

CODIFIED ORDINANCES OF YORK

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TITLE ONE - Street and Sidewalk Areas

- Art. 901. Street Adoption and Names.
- Art. 905. Street Excavations.
- Art. 909. Curbs and Sidewalks.
- Art. 911. Snow Removal.
- Art. 913. Trees and Vegetation.
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- Art. 917. Underground Conduits.

ARTICLE 901

Street Adoption and Names

- 901.01 Street approval by Planning Commission prior to adoption.
- 901.02 Street names.

CROSS REFERENCES

- Street openings prior to reconstruction - see
S.U. & P.S. 905.03
- Subdivision street improvements - see P. & Z. 1393.02,
1397.02

901.01 STREET APPROVAL BY PLANNING COMMISSION PRIOR TO
ADOPTION.

- (a) Council hereby declares its policy to be that it will not in the future adopt or vacate any street or alley hereafter created within the City, if such adoption or vacation has not been approved by the City Planning Commission.

(b) Prospective purchasers of lots are hereby warned of the policy of Council hereby declared. (1944 Code Ch. 29 §42.)

901.02 STREET NAMES.

(a) There shall be placed on two corners of all intersections of streets and alleys, within the City limits, in some conspicuous place, the names of such streets and alleys.

(b) The City shall maintain and replace any such name whenever it is necessary, and shall cause to be placed on all streets and alleys, on their adoption, the names as specified in this section.

(c) The City shall cause the expense thereof to be taken from the contingent fund, or whatever funds may be available. (1972 Code §21-75.)

ARTICLE 905
Street Excavations

EDITOR'S NOTE: Resolution 233-1995, passed December 5, 1995, established street excavation fees.

- 905.01 Definitions.
- 905.02 Permit required and emergency openings.
- 905.03 Street openings prior to reconstruction or resurfacing.
- 905.04 Prerequisites to obtaining permit.
- 905.05 Bond.
- 905.06 Fees.
- 905.07 Cancellation of permit.
- 905.08 Revocation of permit.
- 905.09 Time extension and fee.
- 905.10 Backfilling and paving.
- 905.11 Backfilling and replacing surface by City.
- 905.12 Responsibility; extra inspectors and other rules.
- 905.13 Test holes.
- 905.14 Gutters, lights and identification.
- 905.15 Additional work.
- 905.16 Guarantee of work.
- 905.99 Penalty.

CROSS REFERENCES

- Street opening and maintenance - see 3rd Class §2901 et seq. (53 P.S. §37901 et seq.)
- Grading and paving - see 3rd Class §2930 et seq. (53 P.S. §37930 et seq.)
- Closed streets to have detours - see 3rd Class §2978 (53 P.S. §37978)
- Collection of costs of improvements - see 3rd Class §3301 et seq. (53 P.S. §38301 et seq.)
- Protection of trees during excavations - see S.U. & P.S. 913.08

905.01 DEFINITIONS.

The following words and phrases, when used in this article shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

- (a) "Applicant" means any person who makes application for a permit.
- (b) "Calendar year" means January 1 through December 31, inclusive.
- (c) "City" means the City of York.

- (d) “City corporate authority” means any governmental corporation initiated by Council under the Municipal Authorities Act of 1945.
- (e) “City highway fund” means a fund established and regulated by the City, the moneys therein are explicitly designated for the resurfacing and reconstruction of City streets.
- (f) “Concrete” means soil cement, plain cement concrete or reinforced cement concrete and material contained in the base course of some City streets.
- (g) “Cost” means actual expenditures incurred by the City for labor, equipment and materials, which include all fringe benefits and overhead.
- (h) “Degradation fee” means a fee paid by the permittee to the City to defray a percentage of the costs for resurfacing and reconstruction of City streets resulting from the depreciation of streets associated with street openings.
- (i) “Department” means the Department of Public Works.
- (j) “Emergency” means any condition constituting a clear and present danger to life or property by reason of escaping gas, exposed wires or other breaks or defects in the user’s line.
- (k) “Inspection fee” means a fee paid by the permittee to the City to defray street opening inspection costs.
- (l) “PennDOT” means the Commonwealth of Pennsylvania Department of Transportation.
- (m) “PennDOT road” means any Pennsylvania State road located within the municipal boundaries of the City of York, Pennsylvania.
- (n) “Permit fee” means a fee paid by the permittee to the City to cover the cost of issuing, processing, inspecting and filing the street opening permit.
- (o) “Permittee” means any person who has been issued a permit and has agreed to fulfill all the provisions of this article.
- (p) “Person” means any natural person, partnership, firm, association, utility or corporation.
- (q) “Public utility” means any utility company, excluding corporate authorities of the City, franchised by the Public Utility Commission of the Commonwealth of Pennsylvania.
- (r) “Resurface” means a process which provides a new wearing surface in a certain paved street area between curbs with the same material that was existing prior to excavation.
- (s) “Resurfacing penalty” means the fee to be paid if any person shall open a street within five years from the date of its reconstruction or being paved.
- (t) “Sidewalk area” means that portion of the street right-of-way reserved for sidewalks or that area defined on the City Plan.
- (u) “Street” means the entire right-of-way of a public street, public highway, public alley, public avenue, public road or public easement within the City limits, excluding the designated curb and sidewalk area.
- (v) “User” means the public utility, municipal corporation, municipal authority, rural electric cooperative or other person who, or which, uses a line to provide service to one or more consumers.
- (w) “Work day” means normal business day for the City government including Monday through Friday, except designated holidays.
(Ord. 37-2005. Passed 9-20-05.)

905.02 PERMIT REQUIRED AND EMERGENCY OPENINGS.

(a) The opening of the surface of any City street is prohibited unless a permit is obtained for that purpose in the manner hereinafter described, except in situations which require the placement of utility poles. Such permit shall be granted through the Department of Public Works when a person applying for such permit files an application with the Department in compliance with the provisions of this article and pays into the City Treasury the amounts adopted by resolution.

(b) Any person working in the vicinity of a City street who in any manner disturbs such street or who in any manner causes damage to a street shall be required by this article to obtain a permit and correct this damage in accordance with the standards of the Department. Street opening permits are not required for persons excavating adjacent to the curb for the express purpose of installing or replacing sidewalks and/or curbs provided a curb and sidewalk permit has been obtained prior to such work.

(c) The obtaining of street opening permits by City departments and corporate authorities shall be waived when work to be performed is completed by their own personnel.

(d) All contractors performing work under contract for the City or City corporate authorities shall obtain the street opening permit for street opening work.

(e) If street openings are necessitated by emergencies, street opening permits shall be obtained on the first regular business day on which the office of the City is open for business and such permit shall be retroactive to the date when the work was begun.

(f) A person performing street openings for an emergency shall verify the emergency nature of the circumstance in writing to the Department of Public Works within five days after such emergency on the street cut opening application.

(g) For work on PennDOT roads within the City limits, no City street excavation permit is required, but a PennDOT permit is required. This permit can be obtained from the offices of Maintenance District 8-4 (York County), Pennsylvania Department of Transportation, 1920 Susquehanna Trail North, P.O. Box 907, York, Pennsylvania 17405-0907. (Ord. 37-2005. Passed 9-20-05.)

905.03 STREET OPENINGS PRIOR TO RECONSTRUCTION OR

(a) When the City reconstructs or resurfaces any street, the Department of Public Works shall first serve written notice by certified mail of such improvements to all persons owning property abutting the street about to be improved who are in violation of Article 909 relative to curbs and sidewalks and to all public utility companies operating in the City. Within ninety calendar days from receipt of such notice all notified persons shall complete or cause to be complete all necessary repairs and replacement of utility mains, service connections and/or laterals existing under the street and designated curb and sidewalk areas. Notified persons shall also complete or cause to be completed, any new installations, under the street and designated curb and sidewalk areas, required for use within a five year period thereafter.

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(b) This section shall not forbid the installation of new pipes, conduits or other services or structures, or the repair or replacement of those already existing, in or under the portions of such highways improved as aforesaid; by penetrating the subsurface beneath paving in accordance with City ordinances and the directions of the Department of Public Works upon obtaining a permit therefor from the Department of Public Works, and upon payment to the City of the same fees as prescribed by Council resolution except for the degradation fee for making a surface opening in the highway of the same dimensions.
(Ord. 37-2005. Passed 9-20-05.)

(c) If any person shall open a street within five years from the date of reconstruction or having been paved, the permittee shall overlay the pavement by making a segment, curb to curb repairs as approved by the Director of Public Works or his designee. The permittee shall conduct repair by milling, planing or other authorized method and overlaying the entire disturbed pavement.

Some examples of repair methods that are not acceptable and the corresponding acceptable method are provided at the end of this article.

The permit and inspection fee shall apply to this permit. The degradation fee shall be applied based on the size of the original cut by the permittee.
(Ord. 33-2012. Passed 10-16-12.)

905.04 PREREQUISITES TO OBTAINING PERMIT.

Street opening permits shall only be granted upon compliance with the following express provisions:

- (a) A written application shall be filed with the Department of Public Works for making all street openings or excavations and signed by the person desiring such permit. Such application shall set forth the purpose for which such excavation is to be made; the size and location of the same; the full scope of work to be included in the project; the date or dates during which such excavation is to be performed; the date such excavation is to be refilled and resurfaced in the manner hereinafter provided; and shall provide that the applicant will faithfully comply with each and every provision contained in this article. An applicant shall furnish a drawing of the proposed opening site upon request of the Department. Items required on the drawing shall be specified at the time of request.
- (b) Prior to the issuing of such permit, every such applicant shall pay to the City Treasurer the amount hereinafter required for the purposes specified and shall exhibit to the Department a receipt for the amount paid. Public utilities recognized by the Pennsylvania Utilities Commission may be exempt from pre-payment. Those exempt utilities will be issued permits upon request followed by a quarterly billing cycle for completed work.
- (c) Where the street opening permit is required for water supply purposes, the application shall be countersigned by the City's plumbing inspection service or authorized person before the permit will be granted. Where the street opening permit is required for sewer service purposes, the application shall be countersigned by the City's plumbing inspection service or authorized person before the permit will be granted.
- (d) No permit shall be granted to any applicant unless the applicant has paid to the City any and all moneys, then due to the City, for prior excavations made or for any loss, damages or expense in any manner occasioned by or arising from the work done by the applicant under the provisions of this article.

- (e) Agree to save the City, its officers, employees and agents from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of such work to be done by the applicant under the provisions of this article. The acceptance of any permit under this article shall constitute such an agreement by the applicant whether the same is expressed or not.
- (f) An applicant shall secure a certificate of insurance from the Department and have the certificate properly executed by the applicant's insurance agency. Properly executed certificates of insurance shall be filed with the Department and verify that the applicant is insured against claims for personal injury as well as against claims for property damages which may arise from or out of the performance of the excavation work, whether such performance be by the applicant or anyone directly or indirectly employed by him. Such insurance shall include protection against liability arising from completed operations, underground utility damage and collapse of any property. Liability insurance shall be in the amounts established by Council resolution. Failure of an applicant to file a certificate of insurance shall be a sufficient reason for denying a permit. The applicant shall save and hold harmless the City from any and all damages and liability by reason of personal injury or property damage arising from work done by the applicant under the provisions of this article. Liability insurance requirements for blasting may be obtained and blasting permits shall be obtained from the City Fire Department.
(Ord. 37-2005. Passed 9-20-05.)

905.05 BOND.

- (a) All persons other than public utility companies desiring to open a street shall furnish a properly executed corporate surety bond.
- (b) All other persons, including contractors performing work for City corporate authorities, desiring to open a street shall furnish a properly executed corporate surety bond. Such bond shall be executed by a reputable surety company licensed to do business in the Commonwealth of Pennsylvania. All bonds obtained by contractors performing work under contract with City corporate authorities shall be countersigned by the director or chairman of the authority.
- (c) The bond shall cover street opening work performed during one calendar year. The bond shall be in effect for a thirty-six month period in accordance with Section 905.16. The amount of the surety bond shall be five thousand dollars (\$5,000) unless any street excavation and restoration work for a single project exceeds such amount. In this case, a person shall secure additional bonding in an amount equal to the difference between the five thousand dollars (\$5,000) and the amount of the proposed restoration based on an amount per square yard set by Council resolution.
(Ord. 37-2005. Passed 9-20-05.)

905.06 FEES.

- (a) A permit fee shall be paid to the City Treasurer prior to permit issuing; the remaining inspection fee and degradation fee shall be paid when the work is completed, inspected and measured by the appropriate City department. The City shall have the right to waive fees for contractors performing work under contract with the City.
- (b) The permit fee shall be in the amount set by Council resolution.

(c) The degradation fee shall be calculated by actual measurement after the work is completed at a rate per square yard set by Council resolution. The City Treasurer shall place collected degradation fees into the City Highway Fund.

- (1) The degradation fee shall be waived for openings made on streets maintained by the Pennsylvania Department of Transportation.
- (2) The number of square yards computed for the degradation fee will be based on the actual size of excavation including any pavement that must be removed to provide a one foot bench beyond the original trench wall. (Ord. 37-2005. Passed 9-20-05.)

905.07 CANCELLATION OF PERMIT.

In all cases where a permit has been issued and the work set forth in such permit has not been completed within a period of twelve months, the permit becomes void, and the permit fee shall not be refunded.

(Ord. 37-2005. Passed 9-20-05.)

905.08 REVOCATION OF PERMIT.

(a) All street opening permits are subject to revocation at any time by the Department of Public Works after written notice for:

- (1) Violation of any condition of the permit;
- (2) Violation of any provision of this article or any other applicable ordinance or law relating to the work;
- (3) The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.

(b) Written notice of such violation shall be served upon the person to whom the permit was granted, or his agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit. Notice may be given either by personal delivery thereof to the person to be notified or by United States mail, addressed to such person to be notified.

(Ord. 37-2005. Passed 9-20-05.)

(c) (EDITOR'S NOTE: This subsection was repealed by Ordinance 9-1990, Section 7, passed July 3, 1990.)

905.09 TIME EXTENSION AND FEE.

(a) A permit shall remain in effect for a period of twelve months. If the work is not completed in this time period, a new permit shall be obtained, and an additional permit fee shall be required.

(b) No time extension shall be granted for a permit in which work has not started within the twelve month period. A new permit shall be obtained if the same project location work is rescheduled.

(c) Reasonable time extensions, but not longer than three months, for permitted work shall be granted when requested in writing and shall only be honored for those types of projects that commenced during the required twelve month permit period and are of a size and scope that support an extension of time to complete.
(Ord. 37-2005. Passed 9-20-05.)

905.10 BACKFILLING AND PAVING.

(a) The permittee shall be responsible for backfilling and paving the opening and restoring the street surface to its original condition prior to the street cut.

(b) The Department of Public Works shall have the full authority to establish standards for paving and backfilling materials and associated procedures. Details specifying paving and backfilling procedures and materials shall be obtained from the Department prior to any street opening work. (Ord. 37-2005. Passed 9-20-05.)

(c) The permittee shall be responsible to begin restoration of the street surface within ninety (90) calendar days of completion of main line or service line work related to said permit.
(Ord. 33-2012. Passed 10-16-12.)

905.11 BACKFILLING AND REPLACING SURFACE BY CITY.

In case the work has not been completed before the date of expiration as shown on the permit, which time shall be fixed when the permit and/or time extension is granted, the Department of Public Works may take steps to backfill the trench and replace the street surface over the opening for which the permit has been issued upon proper notification from the Department to the applicant. The City shall invoice the permittee for all costs incurred by the City in the performance of this work. Payment not made within thirty days will be chargeable against the posted bond including all fees and costs involved in the collection of this payment.
(Ord. 37-2005. Passed 9-20-05.)

905.12 RESPONSIBILITY; EXTRA INSPECTORS AND OTHER RULES.

(a) The permittee shall assume all responsibility for the excavation made by such party for refilling the same and for all damages caused by the action of the permittee that may arise by reason of the digging of such trenches or excavations. Whenever it is determined by the Department of Public Works that in the best interests of the City it is necessary to assign additional street opening inspectors to supervise excavation, backfill or pavement restoration operations, such inspectors shall be paid by the permittee at a rate per day to be fixed by the Department.

(b) The Department is authorized to make such other rules and regulations for the excavation of streets which it may deem necessary for the proper maintenance of the street surface due to excavations, which rules and regulations shall be printed upon the permit granted or forwarded from the Department in writing from time to time.

(c) The permittee shall be required to return the "Notice of Completion of Street Excavation Permit" when work is completed. This form is to be returned to the office that issued the permit. (Ord. 37-2005. Passed 9-20-05.)

905.13 TEST HOLES.

A street opening permit shall be obtained for any test hole work. No test holes shall be made in or upon a greater surface of the highway than as specified in such permit, and no excavation or test holes shall interfere with any of the water pipes, sewers or drains of the City, or any other underground utility service. Test holes shall be backfilled in accordance with the provisions set by the City Engineer. (Ord. 37-2005. Passed 9-20-05.)

905.14 GUTTERS, LIGHTS AND IDENTIFICATION.

(a) All gutters shall be left open so as not to obstruct the free passage of water, and the sidewalks and foot ways must be kept in a safe and passable condition. All excavations or material from them shall have placed upon them sufficient lights and barricades to identify them from all directions during the day and after dark.

(b) If, for safety purposes, the Department of Public Works deems it necessary to install additional warning devices such as lights, barricades or signs, the permittee shall be notified of the decision and shall receive instructions on the installation. In case of emergencies the City may install all additional warning devices deemed necessary by the Department. The City shall invoice the permittee for rental and installation costs incurred from the date of installation until the permittee installs warning devices.

(c) If the permittee fails to install such devices, the City shall invoice the permittee for rental and installation costs incurred from the date of installation until the date of removal. Payment not made by the permittee within thirty days of the invoice date will be chargeable against the posted bond including all fees and costs involved in the collection of this payment. (Ord. 37-2005. Passed 9-20-05.)

905.15 ADDITIONAL WORK.

If the permittee determines during construction that an additional area of the street will have to be opened, he shall notify and secure permission from the Department of Public Works for the additional opening. Upon receipt of permission, the permittee shall file a supplementary application for the work not later than the next work day. Fee amounts specified in this article and detailed by resolution shall be followed for any subsequent fees associated with supplementary applications. (Ord. 37-2005. Passed 9-20-05.)

905.16 GUARANTEE OF WORK.

The permittee shall guarantee and maintain his work for thirty-six months from the completion of the restoration and replacement work. Within this thirty-six month period, upon notification from the City of necessary correction work required, the permittee shall correct or cause to be corrected all restoration work required within five working days of receipt of the notification. The Department of Public Works shall determine the extent of restoration required and the method of correction. Any and all work not completed within this five-day period may be completed by the City at the discretion of the Director of the Department of Public Works. The City shall invoice the permittee for all costs incurred by the City in performance of this work. Payment not made within thirty days of the invoice date will be chargeable against the posted bond including all fees and cost involved in the collection of this payment.
(Ord. 37-2005. Passed 9-20-05.)

905.99 PENALTY.

(a) Any person violating any provision of this article shall, upon conviction thereof be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000) for each and every offense, together with costs, and in default of payment thereof, shall be imprisoned not more than thirty days. Each failure to obtain a permit or to comply with any of the requirements of this article, and each and every day during which such violation continues shall constitute a separate offense.

(b) The Department of Public Works reserves the right to deny the issuance of future street opening permits to any person who violates the provisions of this article. This provision in no way shall prohibit or limit the right of the City to bring legal action against the permittee.
(Ord. 37-2005. Passed 9-20-05.)

ARTICLE 909
Curbs and Sidewalks

EDITOR'S NOTE: Resolution 57-1996, passed March 19, 1996,
established curb and sidewalk permit fees.

- 909.01 Permit required; repair defined.
- 909.02 Permit fee.
- 909.03 Permit term and expiration.
- 909.04 Application, investigation
and approval.
- 909.05 Handicapped ramps required.
- 909.06 Proper grade and line to be
obtained.
- 909.07 Laying with improper grade
or slope.
- 909.08 Change of marks of grade
or line.
- 909.09 Storage of materials; restoration.
- 909.10 Mixing concrete.
- 909.11 Safety precautions; lights and barricades.
- 909.12 Intersection construction.
- 909.13 Drains or gutters from dwelling to gutters.
- 909.14 Rules and regulations.
- 909.15 Permit revocation.
- 909.16 (Reserved).
- 909.17 (Reserved).
- 909.18 (Reserved).
- 909.19 Obligations of property owners.
- 909.20 Liens.
- 909.21 Constructive services.
- 909.98 Duties and responsibilities.
- 909.99 Penalty.

CROSS REFERENCES

- Power to compel sidewalk construction - see 3rd Class §3001
(53 P.S. §38001)
- Notice to property owners abutting improved streets - see
S.U. & P.S. 905.03
- Snow removal - see S.U. & P.S. Art. 911
- Planting trees along sidewalks - see S.U. & P.S. 913.09
- Subdivision curbs and sidewalks - see P. & Z. 1397.03

909.01 PERMIT REQUIRED; REPAIR DEFINED.

(a) No person whether as owner or contractor shall lay or repair, or begin the laying or repairing, of any curb or sidewalk, whether such curb or sidewalk is constructed or to be constructed on the highway or back from such highway, unless a permit therefor has first been obtained as hereinafter provided.
(1944 Code Ch. 29 §5.)

(b) "Repair" as used in this article means the demolition or removal of a portion of the old curb or sidewalk and relaying same with new material.
(Ord. 3-1996 §1. Passed 3-19-96.)

909.02 PERMIT FEE.

(a) The fee for a curb and sidewalk permit shall be as set by Council resolution and shall be paid at the time application is made therefor.

(b) Where work for which a permit is required by this Code is started prior to obtaining the required permit, the fee shall be double: the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work or from any other penalties prescribed herein.

(c) Individual permits are required for curb and/or sidewalk replacement performed for each property, unless the work is determined by the Building Official to be treated as one project in which case one permit may be issued.
(Ord. 3-1996 §2-4. Passed 3-19-96.)

909.03 PERMIT TERM AND EXPIRATION.

Permits are to be granted for a month period. If, at the end of the period any further use of the public right-of-way is required another permit shall be obtained in the same manner and under the same circumstances as to fees, periods, etc., as in the case of an original permit.
(Ord. 3-1996 §5. Passed 3-19-96.)

