sewered Area or Service Area** shall mean any area in the Borough of Beech Creek with access to any sewer line either gravity or pressure in the Borough of Beech Creek.

**Shall**: is mandatory; **May**: is permissive.

**Soil Pipe** or **Waste Pipe** shall mean any pipe receiving the discharge or one or more plumbing fixtures.

**Storm Sewer** or **Storm Drain** shall mean a pipe or conduit which carries storm water, surface water, drainage and certain industrial water discharges, such as cooling and air-conditioning waters.

**Street** shall mean a public way including any highway, street, road, land, court, public square, alley, or other passageway.

**Tapping Fee** shall mean a fee against the Owner of any Improved Property in the area served by the Sewer System which actually connects or is required to be connected pursuant to this rules/regulations promulgated by the Beech Creek Borough Authority

**Total Phosphorus as P** shall mean total phosphorus as determined pursuant to the procedure set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association.

**Total Solids** shall mean solids determined by evaporating at 100° C a mixed sample of wastewater as determined pursuant to the procedure set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association. Total solids include floating solids, suspended solids, settleable solids and dissolved solids, as defined below:

(a) **Suspended Solids** shall mean solids determined by standard laboratory procedure in the waste.

(b) **Settleable Solids** shall mean solids that settle in an imhoff cone from a standard sample of waste.

(c) **Dissolved Solids** shall mean solids that are dissolved in the waste and cannot be removed by filtration but can be determined by evaporation.

**Treatment Plant** shall mean the Sewage treatment and disposal system facilities which the Beech Creek Borough Authority uses for treatment and disposal of sewage.

**User** shall mean any person who contributes, causes or permits the contribution of wastewater into the Sewer System or the Treatment Plant from an Improved Property.

**User Charge** shall mean the monthly rental or charge imposed by the Authority, hereunder, as amended from time to time, against the Owner of each Improved property, for the use or availability of use of the Sewer System.

**Vent Pipe** shall mean any pipe extended vertically from a sewer Soil Pipe or Waste Pipe to provide ventilation for the system piping and to prevent siphon-age and back pressure.

**Wastewater** shall mean the water-carried Industrial and Sanitary Waste from Improved Property, whether treated or untreated, which is contributed into or permitted to enter the Sewer System.

# ARTICLE 2. CONNECTION TO SEWER SYSTEM REQUIRED

SECTION 2.01 – Connection to Public Sewers Required.

The Owner of any Improved Property within the Beech Creek Borough Sewer Service Area, in such manner as the Authority, may require, within forty-five (45) days after notice to such Owner from the Authority, to make such connection, for the purpose of discharging all Sanitary Sewage and Industrial Wastes from such Improved Property; Subject, however, to such mandates limitations and restrictions as shall be established herein or otherwise shall be established by any ordinance,pjr rules/regulations promulgated by the Borough of Beech Creek from time to time.

SECTION 2.02 – Use of Sewer System.

All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer under Section 2.01, shall be conducted into such Sewer; Subject, however, to such mandates limitations and restrictions as shall be established herein or otherwise shall be established by the Borough of Beech Creek from time to time.

SECTION 2.03 – Prohibited Sanitary Sewage or Industrial Waste Disposal Methods.

No Person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within the Service Area any Sanitary Sewage or Industrial Wastes in violation of Section 2.01.

No Person shall discharge or permit to be discharged to any natural outlet within the Borough any Sanitary Sewage or Industrial Wastes in violation of Section 2.01, except where suitable treatment has been provided which is satisfactory to the Authority.

SECTION 2.04 – Privy Vaults, Cesspools, Sinkholes, Septic Tanks, or Similar Receptacles.

(A) No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any Improved Property which has been connected to a Sewer or that shall be required under Section 2.01 to be connected to a Sewer.

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

SECTION 2.05 – Connection Notice.

A notice to make a connection to a Sewer, referred to in Section 2.01, shall include a reference to the mandatory connection ordinance of the Borough of Beech Creek, including any amendments or in effect at the time, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and/or any rules/regulations promulgated by Borough or Authority, and specifying that such connection shall be made within sixty (60) days from the date such notice is given or served. Such notice may be given or served at any time after a Sewer is in place that can receive and can convey Sanitary Sewage and Industrial Wastes for treatment and disposal from the particular Improved Property. Such notice shall be given or served to the Owner either by personal service or by registered mail or by such other method in accordance with the law.

SECTION 2.06 – Failure to Make Required Connection.

If the Owner of any Improved Property benefited, improved or accommodated by a Sewer, after forty five (45) days’ notice from the Authority, requiring the connection of such Improved Property with a Sewer, in accordance with Section 2.01, shall fail to connect such Improved Property and use the Sewer System, as required, the Authority under their authority granted by the Borough of Beech Creek, may make such connection and may collect from such Owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding in the manner permitted by law.

SECTION 2.07 – Malfunctions on Property Not in Compliance.

If the records of the Authority indicate that a property is not in compliance with this any rules/regulations promulgated hereunder or any ordinances enacted by the Borough of Beech Creek, no remedial action on any malfunctions of any type on the property shall be taken by the Authority, until such time as the property has been brought into compliance. Any and all costs associated with bringing the connection into compliance will be borne by the property Owner(s).

# ARTICLE 3. APPLICATION FOR SERVICE BUILDING SEWERS AND CONNECTIONS

SECTION 3.01 – General Rule.

All applications for service must be in the form provided by the Authority, and signed by the Owner or Owners of the Improved Property to which sewer service can or will be provided; except that, where a lessee of the Improved Property occupies or uses the Improved Property under a lease having a fixed term of twelve (12) months or more, a lessee may make an application for service in his, her or its name.

SECTION 3.02 – Change in Ownership or Tenancy.

A new application must be made to the Authority, upon any change in ownership where the Owner of the Improved Property is the User, or upon any change in the identity of a lessee where a lessee of the Improved Property is the User. The Authority, shall have the right to discontinue water and/or sewer service upon three (3) days notice, if a new application has not been made for the new User. Upon a change in tenancy, the responsibility for sewer system shall immediately revert to the owner of the improved property upon the vacation of a tenant. The owner of the improved property shall ultimately be responsible for any unpaid monthly charges, penalties or fees owed by a tenant of the owner of the improved property, should the tenant fail to pay the said charges, penalties or fees.

SECTION 3.03 – Transfer of Property Not in Compliance.

No transfer, sale or conveyance of interest in or of an Improved Property shall occur, until the property being transferred is in compliance with this Ordinance and these Rules and Regulations and any ordinances promulgated by the Borough of Beech Creek. Any costs incurred to bring the property into compliance shall be borne by the property Owner(s). Prior to the transfer of the property, an inspection shall be conducted as per Section 4.10 (E)

SECTION 3.04 – Acceptance of Application.

An application for service shall be considered accepted by the Authority, only upon written approval by the Authority. The Authority, may at it’s sole discretion, provide service to the applicant pending review and acceptance of the application.

SECTION 3.05 – Application Forms.

Application forms may be obtained at the Authority Office.

SECTION 3.06 – Connection Prohibited.

No Person shall uncover, connect with, make any opening into or shall use, alter or disturb, in any manner, any Sewer or any part of the Sewer System without first obtaining approval, in writing from the Authority.

SECTION 3.07 – Conditions for Connection to Sewer.

No Person shall make or shall cause to be made a connection of any Improved Property with a Sewer until such Person shall have fulfilled each of the following conditions:

(A) Such Person shall have notified the designated representative of the Authority, of the desire and intention to connect such Improved Property to a Sewer;

(B) Such Person shall have applied for and shall have obtained approval as required by Section 3.06;

(C) Such Person shall have given the designated representative of the Authority, at least forty-eight (48) hours notice of the time when such connection will be made so that the Authority may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and

1. If applicable, such person shall have furnished satisfactory evidence to the designated representative of the Authority, that any fee that may be charged and imposed by the Authority, against the Owner of each Improved Property who connects such Improved Property to a Sewer has been paid.
2. Such person shall provide satisfactory evidence that notification of any excavation has been placed through the Pennsylvania One Call system.

SECTION 3.08 – Service Lines.

(A) All costs and expenses of construction of a Service Line and all costs and expenses of connection of a Service Line to a Lateral, including testing, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall save harmless the Authority, from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Service Line or of connection of a Service Line to a Sewer.

(B) A Service Line shall be connected to a Lateral sewer and to a Sewer at the place designated by the Authority, and where, if applicable, the Lateral is provided.

(C) The invert of a Service Line at the point of connection to the lateral sewer, shall be at the same or a higher elevation than the invert of the Sewer. A smooth, neat joint shall be made and the connection of a Service Line to the Lateral sewer shall be made secure and watertight.

(D) All Laterals sewers shall be the property of the Authority. The actual cost for maintenance and repair of Laterals may be charged to the Owner of the Improved Property serviced by said Lateral at the discretion of the Authority, and consistent with any rules/regulations promogulated hereunder.

SECTION 3.09 – Independent Connection.

(A) Except as otherwise provided in this Section 3.09, each Improved Property shall be connected separately and independently with a Sewer through a Service Line. Grouping of more than one (1) Improved Property, shall be prohibited and grouping of more than one (1) structure on a single Improved Property, on one (1) Service Line shall be only at the sole discretion of the Authority, under special circumstances and for appropriate sanitary reasons or other good cause shown, but then only after special permission, in writing, from the Authority, consistent with these rules/regulations and conditions as may be prescribed by the Authority.

(B) Multiple structure connections existing at the time of enactment of these Rules and Regulations are grandfathered; however, such connections are subject to all terms of these rules/regulations promulgated hereunder. Should there be any need to repair the service line/lateral, separate facilities (i.e., Service Line and Lateral) shall be required. Owners of the new/separate Service Line shall be responsible for costs of any construction/connection.

(C) The Authority shall not be responsible for any damages/losses suffered as a result of any grandfathered multiple structure connection(s).

SECTION 3.10 – Temporary Service.

In the case of temporary service for short-term use, the Authority, may require the customer to pay all costs of making the service connection and removing the material after the service has been discontinued, or to pay a fixed amount in advance to cover such expenses.

# ARTICLE 4. BUILDING SEWERS AND CONNECTIONS TO SEWERS

SECTION 4.01 – Service Lines for Improved properties.

The Authority, reserves the right to determine the size, kind, and depth of the Service Line. The Service Line shall be furnished, installed, maintained, and/or replaced, when necessary, by and at the sole expense of the Owner.

SECTION 4.02 – Separate Trench.

The Service Line shall not be laid in the same trench with water line, the facilities of any other public utility or of any municipality or municipal authority that provides a public utility service, or within three (3) feet of any open excavation or walk, unless a written exception is granted by the Authority.

SECTION 4.03 – Owner’s Responsibilities.

Every Service Line of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

SECTION 4.04 – Right to Reject.

The Authority, may refuse to connect with any Building Sewer or provide Sewer Service through a Building Sewer already connected if such Building Sewer is not properly installed or maintained.

SECTION 4.05 – Required Connection.

