

CHAPTER 18

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PART 1

SEWER CONNECTIONS

§101. DEFINITIONS.

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

AUTHORITY - Cleona Borough Authority, a municipality authority of the Commonwealth.

BOROUGH - the Borough of Cleona, Lebanon County, Pennsylvania, a municipal corporation of the Commonwealth, acting by and through its Council or, in appropriate cases, acting by and through its authorized representative.

BUILDING SEWER - the extension from the sewage drainage system of any structure to the lateral of a sewer.

COMMONWEALTH - the Commonwealth of Pennsylvania.

IMPROVED PROPERTY - any property within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure wastewater and/or industrial wastes shall be or may be discharged.

INDUSTRIAL ESTABLISHMENT - any improved property located in this Borough 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 located in this Borough from which industrial wastes shall be discharged.

INDUSTRIAL WASTES - any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources.

LATERAL - that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, company, association, society, trust, corporation or other group or entity.

SEWERS AND SEWAGE DISPOSAL

SEWER - any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM - all facilities, as of any particular time, for collecting, pumping, transporting and disposing of wastewater and industrial wastes, situated in or adjacent to the Borough and owned by the Authority, and to be leased to this Borough for maintenance, operation and use.

STREET - includes any street, road, lane, court, cul-de-sac, alley, public way or public square.

WASTEWATER - normal water-carried domestic wastes and suitable industrial wastes, discharged into the sewer system.

(Ord. 199-A, 7/12/1996, Art. I)

§102. USE OF PUBLIC SEWERS REQUIRED.

1. The owner of any improved property which is located within 150 feet of a municipal sewer lateral shall connect such improved property with such sewer, and in such manner as this Borough or the Cleona Borough Authority may require, within 45 days after notice to such owner from this Borough to make such connection, for the purpose of discharge of all wastewater and industrial wastes from such improved property; subject, however to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough or the Cleona Borough Authority, from time to time. [Ord. 276]
2. All wastewater and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection (1), above, shall be conducted into a sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough, from time to time.
3. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within the Borough any wastewater or industrial wastes in violation of subsection (1), above. No person shall discharge or shall permit to be discharged to any natural outlet within the Borough any wastewater or industrial wastes in violation of subsection (1), above, except where suitable treatment has been provided which is satisfactory to this Borough.
4. 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 which shall be required under subsection (1), above, to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Borough, shall be cleansed and shall be filled, at the expense of the owner of such improved property, under the direction and

supervision of this Borough; and, any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Borough, not cleansed and filled, shall constitute a nuisance and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
6. The notice by this Borough to make connection to a sewer, referred to in subsection (1), above, shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 45 days from the date such notice is given. Such notice may be given at any time when a sewer is in the place which can receive and can convey wastewater and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner in accordance with law.

(Ord. 199-A, 7/12/1996, Art. II; as amended by Ord. 276, 5/7/2007, §VI)

§103. BUILDING SEWERS AND CONNECTIONS.

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb in many manner, any sewer or any part of the sewer system without first obtaining a permit, in writing, from this Borough.
2. Application for a permit required under subsection (1), above, shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
3. 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 Secretary of this Borough of the desire and intention to connect such improved property to a sewer.
 - B. Such person shall have applied for and shall have obtained a permit as required by subsection (1), above.
 - C. Such person shall have given the Secretary of this Borough at least 24 hours notice of the time when such connection will be made so that this Borough may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

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- D. If applicable, such person shall have furnished satisfactory evidence to the Secretary of this Borough that any tapping (or connection) fee which 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.
4. Except as otherwise provided in this Section, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of this Borough, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Borough.
 5. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected and such owner shall indemnify and shall save harmless this Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.
 6. A building sewer shall be connected to a sewer at the place designated by this Borough or by the Authority and where, if applicable, the lateral is provided. The invert of a building sewer at the point of connection 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 building sewer to the lateral shall be made secure and watertight.
 7. If the owner of any improved property benefited, improved or accommodated by a sewer, after 45 days notice from this Borough requiring the connection of such improved property with a sewer, in accordance with §102(1), shall fail to connect such improved property, as required, this Borough 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 as may be permitted by law.

(Ord. 199-A, 7/12/1996, Art. III)

§104. RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND CONNECTIONS TO SEWERS.

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.

2. No building sewer shall be covered until it has been inspected and approved by this Borough. If any part of a building sewer 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 a sewer.
3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
4. Every excavation for a building sewer 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 building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to this Borough.
5. If any person shall fail or shall refuse, upon receipt of a notice of this Borough or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 45 days of receipt of such notice, this Borough or the Authority may refuse to permit such person to discharge wastewater and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Borough and the Authority.
6. This Borough and the Cleona Borough Authority reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part. [Ord. 261]

(Ord. 199-A, 7/12/1996, Art. IV; as amended by Ord. 261, 7/1/2002, §1)

PART 2

SEWER RENTALS AND CHARGES

§201. DEFINITIONS.