909.04 APPLICATION, INVESTIGATION AND APPROVAL.

(a) No permit shall be issued unless an application therefor to the Building Official is made in writing and signed by applicant or by a duly authorized agent or contractor and accompanied by a bond in the sum of five thousand dollars (\$5,000.00) payable to the City, conditioned upon the compliance of the applicant with City ordinances in reference to the laying of sidewalks and curbs. The bond shall have sufficient surety thereon and the bond and surety thereon shall be subject to the approval of the Building Official. The application shall contain all the information needed to enable the Building Official to ascertain the exact location, extent and character of the work. The Building Official shall investigate such application and unless the work would be in violation of law or ordinance or create a public safety concern, shall issue a permit. If, in the opinion of the Building Official, the work would be in violation of law or ordinance, he shall at once refer the application to Council, which shall pass upon such application subject to all conditions herein specified.

(b) Upon placing forms, the person building the curbs and/or sidewalks shall contact the Building Official for an inspection. Cement shall not be poured until an inspection has been performed. (Ord. 24-2006. Passed 4-18-06.)

909.05 HANDICAPPED RAMPS REQUIRED.

All curbs and sidewalks at intersections of streets, avenues or other pedestrian crossings in the City which are being constructed, reconstructed or altered for any reason shall provide curb cut ramps for the handicapped in accordance with the current specifications promulgated by the City Engineer.
(Ord. 3-1996 §9,10. Passed 3-19-96.)

909.06 PROPER GRADE AND LINE TO BE OBTAINED.

Any person installing or repairing curb or sidewalk shall notify the Building Official forty-eight hours prior to a concrete pour for inspection of the grade and line to be established. If the person performing the work is unclear as to what/how the grade should be established, they must indicate this when notifying the Building Official of the concrete pour so that the Official can be prepared to answer these questions. In any case, the specifications promulgated by the City Engineer must be complied with where, physically possible.
(Ord. 3-1996 §11. Passed 3-19-96.)

909.07 LAYING WITH IMPROPER GRADE OR SLOPE.

(a) Whenever any sidewalk shall be laid or relayed within the City the grade or slope of such sidewalk from property line to curb or gutter, shall be in compliance with the specifications promulgated by the City Engineer where physically possible.

(b) Any sidewalk which is laid or relayed in disregard of or in nonconformity with such grade, is hereby declared to be public nuisance, and shall be abated by the Building Official who shall require the sidewalk to be removed and relayed to the proper grade. The entire costs and expenses of such removal and relaying, with a penalty of ten percent (10%) of such cost and expenses added thereto, shall be recoverable from the owner of the property along which such sidewalk was removed and relayed, to be collected in like manner as similar debts are now by law collectible.

(Ord. 3-1996 §12. Passed 3-19-96.)

909.08 CHANGE OF MARKS OF GRADE OR LINE.

No person shall change or remove any stake, stone or mark or other designation by which any grade or line so given is indicated.
(1944 Code Ch. 29 §12.)

909.09 STORAGE OF MATERIALS; RESTORATION.

(a) No person without a curb and sidewalk permit shall store any materials used in the construction of curbs and sidewalks on or within the public right-of-way.

(b) With a permit, materials used in construction may be stored immediately in front of the premises in question, and if the owners thereof shall give their consent, in front of one adjoining property on each side thereof. Such construction material shall in no case extend toward the center of the public right-of-way more than eight feet from the curb line where an existing marking lane exists. If parking is permanently prohibited within the area of construction, no encroachment into the cartway is permitted.

(c) No construction material, nor temporary structure, shall be permitted to obstruct the free flow of water in the gutter or along the curb or in front of fire plugs. No construction material or any temporary structure shall be placed on any public right-of-way until the same in each instance becomes necessary, nor shall the same nor any rubbish be permitted to remain on any public right-of-way longer than shall be absolutely necessary.

(d) It is hereby made the duty of the Bureau of Permits, Licenses, and Inspections to see that these provisions are strictly complied with and to have removed at the cost of the owner or contractor all unnecessary obstructions in the public right-of-way after forty-eight hours' notice. After the use of the public right-of-way under any permit, the public right-of-way shall be restored to its original condition.
(Ord. 3-1996 §13. Passed 3-19-96.)

909.10 MIXING CONCRETE.

The mixing of concrete shall not take place upon the surface of the street, but a proper platform or covering sufficiently tight to keep mixture from surface of street shall be provided by owner or contractor. (1944 Code Ch. 29 §14.)

909.11 SAFETY PRECAUTIONS; LIGHTS AND BARRICADES.

All work or storage of materials or equipment within the cartway must be in compliance with current PA DOT requirements, specifically, Publication 203, Work Zone Traffic Control.
(Ord. 3-1996 §14. Passed 3-19-96.)

909.12 INTERSECTION CONSTRUCTION.

All intersections must be constructed or reconstructed to be in conformance with the current ADA (American with Disabilities Act) requirements. In addition the intersection should, in general, be established to be the largest radius possible given all existing structures and physical restraints. As a general rule, intersections with alleys should have a radius not less than ten feet and intersections of two streets should have a radius not less than twenty feet. (Ord. 3-1996 §15. Passed 3-19-96.)

909.13 DRAINS OR GUTTERS FROM DWELLINGS TO GUTTERS.

Cross drains of gutters, running from dwelling to curb or gutters, shall be eighteen inches in width and have a depression in the center not to exceed one and one-half inches. Such gutter shall give a gradual slope from side to center. Trench drains are incorporated and may also be required by the Building Official for this purpose: however, the specifications and shop drawing of the proposed type must be submitted to the Building Official to assure that it will provide a long term safe pedestrian walkway.
(Ord. 3-1996 §16. Passed 3-19-96.)

909.14 RULES AND REGULATIONS.

(a) The City Engineer shall promulgate rules and regulations governing the materials used and the manner of sidewalk and curb installation and repair.

(b) No person shall install or repair any sidewalk or curb except in accordance with City ordinances and specifications promulgated by the City Engineer.

909.15 PERMIT REVOCATION.

Every permit issued hereunder shall be conditioned on faithful compliance with all of the provisions of this article. Any failure to so comply with such provisions shall be cause for revocation of such permit.
(1944 Code Ch. 29 §19.)

909.16 (RESERVED FOR FUTURE LEGISLATION.)

909.17 (RESERVED FOR FUTURE LEGISLATION.)

909.18 (RESERVED FOR FUTURE LEGISLATION.)

909.19 OBLIGATIONS OF PROPERTY OWNERS.

Owners of property abutting on any public street or highway within the City, shall at their expense, construct, pave, curb, repave and recurb the sidewalks and keep them in good repair along such property, in conformity with existing City ordinances.
(Ord. 9-1945 §1.)

909.20 LIENS.

Upon failure of property owners to construct, pave, curb, repave and recurb such sidewalks upon written notice by the Building Official, the same may be done by the City and the expense thereof, plus a penalty of ten percent (10%) of such expense, may be levied and collected from such owners. Such amount shall be a lien upon the premises and shall bear interest at the rate of six percent (6%) per annum from the time of the completion of the work, which to date shall be fixed by certificate of the Building Official filed with the City Clerk, and may be collected by action at law, or such lien may be filed and proceeded in as provided by law in the case of municipal liens.
(Ord. 3-1996 §18. Passed 3-19-96.)

909.21 CONSTRUCTIVE SERVICE.

If the owner of such property cannot be served with notice within the County of York, notice may be served upon the agent of the owner, or the party in possession, if any there be, or if there be no agent or party in possession, the notice may be served by posting upon the most public part of such premises.

(Ord. 9-1945 §3.)

909.98 DUTIES AND RESPONSIBILITIES.

All duties and responsibilities assigned to the Building Official within this article may also be undertaken by a designee of the Building Official.

(Ord. 3-1996 §19. Passed 3-19-96.)

909.99 PENALTY.

Any property owner who neglects to construct, pave, curb or recurb the sidewalk along his property, or repair the same within thirty days after service of written notice, or any person who violates any provision of this article, shall upon conviction be fined not more than one thousand dollars (\$1,000) and costs of prosecution, and in default of payment thereof be imprisoned for not more than thirty days (30 days).

(Ord. 1-2009. Passed 1-6-09.)

ARTICLE 911
Snow Removal

EDITOR'S NOTE: Former Article 911 was repealed by Ordinance 18-2003. See now Article 1763 for snow removal provisions.

ARTICLE 913
Trees and Vegetation

- 913.01 Injury prohibited.
- 913.02 Advertisements or notices.
- 913.03 Trimming trees; dangerous trees.
- 913.04 Pruning standard.
- 913.05 Wires.
- 913.06 Work by Electrical Bureau.
- 913.07 Gas pipes.
- 913.08 Excavations.
- 913.09 Planting along sidewalks permitted.
- 913.99 Penalty.

CROSS REFERENCES

- Regulation of shade trees - see 3rd Class §2403(18) (53 P.S. §37403(18))
- Payment for trees by property owner - see 3rd Class §3807 (53 P.S. §38807)
- Maintenance by City - see 3rd Class §3809 (53 P.S. §38809)
- Subdivision street trees - see P. & Z. 1397.03

913.01 INJURY PROHIBITED.

No person shall injure any tree or shrub planted in any public place.
(Ord. 14-1970 § 1.)

913.02 ADVERTISEMENTS OR NOTICES.

No person shall attach any advertisement to any tree or shrub in any street, parkway or other public place. (Ord. 14-1970 §2.)

913.03 TRIMMING TREES; DANGEROUS TREES.

(a) Any tree or shrub which overhangs any sidewalk, street or public place in such a way as to impede or interfere with traffic or travel on such public place including City street sweepers and other vehicles requiring a high clearance on roadways, shall be trimmed by the owner of the abutting premises on which such trees or shrub grows, to a height of a minimum of fourteen feet above the roadway and eight feet above the sidewalk so that the obstruction shall cease. (Ord. 5-1995. Passed 4-18-95.)

(b) Any tree or limb of a tree which has become likely to fall on or across any public way or place, shall be removed by the owner of the premises on which such tree grows or stands.

(c) If any owner of such premises neglects or refuses to trim any tree or remove the tree or any limb thereof, as required by this section upon notice in writing by the Director of Community Development within the time limit specified in such notice, the Director may cause such trimming or removal of a tree or a limb thereof to be done at the expense of such owner. The entire cost thereof, shall be a lien on such premises and a claim thereof shall be filed and collected by the City Solicitor in the same manner as municipal claims are filed and collected. (Ord. 14-1970 §3.)

913.04 PRUNING STANDARD.

Tree pruning for street or roadway lighting shall be in accordance with formulas as set forth in figure A-4 (recommending tree pruning to minimize conflict with roadway lighting) of American Standard Practice for Roadway Lighting, sponsored by Illuminating Engineering Society and approved by American Standards Association, Inc., November 7, 1963 with periodic revisions. (Ord. 14-1970 §4.)

913.05 WIRES.

- (a) No person shall attach any electrically charged wire to any tree.
- (b) Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the City shall, in absence of provisions in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed so that no injury shall be done to the poles or wires or shrubs and trees by contact.
- (c) Trees and shrubs shall be pruned so that esthetics and health will not be impaired.
- (d) The Director of Community Development shall have the authority to direct the utilities to prune trees and shrubs as deemed necessary for such public safety.
- (e) Owners of properties on which trees and shrubs to be pruned are located shall be contacted prior to pruning and granted the privilege to have the trees and shrubs pruned by a tree expert, of their choice, at the owner's expense. (Ord. 14-1970 §5.)

913.06 WORK BY ELECTRICAL BUREAU.

The Electrical Bureau of the City under the authority and supervision of the Director of Public Works, shall have the right to prune or remove trees and shrubs that interfere with the traffic signals and fire alarm systems. (Ord. 14-1970 §6.)

913.07 GAS PIPES.

Any person or company maintaining any underground natural gas distribution system on public right-of-way within the City shall periodically test for leaks in accordance with the Pennsylvania P.U.C. "Gas Regulations" and/or the U.S.A. Standard Code for Pressure Piping, "Gas Transmission and Distribution Piping Systems," otherwise known as USAS B31.8-1968 as revised periodically. If leaks of a magnitude likely to affect tree growth are discovered, repairs shall be made with reasonable promptness so that no injury shall be done thereby to any trees or shrubs. (Ord. 14-1970 §7.)

913.08 EXCAVATIONS.

In making excavations in streets or other public places, prudent and economically reasonable care shall be exercised to avoid injury to the roots of any tree or shrub wherever possible. (Ord. 14-1970 §8.)

913.09 PLANTING ALONG SIDEWALKS PERMITTED.

Property owners are permitted to plant trees for shade along the streets or lines of pavements in front of such property not exceeding three trees to the half lot. The person so planting trees shall not be liable for violation of the laws or ordinances of the City in relation to the obstruction of streets. (1944 Code Ch. 29 §49.)

913.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this article shall upon conviction thereof be fined not more than one thousand dollars (\$1,000) and costs of prosecution, and in default of payment thereof shall be imprisoned for not more than ten days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The costs of any pruning or trimming done on private property as required in this section by the City through staff or contract shall get billed to the property owner or shall appear as a lien against the property in the same manner as municipal claims are filed and collected. (Ord. 1-2009. Passed 1-6-09.)

ARTICLE 915
Poles and Wires

- 915.01 Liability; pole maintenance.
- 915.99 Penalty.

CROSS REFERENCES

- Power to license - see 3rd Class §2601 (53 P. S. §37601)
- Use of poles for advertisements - see GEN. OFF. 753.04
- Wires to be kept away from trees - see S.U. & P.S. 913.05
- Pole removal - see S.U. & P.S. 917.05
- Installation underground in new subdivision - see P. & Z. 1397.06
- Wiring cut during fires; insulation - see FIRE PREV. Art. 1509

915.01 LIABILITY; POLE MAINTENANCE.

Any corporation granted the privilege of erecting and maintaining poles within the limits of this City shall be liable for all damages caused to public or private property by reason of such privileges. Such corporation shall at all times keep and maintain the sidewalks, curbing and gutters in good repair at all places where poles are now or may hereafter be erected.
(1944 Code Ch. 8 §9.)

915.99 PENALTY.

Any corporation, upon service of notice that any pole erected or maintained has been found defective or dangerous, shall be fined not more than one thousand dollars (\$1,000), and any corporation that neglects or refuses within forty-eight hours after notice is served, to remove such pole or to replace the same with a sound and safe pole, shall be fined not more than one thousand dollars (\$1,000) for each and every day such neglect or refusal continues. All fines authorized to be imposed by this section shall be collected as debts of like amount are now by law collected.
(Ord. 1-2009. Passed 1-6-09.)

ARTICLE 917
Underground Conduits

- 917.01 Districts created.
 917.02 Underground conduits required; intersecting streets.
 917.03 City exception.
- 917.04 Suspension in emergencies.
 917.05 Removal of poles.
 917.99 Penalty.

CROSS REFERENCES

- Underground wires required - see 3rd Class §2403(50)
 (53 P. S. §37403(50))
 Poles and wires - see S.U. & P.S. Art. 915
 Installation underground in new subdivisions - see P. & Z. 1397.06
 National Electrical Code - see BLDG. & HSG. Art. 1709

917.01 DISTRICTS CREATED.

The following portions of the City are hereby defined as districts in which all electric light, electric power, telephone and telegraph wires and cables for the conveyance of electrical energy for any purpose shall be placed underground in conduits:

- (a) All that portion of George Street between the east and west building lines thereof, and extending from a point twenty-five feet north of Gas Avenue to the south building line of Princess Street.
- (b) All that portion of Market Street between the north and south building lines thereof and extending from the east end of the bridge crossing Codorus Creek to the east building line of Queen Street.
- (c) All that portion of what is known as Continental Square, between the building lines as presently constituted. (Ord. 77-1964 §1; Ord. 64-1965 §1.)

917.02 UNDERGROUND CONDUITS REQUIRED; INTERSECTING STREETS.

All electric light, electric power, telephone and telegraph wires and cables for the conveyance of electrical energy for any purpose, in the districts defined in Section 917.01 shall be placed underground. No poles or supports therefore shall be allowed to remain, or be, or be constructed on any portion of the streets or sidewalks in such districts, except ornamental standards for the support of street illumination and supports for traffic control devices. It is not the intention of this article to require the removal of overhead electric

light, electric power, telephone or telegraph wires and cables, in intersecting streets where such wires or cables cross the streets herein enumerated, except that poles for the support of such overhead wires or cables shall not be erected, maintained or used within the districts defined in Section 917.01. (Ord. 77-1964 §2.)

917.03 CITY EXCEPTION.

Notwithstanding any of the provisions of this article to the contrary, it shall be lawful for the Department of Public Works to erect, maintain or use overhead electrical wires and cables, span wires and traffic signs, and signals at any location in the streets of the City. (Ord. 77- 1964 § 3.)

917.04 SUSPENSION IN EMERGENCIES.

The Director of Public Works with the approval of the Mayor, may during any emergency caused by fire, flood, earthquake, lightning, wind storm, ice storm, war casualty, civil disorder, any act of God, or similar catastrophe suspend any or all of the provisions of this article for the duration of such emergency and for such reasonable time thereafter as may be necessary to permit restoration of normal service and removal of any temporary wires, cables and supporting poles. (Ord. 77-1964 §4.)

917.05 REMOVAL OF POLES.

All existing poles and overhead wires and cables, excepting those in intersecting streets as provided in Section 917.02 shall be removed within six months after the effective date of this section. No poles, wires or cables shall be constructed or placed in violation of any of the provisions of this article at any time after the effective date of this section. (Ord. 77-1964 §5.)

917.99 PENALTY.

Whoever violates any provision of this article shall, upon conviction thereof be fined not more than one thousand dollars (\$1,000) and costs of prosecution, and in default of payment thereof shall be imprisoned for not more than ten days (10 days). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 1-2009. Passed 1-6-09.)

TITLE THREE - Public Sewers
 Art. 931. Sanitary Sewers
 Art. 932 Plumbing Requirements
 Art. 933. Sewer Rentals

ARTICLE 931
 Sanitary Sewers

- 931.01 Definitions.
- 931.02 Prohibited wastes.
- 931.03 Industrial wastes.
- 931.04 Access to premises; right of entry.
- 931.05 Sewage, wastes and spilled matter not to be discharged into watercourses.
- 931.06 Garages.
- 931.07 Interceptors required.
- 931.08 Hotels and restaurants.
- 931.09 Violations.
- 931.10 Sewer rental surcharges; determination and measuring volume.
- 931.11 Remedies.
- 931.12 Public notice of significant violators.
- 931.13 Public access to information.
- 931.14 Hazardous waste.
- 931.15 Record keeping.
- 931.16 Administration.
- 931.17 Appeals.
- 931.18 Validity.
- 931.99 Penalty.

CROSS REFERENCES

- Federal Water Pollution Control Act - (Clean Water Act); (as amended 33 U.S.C.1251, et seq.)
- Federal pretreatment regulations - see 40 CFR Chapter 1, subchapter N
- Sewer connections - see 3rd Class 3201 et seq. (53 P.S. 38201 et seq.)
- City may charge tapping fee - see 3rd Class 3202 (53 P.S. 38202)
- Power to furnish facilities outside City - see 3rd Class 3250 (53 P.S. 38250)
- Sewage disposal standards - see 25 Pa. Code 73.1 et seq.
- Waste water treatment - see 25 Pa. Code Ch. 95
- Industrial wastes - see 25 Pa. Code Ch. 97
- Industrial wastes charge - see S.U. & P.S. 933.04
- New subdivision sewers - see P. & Z. 1336.07

931.01 DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise. Definitions not found in this article may be found in 40 CFR chapter I, subchapter N.

- (a) "Act" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended by 33 U.S.C. 1251, et seq.
- (b) "Best Management Practice" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in Section 931.02 and 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- (c) "BOD (Biochemical oxygen demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius, expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (d) "Categorical Pretreatment Standards" or "Categorical Standard" means any regulation containing pollutant discharge limits set forth by the EPA that apply to a specific category of Industrial Users and that appear in 40 CFR chapter I, subchapter N.
- (e) "CFR" means Code of Federal Regulations.
- (f) "Commercial wastes" means the wastes generated from a commercial operation as distinct from domestic, and industrial sewage.
- (g) "Composite sample" means a combination of individual samples obtained at regular intervals over the period of discharge. Whenever practical, composite samples shall be proportionate to flow rate so as to be representative of the discharge during the period of sampling. When an industrial waste discharge is collected over a period of time and discharged as a daily basis or less frequent batch, a single sample from the batch shall be considered a composite sample for purposes of this Article.
- (h) "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants expressed in other units of measurement (i.e., mg/l), except for pH, the "daily discharge" is calculated as the arithmetic average measurement of the pollutant derived from all measurements taken that day or by the measurement of a composite sample taken that day.
- (i) "Discharge" means "indirect discharge."
- (j) "Domestic sewage" means the water-borne waste derived from ordinary living processes.
- (k) "Existing source" means any source of discharge that is not a "new source."
- (l) "Garbage" means solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (m) "Garbage grinders" means a mechanical device that shreds or grinds food into small particles for the purpose of sewage disposal.
- (n) "General Manager" means the General Manager of the City of York Wastewater Treatment Plant or his duly authorized representatives or designees.

- (o) "Grab sample" means an individual sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (p) "Ground garbage" means the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles shall be carried freely in suspension under the normal flow conditions prevailing in the sewer conduit to which they are contributory and those prevailing in public sewers with no particle greater than one-half inch in any dimension.
- (q) "Indirect discharge" or "Discharge" means the introduction of pollutants into the POTW from any non-domestic source.
- (r) "Industrial user" means any "user" that discharges "industrial wastes."
- (s) "Industrial wastes" means the wastes from industrial processes as distinct from domestic, and commercial sewage.
- (t) "Instantaneous maximum concentration" means the concentration not to be exceeded at any time in any grab sample.
- (u) "Interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes, while allowing normal sewage or wastes to discharge into the drainage system by gravity.
- (v) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act [40 CFR 403.3(k)].
- (w) "Local limit" means specific discharge limits developed and enforced by the City of York upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b). Local limits are found at Section 931.02(b)(2), Section 931.02(b)(6), and Section 931.02(b)(13).
- (x) "Maximum daily limit" means the highest allowable "daily discharge" of a pollutant.
- (y) "mg/l" means milligrams per liter.
- (z) "Monthly average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
- (aa) "Monthly average limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

- (ab) "New source" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Clean Water Act if such standards are thereafter promulgated in accordance with that section (provided that certain conditions dealing with the construction and siting of that source vis-a-vis other sources are met) [40 CFR 403.3(m)(1)].
- (ac) "Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) [40 CFR 403.3(p)].
- (ad) "pH" means the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. It is a measure of the acidity or alkalinity of a solution, expressed in standard units.
- (ae) "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.
- (af) "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (ag) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).
- (ah) "Pretreatment requirements" means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.
- (ai) "Pretreatment standards" or "standards" shall mean Categorical Standards, standards established by 40 CFR 403.5(b), and Local Limits.
- (aj) "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act); This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment work [40 CFR 403.3(q)].