Where an Improved Property, at the time connection to a Sewer is required, is served by its own sewage disposal system or sewage disposal devise, the existing service line shall be broken on the structure side of such sewage disposal system or sewage disposal devise and attachment shall be made, with proper fittings, to extend such house sewer line as a Service Line to the public sewer system, provided the existing service line meets all other requirements of this ordinance and the associated rules and regulations. Valves, jumping weirs or other means of temporarily diverting flows to a discharge or sewage disposal system or device, other than an emergency holding tank with no outlet, shall be prohibited.

SECTION 4.06 – Unsatisfactory Conditions.

If a Person shall fail or shall refuse, upon receipt of a written notice of the Authority, to remedy any unsatisfactory condition with respect to a Building Sewer or Service Line, within ninety (90) days of receipt of such notice, or one (1) year in the case of a full service line replacement order, shall be in violation of this ordinance; further, the Authority may refuse to permit such Person to discharge Sanitary Sewage and/or Industrial Wastes into the Sewer System and/or discontinue the water service to the improved property, until such unsatisfactory condition shall have been remedied to the satisfaction of the Borough.

SECTION 4.07 – Construction Materials and Methods.

The materials and methods used in constructing the Service Line shall be subject to approval or rejection by the Authority, in accordance with any rules/regulations which the Authority may adopt.

SECTION 4.08 – Procedure During Excavation.

Every Excavation for a Service Line shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Any Street, sidewalk and other public property disturbed in the course of installation of a Service Line shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to the Authority and the Borough.

SECTION 4.09 – Grinder Pumps.

If an Improved Property is unable to obtain sewer service by gravity flow, the Authority, may allow, upon review and approval by the Authority Engineer, a residential or commercial grinder pump to lift sanitary sewage to the Sewer; however, such grinder pump will be the sole responsibility of the Owner of the Improved Property. The Owner of any Improved Property served by residential grinder pumps shall, at his/her own cost, maintain a spare pump on the premises at all times.

SECTION 4.10 – Inspection.

(A) The Authority, shall have the right to inspect an Improved Property to determine compliance with any rules and/or regulations adopted by the Authority.

(B) Upon notification to the Owner of an Improved Property that an inspection is required, the owner shall contact the Authority, within five (5) days to schedule an appointment for inspection. Failure to contact the Authority within five (5) days shall result in a scheduling fee being assessed against the Owner of the Improved Property. Said fee shall be determined, from time to time, by Resolution of the Authority and consistent with any rules/regulations promogulated hereunder. Authority shall notify Owner, by U.S. Mail First Class, postage prepaid, or by posting a notice on the door of the Improved Property.

(C) Should the Owner of an Improved Property refuse to allow an inspection or refuse to respond to an official notice delivered via U. S. Mail or otherwise posted on the door of the Improved Property, requiring Owner to contact the Authority to schedule an inspection, the Authority may obtain an Administrative Search Warrant to accomplish the inspection. In such case the property Owner shall be assessed a fee, determined from time to time by Resolution of the Authority and consistent with any rules/regulations promulgated hereunder.

(D) No newly installed, replaced or repaired Service Line shall be covered until it has been inspected and approved by the Authority. If any part of a Service Line is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to the Sewer.

(E) All improved properties shall be inspected by the Authority or their designated agent, prior to and within 90 days of any real-estate transaction affecting the Improved Property, in accordance with Section 3.03. Said inspection may subject to an inspection fee which shall be determined from time to time, by resolution of the Authority, consistent with any rules/regulations promulgated hereunder.

(F) Upon request of Owner of an Improved Property, an inspection may be scheduled during the evening hours or on weekend days. Such inspection, however, shall be subject to a non-regular hours inspection fee, which shall be paid in advance by Owner. The fee shall be determined, from time to time, by Resolution of Borough Council, consistent with any rules/regulations promulgated hereunder.

SECTION 4.11 – Construction/Repair Costs.

(A) The Authority, shall be responsible for construction of any laterals from the Sewer Main to the Curb Line and through any public right-of-way to which the Borough and/or Authority have legal access, up to a maximum of 50 feet.

(B) The cost and responsibility for construction of new service lines from the house to the Curb Line, as aforementioned, shall be the responsibility of the owner. The Authority, reserves the right to determine the size, kind, and depth of any service line to be installed or replaced. The service line shall be furnished, installed, maintained, tested, repaired and/or replaced when necessary by and at the sole expense of Owner.

(C) The Authority shall be solely responsible for installation, repairs and maintenance of those portions of any laterals from the sewer main to the Curb Line through any public right-of-way to which the Authority has legal access, up to the curb line of the street along which the sewer main runs; however, costs for installation, repairs and maintenance, including the cost of Authority employees time and equipment usage, at a billing rate as established by resolution from time to time and the actual cost of materials used, or billing by outside contractors, to accomplish said installation of new lateral lines shall be the responsibility of the Owner and shall be billed to the Owner by the Authority upon completion of the work. The cost for maintenance and replacement of an existing sewer lateral may be billed to the Owner of the Improved Property, in accordance with the written policy of the Authority, contained within the rules and regulations, which may be amended from time to time.

(D) All payments of costs/fees shall be provided within thirty (30) days of date of billing. Late payments shall be assessed a penalty of ten (10%) percent of the amount due for such costs/fees.

(E). Repairs and Maintenance of the building sewer, service line or house connection from the curb line, right-of-way, or edge of street abutting the property affected, shall be the responsibility of Owner.

SECTION 4.12 – Exclusion of Inflow and Infiltration.

(A) The discharge of any unpolluted water, as further listed in section 4.16 (A) to sanitary sewers is prohibited.

(1) Exceptions

(a) Residential dehumidification units located in spaces or basements in which the floor of the space is more than 24 inches below Grade Level, may be connected to the public sewer system provided the connection is constructed in such a manor as to prevent any other prohibited flows from entering the Authority sewer system.

(b) Water softener backwash discharges may be connected to the public sewage system

(B) All persons connecting to the public sanitary sewage system shall provide and maintain adequate means for excluding water listed in Section 4.12A of this Ordinance from the sanitary sewer.

(C) Connection to the Sanitary Sewer system will be delayed if Building Sewer shows presence of storm, surface, ground or other unpolluted water.

(D) Owners of Improved Properties already connected to the system where presence of storm, ground or other water source listed in Section 4.12A of this Ordinance is detected shall be notified by the Authority, to correct the condition. Property owners shall have ninety (90) days to perform repairs designed to exclude Section 4.12A prohibited flows, or one (1) year where such repairs require the total replacement of a service line. Failure to correct within the specified time shall result in the Authority, taking such corrective action as deemed necessary by Authority, at the cost and expense of the Owner of the Improved Property, together with a penalty of 10% of the cost of all legal expenses, labor, equipment, materials or outside contractor charges, which sum shall be collected from said Owner or Owners of the Improved Property for the use of the Authority, allowed by law, equity or otherwise. The cost of Authority labor and equipment shall be calculated as according to the rate structure for said labor and equipment as established and amended by resolution from time time. Owners of Improved Properties failing to comply with the provisions of this Ordinance may also be subject to fines and/or imprisonment consistent with other terms of this Ordinance and/or other applicable law.

(E) All sump pumps shall have discharge permanently piped to exterior of building using metal or plastic pipe. Sump pumps shall not discharge storm, surface, ground, or other water prohibited herein into the sanitary sewer system either directly or indirectly. Where practical, sump pump discharges shall be directed to storm drain systems. All direct connections to the public storm sewer system shall be approved by the Borough, and will be made as according to the construction requirements of the Borough of Beech Creek.

SECTION 4.13 – Inspection of Mains, Laterals. Service Lines and Building Sewers.

(A) The Authority may systematically inspect and televise Sewer Mains, laterals, Service Lines, and Building Sewers within the service area, at its discretion. The Authority may, at its discretion, also establish, pursuant to rules/regulations, a schedule of inspections.

(B) Should the inspection called for in Section 4.13A, above, show the presence of either orangeberg pipe, steel pipe, infiltration, inflow or the presence of roots, said service line/building sewer shall be further evaluated by the Owner, at the request of the Authority, in accordance with the evaluation process in Section 4.14 of this Ordinance, infra. In lieu of further investigation as in accordance with Section 4.14 the owner may elect to replace the service line and/or building sewer without first testing the existing line(s).

(C) In addition to any systematic inspection which results in identification of the need for further evaluation and/or repair/replacement, the Authority, may require an Owner of any lateral, service line, or building sewer which is found, through the normal course of work of the employees of the Authority, to be constructed of orangeberg pipe, steel pipe, or showing evidence of infiltration, the presence of roots in the pipe or any other indication of defects, to further evaluate the service line, and/or building sewer. The service line, and/or building sewer shall be evaluated according to Section 4.14, infra, and shall be repaired/replaced as necessary to comply with Section 4.17, infra. In lieu of further investigation as in accordance with Section 4.14 the owner may elect to replace the service line and/or building sewer without first testing the existing line(s).

(D) An Owner of Improved Property may dispute the findings of the Authority’s inspection and may request a re-inspection; however, prior to any re-inspection, the Owner of an Improved Property shall provide a deposit to the Authority, in an amount determined, from time to time by Resolution and consistent with any rules/regulations promulgated hereunder.

(E) Upon payment to the Authority of the fees required in Subsection D, above, a re-inspection shall be scheduled at a mutually agreed upon time with advance notification of at least forty-eight (48) hours, but no more than 14 days after receipt of payment of said re-inspection fee. The Authority reserves the right to cancel and re-schedule any re-inspection dependent upon groundwater conditions. It shall be the responsibility of the property owner to provide a suitable cleanout or access port through which to insert a sewer inspection camera into the service line and/or building sewer.

(F) Should a re-inspection occur and should the findings show the original finding to be in error and the line shows no flaws as described in section 4.13(B) or (C), no charges shall be assessed to Owner and deposit returned. Any notifications requiring corrective action shall be cancelled by the Authority. Should the re-inspection confirm the original findings, any actual charges above the deposit paid shall be the responsibility of Owner and may be assessed as part of the Owner’s monthly bill. All payments due shall be received within thirty (30) days of date of inspection. Late payments shall be assessed a 10% penalty as according to section 6.02

SECTION 4.14 – Evaluation of Existing Service Lines and Building Sewers.

(A) Owner of any Improved Property which under section 4.14(B)(2) or 4.14(B)(3) is required to conduct further evaluation of their Service Line or Building Sewer, shall air test the entire system which is buried below ground or buried beneath the structure. Any Service line or Building Sewer which does not meet the minimum standards of the Air test shall be deemed defective and in violation of this ordinance.

(B) All service lines repaired or replaced shall have a cleanout installed at the curb line, by the Owner, the cost of which shall be the responsibility of the property owner.

(C) All repaired service lines and building sewers, along with all collection pipes beneath the structure or below grade, shall be air tested. A repaired service line or building sewer which fails to meet the minimum standards of the post repair air test shall continue to be deemed defective and in violation of this ordinance.

(D) Any air tests shall be conducted in accordance with all requirements contained in this Ordinance and any implementing rules/regulations as adopted by the Authority.