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

AUTHORITY - Cleona Borough Authority, a municipality authority of the Commonwealth.

BOROUGH - the Borough of Cleona, Lebanon County, Pennsylvania, a municipal corporation of the Commonwealth, acting by and through its Council or, in appropriate cases, by and through its authorized representative.

CITY - the City of Lebanon, Lebanon County, Pennsylvania.

COMMONWEALTH - the Commonwealth of Pennsylvania.

INDUSTRIAL ESTABLISHMENT - 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, in the operation of a business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article.

INDUSTRIAL WASTES - any solid, liquid or gaseous substance or from of energy rejected or escaping in the course of any industrial, manufacturing or trade or business process or in the course of the development, recovery or processing of natural resources.

NONRESIDENTIAL ESTABLISHMENT - any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system, including institutional dormitories and industrial establishments, which do not or does not constitute a residential establishment.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any residential establishment, nonresidential establishment and/or industrial establishment which shall be connected, directly or indirectly to the sewer system.

PERSON - any individual, partnership, company, association, society, corporation or other group or entity.

pH - 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.

ppm - parts per million, by weight.

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RESIDENTIAL ESTABLISHMENT - any room, group of rooms, house trailer, building or other enclosure connected, directly or indirectly, to the sewer system and occupied or intended for occupancy as separate living quarters by a family or any other group of persons living together or by a person or persons living alone, excluding institutional dormitories.

SEWER - any pipe or conduit constituting a part of the sewer system and used or usable for sewage collection purposes.

SEWER SYSTEM - all facilities, as of any particular time, for collecting, pumping, transporting and disposing of wastewater to be acquired and/or to be constructed and to be owned by the Authority and to be leased to the Borough for maintenance, operation and use.

TRANSPORTATION FACILITIES - facilities for transportation of sewage and waste and owned or operated by the Township of North Cornwall, Lebanon County, Pennsylvania, through which sewage and wastes from the sewer system are transported.

TREATMENT PLANT - the sewage treatment plant and related facilities including sewage transportation facilities, owned by the City of Lebanon Authority and leased to the City for operation and use to which wastewater is discharged from the sewer system for ultimate treatment and disposal.

WASTEWATER - normal water-carried domestic wastes and/or suitable industrial wastes, discharged into the sewer system.

WATER SYSTEM - the facilities operated by the city and used, inter alia, for the supply of water to the public in the Borough.

(Ord. 198, 7/12/1976, §1)

§202. SEWER RENTALS OR CHARGES.

Sewer rentals or charges are imposed upon and shall be collected from the owner or each residential establishment, nonresidential establishment and/or industrial establishment which shall be connected to the sewer system, for use of the sewer system and for services rendered in connection therewith, whether such use shall be direct or indirect, and shall be payable in the amounts, at the times and in the manner as provided in this Part.

(Ord. 198, 7/12/1976, §2)

§203. COMPUTATION OF SEWER RENTALS OR CHARGES.

Sewer rentals or charges shall be in such amounts as established, from time to time, by resolution of the Cleona Borough Authority.

(Ord. 198, 7/12/1976, §3; as amended by Ord. 220, 3/2/1981; and by Ord. 261, 7/1/2002, §1)

§204. TIME AND METHOD OF PAYMENT.

1. All sewer rental billings shall be rendered in arrears of the service provided for calendar quarter service periods on March 1, June 1, September 1 and December 1 of each year a property is connected to the sewer system. Billings in arrears shall be rendered quarterly for the quarterly periods ending on the last days of February, May, August and November of each year beginning September 1, 1977. Sewer rental billings under subsections (1) and (2) and/or (3) and (5) of §203, as may be applicable, shall be based upon water consumed during the quarterly water service period immediately preceding the quarter in which the sewer billing is rendered. Owners of property connected to the sewer system for only a portion of a calendar quarter shall pay a prorated sewer rental for the period of time actually connected during the quarter. All sewer rental billings shall be due and payable upon presentation and, if not paid within 30 days from the date of billing, a penalty and such other charges as shall be established by resolution of the Cleona Borough Authority. [Ord. 261]
2. Sewer rentals or charges shall be due and payable upon the applicable billing date, at the office of the Treasurer of the Borough, or at such other location as the Borough may designate, and the appropriate amount, computed in accordance with this Part, shall constitute the net bill.
3. The owner of any residential establishment, nonresidential establishment or industrial establishment which is connected to the sewer system initially shall provide the Borough with, and thereafter shall keep the Borough advised of the correct address of such owner. Failure of any person to receive quarter annum bills for sewer rentals or charges shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(Ord. 198, 7/12/1976, §4; as amended by Ord. 261, 7/1/2002, §1)

§205. LIENS FOR SEWER RENTALS; FILING AND COLLECTION OF LIENS.