- (ak) "Sanitary sewer" means a sewer that carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (al) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (am) "Sewage works" means all facilities for collection, pumping, treating and disposing of sewage (see Publicly Owned Treatment Works-POTW).
- (an) "Significant industrial user (SIU)" means, except as provided in paragraphs (3) and (4) of this subsection,
- (1) An Industrial User subject to categorical Pretreatment Standards; or
 - (2) An Industrial User that:
 - A. Discharges an average of twenty five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
 - B. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - C. Is designated as such by the City of York on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
 - (3) The General Manager may determine that an Industrial User subject to categorical Pretreatment Standards is a Non Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - A. The Industrial User, prior to the General Manager's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - B. The Industrial User annually submits the certification statement required in 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and
 - C. The Industrial User never discharges any untreated concentrated wastewater.
 - (4) Upon a finding that a User meeting the criteria in Subsection (an)(2) hereof has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the General Manager may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in Federal pretreatment requirements of 40 CFR chapter I, subchapter N, determine that such User should not be considered a Significant Industrial User.

- (ao) "Slug" or "slug discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 931.02. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- (ap) "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- (aq) "Storm sewer" or "storm drain" means a sewer that carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (ar) "Suspended solids" means the total nonfilterable residue retained on a glass fiber filter, 0.45 micron, and dried at a temperature of 103-105 degrees Celsius to a constant weight.
- (as) "Toxic Pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a) or other Acts.
- (at) "Treatment plant" means the City of York Wastewater Treatment Plant, 1701 Black Bridge Road, York, PA 17402.
- (au) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR 403.16(a)].
- (av) "User" means a source of indirect discharge.
- (aw) "Wastewater" means liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
(Ord. 16-2010. Passed 5-4-10.)

931.02 PROHIBITED WASTES.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off or substance drainage into any sanitary sewer. Swimming pool drainage shall be allowed provided the Pennsylvania Department of Environmental Protection swimming pool water discharge guidelines are followed, including dechlorination and neutralization of water prior to discharge to an on-site sanitary sewer cleanout. The addition of cooling water or unpolluted water or an increase in the use of process water for the purpose of reducing the concentrations of substances that are limited or prohibited by this article or federal pretreatment standard or requirement shall be 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 a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The General Manager may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(b) Except as hereinafter provided, no person shall discharge or cause to be discharged at any time any of the following described wastes or waters into any sanitary sewer or drain connected therewith. Pollutants, substances or wastewaters prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

- (1) Any liquid or vapor having a temperature which shall inhibit biological activity in the treatment plant resulting in an inhibition or disruption of the Treatment Plant process, but in no case wastewater with a temperature upon reaching the Treatment Plant which exceeds 40° C (104° F) or upon reaching the public sewer of 49° C (120° F).
- (2) Any water or waste containing more than 100 mg/l by weight of total hexane-extractible materials, commonly referred to as oil and grease, as per EPA method 1664.
- (3) Any garbage that is not ground garbage.
- (4) Any ashes, cinders, sand, mud, straw, hay scraps, rags, shavings, metal, glass, bones, feathers, rubber, tires, plastic, wood, paunch manure, butchers' offal, grease or solid fat, floating oil or any other solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- (5) Any water or waste having at any time a pH lower than 5.5 or higher than 11.0 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel or the sewage works or affecting the biological treatment of the waste.
(Ord. 16-2010. Passed 5-4-10.)
- (6) Any discharge containing any substances in excess of the following concentrations, provided that the General Manager may waive this requirement on a case-by-case basis to impose an equivalent mass discharge limit when an Industrial User implements water conservation measures:

<u>Substances</u>	<u>Daily Discharge Limit (mg/l)</u>
Arsenic, Total	0.2
Cadmium, Total	0.16
Chromium, Total	0.9
Copper, Total	1.3
Cyanide, Total	0.6
Lead, Total	0.34
Mercury, Total	0.05
Molybdenum, Total	3.0
Nickel, Total	1.5
Selenium, Total	0.5
Silver, Total	1.3
Zinc, Total	3.7

- (7) Any water or waste containing pollutants of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, unless a permit is obtained in accordance with Section 931.03.
- (8) Any water or waste containing any pollutant, including oxygen demanding pollutants (BOD, etc), released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, causes interference or pass through.

- (9) Any toxic radioactive isotopes, without special permit. Biomedical waste disposal in accordance with 10 CFR Part 20 "Standards for Protection Against Radiation" is permitted.
- (10) Any substance which may form a deposit tending to cause a stoppage or injure, in any way, the sewage works.
- (11) Any tar or by-products from any gas works or similar establishment.
- (12) Any infectious waste, which is defined as any substance which consists of or is contaminated by pathogens or other etiologic agents, and which has not been sterilized, neutralized, or otherwise rendered harmless. Infectious waste includes, but is not limited to: contaminated blood, blood products or other bodily fluids (excepting excreta discharged by normal bodily functions); wastes, including excreta, from patient isolation areas; laboratory samples or test materials; animal wastes and bedding; body parts; pathology and autopsy wastes; and glassware, hypodermic needles, surgical instruments and other sharps.
- (13) Any water or waste by any person having any average daily discharge to the sewage works of more than 5,000 gallons per day with a daily average concentration of more than 3,000 mg/l of BOD.
- (14) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.
- (15) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- (16) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (17) Any trucked or hauled pollutants, except at discharge points designated in writing by the General Manager of the POTW.
- (18) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or prevent entry into the sewers for maintenance or repair.
- (19) Wastewater that imparts color that cannot be removed by the POTW treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.
- (20) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (21) Detergents, surface active agents, or other substances that might cause excessive foaming in the POTW or its effluent.

(c) The Federal Pretreatment Regulations do not allow a waiver of pretreatment standards, or local limits, for Categorical Industrial Users. The City of York hereby incorporates by reference all federal Categorical Pretreatment Standards at 40 CFR Chapter I, Subchapter N, as if they were fully set forth herein, and such standards shall be the standards applied under this article to the appropriate classes of industrial User.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits as allowed by Federal pretreatment regulation.

- (2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the General Manager may convert the limits to equivalent limitations expressed either as a mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (3) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (4) A Categorical Industrial User may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the requirements of 40 CFR 403.15.
- (5) When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the General Manager convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manager. The General Manager may establish equivalent mass limits only if the Industrial User meets all of the requirements of 40 CFR 403.6(c)(5)(i)(A) through 40 CFR 403.6(c)(5)(i)(E).
- (6) The General Manager may, at his discretion, convert the mass limits of the categorical pretreatment standards of 40 CFR Part 414, 419 and 455, and other parts as EPA may amend from time to time, to concentration limits for the purposes of calculating limitations applicable to individual industrial users. The industrial user shall meet the requirements of 40 CFR 403.6(d) regarding dilution and 40 CFR 403.17 regarding bypass, and, for those industrial users that mix process effluent prior to treatment with wastewater other than those generated by the regulated process, shall provide information regarding the pollutant concentrations and wastestream flows at the sample point.
- (7) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- (8) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitations.
- (9) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the General Manager within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the General Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

- (10) The General Manager may impose mass limitations in addition to concentration limitations. The General Manager may approve accepting discharges from a permitted Industrial User that are of unusual strength or character based on water conservation or other resource conservation measures employed by the Industrial User. Mass limitations may be determined where allowed by Federal and local regulations, such as converting concentrations to mass, allocating maximum allowable headworks loadings or any other method deemed appropriate.

(d) The General Manager may develop Best Management Practices (BMPs) in individual wastewater discharge permits to implement local limits, the requirements of Section 931.02(b) and 40 CFR 403.5(a)(1) and (b), and certain established categorical pretreatment standards and effluent limits.
(Ord. 16-2010. Passed 5-4-10.)

931.03 INDUSTRIAL WASTES.

(a) Treatment of Industrial Wastes. This article sets forth uniform requirements for Users of the Publicly Owned Treatment Works and enables the POTW to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and Federal pretreatment standards and requirements (Title 40 of the Code of Federal Regulations [CFR] chapter I, subchapter N). The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial wastes can be so treated. Hence it shall be the established policy of the City of York to admit those types and quantities of industrial wastes that are not harmful or damaging to the structures, processes or operation of the sewage works or are not specifically prohibited by this article. It is also recognized that to provide this service, additional facilities are required, the cost of which shall be borne by those persons receiving benefits. Additionally, the City of York and industry shall comply with federal pretreatment regulations. To correctly evaluate such users or potential users, all facilities that would otherwise be subject to categorical pretreatment regulations must submit a complete wastewater permit application at least ninety (90) days before the commencement of operations, regardless if the facility intends to discharge wastewater or not. Each user must notify the General Manager of any significant changes to the User's operations or system that might alter the nature, quality or volume of its wastewater at least thirty (30) days before the anticipated change.

(b) Approval Required for Industrial Wastes. In order to control the admission of industrial waste, the discharge into any sanitary sewer of any industrial waste having the following characteristics shall be prohibited unless an industrial wastewater discharge permit is obtained:

- (1) A daily average BOD concentration greater than 300 mg/l; or
- (2) A daily average suspended solids concentration greater than 350 mg/l; or
- (3) An average daily flow greater than twenty-five thousand gallons per day of process wastewater; or
- (4) Any toxic pollutant that is found in concentrations greater than found in domestic sewage; or
- (5) Any wastes which are considered by the General Manager to offer possibilities of harm to structures, processes, or operation of the sewage works or to have significant impact, either singly or in combination with other contributing industries, on the treatment process, the quality of sludge, the system's effluent quality or air emissions generated by the system;

Industries defined as Significant Industrial Users shall be permitted and/or regulated in accordance with the Federal pretreatment requirements of 40 CFR chapter I, subchapter N. Permits shall be granted by the City of York upon the review and approval of the General Manager. The City of York reserves the right to deny new or existing contributions to the system if, because of the volume or characteristics, such wastes are determined by the City of York to be detrimental to the operation of the sewage works or have the potential to cause or contribute to the violation of any laws, regulations, orders or permit conditions applicable to the City of York or the York City Sewer Authority.

(c) Survey Data Required. All persons who are now discharging, or are planning to discharge, industrial wastes into any sanitary sewer shall upon the request of the General Manager or his designee, complete and file with the General Manager, a permit application which furnishes pertinent data, inclusive of quantity of flow and analysis of the industrial wastes discharged, as set forth in subsection (1) hereof. Any person desiring to make a new connection, a new discharge, or a significant change in the volume, nature, or rate of a discharge, shall complete and file with the General Manager a permit application which furnishes pertinent or predicted data inclusive of quantity of flow and an analysis of the industrial waste to be discharged into the sewage works as set forth in subsection (1) hereof. Such permit application shall be submitted at least one hundred twenty (120) days before the expected or change in discharge is to occur.

(d) Industrial Wastewater Discharge Permit Application.

- (1) In order to receive a permit to discharge wastes requiring approval under subsection (b), a completed permit application shall be filed with the General Manager. Information required for industrial users includes, but is not limited to:
- A. Identifying and contact information, including the facility name, address, and name of operator and owner.
 - B. Operation information including a description of activities, facilities and plant production processes, production rates for the types of products and/or processes, number of employees, and hours of operation. A schematic process diagram, facility site plans, floor plans, mechanical plans and plumbing plans may be required.
 - C. A list of any state, federal or local environmental control permits held by or for the facility.
 - D. The type and amount of raw materials and chemicals used or stored at the facility and the types and quantities of wastes generated.
 - E. The time and duration of discharges from all processes, and the location(s) for monitoring all wastes, including, process flow measurements and wastewater flow measurement, and incoming water flow measurement and records.
 - F. Results of wastewater sampling and analysis that identifies the nature and concentration (or mass) of pollutants.
 - G. A baseline monitoring report if the Industrial User is subject to Categorical Standards and a description of any Best Management Practices that will be utilized.

- (2) Any person discharging industrial wastes into any sanitary sewer at the time of passage of this article and requiring a permit shall apply within ninety days after the effective date of this article. All such persons are considered to have a valid permit until such time as the City shall act upon the permit application. It shall be the duty of the industrial and commercial user to maintain operations in compliance with federal, state and local regulations.
- (3) The applicant shall submit to the General Manager with the permit application a nonrefundable permit application fee made payable to the City of York. Such fee shall be assessed in accordance with a schedule established by Resolution of the Council of the City of York. (Note: Fee set at \$300 as established by Resolution No. 64 of 2010)
- (4) No permit shall be granted to any person unless he agrees to indemnify and to save the City of York, its officers, employees and agents harmless from any and all claims, costs, damages and liabilities which may accrue or be claimed to accrue by reason of the permitted waste disposal activity. An indemnification and release shall be part of the permit application.

(e) Permit Conditions and Contents. Industrial wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable state, federal and local regulations, and user charges and fees established by the City of York. Where federal pretreatment regulations impose additional requirements or more stringent limits than those stated in the permit, these requirements and limits become part of the permit whether or not they are stated in the permit. The City of York reserves the right to establish by ordinance or wastewater discharge permit, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this article. Permits may contain, but are not limited to, the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics, including Best Management Practices;
- (2) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (3) Requirements for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement and other devices, and the calibration of such devices;
- (4) Specifications for self-monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (5) Compliance schedules;
- (6) Requirements for submission of compliance reports, self-monitoring reports and technical reports or discharge reports;
- (7) Requirements for maintaining and retaining records relating to wastewater discharge for a period of not less than 3 years, including records documenting Best Management Practices compliance, and affording the City of York access thereto;
- (8) Requirements for notification to the City of York of any new introduction of industrial wastes, potential problems or slug discharges, or substantial change in the volume or character of the industrial wastes being introduced into any sanitary sewer;

- (9) Requirements for submission of spill prevention plans, slug discharge control plans and/or requirements to control slug discharges, and implementation of Best Management Practices (BMPs) necessary to adequately prevent accidental, unanticipated or non-routine discharges.
- (10) Requirements for installation of means to prevent spills of hazardous materials, untreated waste, raw materials, intermediates or product into the sewage works;
- (11) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (12) Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (13) Other conditions as deemed appropriate by the City of York to ensure compliance with this article, and State and Federal laws, rules and regulations;
- (14) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, permit and ordinance requirements and any applicable compliance schedule.

(f) Compliance with Permits.

- (1) Permit holders shall comply with the conditions of the permit and failure to do so constitutes a violation of this article.
- (2) Should a permit holder significantly change the volume of its discharge or change its character for any reason, he shall immediately notify the General Manager of such changes and the General Manager may require an application for a new permit.
- (3) A permit may be suspended or revoked in whole or in part, or modified, by the General Manager for cause including but not limited to the following:
 - A. Violation of any terms or conditions of the permit;
 - B. Obtaining the permit by misrepresentation or failure to disclose fully all relevant facts;
 - C. A change in any condition, including but not limited to changes in state or federal regulations or changes in the treatment process that require either a temporary or permanent reduction or elimination of the permitted discharge.
- (4) All categorical industrial users are required to be regulated in accordance with Federal pretreatment regulations.

(g) Permit Duration and Evaluation. An industrial wastewater discharge permit shall be issued for a specified time period not to exceed three years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than three years at the discretion of the General Manager. A permit holder shall apply for permit reissuance by submitting a complete permit application a minimum of one hundred twenty (120) days prior to the expiration of the existing permit. The General Manager will evaluate the data furnished by the User and may require additional information. The terms and conditions of the permit may be subject to modification by the City of York during the term of the permit should changes in federal pretreatment regulations occur, changes at the facility occur, or other just cause exists.

Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The General Manager may deny any application for a wastewater discharge permit. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User. Wastewater discharge permits shall be void upon cessation of operations.

(h) Permit Issuance Procedures. A permit shall be issued with a minimum thirty (30) day comment period between the issuance date and effective date. The permit holder may submit written comments on the permit conditions during the comment period for review and response by the General Manager. The permit may be modified by the General Manager in response to comments. Upon the expiration of the comment period, on the effective date of the permit, the permit shall become effective, subject to the right of appeal as set forth in Section 931.17.

(i) Permit Transfer. Industrial wastewater discharge permits are issued to a specific person for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, sold, applied to different premises or a new or changed operation without the written approval of the General Manager.

(j) Pretreatment. All persons using the sewage works shall provide wastewater treatment as required to comply with this article and with all federal pretreatment standards, requirements and prohibitions within the time limitations specified by federal regulation or other limits that may from time to time be set by regulatory agencies.

- (1) Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager before such facilities are constructed. The submission of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the POTW under the provisions of this article.
- (2) Whenever deemed necessary, the General Manager may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this article.
- (3) The General Manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- (4) Users with the potential to discharge substances harmful to the POTW, which includes the sewer system, (i.e., flammable substances, corrosive substances) may be required to install and maintain detection meters or monitoring devices.

(k) Certification of Reports. Any person signing a permit application, baseline monitoring report, periodic self-monitoring report, questionnaire, compliance schedule, BMP submission or documentation, final compliance report, periodic compliance report, and any other required report shall make the following certification and be signed in accordance with the signatory requirements of Section 931.03(r):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

A facility determined to be a Non-significant Categorical Industrial User by the General Manager must annually submit the federally required certification statement regarding Non-significant Categorical Industrial Users and be signed in accordance with the signatory requirements of Section 931.03(r).

(1) Sampling and Analysis. The holder of an industrial wastewater discharge permit shall furnish the General Manager with written and signed reports of sample analysis at a frequency specified in the industrial wastewater discharge permit. Data used to satisfy reporting requirements must be based on samples collected during the reporting period and must be representative of conditions during the reporting period.

- (1) If a User monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager, the results of the monitoring shall be submitted to the City of York.
- (2) Samples to be used for surcharge purposes shall be composite samples and be representative of the discharge from the facility. Grab samples may be used for surcharge purposes where the physical set-up of the facility so dictates or wastewater is collected over a period of time and is discharged as a daily basis or less frequent batch basis. Grab samples that may represent an unusual discharge from the facility may be used for surcharge purposes for the period of time and volume such discharges occurred.
- (3) Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (4) Samples shall be collected, preserved and analyzed promptly, in accordance with 40 CFR Part 136 to insure accurate results. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods approved by the EPA. Pennsylvania laboratories or facilities that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this article or pretreatment standard shall be in compliance with the laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. 4101-4113) or the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation. Laboratories or testing facilities outside of Pennsylvania that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this article or pretreatment standard shall be in compliance with the laboratory accreditation requirements of the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation.

- (5) City of York representatives may sample and inspect the waste by composite sample or by grab sample in order to verify the analysis being submitted by the industry. If the results obtained by the City of York differ from those obtained by the industrial user, the City of York will notify the industrial user and conduct confirmatory sampling and/or investigate the sampling, preservation, and testing methods employed.
- (6) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW.
- (7) If sampling performed by a User indicates a violation, the User must notify the General Manager within twenty four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within thirty (30) days after becoming aware of the violation. Where the City of York has performed the sampling and analysis in lieu of the User, the City of York must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if the City of York performs sampling of the User between the time when the initial sampling was conducted and the time when the User or the City of York receives the results of this sampling.

(m) Control Manhole. Any Significant Industrial User, and any other industrial user that the General Manager deems, discharging industrial wastes into any sanitary sewer shall construct and maintain at their expense a suitable control manhole, or manholes, downstream from any treatment storage, or other approved works, to facilitate observation, measurement and sampling of all wastes, including domestic sewage, from the establishment. The control manhole or manholes shall be placed at suitable locations to provide safe access and representative sampling. The control manhole shall comply with applicable construction standards and specifications in accordance with the General Manager's requirements and shall be constructed and maintained in such a manner to enable the placement of sampling equipment and to enable the General Manager to perform monitoring activities. The control manhole shall be accessible to the General Manager or his representatives at all times for sampling, and shall not be obstructed or located within secure areas such that the General Manager cannot gain unrestricted access.

(n) Slug Discharge. The person in charge of a facility shall notify the General Manager or his designated representative immediately in the case of any Upset, Slug Discharge or other Discharge of unusual strength, volume, or other characteristics, whether or not such Discharge is in violation of the Wastewater Discharge Permit. In such a case, in addition to the immediate report, the User shall submit a written report within five (5) days of the incident specifying:

- (1) Description of the upset, the cause thereof and the upset's impact on a user's compliance status.
- (2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
- (3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

Whenever changes are made at a facility that may affect the potential for a slug discharge to occur, the User shall notify the General Manager in advance, if possible, or within twenty-four (24) hours of making such changes.

(o) Slug Discharge Control Plans. The General Manager shall evaluate whether each Significant Industrial User needs a slug discharge control plan or other action to control slug discharges. Such evaluation shall occur within one year of an industrial user being identified as significant. The General Manager may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the General Manager may develop such a plan for any User. The POTW may choose to require a Significant Industrial User to take specific, preventative physical or procedural actions instead of requiring the development of a slug control plan. Such preventative actions and any slug control plan development requirements shall be included in the SIU's control mechanism. Any changes at a User's facility can cause the General Manager to re-evaluate the need for a slug control plan. An accidental discharge/slug discharge control plan shall address, at a minimum, the following, in addition to any other items the General Manager may determine:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the General Manager of any accidental or Slug Discharges, as required by Section 931.03(n); and
- (4) Procedures to prevent adverse impact from any accidental spills or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(p) Fees for Sampling, Analyses and Inspections. The City of York or its designated agent shall inspect properties discharging waste other than domestic wastewater into the sewage works and obtain and analyze samples therefrom to enforce provisions of this article, to comply with local, State, and Federal requirements, and to determine applicable surcharges. Fees for such services shall be assessed in accordance with a schedule established by administrative order based on costs. Fees for such services provided by independent laboratories shall be invoiced at cost.

(q) Spill Prevention Plans. Any person storing any material in excess of the Threshold Planning Quantity established by SARA III, the Emergency Planning and Community Right to Know Act, shall submit a spill prevention, control and countermeasure plan addressing the potential of an accidental discharge to the sewer system to the General Manager for review and approval. Any Industrial User storing flowable solids in bulk in excess of five hundred (500) pounds, or any liquids in excess of one hundred (100) gallons (except for water and heating oil stored for use on the premises), shall report this to the General Manager annually, including the quantity and nature of each such material, and shall develop and submit a spill prevention, control and countermeasure plan if so directed by the General Manager.