(E) Any air test must be conducted in the presence of a representative of the Authority. Air tests shall be scheduled with the Authority at least twenty-four (24) hours in advance of said air test.

(F) Upon Completion of any air test, the contractor conducting such test shall certify the results to the Authority on the form provided by the Authority.

(G) The certified results of any air test shall be submitted to the Authority, by the Owner (or Owner’s contractor) within ten (10) days of the date of the test. All service lines, building sewers, or plumbing beneath the structure which do not meet the minimum standards of the air test shall be deemed substandard and in violation of these Rules and Regulations.

(H) All costs for air tests shall be at the expense of the Owner. Should an Owner fail/refuse to provide for an air test at the request of the Authority, the Authority, reserves the right to discontinue sewer services to such premises and/or have water service to such premises discontinued, until such time as testing is completed in compliance with the rules and regulations promulgated herein. All costs for discontinuing water or sewer service shall be the responsibility of the Owner of the Improved Property, and shall be paid in full prior to service being reinstated.

(I) The Owner of an Improved Property may elect to forgo air testing of a line showing signs of defects and replace the line in its entirety.

SECTION 4.15 – Repairs/Rehabilitation.

(A) Any lateral, service line and/or building sewer which is found to be in substandard condition, as described in sections 4.13 and 4.14, in violation of this Ordinance or in violation of any of the standards contained in these Rules and Regulations shall be corrected/repaired/rehabilitated within ninety (90) days of notice to Owner of said condition, or one (1) year in the case of then need for a total service line replacement.

(B) Any condition which presents in the opinion of the Authority Engineer an imminent health hazard to the general public shall be corrected immediately. Any condition presenting an imminent health hazard as determined by the Authority Engineer which is not corrected by the Owner of the Improved Property in a timely manner may be corrected by the Authority, the costs for which shall be assessed against Owner.

(C) Notice shall be placed in writing to the last known address of Owner of the Improved Property and forwarded by U. S. Mail, First Class, postage prepaid. The Authority reserves the right to also post a notice on the premises indicating a problem with condition or a violation of standards contained in these Rules and Regulations or any implementing rules/regulations, which shall constitute notice under these Rules and Regulations.

(D) The material and workmanship specifications for construction of new mains, laterals, service lines and/or building sewers as specified in Section 4.17, infra, shall apply to repairs to existing mains, laterals, service lines and/or building sewers.

(E) Upon completion of any **new installation or replacement** of a service line or building sewer, upon Authority discretion, the Owner of the Improved Property **may be required** to air test the line in accordance with Section 4.14, supra, to assure compliance with the standards contained in this Ordinance and any other rule/regulation/laws incorporated herein by reference.

(F) Upon completion of any **Repair** of a service line, or building sewer, the Owner of the Improved Property **shall be required** to air test the line in accordance with Section 4.14, supra, to assure compliance with the standards contained in this Ordinance and any other rule/regulation/laws incorporated herein by reference

(G) Prior to backfilling in repair/rehabilitation or replacement of a lateral, service line or building sewer, inspection by a representative of the Authority, shall occur. At a minimum, the Authority, must be notified at least twenty-four (24) hours in advance to schedule such inspection. Backfilling may commence only after the Authority’s inspector has approved the work and materials.

(H) Upon the discretion of the Authority inspection representative, a pressure test of the line may be required, prior to backfilling, in accordance with section 4.14.

SECTION 4.16 – Prohibited Connections.

(A) The following shall not be connected to any portion of the Authority’s Sewer System, any lateral, service line or building sewer or any other line connected to the public Sewer System:

(1) Septic tanks;

(2) Cesspools;

(3) Stormwater or groundwater drains;

(4) French drains;

(5) Rain gutters;

(6) Roof drains;

(7) Floor drains;

(8) Swimming pool drains;

(9) Perimeter drains;

(10) Sump pumps;

(11) Down spouts;

(12) Residential cellar or floor drains;

(13) Cistern

(14) Any connection which would facilitate the entry of storm, surface or ground water into the Authority’s Sewer System.

(15) Residential dehumidification units located in spaces of structures or basements in which the floor is less than 24 inches below Grade Level.

(B) The following sources of discharge, among others are explicitly permitted to be connect to the public sewer system.

1. Residential dehumidification units located in spaces or basements in which the floor of the space is more than 24 inches below Grade Level, may be connected to the public sewer system provided the connection is constructed in such a manor as to prevent any other prohibited flows from entering Authority’s sewer system.
2. Water softener backwash discharges may be connected to the public sewage system.

# SECTION 4.17 – Minimum Standards.

(A) The following standards apply to any repairs/rehabilitation or replacement of laterals, service lines or building sewers:

(1) All laterals, service lines and/or building sewers must be buried to a depth to prevent freezing (recommended minimum depth is four (4’) feet).

(2) Unless special permission is granted by the Authority based upon extenuating circumstances, all building lines shall be at a minimum depth of three (3’) feet below the elevation of the ditch line of the public street where the service line meets the sewer lateral at the right of way line.

(3) All laterals, service lines and/or building sewers must be in good condition, water tight, and capable of meeting the standards of an air test as specified by any rules/regulations enacted pursuant to these Rules and Regulations.

(4) All laterals, service lines and/or building sewers shall have a minimum of one cleanout at the curb line or within ten (10’) feet of the Sewer Main where the Sewer Main does not fall within a public right-of-way. A second cleanout is recommended at the building line. All cleanouts shall be constructed on double sweep tees.

(5) All cleanouts shall have water tight caps constructed so as to locate the cap approximately 2 to 3 inches below ground surface. Cleanout riser shall be protected with a 24” long length of 6 or 7 inch pipe (casing pipe) extending from near the top of the cleanout, to a point approximately 27” below grade and having no fill or stone between the casing pipe and the riser pipe. A cast iron cleanout frame and cover assembly shall then be placed over the cleanout riser and casing pipe with the top of the frame and cover assembly flush with the surrounding ground surface.

(6) No bend greater than forty-five (45°) degrees shall be used in a lateral, service line or building sewer, other than a vertical drop entrance, in which case a tee shall be installed and a cleanout riser constructed as described in paragraph 5 above shall be brought to the surface..

(7) All pipes and fittings shall meet or exceed the following specifications:

(a) Service lines

(i) PVC (plastic) – SDR 35 or SDR 26, ASTM 3034 with push on rubber gasketed joints only. Glued or cemented joints are prohibited.

(ii) DIP (ductile iron pipe) CL50, CL51 Double Cement Line (ANSI A.21.51, A.21.10).

(iii) SDR-17 High Density Polyethylene pipe, with butt welded or electro fusion welded joints.

(b) Building Sewers beneath the slab

(i) PVC (plastic) – SDR 35 or SDR 26, ASTM 3034, or sch 40 PVC with rubber gasketed or glued joints.

(8) New or replaced Sewer laterals, service lines or building sewers may serve no more than one (1) structure unless otherwise provided in this Ordinance.

(9) Building sewers beneath the slab and service lines shall be bedded in 1 b stone. **Geotextile shall be placed in the bottom of the trench beneath the bedding where wet or soft ground conditions exist at time of construction**. Bedding shall provide a minimum thickness of 2” below the pipe, 6” to each side and 12” above the pipe.

(10) All transition fittings shall be completed using flexible rubber clamp style fittings as manufactured by Fernco, or equal. All couplings shall be furnished with a stainless steel outside sleeve (Strong Back).

(11) All specifications contained within these Rules and Regulations may be revised, from time to time, by the Authority.

(B) Multiple dwelling units contained within a single structure and located on a single lot or tax parcel, may be served by a single lateral, service line or building sewer provided all tees or branches in the lateral, service line, or building sewer are within the structure OR have accessible cleanouts.

(C) All pipes shall have the following minimum size:

(1) Single family dwelling 4”

(2) Duplex residence or group home 4”

(3) Multiple dwelling unit (2 or more units) 6”

(4) Professional office space or retail

Up to 20 employees 4”

More than 20employees 6”

(5) Garage or light industrial

Up to 20 employees 4”

More than 20 employees 6”

(6) Restaurant 6”

(7) Hotel or elderly care home 6”

\*\* The above stated sizes are minimum sizes only. It shall be the responsibility of the developer or owner of the property to be improved to determine if the above stated minimum size is appropriate for their application, or if a larger size is required.

(D) Should particular applications require laterals, Service Lines or Building Sewers in sizes greater than otherwise provided in these Rules and Regulations, Owner shall be responsible for determination of a larger diameter lateral, Service Line or Building Sewer and shall make application to the Authority for approval of same, which approval shall be in the sole discretion of the Authority.

(E) The following shall be minimum pipe slope:

Pipe Size (Inches) Minimum Slope in Feet per 100 Feet

4 2.08\*

6 1.04

8 .48

10 .34

12 .27

14 .22

16 .19

18 .18

21 .15

\* In cases where sufficient fall does not exist to maintain 2.08 feet per hundred feet (1/4” per foot) the minimum grade for 4” pipe may be decreased to 1.04 feet per hundred feet (1/8” foot) with written authorization from the Authority.

(F) When required by the Authority, any Owner discharging or desiring to discharge non-domestic waste water to the sanitary sewer system shall install a suitable controlled manhole or manholes on each connecting lateral, service lines or building sewers (or each lateral connection) to facilitate observation, sampling, and measurement of the flow of non-domestic waste water. At the discretion of the Authority, the Owner shall plumb Owner’s building so as to separate domestic and non-domestic waste water. All control manholes referred to in this sub-section shall be accessible and safely located and shall be constructed in accordance with plans approved by Authority. All manholes and any required measuring/metering equipment shall be installed and maintained by the Owner, but only after approval of such plans by Authority, which shall also inspect to assure compliance with the approved plans.

(G) Upon completion of any new installation or replacement of a Service Line or Building Sewer, Owner, upon the discretion of the Authority may be required to air test the line in accordance with Section 4.14, supra, to assure compliance with the standards contained in these Rules and Regulations and any other rules/regulations adopted, from time to time, by the Borough pursuant to these Rules and Regulations or any other applicable law.

(H) Upon completion of any Repair of a service line, or building sewer, the Owner of the Improved Property shall be required to air test the line in accordance with Section 4.14, supra, to assure compliance with the standards contained in these Rules and Regulations and any other rule/regulation/laws incorporated herein by reference.

(I) Upon Completion of any air test, the contractor conducting such test shall certify the results to the Borough, on a form to be provided by the Authority.

(J) The certified results of any air test shall be submitted to the Authority, by the Owner (or Owner’s contractor) within ten (10) days of the date of the test.

(K) All mains, laterals, service lines, building sewers, or plumbing beneath the structure which do not meet minimum air test standards as specified in any rules/regulations promulgated pursuant to these rules and regulations shall be deemed substandard and in violation of these Rules and Regulations.

(L) All costs for air tests shall be at the expense of the Owner. Should an Owner fail/refuse to provide for an air test at the request of the Authority, the Authority, reserves the right to discontinue sewer services to such premises, and/or have water service to such premises discontinued, until such time as testing is completed in compliance with the requirements of these Rules and Regulations. All costs for discontinuing water or sewer service shall be the responsibility of the Owner of the Improved Property, and shall be paid in full prior to service being reinstated.