Sewer rentals or charges imposed by this Part shall be a lien upon the property connected to and served by the sewer system and any such sewer rentals or charges which are not paid in accordance with this Part, at the discretion of the Authority, shall be filed as a lien against the property so connected to and served by the sewer system, which lien shall be filed in the

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appropriate office of the County of Lebanon, Pennsylvania, as provided by law, and shall be collected in the manner provided by law of the filing and collecting of municipal claims.

(Ord. 198, 7/12/1976, §5; as amended by Ord. 261, 7/1/2002, §1)

§206. ACCESS.

The Borough and the Cleona Borough Authority, or its duly authorized representatives, shall have the right of access, at all reasonable times, to any part of any and all properties served by the sewer system as shall be required for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by the Authority through the sewer system.

(Ord. 198, 7/12/1976, §8; as amended by Ord. 261, 7/1/2002, §1)

§207. MEASURING DEVICES, METER READINGS AND ACCESS.

1. Meters or other measuring devices which shall not be provided in connection with the operation of the waste system, but which shall be required or permitted under the provisions of this Part, shall be furnished and installed by the owner of the residential establishment or nonresidential establishment at his expense, shall be under the control of this Borough and may be tested, inspected or repaired by this Borough whenever necessary. Such owner shall be responsible for the maintenance and safekeeping of such meter or other measuring device and all repairs thereto shall be made at the expense of such owner, whether such repairs shall be made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by this Borough, shall be due and payable immediately upon completion of such repairs and shall be collected in the same manner as quarterly bills for sewer rentals or charges.
2. The Borough shall be responsible for the reading of all meters or other measuring devices and the same shall be available to employees and agents of the Borough at all reasonable times.
3. Representatives of the Borough shall have the right of access at reasonable times to any part of any property served by the sewer system and any meters used for purposes of establishing or determining volumes for purposes of this Part.

(Ord. 198, 7/12/1976, §9)

§208. ADDITIONS TO AND CHANGES OF SEWER RENTALS OR CHARGES; ADOPTION OF ADDITIONAL RULES AND REGULATIONS.

1. The Cleona Borough Authority reserves the right to adopt and promulgate, from time to time, additional classifications and sewer rentals or charges therefor, or modifications of the schedule of sewer rentals or charges as set forth in this Part, which additional

classifications and sewer rentals or charges, or modifications, as the case may be, shall be construed as a part of this Part.

2. This Borough and the Cleona Borough Authority reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this Part.
3. Tapping fees and other fees as permitted by law shall be established by resolution of the Cleona Borough Authority. [Ord. 261]

(Ord. 198, 7/12/1976, §10; as amended by Ord. 261, 7/1/2002, §1)

PART 3

HOLDING TANKS

§301. PURPOSE.

The purpose of this Part is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

(Ord. 190, 5/5/1975, §1)

§302. DEFINITIONS.

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

AUTHORITY - the Council of the Borough of Cleona, Pennsylvania, a Pennsylvania municipal authority.

BOROUGH - the Borough of Cleona, Lebanon County, Pennsylvania.

HOLDING TANK - a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to, the following:

CHEMICAL TOILET - a toilet using chemicals that discharge to a holding tank.

RETENTION TANK - a holding tank where sewage is conveyed to it by a water carrying system.

VAULT PIT PRIVY - a holding tank designed to receive sewage where water under pressure is not available.

IMPROVED PROPERTY - any property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Borough.

PERSON - any individual, partnership, company, association, corporation or other group or entity.

SEWERS AND SEWAGE DISPOSAL

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

(Ord. 190, 5/5/1975, §2)

§303. RIGHTS AND PRIVILEGES GRANTED.

The authority is hereby authorized and empowered to undertake within the Borough the control and methods of holding tank sewage disposal and the collection and transportation thereof.

(Ord. 190, 5/5/1975, §3)

§304. RULES AND REGULATIONS.

The authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

(Ord. 190, 5/5/1975, §4)

§305. RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW.

All such rules and regulations adopted by the authority shall be in conformity with the provisions herein, all other ordinances of the Borough, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

(Ord. 190, 5/5/1975, §5)

§306. RATES AND CHARGES.