(r) Signatory Requirements. Industrial user reports and submissions requiring signature and certification, which include, but are not limited to, permit applications, industrial questionnaires, baseline monitoring reports, compliance schedules, BMPs, final compliance reports and periodic compliance reports, shall be signed by an authorized or duly authorized representative as follows:

- (1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph a responsible corporate officer means:
 - A. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or;
 - B. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.
- (3) By a duly authorized representative of the individual designated in paragraph (1) or (2) of this subsection (r) if:
 - A. The authorization is made in writing by the individual described in paragraph (1) or (2) of this subsection (r);
 - B. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - C. The written authorization is submitted to the General Manager of the POTW.
- (4) If an authorization under paragraph (3) of this subsection (r) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this subsection (r) must be submitted to the General Manager of the POTW prior to or together with any reports to be signed by an authorized representative.

(s) Hauled Wastewater. The General Manager may prohibit or accept the disposal of hauled industrial or non-industrial wastewater to the POTW. In no case shall any Hazardous Waste as that term is defined by the Resource Conservation and Recovery Act be discharged as hauled waste.

- (1) Hauled or trucked wastewater may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. The General Manager may refuse a hauler or generator the ability to discharge a particular hauled wastewater load if it cannot be determined that the load will not violate the requirements of this article or any federal or state pretreatment or waste requirements, or cause interference, pass-through or biosolids contamination. The discharge of hauled wastewater is subject to all other requirements of this article and applicable State and Federal laws. The General Manager may develop procedures to ensure compliance with this article and state and federal requirements.
- (2) The General Manager may require the haulers and/or generators of hauled or trucked industrial or non-industrial wastewater to obtain wastewater discharge permits.
- (3) No individual load may be discharged into the POTW without the prior consent of the General Manager. The issuance of a permit to a hauler or generator does not constitute consent to discharge nor guarantee the ability to discharge any particular load. The General Manager may collect samples of each hauled load to ensure compliance with this article, any federal pretreatment standards and state and federal law. The General Manager may require the industrial wastewater hauler to provide a waste analysis of any load prior to discharge.
- (4) Industrial wastewater haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(t) Additional Measures. Whenever deemed necessary, the General Manager may require Users to restrict their discharges during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and/or determine the User's compliance with the requirements of this article or the User's permit.

(u) Reports from Unpermitted Users. All Industrial or Commercial Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.

(v) Compliance Schedules. The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 CFR 403.12:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- (2) No increment referred above shall exceed nine (9) months;
- (3) The User shall submit a progress report to the General Manager no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and the steps being taken by the User to return construction to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

(w) Reports on Compliance With Categorical Pretreatment Standard Deadline. The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 CFR 403.12:

- (1) Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information required for a baseline report required under 40 CFR 403.12 (b)(4)-(6). For Industrial Users subject to equivalent mass or concentration limits established by the City of York in accordance with the requirements of 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.
(Ord. 16-2010. Passed 5-4-10.)

931.04 ACCESS TO PREMISES; RIGHT OF ENTRY.

The General Manager and other duly authorized employees of the City of York bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times to carry out all inspection, surveillance, observation, measurement, monitoring procedures, sampling and testing necessary to determine, independent of information supplied by Industrial Users, compliance or noncompliance with applicable pretreatment standards and requirements and ordinance requirements by Industrial Users. The General Manager shall have the right to enter any premises of any Industrial User in which a discharge source or treatment system is located, or in which records are required to be kept under 40 CFR 403.12(o), to ensure compliance with pretreatment standards or requirements, any wastewater discharge permit, the requirements of this article, or an order issued hereunder. Users shall allow the General Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The Authority of the General Manager shall be at least as extensive as the authority provided under Section 308 of the Clean Water Act.

- (a) Where a User has security measures in force that require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the General Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.

- (b) The General Manager shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (c) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the General Manager and shall not be replaced. The costs of clearing such access shall be the responsibility of the User.
- (d) If the General Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of York designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the General Manager may seek issuance of a search warrant from the appropriate Court.
(Ord. 16-2010. Passed 5-4-10.)

931.05 SEWAGE, WASTES AND SPILLED MATER NOT TO BE DISCHARGED INTO WATERCOURSES.

- (a) All owners or users of private sewers shall not, either directly or through an intervening public or private storm sewer, drain domestic sewage into any natural or manmade watercourse within the City of York limits. Any such discharge shall be discontinued immediately upon notice from the City of York, with the notice served upon such owner or user, or, if nonresident in the City of York, upon the agent thereof or upon the party in possession, and if there is no agent or party in possession, then by notice posted upon the most public part of the property. Such owner shall cease discharge and at his own expense, connect his house drain with the sanitary sewer system. Nothing herein shall forbid the continuation of the drainage through such private or public storm water sewers of roof, surface or ground water.
- (b) The discharge or spilling of industrial waste or waste water or of any hazardous, toxic, colored or oil-bearing matter into a natural watercourse either directly or indirectly via public or private storm sewer, ditch or culvert is prohibited unless such discharge is in accordance with the permit issued by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection or consists of unpolluted cooling, boiler or distilled water. (Ord. 16-2010. Passed 5-4-10.)

931.06 GARAGES.

- (a) Every garage or other structure for the housing, sale or repair of vehicles in which vehicles are washed, cleaned or repaired shall, before being connected with the sewage works, be provided with proper means for draining the floors and repair pits, as hereinafter provided.
- (b) Any drain in the floor or repair pit of any garage or other structure for the housing, sale or repair of vehicles, shall have a special connection discharging through an interceptor, which shall be located under the direction of the City of York, before being connected to the house drain. The interceptor shall be so arranged as to intercept all oils, gasoline or other flammable fluids, as well as sand, silt and other solids, for the purpose of excluding the same from the sewage works. It shall be water-tight, so located as to be

provided a suitable approved manhole frame and cover, and shall be of design and capacity approved by the City of York. The oils and other flammable fluids that accumulate in such interceptors shall be pumped or otherwise removed, and the interceptors shall be so maintained as to insure the exclusion of the same from the sewage works. They shall be kept free from sand, silt or other solids and shall be subject to regular inspection by the City of York. The contents of the same shall be promptly disposed of after removal to the satisfaction of the City of York.

(c) Every garage or other structure used for the housing, sale or repair of vehicles connected with any public or private sewer shall be provided with a floor drain and interceptor in accordance with this section within sixty days after notice from the City of York. (Ord. 16-2010. Passed 5-4-10.)

931.07 INTERCEPTORS REQUIRED.

All persons storing or using flammable or hazardous materials or discharging matter likely to obstruct any part of the sewage works or injure same or cause a nuisance, shall not connect to any sanitary sewer except through interceptors, catch basins or screens as may be prescribed by the City of York. Nothing in this section shall be interpreted as superseding the limitations and prohibitions on the discharge of particular wastes or waste characteristics as set forth elsewhere in this article. (Ord. 16-2010. Passed 5-4-10.)

931.08 HOTELS AND RESTAURANTS.

(a) All hotels, restaurants, boarding houses and public eating places, before draining into the sewage system, shall install grease interceptors on fixtures as required by the City of York.

(b) The greases, oils and solid materials that accumulate in such interceptors shall be pumped or otherwise removed, and the interceptors shall be so maintained as to insure the exclusion of the same from the sewage works. They shall be subject to regular inspection by the City of York. The contents of same shall be promptly disposed of after removal to the satisfaction of the City of York. On the notice by the General Manager, any such establishment may be required to maintain for a period of three years all records related to maintenance of such interceptors and the removal of grease therefrom, and to make such records available to the General Manager on request. (Ord. 16-2010. Passed 5-4-10.)

931.09 VIOLATIONS.

(a) Any owner or other person who violates or refuses to comply with any provision of this article or any notice given under the authority of the same, or who obstructs or interferes with any person in the execution of any of the provisions hereof, shall be subject to the penalty provided in Section 931.99.

(b) In addition, the violation of the provisions of this article, or of any permit issued to an Industrial User hereunder, may be declared to be a public nuisance, subject to the authority of the City Board of Health, as provided by the Third Class City Code. The Board may issue Orders requiring the abatement, prevention, or alteration of such a nuisance or take such other action as shall be deemed necessary to prevent, abate, correct, or avoid such nuisance. (Ord. 16-2010. Passed 5-4-10.)

931.10 SEWER RENTAL SURCHARGES; DETERMINATION AND MEASURING VOLUME.

(a) Sewer Rental Surcharges for Nondomestic Wastes. In addition to sewer rent for collection and treatment of sewage discharged into the sewage works by commercial and industrial users, further charges shall be made for all sewage discharged into the sewage works having values for certain parameters in excess of certain concentration thresholds as listed below:

<u>Parameters</u>	<u>Concentration Thresholds in mg/l</u>
Ammonia (as Nitrogen)	15
Arsenic	0.004
BOD	300
Cadmium, Total	0.004
Chromium, Total	0.06
Copper, Total	0.1
Cyanide, Total	0.05
Lead, Total	0.06
Nickel, Total	0.03
Phosphate (as Phosphorus)	9.0
Mercury, Total	0.0004
Silver, Total	0.006
Suspended Solids	350
Zinc, Total	0.3

The total surcharge shall equal the sum of each of the surcharges applicable to the waste in accordance with the formula below:

$$SC = 8.34 \times Q \times (\text{Value of Parameter} - \text{Concentration Threshold}) \times K / 1,000,000$$

SC = Surcharge for parameter
 Q = Volume in gallons
 K = Cost factor for parameter

Cost factors shall be established by administrative order based on toxicity, impact on sludge disposal, pretreatment program goals, and on costs for treatment. The strength of any sewage subject to surcharge shall be determined quarterly, or more frequently as the City of York shall determine, based upon sampling and analysis by the City of York or its designees. However, the City of York may if it so elects, determine the strength of the sewage based upon the results of routine sampling and analysis by the producer of such sewage or the results of analysis and flow from previous quarters or from the results of analysis and flow of sewage from similar customers.

(b) Methods of Measuring Volume for Surcharge Purposes.

- (1) Whenever a person purchasing all water used from a public water provider discharges all sewage to the POTW at one point, the volume of water purchased shall be used as a measure of the quantity of sewage discharged.

- (2) Whenever a person obtains water from other sources or claims that alternate means of disposal reduces the volume of sewage discharged, or whenever sewage is discharged at more than one point to the POTW, the City of York shall require the person to install at his expense a meter or meters, as may be required to measure the volume or volumes of sewage discharged to the POTW at the point or points of entry. All meters or other measuring devices installed or required to be used under any provision of this article may be tested or inspected by the City of York or by its designee whenever deemed necessary by the City of York. The owner of the property upon which such measuring device is installed shall be responsible for its testing, maintenance and safekeeping, and all repairs thereto shall be made at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Owners shall test and or calibrate meters in a manner and at a frequency satisfactory to the City of York.
(Ord. 16-2010. Passed 5-4-10.)

931.11 REMEDIES.

(a) Emergency Suspension of Service. The City of York may for good cause shown suspend the wastewater treatment service to any person when it appears to the City of York that an actual or threatened discharge presents or may reasonably present an imminent or substantial danger to the health or welfare of persons or to the environment, interferes with the operation of the POTW, or violates any pretreatment standard or requirement imposed by this article. In the event of failure to comply voluntarily with a suspension order within the specified time, the City of York may commence judicial proceedings to compel compliance with such order. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. A User affected by an emergency suspension will be entitled to a hearing afterwards at the User's request pursuant to Section 931.17 of this Article.

- (1) Any User notified of a suspension of its service shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Section 931.11(b) are initiated against the User.
- (2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the General Manager prior to the date of any show cause or termination hearing under 931.11(d).

(b) Revocation of Treatment Services. The City of York may seek to terminate the wastewater treatment services to any person and/or revoke a wastewater discharge permit, for good cause, for, but not limited to, the following reasons:

- (1) Failure to factually report the wastewater constituents and characteristics of its discharge;
- (2) Failure to report significant changes in operations or wastewater volume, constituents or characteristics prior to discharge as provided by Section 931.03(c) and 931.03(f)(2) of this Article;
- (3) Violation of this Article or any permit or order issued under this Article following within one year a prior violation of the same kind;
- (4) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (5) Falsifying self-monitoring reports and certification statements;
- (6) Tampering with monitoring equipment;
- (7) Being found to be in Significant Noncompliance, as defined in Section 931.12 of this Article;
- (8) Failure to pay civil penalties assessed under this Article;
- (9) Failure to pay sewer charges, surcharges or fees for services;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or a wastewater discharge permit application as provided by Section 931.03(c) of this Article; or
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.

Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 931.11(d) why the proposed action should not be taken. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the person.

(c) Notification of Violation; Administrative Adjustment. Whenever the City of York finds that any person has engaged in conduct that constitutes a violation of any provision of this Article or of a Permit issued hereunder, the City of York may serve or cause to be served upon such person, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the person shall respond in writing to the City of York, advising of its position with respect to the allegations. Thereafter the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.

(d) Show Cause Hearing. Whenever a violation or series of violations occur that may result in suspension of service, termination of service, summary charges, or other enforcement action, the General Manager may issue an order to such violator to appear and show cause before a hearing board assembled for the purpose, why the proposed enforcement action should not be taken. The procedures for such a hearing shall be set forth in Section 931.17 hereof. The notice of the hearing shall be served on the person either personally or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the City of York or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the person to show cause before the City of York, or its designee, why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than seven days before the hearing. Service may be made on any authorized representative of the person or User or on anyone in apparent authority found at the premises of such User. The proceedings at the hearing shall be considered by the hearing board which board shall then instruct the General Manager as to the enforcement action, if any, to be taken, or as to additional actions to be taken by the General Manager. A show cause hearing shall not be a bar against, or a prerequisite for, taking any other action against the person.

(e) Injunctive Relief. When the General Manager finds that a User has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager, acting through the City Solicitor's Office, may commence an action in the Court of Common Pleas for legal and equitable relief and, where deemed appropriate, may seek a temporary restraining order or preliminary injunction to restrain violations of or compel compliance with the Article, permit, order, or other requirement. The filing of such an action shall not be a bar to taking other enforcement actions.

(f) Remedies Nonexclusive. The remedies provided for in this article are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant User. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant User. The City of York may take any actions afforded to it under State law.

(g) Consent Orders. The General Manager may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall be judicially enforceable as contracts, and violations of the terms thereof may be deemed a violation of this Article subject to all of the penalties provided herein.

(h) Compliance Orders. When the General Manager finds that a User has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the General Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. Any such order shall inform the person of the opportunity to request a hearing before a hearing board constituted by the Sanitary Sewer Board of Appeals, as set forth in Section 931.17 hereof. If the User does not come into compliance within the time provided, sewer service may be discontinued unless the User demonstrates to the satisfaction of the General Manager, a good faith effort to do so, which may include evidence of hiring a consultant, ordering of pretreatment equipment, creation of a pollution prevention plan, or other affirmative acts aimed at achieving compliance in the shortest possible time. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and/or management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order cannot extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(i) Payment of Outstanding Fees and Penalties. The General Manager may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this article, a previous individual wastewater discharge permit or order issued hereunder.

(j) Cease and Desist Orders. When the General Manager finds that a User has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Any such order shall inform the person of the opportunity to request a hearing before a hearing board constituted by the Sanitary Sewer Board of Appeals, as set forth in Section 931.17 hereof. (Ord. 16-2010. Passed 5-4-10.)

931.12 PUBLIC NOTICE OF SIGNIFICANT VIOLATORS.

The City of York shall annually provide public notification in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this provision, a Significant Industrial User (or any Industrial User that violates paragraphs (c), (d), or (h) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC. There are two groups of TRC:

Group I for BOD, TSS, fats, oil, and grease
Group II for all other pollutants except pH

TRC = 1.4
TRC = 1.2

- (c) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.
- (e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90)-day compliance reports, periodic self-monitoring reports, reports on best management practices, and reports on compliance with compliance schedules.
- (g) Failure to accurately report noncompliance.

- (h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.
(Ord. 16-2010. Passed 5-4-10.)

931.13 PUBLIC ACCESS TO INFORMATION.

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the General Manager's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the General Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State and Federal law. Any such request must be asserted at the time of submission of the information or data if the industrial user stamps "Confidential Business Information" over all parts for which protection is sought. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. In compliance with the Commonwealth of Pennsylvania's Right-To-Know Law, requests for City of York records shall be submitted to the City of York's Open Records Officer.
(Ord. 16-2010. Passed 5-4-10.)

931.14 HAZARDOUS WASTE.

(a) Users may not discharge to the POTW any hazardous waste which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261 unless written authorization is obtained from the General Manager. It is at the General Manager's discretion to accept such waste. Any request shall include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other) and other information that the General Manager requires to make an informed decision. If the General Manager grants permission to the User to discharge such waste, the User shall notify the EPA Regional Waste Management Division and Pennsylvania Hazardous Waste authorities in writing in accordance with applicable federal and state requirements. Any such notification submitted to the EPA Regional Waste Management Division and Pennsylvania Hazardous Waste authorities shall be copied to the General Manager. This notification requirement does not apply to pollutants already reported under the self-monitoring requirements of this Article.

(b) Users shall permit the General Manager, or duly authorized representatives, to inspect hazardous waste generation, treatment, storage, and disposal procedures, and the records generated from the management of hazardous waste.
(Ord. 16-2010. Passed 5-4-10.)

931.15 RECORD KEEPING.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, documentation associated with compliance of Best Management Practices-based pretreatment standards or local limits, and documentation associated with any certification statements (i.e., TTO certification statement for metal finishers). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City of York, or where the User has been specifically notified of a longer retention period by the General Manager.

Written reports will be determined to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
(Ord. 16-2010. Passed 5-4-10.)

931.16 ADMINISTRATION.

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the General Manager may be delegated to a duly authorized City of York employee.
(Ord. 16-2010. Passed 5-4-10.)

931.17 APPEALS.

(a) Whenever the City of York, including the General Manager, takes or proposes to take any administrative action that will affect the rights of a User, including but not limited to the issuance or denial of a permit, issuance of an Order, temporary or permanent suspension of a permit, or imposition of a civil penalty, the User shall be notified of the right to request an administrative hearing by the Sanitary Sewer Board of Appeals.

(b) A request for a hearing is subject to the following:

- (1) The request must be made in writing to the General Manager.
- (2) The request must be submitted within thirty (30) calendar days from the date of receipt of the Wastewater Discharge Permit, or notice of the action being taken or proposed to be taken, which is being challenged by the User.
- (3) The request must state the specific provision(s) of a Wastewater Discharge Permit or the specific actions or proposed actions of the City of York which are being contested.
- (4) The request must state the User's reasons for the appeal of each provision.
- (5) The request may suggest alternate or revised provisions to replace those appealed.
- (6) An appeal of an issued Wastewater Discharge Permit may include a request to stay specific Permit conditions pending the outcome of the appeal. Any such request shall include all factual and legal justification for such a request.

(c) Provisions specifically mandated by Federal or State regulations (e.g., compliance with Categorical Standards) shall not be appealed. Conditions that, in the opinion of the City of York, would constitute a hazard or pose a potential threat of Pollution if stayed, shall not be stayed during an appeal. The decision of whether to grant a stay shall be made by the General Manager within three (3) days of the receipt of the request for a hearing and communicated to the User. Any provisions of a Permit, Order, or other action that are not stayed shall remain in effect and be enforceable until a decision is rendered by the Board of Appeals.

(d) A hearing shall be scheduled by the Board of Appeals. The date of the hearing shall be not less than seven (7) days and not more than thirty (30) days from the receipt of the request for a hearing. The date, time, and place of the hearing shall be promptly communicated to the User.

(e) The Sanitary Sewer Board of Appeals shall consist of the York City Sewer Authority, or a board designated by York City Sewer Authority, which such designated board may include five members, consisting of:

- (1) The Operations Manager of the POTW,
- (2) Any number of member(s) of the York City Sewer Authority,
- (3) Any one member of City Council,

Provided that, if any such member shall be a person who has a financial, legal or other proprietary interest in the User bringing the appeal, such person shall recuse himself from any vote which shall determine the decision of the body in regard to the appeal.

(f) The Board of Appeals shall conduct a hearing pursuant to the provisions of the Local Agency Law (2 Pa. C.S. Subchapter B). Such hearing may be on the record if requested by the appellant, subject to the provisions of 2 Pa. C.S. §553.

(g) The Board of Appeals shall render a decision within twenty (20) days of the hearing and inform the General Manager and the User of its decision in writing. The decision by the Board of Appeals constitutes final administrative action by the City of York.

(h) An adjudication of the City of York or the General Manager for which administrative review had been available shall not be subject to administrative or judicial review in any civil or criminal proceeding for enforcement.
(Ord. 16-2010. Passed 5-4-10.)

931.18 VALIDITY.

(a) Severability. Should any section or provision of this article be declared by the courts to be unconstitutional or invalid such decision shall not affect the validity of this article as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. 16-2010. Passed 5-4-10.)

931.99 PENALTY.

(a) Any person who violates or fails to comply with any provision of this article, any requirement of an industrial wastewater discharge permit issued under this article, or an order issued pursuant to this article, shall be guilty of a summary offense and upon conviction thereof be subject to a fine of not more than one thousand dollars (\$1,000) and costs of prosecution and in default thereof shall be imprisoned for not more than thirty (30) days. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues.

(b) Any person violating any of the provisions of this article shall become liable to the City of York for any expenses, loss or damage occasioned by the City of York by reason of such violation.

(c) For the violation of any of the provisions of this article, the City of York shall have the right and power to disconnect all connecting pipe lines conveying sewage or industrial wastes from the buildings of the users of the City's sewers to the City's sewer system from such sewer system. The cost of disconnection and any reconnection shall be paid by the user. The right and power of disconnection shall be in addition to any fine or penalty imposed for the violation.

(d) Any person who violates or fails to comply with any provision of this article, any requirement of an industrial wastewater discharge permit issued under this article, or an order issued pursuant to this article, may be assessed a civil penalty of up to twenty-five thousand dollars (\$25,000) as provided for in Act 9 (35 P.S. §752.1 et seq). Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. A lien against the User's property may be sought for unpaid charges and penalties. Users desiring to dispute such penalty shall follow the procedure as set forth in Section 931.17 hereof. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. Issuance of a civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the User.
(Ord. 16-2010. Passed 5-4-10.)

ARTICLE 932
Plumbing Requirements

- 932.01 Definitions.
- 932.02 Applications for permits for connections.
- 932.03 Tapping fee.
- 932.04 Connections.
- 932.05 Joints.
- 932.06 Basement drains and connections.
- 932.07 Garbage grinders or disposers.
- 932.08 "V" connections, laterals and "Y" branches.
- 932.09 Drainage into cesspools, wells, septic tanks or other receptacles prohibited; cleaning and backfilling.
- 932.10 Cesspools or privy vaults not to be connected with sewers.
- 932.11 Storm water, ground water, and other water pipe conveyers.
- 932.12 Approval by Plumbing Inspector and Director of Economic Development.
- 932.13 Violations.
- 932.99 Penalty.