(M) At the request of the authority, the Owner shall conduct an air test in accordance with these Rules and Regulations and/or any implementing rules/regulations. The results of the air test shall be certified to the Authority on the form provided by the Authority.

(N) Newly constructed or replaced laterals, service lines, or building sewers shall be certified, by the contractor constructing same, as meeting the Authority’s sanitary sewer minimum standards for new construction, on the form provided by the Authority.

(O) All laterals, service lines, and building sewers must be inspected by a representative of the Authority, prior to backfilling and at a minimum, the Authority, must be notified twenty-four (48) hours in advance to schedule such inspection.

(P) Backfilling of excavated trenches, holes or covering of any work shall commence only after the Authority’s inspector has approved the work and materials.

(Q) Any construction requiring DEP permits shall not be initiated until such time as copies of said permits are presented to the Authority.

(R) All regulations of the Pennsylvania Department of Environmental Protection (DEP) as those regulations pertain to the construction, operation of maintenance of sanitary sewer laterals, service lines and building sewers are incorporated herein as if those rules and regulations are fully set forth in writing. Any approval granted by the Authority shall not imply or suggest compliance with any or all DEP regulations. The Authority shall not be held liable for a failure on the part of an Owner to fully comply with any or all regulations of DEP.

(S) Any construction requiring Pennsylvania Department of Transportation permits shall not be initiated until such time as copies of said permits are presented to the Authority.

(T) All regulations of the Pennsylvania Department of Transportation as those regulations pertain to the construction, operation of maintenance of sanitary sewer laterals, service lines and building sewers within Pennsylvania Department of Transportation Right of way, are incorporated herein as if those rules and regulations are fully set forth in writing. Any approval granted by the Authority shall not imply or suggest compliance with any or all Penn DOT regulations. The Authority shall not be held liable for a failure on the part of an Owner to fully comply with any or all regulations of the Pennsylvania Department of Transportation.

SECTION 4.18 – Right to Adopt Additional Rules.

# The Authority may adopt/modify/ammend, from time to time, via Resolution, rules/regulations as it shall deem necessary and proper relating to any matters relating to the sewage collection and treatment system.

# ARTICLE 5. FEES, RATES, AND CHARGES

SECTION 5.01 – Tapping Fees Required.

(A) A Tapping Fee is hereby imposed against the Owner of any Improved Property to be served by the Sewer System which actually connects or is required to be connected pursuant to these Rules and Regulations implemented by Authority, requiring such connection.

(B) The Tapping Fee payable by the Owner of an Improved Property shall be determined by the Authority, from time to time, via Resolution and/or rules/regulations.

(C) The Tapping Fee shall be due and payable at the time application is made to the Authority, to make connection to the Sewer System, as provided in Article 2 hereof, or, if applicable, the date when the Authority, shall connect any such Improved Property to the Sewer System, at the cost and expense of the Owner, when such Owner shall have failed to make such connection as required by these Rules and Regulations and any Ordinances adopted by the Borough of Beech Creek, requiring such connection.

(D) All Tapping Fees shall be payable to Beech Creek Borough Authority.

(E) Payment of Tapping Fees imposed by the Authority, pursuant to these Rules and Regulations and any Ordinances adopted by the Authority, shall be enforced by the Authority, in any manner appropriate under laws at the time in effect.

1. Connections to the system which require excavation in Penn-DOT Right of ways, roads paved within the preceding five (5) years or concrete roads (including roadways where the concrete has been paved over), the tapping fee shall be the actual cost to construct the lateral to the curb line, in lieu of the fixed tapping fee, as established by resolution of the Authority from time to time; however in no case will the tapping fee be less than the fixed tapping fee. In such a case, the Owner of the Improved Property shall pay a sum equal to the fixed tapping fee in advance of the construction of the lateral. Upon completion of the construction of the lateral and prior to connection to the service line, the balance due shall be paid to the Authority.

SECTION 5.02 – When Certain Fees Not Required.

In lieu of the payment of Tapping Fees, the Authority, may require the Owner of an Improved Property to construct and dedicate to the Authority, the Building Sewer, an upgrade of existing Authority sewer line(s), Lateral, or special purpose facilities necessary for the Improved Property, as the case may be.

SECTION 5.03 – Rates and Charges.

(A) A User Charge is hereby imposed upon the Owner of each Improved Property which is or shall be connected to the Sewer System, for use of the Sewer System, whether such use is direct or indirect, and for services rendered by the Authority, in connection therewith, and shall be payable as provided herein. At the discretion of the Authority, such User Charge may be imposed upon the Owner of an Improved Property who fails or refuses improperly to connect such Improved Property to the Sewer System, as compensation for the availability of service by the Authority, in connection with the Sewer System.

(1) The User Charge shall be payable by the Owner of each Improved Property commencing the earlier of: (1) the date of actual, physical connection of an Improved Property to the Sewer System, or (2) forty-five (45) days from the date of issuance of the notice to connect described in these rules/regulations implemented by the Authority and the Ordinances of the Borough of Beech Creek; or such other date established by the Authority, for commencement of the payment of the User Charge.

(2) The User Charge applicable to any Improved Property constituting a Dwelling Unit or Large Consumer shall be calculated, imposed and collected on the basis of the method provided in this Section.

(3) Each Improved Property shall be charged a User Charge as a specific amount per Equivalent Dwelling Unit applicable to such Improved Property, as determined by the Borough, from time to time. The number of EDUs assessed to each structure other than a single family residential structure shall be as specified in section 5.05

(4) The number of Equivalent Dwelling Units applicable to Commercial Establishments and Industrial Establishments shall be computed on the basis of the average daily number of full and part-time employees (including the owner(s) or employer(s)) for the calendar month preceding the date of the monthly billing. The Owner(s) of such facilities shall be responsible for advising the Authority, in writing of the number of employees upon connection to the Sewer System and upon request of the Authority. The number of Equivalent Dwelling Units applicable to Educational and Institutional Establishments shall be computed on the average daily (excluding weekends and holidays) attendance of occupants, pupils, faculty, administrators and staff for the three (3) months preceding the date of the monthly billing. The Owner(s) of such facilities shall be responsible for advising the Authority, in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure upon request of the Authority.

(5) If the use, occupation or classification of any Improved Property changes within a billing period, the User Charge for such billing period may be prorated by the Authority. The Owner of the Improved Property shall be responsible for advising the Authority, in writing of any such change affecting the User Charge payable hereunder within thirty (30) days of such change. The appropriate credit or additional charge shall appear on the statement for the next succeeding billing period. If Owner does not provide written notice of any change, no credit will be issued.

(6) User Charges for any Improved Property, in the sole discretion of the Authority, may be determined on a metered rate basis calculated according to:

(a) Metered volume of potable water usage by the Improved Property, adjusted, if appropriate, by the Authority, or

(b) Actual metered volume of wastewater discharged by the Improved Property into the Sewer System.

In either of the foregoing cases, such User Charges shall be computed in accordance with a metered rate schedule to be established by the Authority.

SECTION 5.04 – Multiple Use Improved Property.

In the case of a Multiple Use Improved Property sharing a common connection to the Sewer System or a common structure, each such classification of Improved Property shall pay a separate User Charge, as though it was housed in a separate structure and had a direct and separate connection to the Sewer System, computed in accordance with Section 5.05 of these rules/regulations implemented by the Authority.

SECTION 5.05 – Domestic, Commercial and Industrial Sewer Charges.

(A) Sewer rentals are hereby fixed and imposed upon each lot or parcel of land hereinafter called “premises”, having any sewer connection with the sanitary sewer system of the Authority, whether the premises be occupied or unoccupied, and through which may be discharged any sewage into said system or any part thereof, an annual rental or charge payable quarterly, as follows:

(B) The fee for each EDU shall be established by Resolution and/or Rules/Regulations adopted by the Authority with such Resolution(s) and /or Rules/Regulations subject to amendment, from time to time, by the Authority.

(1) Residential, Single Family Dwelling 1 EDU

(2) Townhouses, per townhouse 1 EDU

(3) Multi-family Residences, such as duplexes and the

like, per residence 1 EDU

(4) Residences containing apartments, per apartment 1 EDU

(5) Schools, per 12 pupils, teachers or employees 1 EDU \*

(6) Grocery stores, Gas Stations, Convenience stores; \*\*

(a) Employing six (6) people or less 1 EDU

(b) Employing seven (7) to twelve (12)

people, inclusive 1.5 EDU

(c) Employing thirteen (13) to eighteen (18)

people, inclusive 2 EDU

(d) Each additional six (6) employees or fraction

thereof shall constitute an additional unit and

shall be assessed an additional 1/4 EDU

(e) With apartment, each apartment 1 EDU

(7) Commercial offices, Garages, Healthcare Offices

and Industrial Establishments: \*\*

(a) Employing six (6) people or less 1 EDU

(b) Employing seven (7) to twelve (12)

people, inclusive 1.5 EDU

(c) Employing thirteen (13) to eighteen (18)

people, inclusive 2 EDU

(d) Each additional six (6) employees or fraction

thereof shall constitute an additional unit and

shall be assessed an additional: 1/4 EDU

In addition to the fee stated in sub- paragraph 7, garages shall also pay a user fee for dump stations or floor drains connected to the system as specified in sub-paragraphs 13 and 16, infra.

(8) Motels, group homes and boarding houses for the first unit or permanent resident 1 EDU

(a) Each additional unit 1/4 EDU

(9) Individual trailer home 1 EDU

(10) Churches and Firehalls 0 EDU (Exempt)

(11) Churches with Daycare

First five children and staff 1 EDU

Each additional 12 children and staff 1 EDU \*

(12) Tavern or Restaurant, per 20 seats or

or fraction thereof 1 EDU

(13) RV or bus dump station, per dump station 1 EDU

(14) Car, Truck or RV washing Facilities per bay 2 EDU \*

(15) Laundromat, per washing machine 1/3 EDU \*

(16) Commercial garages with floor drains connected

to the system 1/4 EDU per garage bay

with a floor drain.

\* These facilities may be billed based upon a water meter reading, provided the following:

(a) Facility shall have all water metered through a single appropriately sized water meter. Water meter shall be a commercially available water meter, certified for billing purposes, accurate to within 3% per the anticipated flow range and shall be of either the positive displacement or turbine style meter. Water meter installation and sizing shall be approved by the Authority Engineer.

(b) No water meter which is more than 10 years old shall be permitted to be used to calculate sewer rates.

(c) It shall be the responsibility of the property owner to report the meter reading to the Authority within 10 days of the close of each quarter, for the first three quarters of each calendar year. The meter shall be read by an Authority employee the fourth quarter of each year.

(d) The invoice shall be calculated by determining the average daily flow for each quarter, by dividing the total gallons used in each quarter, by the number of days in each quarter. The amount due shall then be determined by dividing the average daily flow by 350 gallons (1 EDU). The owner of the improved property shall then be billed for the number of EDU’s discharged, rounded up to the nearest quarter of an EDU.