The authority shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

(Ord. 190, 5/5/1975, §6)

§307. EXCLUSIVENESS OF RIGHTS AND PRIVILEGES.

The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.

(Ord. 190, 5/5/1975, §7; as amended by Ord. 261, 7/1/2002, §1)

§308. DUTIES OF IMPROVED PROPERTY OWNER.

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any ordinance of this Borough, the provisions of any applicable law, and the rules and regulations of the authority and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the authority or anyone acting under the direction of the authority to collect, transport and dispose of the contents therein.

(Ord. 190, 5/5/1975, §8)

§309. VIOLATIONS.

Any person who violates any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 190, 5/5/1975, §9; as amended by Ord. 261, 7/1/2002, §1)

§310. ABATEMENT OF NUISANCES.

In addition to any other remedies provided in this Part, any violation of §308, above, shall constitute a nuisance and may be abated by the Borough or the authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

(Ord. 190, 5/5/1975, §10)

PART 4

STRONG WASTE MANAGEMENT PLAN AND APPROVAL OF PLAN

§401. ADOPTION.

The Borough Council of the Borough of Cleona does hereby adopt the attached Strong Waste Management Plan¹ that has been recommended and approved by the Cleona Borough Authority.

(Ord. 263, 7/7/2003, §II)

§402. AMENDMENT OF PLAN.

The Cleona Borough Authority shall have the authority to make changes and amendments to the attached Strong Waste Management Plan by:

- A. The Authority adopting a resolution authorizing the changes and amendments.
- B. The Authority providing notification to Borough Council of the content of the amendment to the Strong Waste Management Plan.
- C. The amendment shall automatically be effective on the date when the amendment is received and approved by the Borough Council.

(Ord. 263, 7/7/2003, §II)

§403. ENFORCEMENT.

The Cleona Borough Authority or its duly appointed agents shall be authorized to enforce the provisions of the Strong Waste Management Plan in accordance with the provisions set forth therein.

(Ord. 263, 7/7/2003, §II)

¹Editor's Note: The Strong Waste Management Plan is on file in the Borough office.

PART 5

STORM SEWER REGULATIONS

§501. PURPOSE AND LEGISLATIVE FINDINGS.

The purposes of this Part are to promote the general health, welfare and safety of the citizens of Cleona Borough by preserving and protecting the waters of the Borough and adjacent municipalities through the implementation of methods that will prevent and make illegal illicit discharges to this municipal separate stormwater system of the Borough. These methods are further made necessary by the requirements of the Pennsylvania Department of Protection's NPDES Phase II regulations and stormwater discharge permit. The objectives of this Part are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- B. To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- C. To establish the legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Part.

(Ord. 273, 7/11/2005, §I)

§501A. DEFINITIONS.

DISCHARGE - the release of water, stormwater, sewage, or other substances from or through a discrete source, whether natural or man-made.

POLLUTION - as defined by the Pennsylvania Clean Streams Law, the Act of June 22, 1937, as amended. 35 P.S. § 691.1 et seq.

STORM SEWER SYSTEM - the system of pipes, conduits, swales, ditches and other structures including appurtenant works, owned or operated by the Borough, which carries stormwater and other runoff, but not sanitary sewage or industrial wastes, and which is subject to regulation under the provisions of the federal Clean Water Act and the Pennsylvania Clean Streams Law as a municipal separate storm water system.

STORMWATER - water that runs off the surface of the land and which results from precipitation or the melting of snow or ice.

(Ord. 273, 7/11/2005; as added by Ord. 285, 7/6/2009, §II)

§502. PROHIBITION AGAINST NON-STORMWATER DISCHARGES.

1. Prohibited Discharges.

- A. No person in the Borough shall allow, or cause to allow, discharges into the Borough's separate storm sewer system which are not composed entirely of stormwater, except as provided in the subsection (2)(B) below; and, discharges approved under a State or Federal permit.
- B. Discharges which may be allowed, based on a finding by the Borough that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:
 - (1) Discharges from firefighting activities.
 - (2) Discharges from potable water sources not containing chlorine, including dechlorinated water line and fire hydrant flushing.
 - (3) Irrigation drainage.
 - (4) Discharges from routine external building wash down (which does not use detergents or other compounds).
 - (5) Discharges from air conditioning condensate.
 - (6) Discharges from water from individual residential car washing.
 - (7) Springs.
 - (8) Discharges from water from crawl space pumps.
 - (9) Discharges from uncontaminated water from foundation or front footing drains.
 - (10) Flows from riparian habitats and wetlands.
 - (11) Discharges from lawn watering.
 - (12) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used.
 - (13) Dechlorinated swimming pool discharges.
 - (14) Discharges from uncontaminated groundwater.