CROSS REFERENCES

- Federal Water Pollution Control Act - (Clean Water Act); (as amended 33 U.S.C. 1251, et seq.)
- Sewer connections - see 3rd Class 3201 et seq. (53 P.S. 38201 et seq.)
- City may charge tapping fee - see 3rd Class 3202 (53 P.S. 38202)
- Power to furnish facilities outside City - see 3rd Class 3250 (53 P.S. 38250)
- Sewage disposal standards - see 25 Pa. Code 73.1 et seq.
- Waste water treatment - see 25 Pa. Code Ch. 95
- Industrial wastes - see 25 Pa. Code Ch. 97
- Industrial wastes charge - see S. U. & P.S. 933.04
- New subdivision sewers - see P. & Z.1397.07

932.01 DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

- (a) "Commercial wastes" means the wastes generated from a commercial operation as distinct from domestic, and industrial sewage.
- (b) "Domestic sewage" means the water-borne waste derived from ordinary living processes.
- (c) "Garbage" means solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

- (d) "Garbage grinders" means a mechanical device which shreds or grinds food for the purpose of sewage disposal.
- (e) "Ground garbage" means the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles shall be carried freely in suspension under the normal flow conditions prevailing in the sewer conduit to which they are contributory and those prevailing in public sewers with no particle greater than one-half inch in any dimension.
- (f) "Industrial wastes" means the wastes from industrial processes as distinct from domestic, and commercial sewage.
- (g) "Interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes, while permitting normal sewage or wastes to discharge into the drainage system by gravity.
- (h) "Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (i) "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by section 212 of the Act, which is owned by a state or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the Municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment work [40 CFR 403.3(o)].
- (j) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (k) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (l) "Sewage works" means all facilities for collection, pumping, treating and disposing of sewage (see Publicly Owned Treatment Works-POTW).
- (m) "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- (n) "Storm sewer or storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (o) "General Manager" means the General Manager of the York City Wastewater Treatment Plant or his duly authorized representative.
- (p) "Treatment plant" means the York City Wastewater Treatment Plant, 1701 Black Bridge Road, York, PA 17402.
(Ord. 12-2000. Passed 6-20-00.)

932.02 APPLICATIONS FOR PERMITS FOR CONNECTIONS.

Whenever it is desired to make any connections with the sewage works, application for a permit shall first be made to the Plumbing Inspector in such form as may be approved by the Department of Economic Development, and a permit shall be granted by such Inspector in conformity with the provisions of this article.

(Ord. 12-2000. Passed 6-20-00.)

932.03 TAPPING FEE.

A charge of five hundred dollars (\$500.00) is hereby levied against each property owner for any new connection with such sewer, which sum shall be paid into the City Sewer Rental Fund at the time of the granting of the connection permit.

(Ord. 12-2000. Passed 6-20-00.)

932.04 CONNECTIONS.

(a) Connections shall be laid at the expense of the property owner, but shall be subject to inspection at all times by the Plumbing Inspector, or his properly authorized assistants. These connections shall not be covered up until they have been properly inspected and approved. Sizes shall in general be four inches or greater. They shall be laid in a workmanlike manner with sufficient slope and with watertight joints. Watertight work will be insisted upon, and the City reserves the right to take up and relay leaky connections at the owner's expense.

(b) No person, without authority or permission from the City, shall connect any property with any sewer which connects with or is a part of the sewage works of the City or discharge any sewage, or other drainage or other substance into any sewer which connects with or is a part of the City sanitary sewer system.

(Ord. 12-2000. Passed 6-20-00.)

932.05 JOINTS.

All joints, of both storm and sanitary sewers, shall rendered watertight in accordance with existing regulations.

(Ord. 12-2000. Passed 6-20-00.)

932.06 BASEMENT DRAINS AND CONNECTIONS.

No permit for a basement drain shall be granted until the owner of the building or his agent has executed and signed a written agreement upon a form furnished by the City, releasing the City from any damage that may result from the basement being flooded by the stoppage of sewers, which agreement shall be filed with the City Plumbing Inspector. All basement sewer connections for which such permits have been obtained shall be provided with a check valve, and the plumbing waste pipes therein shall be so connected that the use of fixtures on or about the first floor of such building shall not be interfered with by the shutting off of such valve. Nothing in this section shall be construed as affecting properties with basement sewer connections which were installed prior to December 28, 1982, and for which the permit and agreement described herein were not required.

(Ord. 12-2000. Passed 6-20-00.)

932.07 GARBAGE GRINDERS OR DISPOSERS.

(a) The installation and use of garbage grinders shall be permitted only in food preparation areas. Domestic units shall not exceed one-half horsepower in power.

(b) Garbage grinders shall be used only for the disposal of food wastes and no other; specifically, not for the disposal of paper products, pathological material, or any other prohibited materials or wastes. Such devices shall produce particles of a size that can be carried freely under normal flow conditions prevailing in the sewer conduit to which they are contributory. They shall not be permitted in areas where sluggish flow or other similar conditions exist which would be made worse by the use of garbage grinders.

(c) Where a property is equipped with a garbage grinder, the property owner shall be responsible for maintenance of connections from the main to the buildings.

(d) All garbage grinders shall be registered with the Plumbing Inspector at the time of installation.

(Ord. 12-2000. Passed 6-20-00.)

932.08 "V" CONNECTIONS, LATERALS AND "Y" BRANCHES.

All connections to the sanitary sewer system or any part thereof shall be made at the end of V or lateral provided at the curb or at the Y branch provided in the main sewer for that purpose. Where it is necessary to make a connection at a point not provided with a Y branch, the sewer shall be tapped and a Y branch inserted. A record of the exact location of such connection shall be made at once and placed on the official plans of the City. No connection shall be laid by any person from the main sewer to the curb line except under the supervision of the Plumbing Inspector and Director of Economic Development or his duly authorized assistants. All connections with laterals at the curb shall be made under the supervision of the Plumbing Inspector and Director of Economic Development or his duly authorized assistants.

(Ord. 12-2000. Passed 6-20-00.)

932.09 DRAINAGE INTO CESSPOOLS, WELLS, SEPTIC TANKS OR OTHER RECEPTACLES PROHIBITED; CLEANING AND BACKFILLING.

The drainage or depositing of sewage into cesspools, wells, septic tanks, drain fields or other sewage or drainage receptacles is prohibited. The use of cesspools, wells, septic tanks, drain fields or other sewage or drainage receptacles for the disposal of sewage is prohibited. All cesspools, wells, septic tanks or other sewer or drainage receptacles so used shall be cleaned, filled and sealed. A three months' notice to discontinue the use of any cesspool and to have it cleaned and filled shall be given by the Department of Economic Development. After the cesspool has been cleaned, it may be used to receive surface or roof drainage, upon permission granted therefor by the Department of Economic Development.

(Ord. 12-2000. Passed 6-20-00.)

932.10 CESSPOOLS OR PRIVY VAULTS NOT TO BE CONNECTED WITH SEWERS.

No connection for any cesspool or privy vault shall be made with any sewer, and no privy vault or cesspool for sewage or house drainage shall hereafter be constructed in any part of the City.

(Ord. 12-2000. Passed 6-20-00.)

932.11 STORM WATER, GROUND WATER, AND OTHER WATER PIPE CONVEYERS.

No storm water or downspout pipes, or other pipes used to convey water, except the pipes necessary to plumbing and dwelling drainage systems, shall be connected with any sanitary sewer. The Plumbing Inspector shall at all times have the right to close up or disconnect from the sanitary sewer system any private dwelling sewer which is used for the carrying of storm water or ground water into the sanitary sewer.

(Ord. 12-2000. Passed 6-20-00.)

932.12 APPROVAL BY PLUMBING INSPECTOR AND DIRECTOR OF ECONOMIC DEVELOPMENT.

(a) Before or after any building shall be connected with the sewage works, the plumbing system thereof shall be inspected and approved by the Plumbing Inspector and Superintendent of Sanitary Sewers, and he may order a revision, alteration or correction thereof to the end that the same may conform, in construction and manner of use, to the provisions of this article, the requirements of the State Department of Health, the requirements of the State Department of Environmental Resources, the requirements of the United States Environmental Protection Agency and the Acts of Assembly relating thereto.

(b) When any building is removed, or any drainage or sewer system is abandoned or dismantled or removed, the sewer connection shall be disconnected at the curb, or property line and properly sealed and inspected by the Plumbing Inspector.

(Ord. 12-2000. Passed 6-20-00.)

932.13 VIOLATIONS.

(a) Upon failure of any owner to comply with any of the terms and requirements of this article after notice to do so, the same may be done or caused to be done by the City and the cost thereof shall be levied and collected from such owner, together with penalty of ten percent (10%) of such costs and all charges and expenses. Such amount shall be a lien upon such premises from the time of the completion of the work, which date shall be fixed by the certificate of the Plumbing Inspector, filed with the City Solicitor, and may be collected by action in assumpsit, or such lien may be filed and proceeded in as provided by law in the case of municipal liens.

(b) In addition thereto any owner or other person who violates or refuses to comply with any provision of this article or any notice given under the authority of the same, or who obstructs or interferes with any person in the execution of any of the provisions hereof, shall be subject to the penalty provided in Section 931.99.

(Ord. 12-2000. Passed 6-20-00.)

932.99 PENALTY.

(a) Any person who violates or fails to comply with any provision of this article shall upon conviction thereof be fined not more than one thousand dollars (\$1,000) and costs of prosecution and in default of payment thereof, shall be imprisoned for not more than thirty days. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues.

(b) Any person violating any of the provisions of this article shall become liable to the City for any expenses, loss or damage occasioned by the City by reason of such violation.

(c) For the violation of any of the provisions of this article, the City shall have the right and power to disconnect all connecting pipe lines conveying sewage or industrial wastes from the buildings of the users of the City's sewers to the City's sewer system from such sewer system. The cost of disconnection and any reconnection shall be paid by the user. The right and power of disconnection shall be in addition to any fine or penalty imposed for the violation. (Ord. 12-2000. Passed 6-20-00.)

ARTICLE 933
Sewer Rentals

- 933.01 Definitions.
- 933.02 Imposition of sewer rent.
- 933.03 Annual sanitary sewer rates.
- 933.04 Industrial wastes charge.
- 933.05 Sewage from outside of City.
- 933.06 Additional classifications and modifications.
- 933.07 Time of payment and penalties.
- 933.08 Adjustments and credits.
- 933.09 Delinquent sewer rentals and liens.
- 933.10 Rules and regulations.
- 933.11 Amendments.
- 933.12 Sewer Rental Fund created.
- 933.13 Administrative support.
- 933.14 Records.
- 933.15 City credit not pledged.
- 933.16 Rebates for low income elderly citizens and low income permanently disabled citizens.

CROSS REFERENCES

- Power to impose and collect sewer rentals - see 3rd Class §3211 et seq.
(53 P.S. §38211 et seq.)
- Industrial wastes - see 25 Pa. Code Ch. 97
- Admission of industrial wastes - see S. U. & P. S. 931.03
- Sewer connections outside City - see S. U. & P. S. 931.25

933.01 DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

- (a) "Authority" means the York City Sewer Authority.
- (b) "City" means the City of York.
- (c) "Council" means the group of elected officials acting as the governing body of the City.
- (d) "Commercial use" means a property which is intended to be used for the purpose of carrying on a trade, business or profession, or for social, religious, educational, charitable or public uses.
- (e) "Domestic use" means a property which is intended to be used for continuous or periodic habitation by human beings or animals.
- (f) "Industrial use" means a property which is intended to be used in whole or in part for the manufacture, conversion, processing, cleaning, laundering or assembly of any product, commodity or article.
- (g) "Industrial waste" means the liquid, gaseous or water borne wastes from industrial processes or commercial establishments as distinct from sanitary sewage.
- (h) "Sanitary sewage" means the normal water-carried household and toilet wastes from residences, business buildings, institutions, commercial and industrial establishments.

- (i) "Sewer system" means all facilities for collection, treating and disposing of industrial waste and sanitary sewage.
- (j) "Uncontaminated water" means clean water unmixed with and free of any foreign matter whatsoever.
- (k) "Water Company" means the York Water Company, its successors and assigns. (Ord. 7-1954 §1.)

933.02 IMPOSITION OF SEWER RENT.

There is hereby imposed upon the owner of each property located within the City limits, served by the sewer system and having the use thereof, an annual sewer rent, payable as hereinafter provided, for use, whether direct or indirect of the sewer system, based on the rates and in accordance with the classifications hereinafter set forth. (Ord. 7-1954 §2.)

933.03 ANNUAL SANITARY SEWER RATES.

Rates for Domestic and Commercial Metered Water Users. All persons owning property used for domestic or commercial purposes which property is connected to the sewer system and served with metered water service by the Water Company shall pay a monthly rental for sanitary sewage service based on quantity of water used as evidenced by meter readings of water meters installed and maintained by the Water Company for the purpose of measuring water purchased from such Water Company and such other meters as may be installed pursuant to the provisions of this article, and subject to the minimum charges hereinafter provided as follows:

- (a) Monthly Quantity Charge.
For each 1000 gallons per month: \$8.25
- (b) Minimum Charge. All domestic and commercial users shall pay a minimum charge of \$18.00 per month which shall entitle such users to 2,180 gallons per month sewer service. (Ord. 44-2011. Passed 12-31-11.)

933.04 INDUSTRIAL WASTE CHARGE.

(a) Sewer Rent or Charge for Industrial Wastes. The sewer rent or charge for the collection and treatment of industrial wastes discharged into the sewer system by industrial users, shall be a quarterly charge based upon the water consumption, adjusted for that portion determined to be sanitary sewage, of the property served and shall be computed at the following standard metered rates:

For each 1000 gallons per month: \$8.25
(Ord. 44-2011. Passed 12-31-11.)

(b) Sewer Rental Surcharge for Industrial Wastes. (EDITOR'S NOTE: This subsection was repealed by Ordinance 15-1987, passed May 5, 1987. See Section 931.10 for relevant provisions.)

- (c) Methods of Measuring Volume of Industrial Wastes.
- (1) Whenever a person purchasing all water used from the Water Company discharges only industrial waste to the sewer system, the volume of water purchased shall be used as a measure of the quantity of industrial waste discharged.
 - (2) Whenever a person purchasing all water used from the Water Company discharges combined sanitary sewage and industrial waste to the sewer system, the volume of water purchased chargeable as industrial waste shall be the total volume of water purchased less the volume of water determined to be sanitary sewage. The volume of water determined to be sanitary sewage shall be determined in either of the following ways:
 - A. Actual measured flows;
 - B. By multiplying the average number of employees in the establishment during the preceding billing period by 2,000 gallons per quarter.
 - (3) Whenever a person purchasing water from the Water Company and discharging industrial waste to the sewer system also discharges uncontaminated water to either a separate storm sewer or other outlet, an allowance for the amount of water so discharged shall be made in computing the sewer charges. The person so discharging uncontaminated water shall at his own expense install a meter or meters, as required, to indicate accurately to the satisfaction of Council the amount of water claimed as a credit.
 - (4) Whenever a person using a private water supply discharges industrial wastes to the sewer system, the charges for such discharge shall be in accordance with Section 933.04(a). Such person, however, shall install at his expense either a water meter or meters, as may be required, to measure the total volume of water used in the industrial plant; or shall install, at his expense, meters, as required, on the sewer line or lines leaving the plant so as to measure the entire flow of waste discharged to the sewer system. No meter for measurement either of the water or sewage shall be installed until a plan for such installation is submitted to Council or its designated representative, and approved as satisfactory. All meters or other measuring devices installed or required to be used under any provision of this article shall be under the control of Council, and may be tested, inspected or repaired by City employees whenever Council deems it necessary. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made at the prop

erty owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the City, shall be due and payable at the same time, and collected in the same manner as are the bills for sewer services; such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed.

- (5) Council shall be responsible for the reading of water and/or sewage meters when installed in industrial establishments. Where in the opinion of Council it is not necessary to install a meter, measurements of the discharge to the sewer system shall be made quarterly by the City, and the measurements so made shall be used for determining the sewer rental or charge for that quarter. Any person dissatisfied with the sewer rate so determined may, at his own cost, install a meter or meters as provided in paragraph (4) of this subsection. (Ord. 15-1972 §4.)

933.05 SEWAGE FROM OUTSIDE OF CITY.

No sanitary sewage or industrial wastes shall be received into the sewer system from sources outside the City limits except upon payments therefor as may be satisfactory to Council. (Ord. 7-1954 §5.)

933.06 ADDITIONAL CLASSIFICATIONS AND MODIFICATIONS.

Additional classifications and additional sewer rentals or modifications of the above schedules of sewer rentals may be established by the City from time to time. (Ord. 7-1954 § 6.)

933.07 TIME OF PAYMENT AND PENALTIES.

(a) The sewer rents under Sections 933.03 and 933.04 shall be a monthly rental for which bills will be rendered by the 25th day of each month. Bills to sewer users having water meters shall be billed monthly and be based upon the metered water consumed in the previous month.

- (b) The following penalties, fees and costs shall be imposed:
- (1) A penalty of one and one-half percent (1.5%) per month shall be added to each bill for each month during which a bill remains unpaid after thirty days from the billing date. In addition, all costs associated with the collection of delinquent accounts, including costs assessed by a collection agency for services rendered, shall be added to the account.

(c) Payments mailed as evidenced by the United States Post Office mark on or previous to the end of the period during which bills are payable will be deemed to be a payment within such period.

(d) All persons connected to the sewer system must give the City their correct address. Failure to receive sewer bills will not be considered an excuse for nonpayment nor permit an extension of the period during which sewer bills are payable.
(Ord. 15-1996. Passed 12-17-96.)

933.08 ADJUSTMENTS AND CREDITS.

(a) Upon proof provided by a property owner or the Water Company, the City shall provide a retroactive credit for periods where no water service and therefore no sewer service was provided to the property. At no time shall the credit reduce the billing to less than the minimum charge established for that period.
(Ord. 16-1990 §3. Passed 10-2-90.)

(b) If a property owner wishes to obtain a credit for water usage because some portion of the water used was not discharged into the sanitary sewer system, relief may be sought through the City. The applicant for relief will be required to furnish evidence satisfactory to the City that the water used did not enter the sanitary sewer system such as for leaks and swimming pools. The minimum credit that shall be processed is five dollars (\$5.00) per month.
(Ord. 15-1996. Passed 12-17-96.)

933.09 DELINQUENT SEWER RENTALS AND LIENS.

All sewer rentals, together with all penalties and fees thereon not paid on or before the end of six months from the beginning of each billing period shall be deemed delinquent for the purposes of this article. All delinquent sewer rentals and all penalties and fees thereon shall be a lien on the property served and shall be entered as a lien against such property in the Office of the Prothonotary of York County and shall be collected in the manner provided by law for the filing and collection of municipal claims. The City may also request water service termination in accordance with applicable State laws to provide for the collection of delinquent accounts.
(Ord. 16-1990 §4. Passed 10-2-90.)

933.10 RULES AND REGULATIONS.

Council reserves the right to adopt, revise and amend, such rules and regulations as it deems necessary and proper for the use and operation of the sewer system, which rules and regulations shall be and become a part of this article.
(Ord. 7-1954 §10.)

933.11 AMENDMENTS.

This article and the rules and regulations hereunder shall become effective immediately as to all sewer services rendered after December 1, 1953. The City reserves the right to make such changes as in its opinion may be desirable or beneficial, and to amend this article or to change the rates or charges in such manner and at such times as in its opinion may be advisable.
(Ord. 7-1954. §11.)

933.12 SEWER RENTAL FUND CREATED.

There is hereby created and established, a fund distinct and separate from all other funds of the City, to be known as the "Sewer Rental Fund". There shall be placed in this fund such moneys and revenues as are enumerated in the lease agreement between the City and the York City Sewer Authority, dated as of March 1, 1977. There shall be paid from this Fund all such expenditures as are provided for in the lease agreement.
(Ord. 8-1954 §1.)

933.13 ADMINISTRATIVE SUPPORT.

The City shall receive as a loan from the York City Sewer Authority, such office machinery and equipment as the Authority may furnish and shall use the same in the Sewer Rental Bureau in the carrying out of the Bureau's functions. The City shall have the Authority such evidence of the loan of such office machinery and equipment as the Authority may require.
(Ord. 8-1954 §4.)

933.14 RECORDS.

The City shall keep accurate records of the revenues which it receives from the sewer system, and of the expenses of the operation and maintenance thereof.
(Ord. 8-1954 §5.)

933.15 CITY CREDIT NOT PLEDGED.

Neither the credit nor the taxing power of the City is pledged for any payments required to be made by the City under the terms of its lease with the York City Sewer Authority hereinbefore mentioned, but nothing in such lease shall prevent the City from making any additional payments thereunder from any funds which may properly and legally be made available for that purpose. (Ord. 8-1954 §6.)

933.16 REBATES FOR LOW INCOME ELDERLY CITIZENS AND LOW INCOME PERMANENTLY DISABLED CITIZENS.

(a) All bona fide residents of the City who are sixty-five years of age or over or permanently disabled shall be entitled to rebates from the certain sewer rental charge paid for their homesteads, in accordance with the schedule hereinafter set forth. Only one rebate shall be paid for each homestead; and in the case of co-ownership, a single rebate shall be paid to the co-owners jointly so long as any one of them is sixty-five years of age or over or permanently disabled, provided that all co-owners are otherwise eligible for the rebate.

(b) Definitions for the purpose of determining rebates:

- (1) "Income" means all income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash, public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act, except Medicare benefits but including supplemental Social Security payments, all benefits received under State unemployment insurance laws and Veteran's Disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, Workmen's Compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds, except the first five thousand dollars (\$5,000) of the total death benefit payments, and gifts of cash or property other than transfers by gift between members of a household in excess of a total value of three hundred dollars (\$300.00), but shall not include surplus food or other relief in kind supplied by a governmental agency or those rebates offered by State and local government for services supplied.
- (2) "Household income" means the aggregate of all income received by the homestead owner, or owners, in case of co-ownership, and his or her spouse if a resident of the same household during a calendar year in which sewer rental charges are due and payable.
- (3) "Homestead" means a dwelling and so much of the land surrounding it as is reasonably necessary for use of the dwelling as a home, which is owned and occupied by a claimant. An owner includes a person in possession under a contract of sale, deed of trust, life estate, joint tenancy or tenancy in common.

- (4) "Sewer rental charge" means the charge, per quarter, as defined in Section 933.03.
- (5) "Permanently disabled" means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely. The City may require that a claimant be examined by a physician designated by the City to determine permanent disability.
(Ord. 29-1981 §1. Passed 12-15-81; Ord. 6-1982 §1. Passed 5-17-82.)