\*\* Sub-paragraphs 6 and 7 above shall not consider transient employees or other employees of the company who are not present on the improved property more than 30 minutes a day on average as employees in the context of paragraphs 6 and 7.

SECTION 5.06 – Surcharges.

Surcharges shall be paid in addition to all User Charges computed in accordance with provisions of this Article 5 and shall be computed on such basis as the Authority, may from time to time adopt.

(A) The Owner of any Improved Property which shall discharge Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System in excess of a total flow of 300 gallons per day per Equivalent Dwelling Unit with a peak flow rate in excess of 750 gallons per day for any 10-minute period, per Equivalent Dwelling Unit as calculated under Section 5.05), as determined or reasonably estimated by the Authority, shall pay a volume surcharge. Said fee shall be determined, from time to time, by Resolution of the Authority and consistent with any rules/regulations promulgated hereunder.

(B) In addition to the above rate for normal contribution of sewage a surcharge for establishments discharging in excess of thirty-six thousand (36,000) gallons per quarter and containing no process or manufacturing wastes more concentrated than domestic sewage as determined by the Authority a surcharge for collection and treatment of sewage shall be made at the rate to be established by resolution of the Authority, from time to time, per one thousand (1,000) gallons of sewage in excess of an allowance of thirty-six thousand (36,000) gallons per quarter. Where the owner of the improved property is not a customer of the Authority’s water system, is the responsibility of the customers to furnish metering devices, satisfactory to the Authority, for determining the amount of sewage per quarter. This fee may be applied to the owners of improved properties who fail to make necessary repairs in order to exclude inflow and infiltration, in accordance with a duly issued notice requiring corrective action.

(C) In further addition to the above rate for normal contribution of sewage and the surcharge for excessive contribution of sewage, a surcharge for establishments discharging waste containing process or manufacturing wastes more concentrated than domestic sewage as determined by the Authority, a surcharge for collection and treatment shall be made as follows:

For each part per one million (1,000,000) of suspended solids, chlorine demand, biochemical oxygen demand, or grit and mineral solids in excess of the quantities stated below an additional charge shall be made in the amount of one-quarter (.25%) percent of the normal charge. The analysis of the sewage for purposes of this discharge shall be made by the Seewald Laboratories, Fairway Laboratories, Mahaffey Laboratories or other certified laboratory acceptable to Authority.

Maximum Limits of Normal Sewage

Suspended Solids 250 p.p.m.

Chlorine Demand 50 p.p.m.

5 Day 20 – B.O.D. 250 p.p.m.

Grit or Mineral Solids 14 p.p.m.

The sewer rental or charge hereby imposed shall be collected from the Owner of the premises upon which the same is hereby assessed and levied in the manner provided by the law for the collection thereof.

SECTION 5.07 – Information to be Provided by Owner.

The Owner of any Improved Property discharging Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System shall furnish to the Authority, including by way of the application for permit described in these rules/regulations as amended, implemented by Authority, all information deemed essential or appropriate by the , for Authority the determination of all applicable User Charges and surcharges. The costs of obtaining such information shall be borne by such Owner of the Improved Property.

In the event of the failure/refusal of the Owner to provide adequate information, the Authority, shall estimate the applicable User Charge and surcharges based upon available information, until such time as adequate information is received. There shall be no rebate of past payments if the Owner’s refusal to provide such information results in overpayment.

SECTION 5.08 – Separate Agreements.

Nothing herein contained shall be deemed to prohibit the Authority, from entering into separate or special agreements with Owners of Improved Property or other Persons with respect to the User Charge or surcharge to be imposed in those cases where, due to special or unusual circumstances, the User Charge set forth herein shall be deemed by the Authority, in its sole discretion, to be inequitable, or where it is in the best interests of the Authority, to do so.

SECTION 5.09 – Inspection Fee.

An inspection fee and charge may be imposed by the Authority, for the inspection by the Authority, of any new connection or repair of an existing connection to the Sewer System, which fees shall be established via Resolution from time to time by the Authority.

SECTION 5.10 – Amendment of Fees and Rates.

From time to time, by resolution adopted at a public meeting, the Authority`, shall set the fees and rates imposed under these Rules and Regulations implemented by the Authority, and shall adopt and keep available to the public a Schedule of Fees and Rates, which may be contained in any rules/regulations.

ARTICLE 6. BILLING AND COLLECTION

SECTION 6.01 – Billing Due Date.

Payments of User Charges and any applicable surcharges shall be due and payable upon the applicable billing date through the Authority, or their duly authorized billing agent.

Unless otherwise provided for in this and any rules/regulations implemented by the Authority, the sewer fees shall be invoiced by the Authority quarterly and shall be mailed to the party responsible for the bill, thirty (30) days before the first day of each quarter of the year. Full Payment shall then be due by the first day of each quarter of the calendar year.

Any and all payments received on account of delinquent accounts shall be applied first to the oldest outstanding gross bill, including any accumulated late fee.

SECTION 6.02 – Late Payment Charge.

Unless otherwise indicated in these Rules and Regulations implemented by the Authority`, all amounts not paid when due shall accrue a penalty. Said penalty shall be determined, from time to time, by Resolution of Authority the Authority and consistent with any rules/regulations promulgated hereunder. Furthermore, interest may be charged on all overdue balances, at a rate determined, from time to time, by Resolution of the Authority and consistent with any rules/regulations promulgated hereunder.

SECTION 6.03 – Billing Address.

When the Owner changes his/her or its billing address and fails to notify the Authority or their duly authorized billing agent, the Owner shall continue to remain liable to remit payment by the payment due date.

SECTION 6.04 – Change in Ownership.

Every Owner of Improved Property shall remain liable for the payment of User Charges and surcharges until the latter of: (1) the receipt by the Authority, of written notice by such Owner that the property has been sold, containing the correct name and mailing address of the new Owner, or (2) the date on which title to the Improved Property is transferred to a new Owner. Failure to provide notice renders an Owner continuously liable for any charges that may accrue until such time as the Authority, has been properly notified of any change in ownership as described above.

SECTION 6.05 – Assignment of Responsibility for Service Charges.

Responsibility for payment of sewer service charges may be transferred to another individual or party, provided the individual or party holds a lease, trust or other documented interest in the property with a duration of no less than one year. The responsibility for service charges may be transferred upon the receipt by the Authority and their designated collection agent, of a written request, by and signed by the party accepting responsibility for the monthly service charges,. Assignable charges includes only the quarterly service charges and late fees associated with the quarterly service charges. All other fees and service charges promulgated within shall remain the sole responsibility of the Owner of the Improved Property. The Owner of the Improved Property shall ultimately remain responsible for all service charges and late fees, should the individual or party assigned responsibility for payment of the service charges and late fees become delinquent on payment and/or default on payments.

SECTION 6.06 – Returned Check Charges.

Any individual or party providing payment to the Authority shall be responsible for a returned check fee when said payment is returned by a bank for any reason including, but not limited to, non-sufficient funds, uncollected funds, account closed, payment stopped, two (2) signature required, post-dated, stale date, account garnished or unauthorized signature. Said charge shall be in addition to any and all charges assessed by a bank; the amount of such charge shall be determined from time to time, by the Authority, via Resolution.

SECTION 6.07 – Disputed Bills.

In the event of a dispute between the Owner and the Authority or its duly authorized billing agent, concerning any bill, the Authority or its duly authorized billing agent, will promptly make such investigation as may be required by the particular case and report the result to the Owner. When the Authority or its duly authorized billing agent has made such a report to the Owner sustaining the bill as rendered, the Owner shall have fifteen (15) days from the date of such report in which to pay the bill. If the Authority or its duly authorized billing agent, determines that the bill originally rendered is incorrect, the Authority or its duly authorized billing agent, will issue a corrected bill with a new due date for payment. Any amounts received by the Authority or its duly authorized billing agent, in excess of the amount disclosed to be due by the Authority or its duly authorized billing agent, investigation of the dispute shall be returned to the Owner.

No officer or employee of the Authority or its duly authorized billing agent, is authorized to reduce, vary or exempt charges imposed herein or other provisions of these or any rules/regulations implemented by the Authority, without official action by the Authority.

SECTION 6.08 – Deposits.

(A) The Authority or its duly authorized billing agent, may require an existing User to post a deposit, equal to amount of the preceding quarterly User charge assessed to the User, to reestablish credit under the following circumstances:

(1) Delinquent accounts: (a) whenever a residential User has been delinquent in payment of three (3) or more bills within the preceding twelve (12) months; or (b) whenever any other than residential User has been delinquent in payment of three (3) or more bills within the preceding twelve (12) months.

(2) As a condition to the reconnection of water or sewer service following a termination.

(3) Whenever a User fails to comply with a material term or condition of settlement or payment agreement, whether or not service has been terminated.

(B) The Authority or its duly authorized billing agent, may require any Applicant for new or temporary service to post a deposit.

SECTION 6.09 – Liens for Fees and Charges.

Fees and charges imposed under these Rules and Regulations and any Ordinances adopted by the Authority directly or through their designated billing agent, with respect to an Improved Property shall be liens on the Improved Property until paid. Such liens shall be perfected by appropriate filings in the Office of the Prothonotary of Clinton County, Pennsylvania, and shall be enforced in the manner provided by law for collection of municipal claims in addition to any other remedies, legal or equitable, otherwise available to the Authority.

SECTION 6.10 – Civil Action.

The Authority may collect delinquent sewer User fees, penalties and any other fees/charges provided for under these Rules and Regulations by civil action or any other legal or equitable remedy available to it.

### ARTICLE 7. DISCONTINUANCE OF SERVICE, TERMINATION OF SERVICE

### AND RESTORATION OF SERVICE

SECTION 7.01 – Discontinuance by User.

Discontinuance of service is accomplished only by the physical disconnection of the service line and capping of the Authority’s lateral. A User/Owner who wishes to have service disconnected shall give at least five (5) days notice to the Authority, specifying the date on which service is to be discontinued. A request for such discontinuance of service shall be made in writing. In the absence of proper notice, the User/Owner shall be responsible for all service rendered until the time that the Authority, shall have notice of the User’s/Owner’s intent to discontinue service. The User/Owner shall not disconnect or remove service without the prior written consent of the Authority. All costs for disconnection and/or abandonment of the Service Line shall be the responsibility of the User/Owner.

SECTION 7.02 – Termination by Authority.

Service to the User/Owner may be terminated by the disconnection or plugging of a Lateral or the disconnection of water service providing water service to the improved property, for good cause, including, but not limited to the following:

(A) for making an application for service that contains material misrepresentations;

(B) for willful or negligent infiltration or inflow of water through improper or imperfect pipes, fixtures or connections or for willful or negligent failure to repair leaks in pipes or fixtures;

(C) for tampering with any Building Sewer or Lateral;

(D) for theft of service, which shall include taking service without having made a proper application for service;

(E) for failure to pay, when due, any charges accruing under these Rules and Regulations or any ordinance implemented by the Borough of Beech Creek;

(F) for refusal of reasonable access to the property for purposes of inspection;

(G) for receipt by the Authority, of an order or notice from the Department of Environmental Protection, health authorities, plumbing inspectors, or another similar agency to discontinue service to the premises on the grounds of violation of any federal, state or local law, or local ordinance, or upon notice to the Authority, from any such agency that it has ordered an existing violation on the premises to be discontinued and that such order has not been complied with; or

(H) for violation of any of the provisions these rules/regulations implemented by the Borough, otherwise specified, above.