- (15) Dye testing, but verbal notification must be provided to the Borough Manager prior to the time of the test.
 - C. In the event that the Borough determines that any of the discharges identified in subsection (1)(B), significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Borough will notify the responsible person to cease the discharge.
 - D. Upon notice provided by the Borough under subsection (1)(C), the discharger will have a reasonable time, as determined by the Borough, to cease the discharge consistent with the degree of pollution caused by the discharge.
 - E. Nothing in this Section shall affect a discharger's responsibilities under State law.
 - F. Any connection to the storm sewer system from indoor drains, sinks or other such fixtures. [Ord. 285]
2. **Prohibited Connections.** The following connections are prohibited, except as provided in subsection (1)(B) above:
- A. Any drain of conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks.
 - B. Roof Drains.
 - (1) Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in subsection (2).
 - (2) When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted on a case by case basis by the Municipality.
 - (3) Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.
 - C. Waste Disposal Prohibitions. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, or other component of the Municipality's separate storm sewer system, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

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- D. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Borough.
- E. These prohibitions apply to both existing and future connections.

(Ord. 273, 7/11/2005, §I; as amended by Ord. 285, 7/6/2009, §III)

§503. SUSPENSION OF DISCHARGE.

The Borough may, without prior notice, suspend MS4 discharge access to a person when such a suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons. Any person discharging to the MS4, in violation of this Part, may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The violator may petition the Borough for a reconsideration and hearing.

(Ord. 273, 7/11/2005, §I)

§504. MAINTAINING WATERCOURSE.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

(Ord. 273, 7/11/2005, §I)

§505. ACTION FOR ILLEGAL DISCHARGE OR POLLUTANTS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has any information of any known or suspected release of materials which are resulting in, or may result in illegal discharges or pollutants discharging into the stormwater, the storm drain system, or waters of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of the release of nonhazardous materials, said person shall notify the Borough in person or by phone or facsimile no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall retain on on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

(Ord. 273, 7/11/2005, §I)

§506. APPLICABILITY OF PART.

This Part shall apply to all water entering the storm drain system generated on any developed and/or undeveloped lands unless explicitly exempted by the Borough, or as applicable another County, State or Federal enforcement agency.

(Ord. 273, 7/11/2005, §I)

§507. ADMINISTRATION OF PART.

The Borough Council of Cleona Borough through its Engineer, Manager, and staff shall administer, implement and enforce the provisions of this Part.

(Ord. 273, 7/11/2005, §I)

§508. ADMINISTRATIVE APPEALS.

Any person aggrieved by the Borough's decision to suspend their MS4 discharge access may petition the Borough Council of the Borough to reconsider its determination. The petition shall be filed within 30 days of the Borough decision. Such an appeal shall be heard by the Borough Council of the Borough within 30 days of the filing of the petition. The Borough Council shall render a decision within 30 days of the hearing. In these proceedings, the following shall apply:

- A. Failure to submit a timely petition and to pay the appeal fee as established by the Borough shall be deemed to be a waiver of the administrative appeal.
- B. In the petition, the appealing party must indicate the provisions objected to, and the reasons for the objection.
- C. The effectiveness of the Borough's determination shall be considered a final administrative action for purposes of judicial review.
- D. Aggrieved parties seeking judicial review of the final administrative decision of the Borough Council or its representative shall do so by filing a complaint with the court of competent jurisdiction within the time as provided by law.

(Ord. 273, 7/11/2005, §I)

§509. VIOLATIONS AND PENALTIES.

SEWERS AND SEWAGE DISPOSAL

1. **Civil Penalties.** Any person, corporation or business entity who is found to have failed to comply with any provision of this Part shall, in a summary proceeding before a district justice, be required to pay a fine of not less than \$100, nor more than \$300, for each offense. Each day during which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Borough may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suite at a law against the person, corporation or business entity who is found to have violated this Part. Upon failure to make prompt payment of same, to undergo imprisonment for a term not to exceed 90 days.

(Ord. 273, 7/11/2005, §I)

§510. REPEALER.

All other parts, sections, subsection, and provisions of the Cleona Borough ordinances, Lebanon County Subdivision and Land Development Ordinance [Chapter 22], as well as all other applicable Federal, State, County and local regulations, shall remain in effect as heretofore enacted.

(Ord. 273, 7/11/2005, §I)

§511. SAVING CLAUSE.

In the event any provision, Section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, Sections, clauses or parts of this Part, it being the intent of the Council of Cleona Borough that the remainder of the ordinance shall be and shall remain in full force and effect.

(Ord. 273, 7/11/2005, §I)