(c) The amount of rebates for the sewer rental charge paid during calendar year 1989 and thereafter shall be determined in accordance with the following schedule:

<u>Household Income</u>	<u>Percentage of Sewer Rental Charge to be Rebated</u>
\$0	100
5,500	90
6,000	80
6,500	70
7,000	60
7,500	50
8,000	40
8,500	35
9,000	25
10,000	20
12,000	15
13,000	10
15,000 or over	No Rebate

(Ord. 79-1989 § 1. Passed 12 - 19-89.)

(d) A claim for rebate shall be filed with the Sewer Rental Bureau of the City between May 1 and June 30 of each year commencing with the calendar year 1983. The rebate shall apply to the charges for the fiscal year, January 1 through December 31 immediately preceding the claim filing period. Such claims shall be submitted on forms provided by the City. The Sewer Rental Bureau may require such additional evidence as it deems necessary or appropriate in processing the claim and reserves the right to deny any claim that does not meet the requirements for rebate. The rebate shall be limited to the service charges paid for the applicable calendar year, and may be apportioned for the part of the year during which the claimant was sixty-five years of age or older or permanently disabled. The Sewer Rental Bureau shall review each claim and shall verify and confirm the amount of rebate to the extent that the claim is valid and proper.

(e) Any information gained by the Business Administrator or any other official, agent or employee of the City, as a result of any claims, investigations or hearings required or authorized by this article, shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this article or as otherwise provided by law.
(Ord. 29-1981 §1. Passed 12-15-81; Ord. 6-1982 §1. Passed 5-17-82.)

(f) Any person who willfully makes any false or untrue statement on any claim for rebate under this article shall upon conviction before any District Justice of York County, be fined not more than one thousand dollars (\$1,000) for each offense and, in default of payment of fine or costs, shall be imprisoned for not more than ninety days (90 days) for each offense.
(Ord. 1-2009. Passed 1-6-09.)

TITLE FOUR - Stormwater Management

- Art. 935. General Provisions.
- Art. 936. Definitions.
- Art. 937. Stormwater Management Standards.
- Art. 938. Stormwater Management (SWM) Site Plan Requirements.
- Art. 939. Construction Inspections.
- Art. 940. Operation and Maintenance.
- Art. 941. Fees and Expenses.
- Art. 942. Detection and Elimination of Illicit Discharges to the Municipal Separate Storm Sewer System.
- Art. 943. Enforcement and Penalties.
- Art. 944. References.
Appendices.

ARTICLE 935
General Provisions

- 935.01 Short title.
- 935.02 Statement of findings.
- 935.03 Purpose.
- 935.04 Statutory authority.
- 935.05 Applicability.
- 935.06 Repealer.
- 935.07 Severability.
- 935.08 Compatibility with other permit and ordinance requirements.
- 935.09 Interpretation.
- 935.10 Erroneous permit.

935.01 SHORT TITLE.

This Title Four of the Streets, Utilities and Public Services Code shall be known and may be cited as the "City of York Stormwater Management Ordinance."
(Ord. 32-2011. Passed 10-4-11.)

935.02 STATEMENT OF FINDINGS.

The City Council of the City of York finds that:

- (a) Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.
- (b) A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety, and welfare and the protection of people of the Commonwealth, their resources, and the environment.
- (c) Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- (d) Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).
(Ord. 32-2011. Passed 10-4-11.)

935.03 PURPOSE.

The purpose of this Ordinance is to promote health, safety, and welfare within the Municipality and its watershed(s) by minimizing the harm and maximizing the benefits described in Section 935.02, through provisions designed to:

- (a) Meet legal water quality requirements under state law, including regulations at 25 Pa. Code 93 to protect, maintain, reclaim, and restore the existing and designated uses of the waters of this Commonwealth.
- (b) Preserve the natural drainage systems as much as possible.
- (c) Manage stormwater runoff close to the source.
- (d) Provide procedures and performance standards for stormwater planning and management.
- (e) Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- (f) Prevent scour and erosion of stream banks and stream beds.
- (g) Provide proper operation and maintenance of all SWM BMPs that are implemented within the municipality.
- (h) Provide standards to meet NPDES permit requirements.
(Ord. 32-2011. Passed 10-4-11.)

935.04 STATUTORY AUTHORITY.

(a) Primary Authority: The Municipality is empowered to regulate land use activities that affect stormwater impacts by the authority of the Third Class City Code and the Act of October 4, 1978, P.L. 864 (Act 167), 32 P.S. Section 680.1, et seq., as amended, the "Stormwater Management Act."

(b) Secondary Authority: The Municipality is also empowered to regulate land use activities that affect runoff by the authority of the Act of July 31, 1968, P.L. 805, No. 247, The Pennsylvania Municipalities Planning Code, as amended.
(Ord. 32-2011. Passed 10-4-11.)

935.05 APPLICABILITY.

All regulated activities and all activities that may affect stormwater runoff, including land development and earth disturbance activity, are subject to regulation by this article. Article 942, Detention and Elimination of Illicit Discharges to the Municipal Separate Storm Sewer System, shall be applicable to all water entering the storm drain system of the Municipality generated on any developed and undeveloped lands unless explicitly exempted by the Municipality. (Ord. 32-2011. Passed 10-4-11.)

935.06 REPEALER.

Any other ordinance provision or regulation of the Municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to give this Ordinance full force and effect to the extent of the inconsistency only. (Ord. 32-2011. Passed 10-4-11.)

935.07 SEVERABILITY.

In the event that a court of competent jurisdiction declares any section, clause or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining sections, clauses or provisions of this Ordinance. (Ord. 32-2011. Passed 10-4-11.)

935.08 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS.

Permits and approvals issued pursuant to this Ordinance do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of stormwater or erosion and sedimentation control are contained in another code, rule, act or ordinance, the more stringent regulations shall apply. (Ord. 32-2011. Passed 10-4-11.)

935.09 INTERPRETATION.

Unless otherwise expressly stated, the succeeding shall, for the purposes of this Ordinance, be interpreted in the following manner:

- (a) Words used in the present tense also imply the future tense.
- (b) Words used in the singular imply the plural, and vice versa.
- (c) Words of masculine gender include feminine gender, and vice versa.
- (d) The words and abbreviation "includes," "including," "shall include," "such as," and "e.g." are not limited to the specific example(s) given but are intended to extend the word's or words' meaning(s) to all other instances of like kind and character.
- (e) The words "person", "applicant", or "developer" include, a partnership, corporation, or other legal entity, as well as an individual.
- (f) The words "shall", "required", or "must" are mandatory; the words "may" and "should" are permissive.

(Ord. 32-2011. Passed 10-4-11.)

935.10 ERRONEOUS PERMIT.

Any permit or authorization issued or approved based on false, misleading or erroneous information provided by an applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Municipality purporting to validate such a violation.
(Ord. 32-2011. Passed 10-4-11.)

ARTICLE 936
Definitions

936.01 Definitions.

936.01 DEFINITIONS.

- (a) **Accelerated Erosion** - The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural process alone.
- (b) **Act 167** - Act of October 4, 1978, P.L.864, (Act 167), as amended, and known as the "Stormwater Management Act".
- (c) **Agricultural Activity** - Activities associated with agriculture such as, but not limited to, agricultural cultivation, agricultural operations, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.
- (d) **Applicant** - A landowner, developer, or other person who has filed an application to the municipality for approval to engage in any regulated activity at a project site in the Municipality.
- (e) **Best Management Practice (BMP)** - Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "nonstructural." In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

- (f) **BMP Manual** - Pennsylvania Stormwater Best Management Practices Manual, as amended and updated.
- (g) **Cistern** - An underground reservoir or tank for storing rainwater.
- (h) **City Council** - the Council of the City of York
- (i) **Clean Water Act** - The Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq., and any subsequent amendments thereto.
- (j) **Conservation District** - The York County Conservation District, which District is as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.
- (k) **Construction Activity** - activities subject to NPDES construction permits. NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.
- (l) **County** - York County Pennsylvania
- (m) **Culvert** - A structure which carries surface water through an obstruction.
- (n) **Dam** - An impoundment structure regulated by the Pennsylvania DEP Chapter 105. regulations.
- (o) **Dedicated** - Offered for adoption by the municipality.
- (p) **DEP** - The Pennsylvania Department of Environmental Protection.
- (q) **Design Storm** - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence, e.g., a 5-year storm, and duration, e.g., 24 hours, used in the design and evaluation of stormwater management systems. Also see Return Period.
- (r) **Developer** - Any person, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes any Regulated Activity.
- (s) **Detention Basin** - A structure designed to retard stormwater runoff by temporarily storing and releasing the runoff at a predetermined rate.
- (t) **Detention District** - Those subareas in which some type of detention is required to meet the plan requirements and the goals of appropriate and approved Act 167 plans.
- (u) **Detention Volume** - The volume of runoff that is captured and released into the waters of this Commonwealth at a controlled rate.
- (v) **Development Site (Site)** - See Project Site.

(w) **Disconnected Impervious Area (DIA)** - An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration as specified in Appendix B. Disconnected Impervious Area of this Ordinance.

(x) **Disturbed Area** - An unstabilized land area where an earth disturbance activity is occurring or has occurred.

(y) **Down-slope Property Line** - That portion of a property line of a lot or parcel of land being developed located such that overland or pipe flow from the development site would be directed toward it.

(z) **Drainage Conveyance Facility** - A stormwater management facility designed to transmit stormwater runoff, including but not limited to, streams, channels, swales, pipes, conduits, culverts and storm sewers.

(aa) **Drainage Easement** - A limited right of use granted in private land, allowing the use of private land for stormwater management purposes, wherein no structure may be constructed.

(ab) **Drainage Permit** - A permit issued by the municipality after the SWM Site Plan has been approved. Said permit is issued prior to or with the final Municipal approval.

(ac) **Earth Disturbance Activity** - A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

(ad) **Erosion** - The natural process by which the surface of the land is worn away by water, wind, or chemical action.

(ae) **E & S Manual** - Erosion and Sediment Pollution Control Manual, as amended and updated.

(af) **Erosion and Sediment Control Plan** - A site specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activity.

(ag) **Existing Condition** - The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.

(ah) **FEMA** - Federal Emergency Management Agency.

(ai) **Flood** - A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of the Commonwealth.

(aj) **Floodplain** - Any land area susceptible to inundation by water from any natural source as delineated by applicable FEMA maps and studies as being a special flood hazard area.

(ak) **Floodway** - The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

(al) **Forest Management/Timber Operations** - Planning and activities necessary for the management of forest land. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

(am) **Groundwater Recharge** - Replenishment of existing natural underground water supplies.

(an) **Hazardous Materials/Substances** - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(ao) **Hydrologic Soil Group (HSG)** - Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS 3,4).

(ap) **IWRP** - The York County Integrated Water Resources Plan, which Plan includes Act 167 Plan elements and requirements.

- (aq) **Illicit Connections** - An illicit connection is defined as either of the following:
- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system and/or Waters of the Commonwealth including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system and/or Waters of the Commonwealth from indoor drains and sinks, regardless of whether said drain or connections had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system and/or Waters of the Commonwealth which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(ar) **Illegal Discharge** - Any direct or indirect non-storm water discharge to the storm drain system.

(as) **Impervious Surface (Impervious Area)** - A surface that prevents the infiltration of water into the ground. Impervious surfaces and areas shall include, but not be limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets and sidewalks. However, any surface or area designed, constructed and maintained to permit infiltration as specified herein shall be considered pervious, not impervious. For the purposes of this Ordinance, a surface or area shall not be considered impervious if such surface or area does not diminish the capacity for infiltration of stormwater for storms up to, and including, a two (2)-year 24-hour storm event.

(at) **Industrial Activity** - Activities subject to NPDES industrial permits as defined in 40 CFR §122.26(b)(14).

(au) **Infiltration** - The entrance of surface water into the soil, usually at the soil-air interface.

(av) **Infiltration Structures** - A structure designed to direct runoff into the ground (e.g. french drains, seepage pits, seepage trench).

(aw) **Karst** - A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst landscapes are formed on carbonate rocks, such as limestone or dolomite.

(ax) **Land Development** - Shall include any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

B. The division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

(2) A subdivision of land.

(3) Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

(ay) **Land Disturbance** - Any activity involving grading, filling, digging or filling of ground, or stripping of vegetation, or any other activity which causes land to be exposed to the danger of erosion.

(az) **Municipality** - City of York, York County, Pennsylvania.

(ba) **MS4** - Municipal Separate Storm Sewer System

(bb) **NPDES** - National Pollution Discharge Elimination System

(bc) **NRCS** - USDA Natural Resources Conservation Service (previously SCS).

(bd) **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit** means a permit issued by EPA (or by DEP under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(be) **Non-Stormwater Discharge** - Any discharge to the storm drain system and/or Waters of the Commonwealth that is not composed entirely of stormwater.

(bf) **O & M** - Operation and Maintenance

(bg) **O & M Plan** - Operation and Maintenance Plan

(bh) **PCSWMP** - Post-Construction Stormwater Management Plan

(bi) **Peak Discharge** - The maximum rate of stormwater runoff from a specific storm event.

(bj) **Percolation** - The downward movement, under the influence of gravity, of water under hydrostatic pressure through interstices of the soil or rock.

(bk) **Person** - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever. Whenever used in any section prescribing or imposing a penalty, the term "person" shall include the members of a partnership, the officers, agents and servants of a corporation and the officers of a municipality.

(bl) **Pervious Area** - Any area not defined as impervious.

(bm) **Pollutant** - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, and accumulations, so that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(bn) **Premises** - Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalk and parking strips.

(bo) **Project Site** - The specific area of land where any regulated activities in the Municipality are planned, conducted, or maintained.

(bp) **Provisional No Detention District** - A release rate district which does not require reduction of post development peak flow rates; provided, however, that adequate downstream conveyance capacity exists to convey such increased peak flow rates without adversely affecting any downstream properties.

(bq) **Qualified Person** - Any person licensed by the State of Pennsylvania or otherwise qualified by law to perform the work required by this Ordinance.

(br) **Regulated Activities** - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.

(bs) **Regulated Earth Disturbance Activity** - Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.

(bt) **Retention Basin** - An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

(bu) **Retention Volume/Removed Runoff** - The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.

(bv) **Return Period** - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04, i.e., a 4% chance.

(bw) **Riparian Buffer** - A Best Management Practice that is an area of permanent vegetation along surface waters. (Such areas serve as natural vegetative filters between upland landscapes and waterways.)

(bx) **Riser** - A vertical pipe extending from the bottom of a pond or other water impoundment that is used to control the discharge rate from the pond or impoundment for a specified design storm.

(by) **Rooftop Detention** - Temporary ponding and gradual release of stormwater falling directly onto roof surface by incorporating control-flow roof drains into building design.

(bz) **Runoff** - Any part of precipitation that flows over the land.

(ca) **Runoff Characteristics** - The surface components on any watershed which either individually or in any combination thereof, directly affect the rate, amount and direction of stormwater runoff. These may include, but are not limited to: vegetation, soils, slopes and any type of manmade landscape alterations.

(cb) **SCS** - Soil Conservation Services, U.S. Department of Agriculture

(cc) **Sediment** - Soils or other materials transported by surface water as a product of erosion.

(cd) **Sediment Basin** - A barrier, dam, retention or detention basin designed to retain sediment.

(ce) **Seepage Pit/Seepage Trench** - An area of excavated earth filled with loose stone or similar materials into which surface water is directed for infiltration into the ground.

(cf) **Semi-Pervious Surface** - A surface which permits a limited amount of vertical transmission of water.

(cf-1) **Sheet Flow** - Water flow with a relatively thin and uniform depth.

(cg) **Soil-Cover Complex Method** - A method of runoff computation in NRCS publication "Urban Hydrology for Small Watersheds", Technical Release No. 55.

(ch) **Spillway** - A depression in the embankment of a pond or basin which is used to pass peak discharge greater than the maximum design storm controlled by the pond or basin.

(ci) **State Water Quality Requirements** - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

(cj) **Storm Drain System** - Publicly or privately owned facilities by which stormwater is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(ck) **Storm Frequency** - The number of times that a given storm event occurs on average in a stated period of years.

(cl) **Storm Sewer** - A pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes and similar discharges.

(cm) **Stormwater** - Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

(cn) **Stormwater Management District Watershed Maps**- Appendix C - Defining release rate criteria within the watershed.

(co) **Stormwater Management Facility** - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels; storm sewers, pipes, and infiltration facilities.

(cp) **Stormwater Management Plan** - Parts and/or elements of the York County Integrated Water Resources Plan which incorporate the requirements of the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Storm Water Management Act."

(cq) **Stormwater Management Best Management Practices** - Is abbreviated as BMPs or SWM BMPs throughout this Ordinance.

(cr) **Stormwater Management Site Plan** - The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Ordinance. Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Ordinance. For all NPDES permitted sites, the Stormwater Management Site Plan shall include, and be consistent with, the Erosion and Sediment Control Plan as submitted to the York County Conservation District (YCCD) and/or DEP.

(cs) **Stormwater Pollution Prevention Plan** - A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(ct) **Stream Enclosure** - A bridge, culvert or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

(cu) **Subarea** - The smallest drainage unit of a watershed for which stormwater management criteria have been established in the Stormwater Management Plan.

(cv) **Subdivision** - The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

(cw) **SWM** - Stormwater Management.

(cx) **Swale** - A low-lying stretch of land which gathers and/or carries surface water runoff.

(cy) **Time of Concentration (Tc)** - The time for surface runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the watershed. This time is the combined total of overland flow time and flow time in pipes or channels, if any.

(cz) **USDA** - United States Department of Agriculture.

(da) **Waters of this Commonwealth** - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

(db) **Watercourse** - a stream of water; river, brook, creek, or a channel or ditch for water, whether natural or man-made.

(dc) **Watershed** - Region or area drained by a river, watercourse, or other surface water of this Commonwealth.

(dd) **Wastewater** - Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(de) **Wetland** - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

(df) **YCCD** - York County Conservation District
(Ord. 32-2011. Passed 10-4-11.)

ARTICLE 937
Stormwater Management Standards

- 937.01 General requirements.
- 937.02 Exemptions.
- 937.03 Stormwater Management Districts.
- 937.04 Volume controls.
- 937.05 Rate controls.
- 937.06 Stormwater Management Facilities for Pennsylvania Department of Transportation and Pennsylvania Turnpike Commission Roadways and Associated Facilities.
- 937.07 Design criteria.
- 937.08 Regulations governing Stormwater Management Facilities.
- 937.09 Calculation methodology.
- 937.10 Carbonate geology.
- 937.11 Erosion and sedimentation control requirements.

937.01 GENERAL REQUIREMENTS.

(a) For all regulated activities, unless preparation of an SWM Site Plan is specifically exempted in Section 937.02:

- (1) Preparation and implementation of an approved SWM Site Plan is required.
- (2) No regulated activities shall commence until the Municipality issues written approval of an SWM Site Plan which demonstrates compliance with the requirements of this Ordinance.

(b) SWM Site Plans approved by the Municipality, in accordance with Section 938.06, shall be on site throughout the duration of the regulated activity.

(c) The Municipality may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, State law including, but not limited to, the Clean Streams Law. The Municipality shall maintain a record of consultations with DEP pursuant to this paragraph.

(d) For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities, i.e., during construction, to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual) 2, No. 363-2134-008 (April 15, 2000), as amended and updated.

(e) For all regulated activities, implementation of the volume controls in Section 937.03. is required, unless specifically exempted under Section 937.01(c), or exempted by an approved modification request as specified in Section 938.03(b).

(f) Impervious Areas:

- (1) The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in phases.
- (2) For development taking place in phases, the entire development plan must be used in determining conformance with this Ordinance.
- (3) For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance; except that the volume controls in Section 937.03 and the peak rate controls of Section 937.04 do not need to be retrofitted to existing impervious areas that are not being altered by the proposed regulated activity.

(g) Stormwater flows onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Ordinance.

(h) All regulated activities shall include such measures as necessary to:

- (1) Protect health, safety, and property;
- (2) Meet the water quality goals of this Ordinance, as stated in Section 935.03. Purpose, by implementing measures to:
 - A. Minimize disturbance to floodplains, wetlands, wooded areas, and existing vegetation.
 - B. Maintain or extend riparian buffers.
 - C. Avoid erosive flow conditions in natural flow pathways.
 - D. Minimize thermal impacts to waters of this Commonwealth.
 - E. Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
 - F. Minimize soil disturbance and compaction. Topsoil, if removed, shall be replaced to a minimum depth equal to its depth prior to removal or four (4) inches, whichever is greater. (Additional topsoil may be needed for vegetation other than sod.)
- (3) To the maximum extent practicable, incorporate the techniques for Low Impact Development Practices described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual).

(i) The design of all facilities in areas of carbonate geology or karst topography shall include an evaluation of measures to minimize adverse effects, including hydro-geologic studies if required by the Municipality.

(j) Infiltration BMPs shall be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance. In addition, infiltration BMPs shall include pre-treatment BMPs where appropriate.

(k) All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the Municipality. All encroachment activities shall comply with the requirements of PA DEP 25 PA Code Chapter 105 (Water Obstructions and Encroachments), Rules and Regulations of PA DEP. Any approvals or permits issued do not relieve compliance as referenced in Section 935.08, Compatibility with Other Permit and Ordinance Requirements.

(l) All storage facilities shall completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm. However, any designed infiltration at such facilities is exempt from the minimum 24-hour standard, i.e., may infiltrate in a shorter period of time, so long as none of the stormwater flowing into the infiltration facility is discharged directly into the surface waters of the Commonwealth. (Inordinately rapid infiltration rates may indicate the presence of large fractures or other conditions for which an additional soil buffer may be required.)

(m) All stormwater management facilities (excluding individual residential underground infiltration facilities) are considered structures and must comply with building setback requirements. The outside toe of slope of the embankment in a fill condition or the top of embankment in a cut condition shall be considered as the point that must meet the setback requirements. Individual residential underground infiltration facilities shall be a minimum of ten (10) feet from the property line. Discharge of controlled flows can be no closer to an adjacent property than two (2) times the length of the required discharge rip-rap apron. This requirement applies to discharge aprons that do not outlet to a defined waterway or an existing storm sewer. Minimum distance is ten (10) feet.

(n) The design storm volumes and precipitation intensities to be used in the analysis of discharge or runoff shall be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

(o) For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.

(p) Various BMPs and their design standards are listed in the BMP Manual.

(q) All work shall be in accordance with the Municipality's Construction and Material Specifications.
(Ord. 32-2011. Passed 10-4-11.)