SECTION 7.03 – Restoration of Service.

# Whenever service is discontinued or terminated pursuant to the above sections, service shall be restored only upon payment of any and all fees and/or costs required under these Rules and Regulations, including advance payment of service reinstatement fees or costs, under any rules/regulations implemented by the Authority, or incurred by the Authority, by the User/Owner, in the curing of the problem that gave rise to the termination under Section 7.02.

# ARTICLE 8. UPGRADE AND EXTENSION OF SEWER MAINS

SECTION 8.01 – Ownership and Easements.

(A) The Authority, shall assume ownership and will authorize use of, and will maintain and operate Sanitary Sewers which have been constructed or upgraded by a Developer to serve the land improved by the Developer in question under the following terms and conditions:

(1) The Developer has requested and the Authority, has approved service to the Developer’s project.

(2) The Developer has provided evidence that Land Planning Modules or planning waivers as may be required by the Department of Environmental Protection and/or the Borough of Beech Creek or other appropriate municipality, have been approved.

(3) The Developer has provided to the Authority, a proper Sewer Upgrade / Extension Agreement which Agreement shall provide the specific details of the project.

(4) The Developer of the land in question provides to the Authority, easements as may be required to maintain Sewers in accordance with these Rules and Regulations, in effect at the time said easements are obtained. Easements shall be obtained and shall be recorded in the name of the Authority.

SECTION 8.02 – General Sequence of Approval.

(A) Approval for the construction of an upgrade or extension to the system owned by the Authority shall follow, in general, the three (3) stages outlined below:

(1) Planning Approval

(a) The Developer shall submit two (2) copies of a Land Development Plan or Sketch Plan to the Authority, accompanied by a written request that the Authority provide conditional service approval to his proposed development. The Sketch or Land Development Plan must at least show the proposed lot layout within the subdivision. Draft copies of Sewage Facilities Planning Modules or waivers (in duplicate) as may be required by the Department of Environmental Protection shall accompany the Land Development Plan or Sketch. At a minimum, the Land Development Plan and/or Sketch Plan must contain the following information:

(i) The name of the proposed subdivision or land development;

(ii) North arrow;

(iii) Graphics scale;

(iv) Day, month, year plan prepared and/or revised;

(v) Name and address of Developer;

(vi) Name and address of individual or firm preparing the plan;

(vii) Key map showing location of proposed subdivision and land development;

(viii) Total acreage of property;

(ix) Location and widths of rights-of-way and cartways;

(x) The layout of each lot;

(xi) Utility, drainage and other easements;

(xii) Point of connection to existing Sewer System;

(xiii) Preliminary layout of proposed sewage facilities.

(b) The Authority, shall take into consideration the Developer’s request for planning approval/waivers, and, if appropriate, shall authorize execution of the Sewage Facilities Planning Modules or planning waiver or provide a letter of willingness and ability to provide service. If the Authority, deems the submission for planning approval to be incomplete, additional action necessary by the Developer to gain planning approval shall be indicated at the meeting when the request for planning approval is considered.

(c) The Authority’s ties, approval of Developers request for planning approval shall not constitute final approval to serve the proposed subdivision or land development project.

(d) Final approval shall not be granted until planning approval has been granted by, or comments received from the Clinton County Planning Commission.

(2) Service Approval

(a) Following planning approval by the Authority, of the Developer’s Land Development/Sketch Plan, the Developer shall make a formal request to the Authority, for final approval for Sanitary Sewer Service to the project or subdivision. The request for service shall contain, at a minimum, three (3) copies of the final Land Development Plan and/or subdivision plan as approved by the Borough, which plan shall contain, at a minimum, all of the information required under Section 8.02(A) subparagraph (1)(a), above.

(b) The Developer or his Engineer shall provide the Authority, with a copy of the Department of Environmental Protection’s approval of his Sewage Facility Planning Modules or waiver.

(c) Based upon the information presented by the Developer in his request for service, the Authority, shall make a determination whether an application for a “Special Permit for the Discharge of Non-Domestic Wastewater” must be submitted to the Authority, with respect to service to any one individual or all the lots contained in the Subdivision Plan or Land Development Plan. It is the intent herein to ascertain whether wastewater which is proposed for discharge to the Sanitary Sewer will require pretreatment to be provided by the Owner/Developer of the subdivision and/or lot within that subdivision before discharge to the Sewer is permitted.

(d) Based upon the content of the request for service submitted to the Borough, and the review thereof, the Authority, will either approve the request for service or will make recommendations which will indicate what action must be taken by the Developer prior to the request for service being approved. If additional information is required from the Developer, he will be so notified.

(e) The Authority’s, approval of the request for service shall not constitute approval of the final design of the wastewater collection system required for service to the proposed subdivision or Land Development Plan.

(3) Final Design Approval

(a) The Developer and/or his engineer shall present to the Authority

a design of Sanitary Sewers required to provide service to his subdivision or project which is to be developed.

(b) The Developer shall present to the Authority, for its consideration a fully executed (in triplicate) Sewer Upgrade / Extension Agreement as provided for in these rules/regulations implemented by the Authority.

(c) Based upon the content of the submittal for final design approval, the Authority, will either approve the submission or make recommendations which will indicate what action must be taken by the Developer prior to the Developer receiving approval of final design of the upgrade / extension to the wastewater collection system. If additional information is required, the Developer shall be so notified.

(d) Construction of Sanitary Sewers may not commence until the requisite Water Quality Management Permit has been issued either by the Commonwealth of Pennsylvania, Department of Environmental Protection, as necessary.

(4) Procedures for Obtaining Approval to Construct and Use Sewers

(a) The Developer and/or his Engineer shall present to the Authority, for review and approval record drawings, prepared and certified by the Engineer, of the upgrade / extension constructed to the collection system owned by the Authority. At the time the record drawings are presented for review and approval, the Developer shall convey to the Authority, by a Deed of Dedication the Sanitary Sewer upgrade / extension as detailed in the Sewer Extension Agreement. The requirements for record drawings are contained in Section 9.03, infra. No extension constructed by the Developer will be accepted and approved for use until such time as record drawings have been approved, all fees have been paid to the Authority, and the Deed of Dedication has been offered to the Authority.

(b) The Developer shall pay all fees, premiums, royalties, etc. necessary for the construction as well as for the processing of applications for the proposed project. Where required, the Developer shall have his Engineer prepare the application for a Water Quality Management Permit to be issued by the Department of Environmental Protection, whichever is applicable. In the event an application is prepared for submission to the Department of Environmental Protection, it shall be prepared in the name of the Authority, together with all required modules. These documents shall be delivered to the Authority, in triplicate for review by the Authority, and the Authority’s Engineer. The Engineer, after review and approval of the permit application, modules and other documents, together with the necessary plans shall provide his approval to the Authority, in writing before documentation is submitted to the Department of Environmental Protection.

The Developer is also responsible for the following permits and approvals and any associated fees:

(i) PennDOT Highway Occupancy Permit and Maintenance Bond;

(ii) Borough Road or Street Occupancy Permit;

(iii) Stream Encroachment Permit;

(iv) Soil Erosion and Sedimentation Control Approval;

(v) Earth Disturbance Permit;

(vi) NPDES permit;

(vii) Any other Permits required by any Agency.

If so required by the Authority, the Developer shall obtain the Permits in the name of the Authority.

The Developer shall pay the Authority, for all costs of inspection of the construction of extensions to the Sanitary Sewer. A pre-construction conference shall be held at which time the estimated fee for inspection shall be determined. The fee shall be advanced to the Authority, prior to the initiation of construction.

SECTION 8.03 – Bond and Maintenance.

The Developer shall post a bond in accordance with the requirements of the Authority, which bond shall cover the cost of construction of the wastewater collection facilities shown on the plans as approved by the Authority, and maintenance of the wastewater collection facilities for a period of two (2) years. The bond shall be posted concurrently with the bonds for other public improvements related to the project and shall be in an amount approved by the Authority.

The Developer shall maintain all sewage and related paving items associated with the project, and shall correct all defects in workmanship and materials, including settlement of backfill, for a period of two (2) years from the date of acceptance of the wastewater collection facilities by the Authority.

When repairs or replacements are required, the Authority, will notify the Developer in writing advising him of the extent of the work. Within seven (7) days thereafter, the Developer shall begin to perform the necessary work and carry it through expeditiously until it is completed. If the Developer delays beyond the seven (7) days from the date of said notice, the Authority, may institute action under the bond to have the work done by outside forces and charge same against the Surety on the bond. In the event of an emergency situation which must be repaired immediately, to protect public or private property and protect the public health and safety, in the event the Developer is not immediately available to make repairs, the Authority may make repairs, which cost shall be assessed against Developer.

SECTION 8.04 – Indemnification and Insurance.

The Developer and/or Contractor shall indemnify and hold harmless the Authority and the Authority’s consultant and their agents and employees from and against all third party liability.

The Authority and the Authority’s consultant(s) shall be named as an additional insured under the policy; the minimum amount of the policy shall be $1,000,000.00 or an amount determined appropriate by the Authority after review of Developer’s/Contractor’s plans.

The Developer shall instruct his Contractor to carry the following types of insurance plus whatever special types of insurance are required by the Authority:

(i) Workmen’s Compensation;

(ii) Contractor’s Public Liability and Property Damage;

(iii) Vehicle Liability;

(iv) Scope of Insurance and Special Hazards; (as applicable)

(v) Builder’s Risk Insurance;

(vi) Blasting Insurance. (as applicable)

All subcontractors shall be required by the prime contractor to carry all required insurances enumerated herein.

Prior to the start of the construction (at the initial pre-construction conference), the Developer shall furnish to the Authority, a Certificate of Insurance certifying that the Contractor (and all subcontractors) has/have taken out and is/are maintaining the types of insurance required by the Authority. Each certificate shall contain substantially the following statement: “The insurance covered by this certificate shall not be cancelled or materially altered except after thirty (30) days written notice has been provided to the Authority.”

SECTION 8.05 – Workmanship and Materials.

It is the intent of the Authority to require all sewer construction which is undertaken under the auspices of these rules and regulations by a Developer, as defined herein, to meet the specifications enumerated herein, along with any contained in such rules/regulations as may be implemented by the Authority and to require the Developer to adhere strictly to those requirements. The intent of the specifications is to define the quality and character of the workmanship and materials necessary to meet the requirements of the Authority.

SECTION 8.06 – Act 172 (Pennsylvania One Call)– Notification of Utility Companies.

The Developer is hereby advised of his obligation under Act 172 to contact all utility companies who maintain underground utilities in the project area. The Authority, will not assume any responsibility for the failure of the Developer to fulfill his requirements and obligations under Act 172.

