

## **CHAPTER 18**

### **SEWERS AND SEWAGE DISPOSAL**

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**Part 1**

**Wastewater Treatment**

**§18-101. Title and Purpose.**

1. This Part is adopted to promote and protect the public health, safety, comfort, convenience and other aspects of the general welfare. These general goals include, among others, the specific enforcement of the various regulations promulgated by the Delaware County Regional Water Quality Control Authority (DELCORA), the United States Environmental Protection Agency (USEPA), the Pennsylvania Department of Environmental Protection (PADEP) and such other agencies which may succeed the aforementioned agencies to implement the Delaware County Wastewater Management Plan and the National Pretreatment Standards, 40 CFR §401 *et seq.* [*Ord. 416*]
2. This Part shall be known and may be cited as the “Rutledge Borough Wastewater Treatment Ordinance.”

(*Ord. 384*, 11/4/1991, §408.1; as amended by *Ord. 416*, 5/4/1998, §1)

**§18-102. Adoption of DELCORA's Standards, Rules and Regulations.**

The DELCORA standards, rules and regulations are hereby adopted by the Borough of Rutledge to govern the conduct of all discharges to the DELCORA Wastewater Management System.

- A. It is intended that this Part provide for the enforcement and prosecution of the DELCORA standards, rules and regulations and the national pretreatment standards.
- B. It is the specific intent of this Part to provide a means of enforcement of the national pretreatment standards promulgated by the United States Environmental Protection Agency as set forth in 40 CFR §401 *et seq.*, pursuant to the Clean Water Act, as amended, 33 U.S.C. §1251 *et seq.*
- C. The DELCORA standards, rules and regulations shall be minimum standards and shall apply uniformly to each class or kind of user within the Borough of Rutledge.

(*Ord. 384*, 11/4/1991, §408.2)

**§18-103. Amendments to Regulations.**

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The DELCORA standards, rules and regulations adopted by this Part, as the Borough of Rutledge's wastewater treatment regulations, are amended as provided by DELCORA *Res. 95-06* and *Res. 95-12*, which are attached hereto, made a part hereof and identified as Exhibits "A" and "B," respectively.<sup>1</sup>

(*Ord. 384*, 11/4/1991; as added by *Ord. 416*, 5/4/1998, §2)

### **§18-104. Local Limitations.**

The eastern area local limitations for discharge of wastewater, as provided by DELCORA resolution number 91-04, which is attached hereto and made a part hereof and identified as Exhibit "C"<sup>2</sup>, are adopted as the local limitations for all discharges of wastewater within the Borough of Rutledge.

(*Ord. 384*, 11/4/1991; as added by *Ord. 416*, 5/4/1998, §3)

### **§18-105. Violations.**

The Borough Council of the Borough of Rutledge hereby ordains and establishes that any person, firm or corporation who fails to or refuses to comply with the DELCORA standards, rules and regulations embodied in DELCORA resolution number 91-03, adopted May 22, 1991, as same may be amended from time to time, which is incorporated herein by reference and attached hereto as Appendix "A"<sup>3</sup>, shall be subject to the penalties set forth in this Part.

(*Ord. 384*, 11/4/1991, §408.3)

### **§18-106. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that each violation continues of this Part and/or DELCORA's standards, rules and regulations, as amended, shall constitute a separate offense.

(*Ord. 384*, 11/4/1991, §408.4; as amended by *Ord. 428*, 7/2/2001)

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<sup>1</sup>Editor's Note: DELCORA *Res. 95-06* and *Res. 95-12* are on file in the Borough office.

<sup>2</sup>Editor's Note: DELCORA *Res. 91-04* is on file in the Borough office.

<sup>3</sup>Editor's Note: DELCORA *Res. 91-03* is on file in the Borough office.

**§18-107. Prosecution.**

1. The Borough of Rutledge hereby appoints DELCORA or its designee, as its agent having the power of the Borough of Rutledge to institute proceedings in the name of the Borough of Rutledge against any and all persons, firms or corporations who violate the provisions of this Part.
2. In cases involving the enforcement of this Part, the Solicitor of DELCORA or its designee may cause subpoenas to be issued for witnesses for the prosecution and may conduct the hearing on behalf of the Borough of Rutledge.

*(Ord. 384, 11/4/1991, §408.5)*



**Part 2**

**Sewer Rentals**

**§18-201. Sewer Rental Rate.**

1. On and after January 1, 1938, all owners of properties located within or outside the Borough limits abutting on the Borough of Rutledge sewer system shall pay an annual rate or rental for each and every residence or building erected thereon and connected with said sewer. [*Ord. 428*]
2. Borough Council may, at any time by resolution and without advertisement, change the rates for sewer rentals for the next succeeding and/or subsequent years and may, in like manner, during any succeeding year, change the rate of discounts or extend the time for discounts and for payment without penalty, provided, however, that all such extensions shall be granted in such a manner as to be uniform and equitable.

(*Ord. 180, 12/2/1937, §1; as amended by Ord. 223, 5/1/1952, §1; and by Ord. 428, 7/2/2001*)

**§18-202. Payments.**

All rentals and charges imposed by the terms of this Part and amendment thereto shall be due and payable on or before September 1 of each year, and if paid prior to that date, a discount of 2% thereof shall be allowed. After October 31 of each year, a penalty of 5% shall be added thereto. The said rentals and charges shall be paid to the Tax Collector of the Borough.

(*Ord. 180, 12/2/1937, §2; as amended by Ord. 223, 5/1/1952, §2*)

**§18-203. Tax Collector's Expenses.**

It shall be the duty of the Tax Collector to purchase and provide, to be paid for by the Borough, all necessary books, records, bills and other forms of stationery, and to keep the proper record of all charges, service rates and rentals and all payments thereunder whether collected by the Tax Collector or otherwise. He shall receive for his services the same rate of compensation as he receives for the collection of Borough taxes. It shall be the duty of the Tax Collector to report to Council monthly all payments received.

(*Ord. 180, 12/2/1937, §3; as amended by Ord. 428, 7/2/2001*)

**§18-204. Warrant of Authorization.**

The President and Secretary of the Borough Council are hereby authorized to execute a warrant authorizing the collection of the annual sewer rentals or charges herein provided

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to the Tax Collector to collect the same. The said Tax Collector shall have authority now vested by law for the collection of Borough taxes.

*(Ord. 180, 12/2/1937, §4)*

### **§18-205. Lien.**

Such annual sewer rentals or charges shall be a lien on the property charged with the payment thereof from the first day of January of each and every year when same are due and payable and, if not paid before February 1 of any succeeding year may, after 30 days notice, be collected by action of assumpsit in the name of the Borough against the owner of the property charged, or by distress of personal property on the premises or by a lien filed in the nature of a municipal lien.

*(Ord. 180, 12/2/1937, §5)*

### **§18-206. Revenue From Rentals.**

The net revenue from sewer rentals levied in accordance with this Part, after payment of operating and maintenance expenses, including alterations, inspections and other expenses in relation to such sewer, outfall sewers or sewer treatment works are deducted shall be paid into the sewer fund of the Borough.

*(Ord. 180, 12/2/1937, §6; as amended by Ord. 207, 1/2/1947; and by Ord. 272, 5/3/1963, §1)*