937.02 EXEMPTIONS.

Any Regulated Activity that meets the following exemption criteria is exempt from the part(s) of this Ordinance as specified herein. However, the requirements of the Ordinance shall otherwise remain in effect. The criteria for exemption in this Section apply to the total development proposed, including instances in which the development is proposed to take place in phases. The date of enactment of this Ordinance shall be the starting point from which future development and the respective proposed impervious surface computations shall be cumulatively considered and regulated. Exemption shall not relieve an applicant from implementing such measures as necessary to meet the intent of this Ordinance, or compliance with any NPDES Permit requirements.

- (a) Regulated activities that create DIAs equal to or less than 1,000 square feet are exempt from the peak rate control and the SWM Site Plan preparation requirements of this Ordinance.
- (b) Regulated activities that create DIAs greater than 1,000 square feet and equal to or less than 5,000 square feet are exempt only from the peak rate control requirement of this Ordinance.
- (c) Agricultural activity is exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.
- (d) Forest management and timber operations are exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 PA Code 102.
- (e) Domestic gardening and landscaping are exempt from specific approval and permitting under this Ordinance so long as those activities are associated with one, and only one, dwelling unit and the activities comply with all other applicable ordinances and statutes.
- (f) Exemptions from certain provisions of this Ordinance shall not relieve the applicant from the requirements in Sections 937.01(d) through (n).
- (g) The Municipality may deny or revoke any exemption pursuant to this Section at any time for any project that the Municipality determines poses a threat to public health, safety, property or the environment.
- (h) For all Regulated Activities that are exempt from the SWM Site Plan preparation, the applicant shall submit a plan and calculations in sufficient detail to show the existing conditions and proposed improvements.
(Ord. 32-2011. Passed 10-4-11.)

937.03 STORMWATER MANAGEMENT DISTRICTS.

- (a) The City of York has been divided into release rate areas as shown in Appendix C.
- (b) Description of stormwater management districts - two types of stormwater management districts may be applicable to the City of York, namely the Release Rate Districts and Provisional No Detention Districts as described below:
 - (1) Release Rate Districts - Rate districts differ in the extent to which post-development runoff must be controlled. Within a given district, the post-development peak rate of storm runoff must be controlled to the stated percentage of the pre-development peak rate of storm runoff in order to protect downstream watershed areas.

- (2) Provisional No Detention Districts - These watershed areas may discharge post-development peak runoff without detention without adversely affecting the total watershed peak flow. In certain instances, however, the "local" runoff conveyance facilities, which transport runoff from the site to the main channel, may not have adequate capacity to safely transport increased peak flows associated with no detention for a proposed development. In those instances, the developer shall either use a 100% release rate control or provide increased capacity of downstream drainage elements to convey increased peak flows consistent with Section 937.07(d). In determining if adequate capacity exists in the local watershed drainage network, the developer must assume that the entire local watershed is developed per current zoning and that all new development would use the runoff controls specified in this Ordinance. Similarly, any capacity improvements must be designed to convey runoff from development of all areas tributary to the improvements consistent with the capacity criteria specified in Section 937.07(f).
- (3) When a project or land disturbance activity is located in more than one stormwater management district, stormwater may not be transferred from a district with stricter stormwater management criteria to a district with less strict criteria, unless the need for such a transfer is identified in the regional water quality management plan Act 167 Study. In any district, infiltration and volume regulations dictated in Section 937.04 will be required.

CODORUS - DISTRICT 1

District ID	Regulated Storm Frequency	Percentage of Pre-Developed Peak Flow Rate to Determine Allowable Post-Developed Release Rate
District 1	2	100% 2-Year
District 1	5	100% 5-Year
District 1	10	100% 10-Year
District 1	25	100% 25-Year
District 1	50	100% 50-Year
District 1	100	100% 100-Year

* The intention of this Table is to reduce the runoff rate.
(Ord. 32-2011. Passed 10-4-11.)

937.04 VOLUME CONTROLS.

The low impact development practices provided in the BMP Manual shall be utilized for all regulated activities to the maximum extent practicable. Water volume controls shall be implemented using the Design Storm Method in subsection (a) or the Simplified Method in subsection (b) below. For regulated activity areas equal or less than one (1) acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.

- (a) The Design Storm Method (CG-1 in the BMP Manual) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.
 - (1) Do not increase the post-development total runoff volume for all storms equal to or less than the two (2)-year 24-hour duration precipitation.
 - (2) For modeling purposes:
 - A. Existing (pre-development) non-forested pervious areas must be considered meadow.
 - B. For computation of pre-development runoff volume, twenty percent (20%) of existing impervious areas, when present, shall be considered meadow.
- (b) The Simplified Method (CG-2 in the BMP Manual) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities greater than one (1) acre or for projects that require design of stormwater storage facilities.

For new impervious surfaces:

 - (1) Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.
 - (2) At least the first one (1) inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow, i.e., it shall not be released into the surface waters of this Commonwealth. Removal options for the first one (1) inch of runoff include reuse, evaporation, transpiration, and infiltration.
 - (3) Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first 0.5 inch of the permanently removed stormwater runoff shall be infiltrated.
 - (4) This method is exempt from the requirements of Section 937.05. (Ord. 32-2011. Passed 10-4-11.)

937.05 RATE CONTROLS.

(a) For computation of pre-development peak discharge rates, twenty percent (20%) of the existing impervious area of a project site, when present, shall be considered meadow.

(b) Post-development discharge rates shall not exceed the pre-development discharge rates provided in Section 937.03(b)(3) for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year 24-hour storms. If it is shown that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement. (Ord. 32-2011. Passed 10-4-11.)

937.06 STORMWATER MANAGEMENT FACILITIES FOR PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION AND PENNSYLVANIA
TURNPIKE COMMISSION ROADWAYS AND ASSOCIATED
FACILITIES.

(a) For the purposes of the Act 167 Stormwater Management (Plan) elements, contained within the York County Integrated Water Resources Plan, and this Ordinance, design policy pertaining to stormwater management facilities for Pennsylvania Department of Transportation (PennDOT) and Pennsylvania Turnpike Commission (PTC) roadways and associated facilities is provided in Section 13.7 (Antidegradation and Post Construction Stormwater Management Policy) of PennDOT Publication No. 13M, Design Manual Part 2 (August 2009), as developed, updated, and amended in consultation with the Pennsylvania Department of Environmental Resources (DEP). As stated in DM-2.13.7.D (Act 167 and Municipal Ordinances), PennDOT and PTC roadways and associated facilities shall be consistent with Act 167 Plans. Dm-2.13.7.B (Policy on Antidegradation and Post Construction Stormwater Management) was developed as a cooperative effort between PennDOT and DEP. DM-2.13.7.C (Project Categories) discusses the anticipated impact on the quality, volume, and rate of stormwater runoff.

(b) Where standards in the Act 167 elements of the IWRP and this Ordinance are impractical, PennDOT or the PTC may request assistance from DEP, in consultation with the Municipality and County, to develop an alternative strategy for meeting State water quality requirements and the goals and objectives of the Act 167 elements within the IWRP.

(c) For the purposes of the Act 167 elements in the IWRP and this Ordinance, road maintenance activities are regulated under 25 PA Code Chapter 102. (Ord. 32-2011. Passed 10-4-11.)

937.07 DESIGN CRITERIA.

(a) Sites located in more than One District - for a proposed development site located within two or more stormwater management district category subareas, the peak discharge rate from any subarea shall meet the discharge requirements for that subarea as indicated in Section 937.03. The calculated peak discharges shall apply regardless of whether the grading plan changes the drainage area by subarea.

(b) Off-Site Areas - Off-site areas which drain through a proposed development site are not subject to release rate criteria when determining allowable peak runoff rates. However, on-site drainage facilities shall be designed to safely convey off-site flows through the development site.

(c) On-Site Areas - On-Site Areas proposed to remain undisturbed as part of the Regulated Activity, including previously developed areas, that are not within the drainage area of any proposed BMPs shall be considered as existing conditions, without considering any reductions in cover type.

(d) "Downstream Hydraulic Capacity Analysis" - Any existing downstream hydraulic capacity analysis shall be conducted in accordance with this Ordinance.

- (1) All downstream facilities impacted by the total site area of the Regulated Activity shall be studied to determine if the facility has adequate capacity to handle existing and proposed flows. An impacted downstream facility is one to which the runoff from the total site area of the Regulated Activity comprises more than 50% of the total flow to such a facility. The study shall end at a perennial stream. Downstream facilities include, but are not limited to, manmade or natural swales and open channels, pipes, inlets, culverts, bridges and roadways.
- (2) If any private facility is found to be undersized, the applicant shall be responsible for updating the facility in coordination with the Regulated Activity.
- (3) If any public facility is found to be undersized or inadequate, the applicant shall work with the Municipality on upgrading the facility in coordination with the Regulated Activity.

(e) Regional Detention Alternatives - For certain areas within the study area, it may be more cost-effective to provide one control facility for more than one development site than to provide an individual control facility for each development site. The initiative and funding for any regional runoff control alternatives are the responsibility of prospective developers. The design of any regional control basins must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional basin would be determined on a case-by-case basis using the hydrologic model of the watershed consistent with protection of the downstream watershed areas. "Hydrologic model" refers to the calibrated model as developed for the Stormwater Management Plan.

(f) Capacity Improvements of Local Drainage Networks - In certain instances, primarily within the provisional no detention areas, local drainage conditions may dictate more stringent levels of runoff control than those based upon protection of the entire watershed. In these instances, if the developer could prove that it would be feasible to provide capacity improvements to relieve the capacity deficiency in the local drainage network, then the capacity improvements could be provided by the developer in lieu of runoff controls on the development site. Any capacity improvements would be designed based upon development of all areas tributary to the proposed improvement and the capacity criteria specified in Section 937.08. In addition, all new development upstream of a proposed capacity improvement shall be assumed to implement the applicable runoff controls consistent with this Ordinance except that all new development within the entire subarea(s) within which the proposed development site is located shall be assumed to implement the developer's proposed discharge control, if any.

(g) Capacity improvements may also be provided as necessary to implement any regional or subregional detention alternatives.

(h) Where the potential for groundwater and/or surface water contamination exists, based on the proposed use of the Regulated Activity, safeguards shall be incorporated into the site.

- (1) For industrial or commercial sites where it is possible that toxic or hazardous substances may come into contact with stormwater runoff, pretreatment of the first-flush (first 1/2 inch) runoff over areas where industrial and commercial operations take place shall be provided. Pretreatment shall include means for separating light and heavy toxic and hazardous substances from the stormwater before the stormwater is conveyed to the general stormwater management facility(ies).
- (2) Infiltration systems may be used to handle runoff from commercial or industrial working or parking areas only after the first-flush stormwater from these areas has been pretreated for removal of toxic and hazardous substances.

(i) Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs and to the maximum extent practicable satisfy the criteria for DIAs. (Ord. 32-2011. Passed 10-4-11.)

937.08 REGULATIONS GOVERNING STORMWATER MANAGEMENT FACILITIES.

(a) Any stormwater facility located on State highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation (PennDOT).

(b) Any stormwater management facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, the General Permit process. When there is a question whether wetlands may be involved, it is the responsibility of the Developer or his agent to show that the land in question cannot be classified as wetlands, otherwise approval to work in the area must be obtained from PA DEP.

(c) Any stormwater management facility located within the vicinity of a Floodplain shall be subject to approval in accordance with PA DEP 25 PA Code Chapter 105 (Floodplain Management) of PA DEP's Rules and Regulations.

(d) All earthmoving activities must be reviewed and approved by the York County Conservation District prior to commencing work.

(e) The design of all stormwater management facilities shall incorporate good engineering principles and practices. The Municipality shall reserve the right to disapprove any design that would result in the occupancy or continuation of adverse hydrologic or hydraulic conditions within the watershed.

(f) The existing points of concentrated drainage that discharge onto adjacent property shall not be altered without permission of the adjacent property owner(s) and shall be subject to any applicable discharge criteria specified in this Ordinance.

(g) Areas of existing diffused drainage discharge shall be subject to any applicable discharge criteria in the general direction of existing discharge, whether proposed to be concentrated or maintained as diffused drainage areas, except as otherwise provided by this ordinance. If diffused flow is proposed to be concentrated and discharged onto adjacent property, the Developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge, or otherwise prove that no erosion, sedimentation, flooding or other harm will result from the concentrated discharge.

(h) Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement. Also, maintaining of vegetation in a natural state within the easement shall be required, except as approved by the appropriate governing authority.

(i) When it can be shown that, due to topographic conditions, natural drainageways on the site cannot adequately provide for drainage, open channels may be constructed conforming substantially to the line and grade of such natural drainageways. Work within natural drainageways shall be subject to approval by PA DEP through the Joint Permit Application process, or, where deemed appropriate by PA DEP, through the General Permit process.

(j) Roof drains must not be connected to streets, sanitary or storm sewers or roadside ditches to promote overland flow and infiltration/percolation of stormwater where advantageous to do so. When it is more advantageous to connect directly to streets or storm sewers, then it shall be permitted on a case by case basis by the Municipality.

(k) Special requirements for areas falling within defined Exceptional Value and High Quality Subwatersheds: The temperature and quality of water and streams that have been declared as exceptional value and high quality is to be maintained as defined in Chapter 93, Water Quality Standards, Title 25 of Pennsylvania Department of Environmental Protection Rules and Regulations. Temperature sensitive BMP's and stormwater conveyance systems are to be used and designed with storage pool areas and supply outflow channels and should be shaded with trees. This will require modification of berms for permanent ponds and the relaxation of restrictions on planting vegetation within the facilities, provided that capacity for volumes and rate control is maintained. At a minimum, the southern half on pond shorelines shall be planted with shade or canopy trees within ten (10) feet of the pond shoreline. In conjunction with this requirement, the maximum slope allowed on the berm area to be planted is 10 to 1. This will lessen the destabilization of berm soils due to root growth. A long term maintenance schedule and management plan for the thermal control BMP's is to be established and recorded for all development sites within defined Exceptional Value and/or High Quality Subwatersheds.

- (1) No watersheds within the Municipality are listed as Exceptional Value and/or High Quality Watersheds.
(Ord. 32-2011. Passed 10-4-11.)

937.09 CALCULATION METHODOLOGY.

(a) Stormwater runoff from all development sites shall be calculated using the Rational Method, Modified Rational Method, or a Soil Cover Complex methodology.

- (1) Any stormwater runoff calculations involving drainage areas greater than 200 acres, including on- and off-site areas, shall use generally accepted calculation technique that is based on the NRCS Soil Cover Complex method. It is assumed that all methods will be selected by the design professional based on the individual limitations and suitability of each method for a particular site.
- (2) The Municipality may allow the use of the Rational Method or Modified Rational Method to estimate peak discharges from drainage areas that contain less than 200 acres.

- (3) All calculations consistent with this Ordinance using the Soil Cover Complex method shall use the appropriate design rainfall depths. If a hydrologic computer model such as PSRM or HEC-RAS is used for stormwater runoff calculations, then the duration of rainfall shall be 24 hours. The SCS Rainfall Type II curve shall be used for the rainfall distribution.
 - (4) For the purposes of pre-development flow rate determination, undeveloped land, including areas to be disturbed as part of the Regulated Activity, shall be considered as "meadow" in good condition, unless the natural ground cover generates a lower curve number or Rational "C" value (i.e., forest), as listed in Tables 1 and 2, respectively.
 - (5) All calculations using the Rational Method shall use rainfall intensities consistent with appropriate times-of-concentration for overland flow and return periods. Times-of-concentration for overland flow shall be calculated using the methodology presented in Chapter 3 of Urban Hydrology for Small Watersheds, NRCS, TR-55 (as amended or replaced from time to time by NRCS). Time-of-concentration for channel and pipe flow shall be computed using Manning's equation.
 - (6) Runoff Curve Numbers (CN) for both existing and proposed conditions to be used in the Soil Cover Complex method shall be obtained from Table 1.
 - (7) Runoff coefficients (c) for both existing and proposed conditions for use in the Rational Method shall be obtained from Table 2.
 - (8) Where uniform flow is anticipated, the Manning equation shall be used for hydraulic computations such as the capacity of open channels, pipes, and storm sewers. Values for Manning's roughness coefficient (n) shall be consistent with Table 3.
 - (9) The design of any stormwater detention facilities intended to meet the performance standards of this Ordinance shall be verified by routing the design storm hydrograph through these facilities, using either manual methods or computerized routing. Routing shall be based upon the modified PULS method; other routing methodologies shall be subject to the approval of the Municipal Engineer.
 - (10) The stormwater collection system shall be designed using the peak discharge computed using the Rational Formula.
- (b) Design Standards - Water Carrying Facilities.
- (1) All storm sewer pipes, streets, and inlets (excluding detention and retention basin outfall structures) shall be designed for a 10-year storm event. Sole access structures (culverts and bridges) shall be designed to convey the 25-year flood without overtopping the roadway.
 - A. When a pipe or culvert is intended to convey the discharge from a stormwater management facility, its required capacity shall be computed by the rational method and compared to the peak outflow from the stormwater facility for the 100-Year storm. The greater flow shall govern the design of the pipe or culvert.
 - B. When a pipe is part of a storm sewer system and crosses the roadway, it shall be designed as a storm sewer with the same design storm as the remainder of the drainage system.

- C. Greater design frequencies may be justified on individual projects.
 - D. A 100-year storm frequency may be required for design of the stormwater collection system to insure that the resultant stormwater runoff from the post-development storm is directed into the management facility.
- (2) In general, inlets shall be spaced such that, based upon the Rational Method, $t_c = 5$ min. and 10-year rainfall intensity, the area contributing to the inlet shall not produce a peak runoff of greater than 4 cfs. Also, inlets shall be spaced so that their efficiency, based upon efficiency curves published by the Pennsylvania Department of Transportation, is not less than 65%.
 - (3) Inlets shall be placed on both sides of the street at low spots and at the upper side of street intersections to prevent stormwater from crossing an intersection. Other devices such as high efficiency grates or perforated pipe may be required if conditions warrant. All inlets at low points along the roadway shall have a 10" curb reveal and shall be equipped with pavement base drain extending 50 feet in either direction, parallel to the centerline of the roadway.
 - (4) In all cases where drainage is picked up by means of a headwall, the pipe shall be designed as a culvert. Inlet and outlet conditions shall be analyzed. The minimum diameter of culvert shall be 18 inches. The procedure contained in Hydraulic Engineer Circulars No. 5 and No. 13, as prepared by the U. S. Department of Transportation, Federal Highway Administration, Washington, D.C., shall be used for the design of culverts. All culverts shall include concrete headwalls and endwalls.
 - (5) Guards shall be provided on all intake and outfall structures as well as outlet structures. The guard bars shall be one-half inch ($\frac{1}{2}$ ") diameter galvanized bars on six inch (6") centers attached to the structure with three-eighth inch ($\frac{3}{8}$ ") diameter stainless steel anchors. Guards shall also be provided for any pipe opening, 18" in diameter or larger.
 - (6) Manholes, inlets, headwalls, and endwalls shall conform to the requirements of the PennDOT Publication 408, as modified by the adopted Municipal Standards.
 - (7) Proposed channels or swales must be able to convey the increased runoff associated with a proposed 100-year return period event within their banks at velocities consistent with protection of the channels from erosion. Acceptable velocities shall be based upon criteria included in the PA DEP Erosion and Sediment Pollution Control Program Manual.
 - (8) Existing natural or man-made channels or swales must be able to convey proposed 100-year return period runoff without creating any hazard to persons or property.
 - (9) Stormwater runoff on roadways (i.e. gutter spread, lane encroachment, etc.) shall be controlled in accordance with PennDOT Publications 13M, "Design Manual, Part 2" and 584, "Drainage Manual".
- (c) Design Standards - Detention and Retention Basins.
- (1) Permanent Detention and Retention Basins shall be designed to meet the following standards:

- A. Outlet Control Structures - Outlet control shall be accomplished utilizing (6" diameter or 6" maximum) perforations arranged vertically to provide for positive control of stormwater runoff. Outlet controls shall also provide for modification off the orifice to a smaller diameter through the use of removable plates.
- B. Discharge Dispersion - Discharges from piping outlets of management facilities shall be provided with a concrete "level spreader" to convert point discharge back to simulated sheet flow. The length of the level spreader shall be equal to 10 times the outlet pipe diameter (e.g., an 18" discharge pipe would require a 15" wide level spreader).
- C. Minimum Bottom Slope - All detention basins shall have a minimum bottom slope of two percent (2%) unless infiltration facilities are provided.
- D. The maximum permitted depth for detention or retention basins shall be 6 feet, measured from the bottom of the emergency spillway to the lowest point in the basin.
- E. The minimum top width of all basin embankments shall be 8 feet.
- F. The maximum permitted side slopes for detention or retention basins shall be 4 horizontal to 1 vertical. In order to obtain a waiver for slopes steeper than 4:1, the plan must include a planting schedule to stabilize the embankments. The proposed vegetation shall be low maintenance varieties.
- G. Any stormwater management facility (i.e., detention basin) designed to store runoff and requiring a berm or earthen embankment required or regulated by this Ordinance shall be designed to provide an emergency spillway to handle flow up to and including the 100-year, 24 hour design storm at post-development conditions, assuming the principal outlet structure to be clogged. The height of embankment must be set as to provide a minimum 1 foot of freeboard above the maximum elevation computed for the clogged orifice condition. Should any stormwater management facility require a dam safety permit under PA DEP 25 PA Code Chapter 105, the facility shall be designed in accordance with PA DEP 25 PA Code Chapter 105 and meet the regulations of PA DEP 25 PA Code Chapter 105 concerning dam safety which may be required to pass storms larger than 100-year event.
- H. A cutoff trench of impervious material shall be provided within all basin embankments.
- I. Where a basin embankment is constructed using fill on an existing 15% or greater slope, the basin must be keyed into the existing grade.
- J. Fencing. Any above-ground stormwater management detention/retention facility, that is designed to store at least a two foot (2') depth of runoff, shall be subject to the following fencing requirements:

1. Stormwater facility must be completely surrounded by a chain link fence of not less than four (4) feet in height. Alternative fences and barriers may be permitted upon request to and approval by the Municipality.
 2. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times, when not in actual use.
- K. All outlet structures and emergency spillways shall include a satisfactory means of energy dissipation at its outlet to assure conveyance and flow without endangering the safety and integrity of the basin and the downstream drainage area.
- L. A concentrated discharge of stormwater to an adjacent property shall be within a natural drainage way or watercourse, or an easement shall be required.
- M. Easement - Plans showing outlet control structures shall contain an easement dedication as follows: "An easement is hereby granted to the City of York to access and modify the basin outlet control device at the expense of the Developer so as to function within design parameters."
- N. Plans for infiltration must show the locations of existing and proposed septic tank infiltration areas and wells. A minimum 25 foot separation from On Lot Disposal Systems (OLDS) infiltration areas, including replacement areas, is desired and will be evaluated by the Municipality on a case by case basis. However, the separation shall not be less than the PA DEP required 10 feet. Infiltration rates shall be based upon perk and probe tests conducted at the site of the proposed facility.
(Ord. 32-2011. Passed 10-4-11.)