ARTICLE 9. PLANS AND SPECIFICATIONS

SECTION 9.01 – Submission of Plan and Specifications to the Authority

(A) The Developer and/or his Engineer shall submit three (3) complete sets of plans and specifications of the proposed wastewater collection construction project for review and approval by the Authority, and the Authority’s Consultant. One (1) marked or approved set will be returned to the Developer after review by the Authority. Plans shall be prepared by a Professional Engineer, registered in the Commonwealth of Pennsylvania, and shall bear the original impression seal and signature of the Engineer who prepared the plans on the front cover of each set of plans.

(B) After design plans and specifications have been approved by the Authority, the Developer shall provide the Borough, with three (3) sets of plans and specifications for its use, prior to the start of construction.

(C) In addition to the plans and specifications called for above, the Developer shall provide three (3) sets of any other plans, catalog cuts and specifications, as might be furnished for his project by a material or equipment manufacturer, whether it be a material, installation or maintenance specification.

SECTION 9.02 – Minimum Standards for Construction Drawings.

(A) The plans for construction shall include the following:

(1) A cover sheet which details the name of the project for which the plans have been prepared. On the cover sheet, the Engineer’s name shall be shown. The date the drawing was prepared shall be shown. A key map showing the location of the project shall be shown on the cover sheet. An extract from a USGS map may be used for the key map with the area of project defined on the key map. The permit number which covers construction of the sanitary sewers shall be shown on the cover sheet. During the design phase, the permit number shall be left blank but shall be completed at the record phase in drawing production. In addition, during the generation of record drawings, the front cover shall definitively state that the drawings depict the record condition of the sewers. Also on the front cover of the record drawings, the required certification from the design engineer that the sewers have been constructed in accordance with the design and the rules and regulations of the Authority, together with the Department of Environmental Protection shall be shown. If any changes have been authorized during construction, the changes shall be listed underneath the certificate. The front cover of each set of drawings shall bear the Engineer’s original impressed seal and signature.

(2) The second sheet of the folio of drawings shall be the table of contents with the contents of each page definitively shown. The Engineer’s standard table showing changes, individuals who designed, checked, drew and surveyed the information shall be shown. Each subsequent page in the folio of drawings shall contain the name of the project and the name of the Engineer. If the drawings are record drawings the words “Record drawing” shall appear.

(3) The third sheet in each set of drawings shall be a general plan of the entire project showing the locations of all lots (if appropriate) and the location of sanitary sewers in streets and rights-of-way (graphically correct) together with lot numbers, roads, streets, etc. The scale shall be such that the majority of the sheet is used to depict the project.

(4) The plans shall be at a scale of 1 inch = 50 feet. Other scales may be approved by the Authority upon recommendation of the Authority’s Engineer. Uniform sheet size shall be 24” x 36”. A profile of the street and existing ground surface over the sewer shall be shown. In addition, an existing ground profile at the building setback line shall be shown. The profile shall be drawn at a horizontal scale of 1 inch = 50 feet and a vertical scale of 1 inch = 5 feet.

(5) Detail Sheets (Plan and Profile): The following items shall be included thereon:

(a) Location of each existing or proposed building with elevation of the existing or proposed basement (Plan View).

(b) Sewer ties to existing permanent and semi-permanent features (Plan View).

(c) Top elevations of manholes (Profile View).

(d) Manhole numbers corresponding to those on Index Map (Plan View and Profile View).

(e) Distance between manholes (Profile View).

(f) Grade of proposed Sewer (Profile View).

(g) Size of proposed Sewer (Profile View).

(h) Location, size and elevation of all existing and proposed underground utilities (Plan View and Profile View).

(6) Inverts of sewers at manholes and manhole top elevations shall be shown. The datum shall be that of the Authority’s system. Benchmark elevations will be supplied by the Authority’s Consultant. A minimum of one (1) benchmark shall be shown on each sheet of the construction plans.

(7) Structures to be served shall be located in plan and profile with the basement and first floor elevations clearly indicated.

(8) Proposed Lateral connections shall be shown. “Wye” and Lateral ends shall be stationed along the center line of the sewer between manholes with a length and distance either left or right from the center line of the sewer main. A Lateral shall be constructed to each lot within a subdivision.

(9) A North arrow and flow direction of all sewers shall be shown on each sheet. Plans for construction are expected to be completed using straight edges and standard drawing templates for letters, numbers and symbols. No free hand lettering or numbering will be permitted.

(10) Submit the following information as a supplement to the construction drawings:

(a) Number of persons to be served initially.

(b) Number of persons to be served in the future.

(c) Number of acres to be served initially.

(d) Number of acres to be served in the future.

(e) Initial and future sanitary sewer flows if the development is other than residential.

SECTION 9.03 – Minimum Standards for Record Drawings.

(A) The Developer shall furnish to Authority, a set of reproducible mylar Record drawings and five (5) sets of Record prints of all facilities for which Authority acceptance is being requested. Two (2) copies of the Record drawings (prints) submitted by the Developer shall be transmitted to the Department of Environmental Protection by the Authority, as Record drawings to replace the design drawings previously forwarded to the Department for permit purposes. The Record drawings are to show the system as installed with all revisions. Manholes, wyes, and laterals are to be correctly stationed with respect to center line of manholes with depth, length of laterals, and invert elevation at the end of the lateral noted. Pipe material and angles of sewers at the manholes shall be shown. A 4” x 4” pressure treated post shall be placed at the end of the lateral and shall extend from the invert of the lateral to a minimum of three (3) feet above the ground. The top of the post shall be painted with sewer green for at least a distance of 12” from the top of the post. The total distance from the top of the post to the invert of the lateral shall be indicated on the Record drawings at the proper center line station either left or right. The Record drawings shall contain thereon the same information required for the design drawings corrected to Record conditions and shall include the locations of all streets and utilities (both main lines and laterals) that parallel or cross the installed sanitary sewers. The location of the lateral end, shown in the plan view, shall be graphically correct with respect to property corners, manholes, utility poles, etc. Each drawing shall be marked “Record” and dated.

(B) The Developer and Engineer shall provide professional engineering and drafting work which shall be neat, legible, and understandable per the standards of the industry.

(C) All Record drawings are expected to be completed utilizing AutoCAD or similar design and drafting software.

(D) The reproducible mylars of the Record drawings are to bear a seal of a Registered Professional Engineer, registered in the Commonwealth of Pennsylvania. The registered professional engineer shall certify that the Record information is true and correct. The mylar Record drawings shall be signed and dated by the Registered Professional Engineer.

(E) In the event more than one (1) Engineer is retained by the Developer over a period of time to produce Record drawings on a piece-meal basis, it will be the responsibility of the Developer when all sewers covered by permit have been constructed to retain one Engineer to produce a complete set of drawings showing Record conditions of all sewers.

SECTION 9.04 – Plans to Contractor.

(A) A sufficient number of plans and specifications shall be made available by the Developer to the Contractor or Contractors performing the work.

ARTICLE 10. ADMISSION OF INDUSTRIAL WASTES INTO THE SEWER SYSTEM

SECTION 10.01 – Permits Required.

No Person shall discharge or cause to be discharged into the Sewer System any Industrial Wastes without prior application for and receipt of a written permit from the Authority.

SECTION 10.02 – Information Required.

Any Person desiring to make or use a connection through which Industrial Wastes shall be discharged into the Sewer System shall file with the Authority, a completed “Industrial Wastes Questionnaire”, furnished by the Authority, which shall supply pertinent data including estimated quantity of flow, characteristics and constituents of the proposed discharge. The cost of obtaining all such data shall be borne by the Person desiring to make or use the connection to the Sewer System.

SECTION 10.03 – Reports by Major Contributors.

(A) Prior to the first day of February of each year, each major contributor of Industrial Wastes shall file with the Authority, a report on the quality and quantity of their discharge, as well as any process changes, system improvements or problems which may have occurred throughout the preceding calendar year

(B) Major contributors shall consist of those whose total estimated or metered discharge exceeds 2,500 gallons per day, have in their waste a toxic pollutant or, in the judgment of the Borough, would have a significant impact on the Sewer System or the quality of its effluent.

SECTION 10.04 – Control Manholes and Sampling.

(A) When required by the Authority, the Owner of any Improved Property serviced by a Building Sewer carrying Industrial Wastes shall install, at his expense, a suitable control manhole, together with such necessary meters and other appurtenances in the Building Sewer, to facilitate observation, sampling and measurement of the waste flow.

(B) All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made herein shall be determined in accordance with the latest edition of “Standard Methods for Examination of Water and Wastewater”, published by the American Public Health Association, Inc. and shall be determined by or under the direct supervision of a “qualified analyst” at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewer System and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples must be taken.)

SECTION 10.05 – Changes in Discharge.

Any Industrial Establishment discharging Domestic Sanitary Sewage and/or Industrial Wastes into the Sewer System and contemplating a change in the method of operation which will alter the characteristics and/or volume of such wastes being discharged shall notify the Authority, in writing, at least ten (10) days prior to institution of such change.

SECTION 10.06 – Grease, Oil, and Sand Interceptors.

Grease, oil and sand interceptors shall be provided by the Owner of any Industrial, Commercial or Institutional Establishment, with floor drains, commercial kitchens having deep fryers or grills or when required by the Authority, at his sole cost, for the proper handling of liquid wastes containing excessive grease, inflammable wastes, sand or other harmful substances. All interceptors shall be of a type and capacity approved by the Authority, and constructed or installed at a satisfactory location in accordance with manufacturers recommendations and plans approved by the Authority, prior to installation or commencement of construction.

SECTION 10.07 – Mechanical Garbage Grinders.

The use of mechanical garbage grinders in an Industrial Establishment or a Commercial Establishment shall not be permitted without prior approval from the Authority.

SECTION 10.08 – Equalization of Flows.

The Authority, may require Industrial Establishments having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the Sewer System.

ARTICLE 11. PROHIBITED WASTES

SECTION 11.01 – Prohibited Discharges.

No Person shall discharge or shall cause to be discharged into the Sewer System any flows from sources listed in section 4.16(A) or from any sources of otherwise non-polluted water sources.

SECTION 11.02 – Prohibited Waste Characteristics.

Except as otherwise provided, no Person shall discharge or cause to be discharged into the Sewer System any matter or substance:

(A) Having a temperature higher than 140 degrees F. (60 degrees C.) or less than 32 degrees F.;

(B) Containing more than 50 mg./L of fat, oil or grease;

(C) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Sewer Lines, the Municipal Authority Treatment Plant, or any other Treatment Plant or equipment utilized by the Authority. At no time, shall two (2) successive readings on an explosion hazard meter, at any point of discharge into the system (or at any point in the system) be more than five (5%) percent nor any single reading over ten (10%) percent of the Lower Explosive Limits (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Authority, the Commonwealth or EPA has notified the User is a fire hazard or a hazard to the Sewer System;

(D) Containing any solid wastes with particles greater than one-half (1/2”) inch in any dimension, resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce, which wastes commonly are known as garbage, which have not been ground by household type garbage disposal units or other suitable garbage grinders;

(E) Containing any solids or viscous substances which may cause obstruction to flow in the Sewer System or other interference with the proper operation of the Authority Treatment Plant such as, but not limited to: animal guts or tissues, paunch manure, bones, hair, hides or fleshings, feathers, entrails, whole blood, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, strings, wood, plastics, gas tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, dental floss, wool or other fibers;

(F) Having a Ph lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazards to structures or equipment of the Sewer System or any Sewer or to any Person engaged in operation and maintenance of the Sewer System;

(G) Containing toxic or poisonous substances in sufficient quantity to injure or to interfere with any sewage treatment process, to constitute hazards to humans or animals or to create any hazards in waters which shall receive treated effluent from the Sewer System;

(H) Containing dyes or other materials with objectionable color, from any source that will result in a treatment plant effluent exceeding limits in compliance with applicable State or Federal regulations;

(I) Any substance which may cause Authority’s Plant’s effluent or any other product of the Authority Plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the Authority’s Plant cause the Authority, to be in non-compliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or Commonwealth criteria applicable to the sludge management method being used;

(J) Containing radio-active substances and/or isotopes of such half-life or concentration that will result in a treatment plant effluent exceeding limits in compliance with applicable State or Federal regulations;

(K) Having a chlorine demand in excess of 12 mg/l at a detention time of 20 minutes;

(L) Prohibited by any permit issued by the Commonwealth of Pennsylvania or the U. S. Environmental Protection Agency;

(M) Containing wastes which are not amendable to biological treatment or reduction in existing treatment facilities, specifically non-biodegradable complex carbon compounds;

(N) Having a B.O.D. content greater than three hundred (300) ppm (except as authorized under Section 5.06);

(O) Having a Suspended Solids content greater than three hundred (300) ppm (except as authorized under Section 5.06);

(P) Having a Total Phosphorus as P content greater than ten (10) ppm (except as authorized under Section 5.06);

(Q) Having an Ammonia Nitrogen as N content greater than thirty (30) ppm (except as authorized under Section 5.06);

(R) Having any waste containing toxic or poisonous substances in excess of the following limits, measured at the point of discharge to the Sewer System:

Substance Maximum Concentration (ppm)

Arsenic 0.05

Cadmium (as Cd) 0.1

Chromium (trivalent) 1.0

Chromium (hexavalent) 0.05

Copper (as Cu) 0.5

Cyanides (free CN) 0.05

Lead 0.3

Mercury 0.002

Nickel (as Ni) 2.0

Phenolic Compounds 0.005

Silver 0.05

Zinc (as Zn) 1.0

(S) Containing any substance not mentioned in the foregoing list that will pass through the Sewer Lines of the Authority Plant and exceed the maximum permitted levels for such substance under the requirements of the EPA, the Commonwealth or other governmental agencies having jurisdiction; and

(T) Any other substance prohibited by ordinance, resolution, rule or regulation of the Authority, hereafter enacted or adopted from time to time.

SECTION 11.03 – Permits Required.

Under no circumstances shall any Person discharge or cause to be discharged into the Sewer System any of the substances listed in Section 11.02, above, without first securing written permission to do so from the Authority.

SECTION 11.04 – Promulgation of Federal Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations or any ordinance adopted by the Borough of Beech Creek, shall immediately supersede the limitations imposed under this Ordinance or any implementing rules/regulations.

SECTION 11.05 – Dilution Prohibited.

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant – specific limitation developed by the Borough, or the Commonwealth.

SECTION 11.06 – Continuation of Service.

Whenever a Person is authorized by the Authority, and the appropriate governmental agencies to discharge any polluted water, Domestic Sanitary Sewage or Industrial Wastes containing any of the substances or possessing any of the characteristics referred to in Section 11.02, such discharge shall be subject to the continuing approval, inspection and review of the Authority. If, in the opinion of the Authority, such discharges are causing or will cause damage to the Sewer System, or cause the Authority, to be in violation of any agreement or order, the Authority, shall order the Person causing such discharge to cease doing so forthwith, or to take other appropriate action, including exercising the remedies provided in these Rules and Regulations, along with any other available legal remedy, to eliminate the harmful discharge.

SECTION 11.07 – Special Agreements.

Nothing contained herein shall be construed as prohibiting any special agreement or arrangement between the Authority, and the Owner of an Improved Property or other Person allowing Industrial Wastes of unusual strength or character to be admitted into the Sewer System.

SECTION 11.08 – Pretreatment Facilities.

Where necessary or appropriate, in the opinion of the Authority, the Owner of an Improved Property shall provide, at the sole expense of the Owner, suitable pretreatment facilities acceptable to the Authority.

Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of Industrial Wastes shall be submitted for approval of the Authority. No construction of any such facility shall commence until approval has been obtained, in writing, from the Authority, and until approval has been obtained from any and all regulatory bodies having jurisdiction.

Such facilities for preliminary treatment and handling of Industrial Wastes shall be continuously maintained, at the sole expense of the Owner, in good operating condition satisfactory to the Authority. The Authority shall have access to such facilities at reasonable times for purposes of inspection and sampling.

ARTICLE 12. WAIVERS AND AMENDMENTS

SECTION 12.01 – Waivers.

The Authority, may, in its sole discretion, waive any of the requirements contained in these rules/regulations or any implementing rules/regulations, that operate for the benefit of the Authority, provided that no such waiver will be valid unless in writing and signed by the Authority, and provided that no waiver will be allowed where the waiver would constitute a violation of any applicable statute, law or state/federal regulation.

SECTION 12.02 – Additional Rules and Regulations.

The Authority, may adopt/amend. Repeal, from time to time, such rules/regulations as it deems necessary and proper use/operation of the Sewer System.

ARTICLE 13. INSPECTION

SECTION 13.01 – General Inspection Provisions.

For purposes of enforcement, any rules/regulations implemented hereunder with respect to connection to and operation of the Sewer System and for the purpose of advancing and protecting the public health, the Authority reserves the right to enter upon the premises of any Owner having submit application for connection to, or connected to the system for purposes of inspecting the Sewer facilities located thereon and for purposes of determining compliance with the requirements of these Rules and Regualtions. Duly authorized employees or consultants of the Authority, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these rules and regulations. In the event that the Authority’s duly authorized representatives are denied access to any Owner’s premises for these purposes, the Authority reserves the right to obtain an administrative search warrant to facilitate the inspection or to discontinue sewer service and/or water service to such premises until inspection is permitted and compliance with the requirements of the Authority have been determined, along with use of any other legal right the Authority may have available to it to assure compliance with these Rules and Regulations.

# ARTICLE 14. DELINQUENCIES, VIOLATIONS AND REMEDIES

SECTION 14.01 – Time Limitations Generally.

Each and every charge imposed by these rules/regulations hereunder shall be a debt to the Authority and shall be a lien on the property served, if not paid within appropriate time frame as established these Resolution/Rules/ Regulations implemented by Authority, shall be deemed delinquent. In such event, the Authority, may proceed to file a lien in the office of the Prothonotary of Clinton County and collect the same in the manner provided by law for the filing and collection of municipal claims. In the event of failure to pay, the Authority, may also disconnect water service to the improved property in question. The expense of such shut off or removal or closing, as well as the expense of restoring any such service, shall likewise be a debt due the Authority, and a lien on the property served and may be filed and collected as hereinabove provided or via all other lawful and/or statutory means.

SECTION 14.02 – Time Limitation for Violation Corrections.

All persons violating any provisions of these rules/regulations shall be given notice of such violation either personally, in writing, or by means of the United States Mail, First Class, postage prepaid. If no action is taken to correct such violation within appropriate time frame as established by these Resolution/Rules/ Regulations implemented by the Authority, water to said premises may be shut off or the sewer connection may be removed or closed, either remedy or both to be at the discretion of the Authority. Reconnection will not be made until after correction of the violation has been accomplished. The expense of such shut off or removal or closing and the expense of restoring the water or sewage service shall be a debt due the Authority, and a lien upon the property served and may be filed and collected as provided in Section 14.01, hereof.

Additionally in cases where tenants or other individuals or parties not responsible for the maintenance may be impacted by a discontinuance of service as described above or during months that Commonwealth of Pennsylvania statute prohibits the disconnection of water service, the Authority may at their discretion enter upon the premises and effect the repairs either with Authority personnel or with contracted personnel under the supervision of Authority personnel. The owner of the improved property shall be responsible for all costs of the repair and the costs shall be invoiced to the owner of the improved property.

SECTION 14.03 – Fines and Costs.

Any person violating any provision of these rules/regulations, shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred ($300.00) Dollars and costs of prosecution, or shall undergo imprisonment for not more than ninety (90) days, or both, and may be assessed for any damages to person, property, and/or transmission lines; Provided: each violation of these implementing rules/regulations, and each day the same is continued, shall be deemed a separate offense.

The aforementioned fine and/or imprisonment shall be in addition to any other penalty /remedy imposed by or available under these implementing rules/regulations and/or other applicable statutory penalties/provisions.

SECTION 14.04 – Enforcement.

Fines and costs imposed under these rules/regulations shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE 15. MISCELLANEOUS

SECTION 15.01 – Number and Gender.

The use of the singular in this Ordinance and any implementing rules/regulations shall include the plural, and the use of the masculine, feminine and neutral.

SECTION 15.02 – Grinder Pumps

The Owner of any Improved Property, upon direction of the Authority, shall acquire and install, at such Owner’s cost and expense, a grinder pump or similar apparatus satisfactory to the Authority, in the manner and at the location directed by the Authority. Such grinder pump shall be installed at the time such Improved Property is connected to the Sewer System and shall be subject to inspection and approval together with the remainder of the Building Sewer.

SECTION 15.03 – Tenants.

The Owner of any Improved Property shall be held liable for all acts of tenants or other occupants of such Improved Property, as may be permitted by law, insofar as such acts shall be governed by the provisions of these Rules and Regulations and any Ordinances adopted by the Authority.

SECTION 15.04 – Severability.

In the event any provision, section, sentence, clause or part of these rules and regulations shall be held to be invalid, such invalidity shall not effect of impair any remaining provision, section, sentence, clause or part of these rule/regulation, it being the intent of the Authority that such remainder shall be and shall remain in full force and effect.

SECTION 15.05 – Repealer.

All Rules and Regulations or parts of these Rules and Regulations and all Resolutions or parts of Resolutions inconsistent herewith shall be and the same are expressly repealed.

SECTION 15.06 – Effective Date.

These Rules and Regulations shall become effective on the earliest possible date as provided by Pennsylvania’s Borough Code.

DULY ENACTED BY RESOLUTION OF THE BEECH CREEK BOROUGH AUTHORITY this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, by the Beech Creek Borough Authority, Clinton County, Pennsylvania, in lawful session duly assembled.

ATTEST: BEECH CREEK BOROUGH AUTHORITY, CLINTON

COUNTY, PENNSYLVANIA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary Authority Chairman

APPROVED this \_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.