937.10 CARBONATE GEOLOGY.

- (a) In areas of carbonate geology, a geologist shall certify to the following:
- (1) No stormwater management facility will be placed in, over, or immediately adjacent to the following features:
 - A. Closer than 100 feet from sinkholes
 - B. Closer than 100 feet from closed depressions
 - C. Closer than 100 feet from caverns, intermittent lakes, or ephemeral streams
 - D. Closer than 50 feet from lineaments in carbonate areas
 - E. Closer than 50 feet from fracture traces
 - F. Closer than 25 feet from bedrock pinnacles (surface or subsurface)
 - (2) Stormwater resulting from regulated activities shall not be discharged into sinkholes.
 - (3) If the developer can prove through analysis that the project site is an area underlain by carbonate geology, and such geologic conditions may result in sinkhole formations, then the project site is exempt from recharge requirements as described in Section 937.04, Volume Control. However, the project site shall still be required to meet all other standards found in this Ordinance.

- (4) It shall be the developer's responsibility to verify if the project site is underlain by carbonate geology. The following note shall be attached to all stormwater management plans and signed and sealed by the developer's geologist: "I, _____, certify that the proposed stormwater management facility (circle one) is / is not underlain by carbonate geology."
- (5) Whenever a stormwater management facility will be located in an area underlain by carbonate geology, a geological evaluation of the proposed location by a geologist shall be conducted to determine susceptibility to sinkhole formation. The evaluation may include the use of impermeable liners to reduce or eliminate the separation distances listed in the BMP Manual. Additionally, the evaluation shall at a minimum, address soil permeability, depth to bedrock, seasonally high groundwater table, susceptibility for sinkhole formation, suitability of stormwater management facilities, subgrade stability and maximum infiltration capacity in depth of water per unit area.
- (6) A detailed soils evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified professional, and at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation, and subgrade stability. The general process for designing the infiltration BMP shall be:
 - A. Site evaluation to determine general areas of suitability for infiltration practices.
 - B. Provide field test throughout the area proposed for development to determine appropriate percolation rate and/or hydraulic conductivity. At least one (1) infiltration test must be included in each soil group and at least one (1) infiltration test must be conducted for each five (5) lots proposed for development. Infiltration tests must be taken at the location and depth of all proposed infiltration structures.
 - C. Design infiltration structure for required storm volume based on all available data.
- (7) Extreme caution shall be exercised where infiltration is proposed in geologically susceptible areas such as strip mine or limestone areas. It is also extremely important that the design professional evaluate the possibility of groundwater contamination from the proposed infiltration/recharge facility and recommend a hydrogeologic justification study be performed if necessary. Whenever a basin will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over carbonate formations shall include measures to prevent ground water contamination and, where necessary, sinkhole formation. The infiltration requirement in the High Quality/Exceptional Waters shall be subject to the Department's Chapter 93 and Anti-degradation Regulations. A detailed hydrogeologic investigation may be required by the Municipality and where appropriate, the Municipality may require the installation of an impermeable liner in detention basins.
(Ord. 32-2011. Passed 10-4-11.)

937.11 EROSION AND SEDIMENTATION CONTROL REQUIREMENTS.

(a) As required in Section 937.01(d), whenever the vegetation and topography are to be disturbed, such activity must be in conformance with PA DEP 25 PA Code Chapter 105, Rules and Regulations, Part I, Subpart C, protection of natural Resources, Article II, Water Resources, Chapter 102, "Erosion Control", and in accordance with the York County Conservation District.

(b) It is extremely important that strict erosion and sedimentation control measures be applied surrounding infiltration structures during installation to prevent the infiltrative surfaces from becoming clogged. Additional erosion and sedimentation control design standards and criteria must be applied where infiltration BMPs are proposed shall include the following:

- (1) Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, so as to maintain their maximum infiltration capacity.

(c) Fencing for sedimentation basins or traps must comply with Section 937.09(c)(1).J.

(d) The developer shall demonstrate that the post-development hydrograph flows during erosion and sedimentation control phase are less than or equal to the pre-development hydrograph flows to assure the rate and volume of runoff leaving the site is controlled for the 2-, 5-, and 10-year frequency storms. All calculation methodology shall be in accordance with Sections 937.03 through Section 937.10.
(Ord. 32-2011. Passed 10-4-11.)

ARTICLE 938
Stormwater Management (SWM)
Site Plan Requirements

- 938.01 Plan requirements.
- 938.02 Plan submission.
- 938.03 Plan review and approval procedure.
- 938.04 Revision of plans.
- 938.05 Re-submission of disapproved SWM site plans.
- 938.06 Authorization to construct and term of validity.
- 938.07 As-built plans, completion certificate, and final inspection.

938.01 PLAN REQUIREMENTS.

Although not a requirement of this Ordinance, prior to proceeding with SWM Site Plan preparation and submission, the applicant is encouraged to request a pre-application meeting with the Municipality, Municipality's Engineer and a staff member of the York County Conservation District to discuss the plan concept and responsibility for submission of required documents and information.

The following items shall be included in the SWM Site Plan:

- (a) Appropriate sections of the Municipality's Subdivision and Land Development Ordinance, and other applicable ordinances of the Municipality regarding subdivision and land development plan preparation and applicable plan requirements shall be followed in preparing all SWM Site Plans, regardless of whether or not a SWM Site Plan involves a subdivision and/or land development plan. If the Municipality has not adopted a Subdivision and Land Development Ordinance, the content of SWM Site Plans shall follow the plan preparation and applicable plan requirements of the York County Subdivision and Land Development Ordinance.

- (b) The Municipality shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion, and in accordance with this Article, when a SWM Site Plan is found to be deficient, the Municipality may either disapprove the submission, or, in the case of minor deficiencies, the Municipality may accept the submission of a revised SWM Site Plan as noted in Section 938.04.
- (c) Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in Section 938.01(e)(9) below.
- (d) The following signature block for the municipality:

"(Municipal official or designee), on this date (date of signature), has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of the Municipal Ordinance No. (number assigned to the Ordinance)."
- (e) If not required by the Municipal or York County Subdivision and Land Development Ordinance, as specified in Section 938.01(a), the SWM Site Plan shall also provide the following information where applicable:
 - (1) The overall stormwater management concept for the project, including any additional information required for a Post-Construction Stormwater Management Plan (PCSWMP) as applicable.
 - (2) A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, as well as for other environmentally sensitive areas, whether natural or manmade, including floodplains, streams, lakes, ponds, hydric soils, wetlands, brownfields and wellhead protection zones.
 - (3) Stormwater runoff design computations, and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements in Section 937.01.
 - (4) Expected project time schedule.
 - (5) A soil erosion and sediment control plan, where applicable, as prepared for, reviewed, and approved by the York County Conservation District.
 - (6) The effect of the project in terms of runoff volumes, water quality, and peak flows on surrounding properties and aquatic features, and on any existing stormwater conveyance system that may be affected by the project.
 - (7) Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
 - (8) The SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
 - (9) The SWM Site Plan shall include an Operation and Maintenance (O&M) Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.

- (10) A description of permanent stormwater management techniques, including the construction specifications of the materials to be used for stormwater management facilities.
- (11) A notarized signature of the owner of the parcel for which the SWM Site Plan is proposed indicating that they are aware of the plan and will be responsible for the operation and maintenance of the stormwater management facilities.
- (12) Existing and proposed land uses.
- (13) The location of the proposed regulated activity relative to streets, municipal boundaries, and other significant manmade features.
- (14) Significant physical features and associated boundary limits including flood hazard areas, sinkholes, existing drainage courses, and areas of natural vegetation.
- (15) The location of existing and proposed utilities, stormwater facilities, sanitary sewers, and water lines on the parcel and within 50 feet of property lines.
- (16) Proposed changes to the land surface and vegetative cover, and the type and amount of existing and proposed impervious area.
- (17) Existing and proposed structures, buildings, streets, driveways, access drives, and parking areas.
- (18) Preferred contour intervals of two (2) feet in moderately sloped areas, and contours at intervals of five (5) feet for slopes in excess of 15%. Dependent upon site conditions, alternative contour intervals proposed by an applicant or his designee may be accepted by the Municipality.
- (19) The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the Plan. Also to be included are the name, address, signature and seal of any registered surveyor (attesting the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the Plan where applicable.
- (20) Preferred graphic and written scale of one (1) inch equals no more than 50 feet. For parcels of 20 acres or more, the preferred scale is one (1) inch equals no more than 100 feet. Dependent upon site conditions, an alternative scale proposed by the applicant or his designee may be accepted by the Municipality.
- (21) North point (arrow).
- (22) A map showing all existing manmade features beyond the subject parcel's boundary lines that will be affected by the proposed regulated activities.
- (23) Horizontal and vertical profiles of all open channels, including hydraulic capacity.
- (24) A note on the plan indicating the location, and responsibility for maintenance of, SWM facilities and/or easements that would be located on adjoining properties as a result of proposed regulated activities, and the location of such facilities and/or easements.
- (25) A hydrogeologic assessment of the effects of stormwater runoff on sinkholes where present.

- (26) The effect of the proposed regulated activity in terms of runoff volumes and peak flows on adjacent properties and/or any existing municipal stormwater collection system that may receive runoff from the project site.
- (27) Drainage flow pathways.
(Ord. 32-2011. Passed 10-4-11.)

938.02 PLAN SUBMISSION.

- (a) Three (3) copies of the SWM Site Plan shall be submitted as follows:
 - (1) Two (2) copies to the Municipality.
 - (2) One (1) copy to the York County Planning Commission when a SWM Site Plan accompanies a subdivision/land development plan application.
- (b) Additional copies shall be submitted as requested by the Municipality or DEP.
- (c) The Municipality may establish a fee schedule for the review of SWM Plans, the amount of which shall be set by resolution of the Municipality's governing body.
(Ord. 32-2011. Passed 10-4-11.)

938.03 PLAN REVIEW AND APPROVAL PROCEDURE.

- (a) SWM Site Plans shall be reviewed by the municipality for consistency with the provisions of this Ordinance.
- (b) Modification Requests:
 - (1) When reviewing a SWM Site Plan, whether or not the SWM Site Plan is included in a subdivision and/or land development plan application, the Municipality's governing body may, after consulting with DEP as noted in Section 937.01(c), grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will enact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
 - (2) All requests for a modifications from an applicant shall be in writing and shall accompany and be a part of the application for approval of a SWM Site Plan and/or a subdivision or land development plan as applicable. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
 - (3) In granting of any modification, the Municipality may attaché such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act 167 Plan and this Ordinance.
 - (4) The governing body of the Municipality shall keep a written record of all action on requests for modifications. The response of any consultation and/or review by DEP shall be included as an original report if available or otherwise documented in the required written record.

- (c) SWM Site Plan Review and Approval Procedure:
- (1) If a SWM Site Plan does not involve a subdivision and/or land development, the review of the SWM Site, recommendations, approval, approval with conditions, or disapproval, i.e., the review and decision period, shall occur within forty-five (45) days of submission to the Municipality. However, the Municipality, in its sole discretion, may extend the review and decision period another forty-five (45) days due to the nature of the application and/or site conditions. If an extension of another forty-five (45) days is imposed or granted by the Municipality beyond the first forty-five (45) day review and decision period designated by this paragraph, the Municipality shall notify the applicant in writing and deliver such notice to said applicant within fifteen (15) days of the decision to extend the review and decision period by the Municipality. If no extension is imposed or granted by the Municipality beyond the first forty five (45) day review and decision period, and no decision has been rendered by the Municipality within that period, the SWM Site Plan shall be deemed approved. Similarly, if after a forty-five (45) day extension of the review and decision period has been imposed or granted by the Municipality, and no decision has been rendered by the Municipality within that period, the SWM Site Plan shall be deemed approved.
 - (2) If a SWM Site Plan involves a subdivision and/or land development plan, the period of time from the submission to the Municipality of the subdivision and/or land development plan application which includes the SWM Plan and the approval, approval with conditions, or disapproval, i.e., review and decision period, shall be 90 days, in accordance with the procedure for approval of plats in Section 508 of the Pennsylvania Municipalities Planning Code.
 - (3) From the time an application for approval of a plat involving a subdivision or land development plan, whether preliminary or final, which includes a SWM Site Plan, is duly filed with the Municipality, no change or amendment of this Ordinance or other governing ordinance or plan shall affect the decision on such application in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed, as specified in Section 508. (4) (I) of the Pennsylvania Municipalities Planning Code.

(d) Decision Notification Procedure: In all cases, the decision of the Municipality to approve or disapprove the SWM Site Plan shall be in writing and shall be delivered to the applicant no later than 15 days following the decision. If the SWM Site Plan is disapproved, the written decision by the Municipality shall specify the defects in the application, describe the requirements which were not met, and shall cite the provisions of the Ordinance relied upon. If the SWM Site Plan is approved with conditions, the notification to the applicant shall state the acceptable conditions for approval and the time limit for satisfying such conditions. The time limit for satisfying conditions of approval shall be the time limit prescribed for conditional approval of subdivision and land development plans as stated in the Municipality's Subdivision and Land Development Ordinance, or the York County Subdivision and Land Development Ordinance where applicable.

(Ord. 32-2011. Passed 10-4-11.)

938.04 REVISION OF PLANS.

A revision to a previously submitted SWM Site Plan that involves a change in SWM BMPs, stormwater management facilities, or changes in analytical techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan, as determined by the Municipality, shall require a re-submission of the revised SWM Site Plan in accordance with this Article, including applicable fees. For NPDES permitted sites, any revised SWM Site Plan shall also be re-submitted to the York County Conservation District for review. In the case of a SWM Site Plan which contains minor deficiencies, such as a missing label, omission of a required note or minor construction detail, as determined by the Municipality, the Municipality may accept a re-submission of such SWM Site Plan without the requirement of a review fee, or for a lesser fee as provided for in the Municipalities fee schedule.

(Ord. 32-2011. Passed 10-4-11.)

938.05 RE-SUBMISSION OF DISAPPROVED SWM SITE PLANS.

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the Municipality's concerns as stated regarding the original submission, to the municipality in accordance with this Article. The applicable review fee must accompany the submission of a revised SWM Site Plan, unless such fee is waived by the Municipality. (See Section 938.04.)

(Ord. 32-2011. Passed 10-4-11.)

938.06 AUTHORIZATION TO CONSTRUCT AND TERM OF VALIDITY.

(a) SWM Site Plans Independent of Subdivision and Land Development Plans. The Municipality's approval of a SWM Site Plan, when such Plan is submitted independent of a subdivision and/or land development plan, authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. The Municipality may, in its sole discretion, specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan, particularly if the nature of the proposed SWM facilities require more frequent maintenance and/or short-term replacement of certain components. Terms of validity shall commence on the date the Municipality signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 938.07 within the term of validity, then the Municipality may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Municipality may be resubmitted in accordance with Section 938.05 of this Ordinance.

(b) SWM Site Plans Included in a Subdivision and/or Land Development Plan. The Municipality's approval of a SWM Site Plan, which is a part of a subdivision and/or land development plan, authorizes that plan and the regulated activities therein so that no subsequent change or amendment in this Ordinance or other governing ordinances or plans shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval, as specified in Section 508. (4) (ii) - (vii) of the Pennsylvania Municipalities Planning Code. (Ord. 32-2011. Passed 10-4-11.)

938.07 AS-BUILT PLANS, COMPLETION CERTIFICATE, AND
FINAL INSPECTION.

(a) The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the Municipality.

(b) The as-built submission shall include a certification of completion signed by a qualified person verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. If any licensed qualified person contributed to the construction plans, then a licensed qualified person must sign the completion certificate.

(c) After receipt of the completion certification by the Municipality, the Municipality may conduct a final inspection to verify compliance with, and accuracy of, the as-built plans.

(d) The financial guarantee, as discussed under Section 940.03, shall not be released by the Municipality until the items in this Section are completed.
(Ord. 32-2011. Passed 10-4-11.)

ARTICLE 939
Construction Inspections

939.01 Schedule of inspections.

939.01 SCHEDULE OF INSPECTIONS.

(a) The Municipal Engineer or his municipal assignee shall inspect phases of the installation of the permanent stormwater management facilities as deemed appropriate by the Municipal Engineer. It is the responsibility of the permittee to notify the Municipal Engineer forty-eight (48) hours in advance of the beginning of construction of stormwater management facilities. Individual residential on-lot stormwater management systems shall be inspected by the Municipal staff.

(b) During any stage of the work, if the Municipal Engineer determines that the permanent stormwater management facilities are not being installed in accordance with the approved Stormwater Management Plan, the Municipality shall revoke any existing approvals issued under this Ordinance until a revised Drainage Plan is submitted and approved, as specified in this Ordinance.
(Ord. 32-2011. Passed 10-4-11.)

ARTICLE 940
Operation and Maintenance

- 940.01 Responsibilities of developers and landowners.
- 940.02 Operation and maintenance agreements.
- 940.03 Performance guarantee.
- 940.04 Maintenance guarantee.
- 940.05 Municipal Stormwater Maintenance Fund.

940.01 RESPONSIBILITIES OF DEVELOPERS AND LANDOWNERS.

(a) The Municipality shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan. The Municipality may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the Municipality will accept the facilities. The Municipality reserves the right to accept or reject the ownership, maintenance, and operating responsibility for any portion of the stormwater management facilities and controls.

(b) Facilities, areas, or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and recorded in the York County Recorder of Deeds Office as deed restrictions/protective covenants or easements that run with the land.

(c) The Operation and Maintenance (O&M) Plan shall be recorded as a restrictive deed covenant that runs with the land.

(d) The Municipality may take enforcement actions against an owner for any failure to satisfy the provisions of this Article.

(e) No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures without the written approval of the Municipality, with the exception of necessary maintenance activities such as mowing.
(Ord. 32-2011. Passed 10-4-11.)

940.02 OPERATION AND MAINTENANCE AGREEMENTS.

(a) Prior to final approval of the SWM Site Plan, the property owner shall sign and record an Operation and Maintenance (O&M) Agreement (see Appendix A) covering all stormwater control facilities which are to be privately owned.

- (1) The owner, successor and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Plan.
- (2) The owner shall convey to the Municipality easements to assure access for periodic inspections by the Municipality and maintenance, as necessary.
- (3) The owner shall keep on file with the Municipality the name, address, and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information shall be submitted by the owner to the Municipality within ten (10) working days of the change.

(b) The owner is responsible for operation and maintenance (O&M) of the SWM BMPs. If the owner fails to adhere to the O&M Agreement, the municipality may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

(c) The Municipality is exempt from the requirement to sign and record an Operation and Maintenance Agreement.
(Ord. 32-2011. Passed 10-4-11.)

940.03 PERFORMANCE GUARANTEE.

For SWM Site Plans that involve subdivision and land development, the applicant shall provide a financial guarantee to the Municipality for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance in accordance with the provisions of Sections 509, 510, and 511 of the Pennsylvania Municipalities Planning Code.
(Ord. 32-2011. Passed 10-4-11.)

940.04 MAINTENANCE GUARANTEE.

For SWM Site Plans that involve the dedication of all or some of the required improvements following completion, the Municipality may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the SWM Site Plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in Section 940.03 with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements in accordance with the provisions of Section 509 of the Pennsylvania Municipalities Planning Code.
(Ord. 32-2011. Passed 10-4-11.)

940.05 MUNICIPAL STORMWATER MAINTENANCE FUND.

(a) Persons installing stormwater storage facilities shall be required to pay a specified amount to the Municipal Stormwater Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:

- (1) If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by Municipality for a period of ten (10) years, as estimated by the Municipal Engineer. After that period of time, inspections expenses will be assessed by Municipality on an as needed basis thereafter.
- (2) If the storage facility is to be owned and maintained by Municipality, the deposit shall cover the estimated costs for maintenance and inspections for ten (10) years. The Municipal Engineer will establish the estimated costs utilizing information submitted by the applicant.
- (3) The amount of the deposit to the fund shall be converted to present worth of the annual series values. The Municipal Engineer shall determine the present worth equivalents which shall be subject to the approval of the governing body.
- (4) The general formula for calculating the annual inspection fee shall be as follows:
 - A. $I_{Ti} \times I_R \times N_i = I_{Ci}$
 - B. $I_{Ci} + I_{Cii} + \dots = I_C$
 - C. $.25 (I_C) = A_C$
 - D. $I_C + A_C = \text{Annual Inspection Cost}$
 - E. Where:
 1. I_{Ti} = Inspection Time Per SWM BMP (Varies per BMP)
 2. I_R = Inspection Rate (Varies per Year)
 3. N_i = Quantity of Particular SWM BMP
 4. I_{Ci} = Inspection Cost for Particular SWM BMP
 5. I_C = Total Inspection Cost of all SWM BMPs
 6. A_C = Administrative Cost

(Ord. 32-2011. Passed 10-4-11.)

ARTICLE 941
Fees and Expenses

941.01 General.

941.01 GENERAL.

(a) The developer shall be required to submit a Subdivision/Land Development or Building Permit Application prior to any stormwater management facilities construction. The fee for plan reviews, permit issuance, and inspections shall be established by Resolution of the City Council to defray the following expenses:

- (1) The review of the Stormwater Management/Erosion and Sedimentation Control Plan by the Municipal Engineer.
- (2) The site inspections.
- (3) The inspection of stormwater management facilities and drainage improvements during construction.
- (4) The final inspection upon completion of the stormwater management facilities and drainage improvements presented in the Stormwater Management/Erosion and Sedimentation Control Plan.
- (5) Any additional work required to enforce any permit provisions regulated by this Ordinance, correct violations, and assure proper completion of stipulated remedial actions.

(b) All fees shall be paid by the Applicant at the time of application and shall be included in the required deposit for review of Subdivision/Land Development Plans.

Any additional costs incurred by City in the administration of this Ordinance shall be charged to the applicant and shall be paid promptly by the Applicant. Upon completion of the construction of the stormwater management facility and upon final approval thereof by the Municipal Engineer, any monies in excess of the Municipality's costs or expenses deposited by the Applicant shall be refunded to the Applicant.

(Ord. 32-2011. Passed 10-4-11.)

ARTICLE 942
Detection and Elimination of Illicit Discharges
to the Municipal Separate Storm Sewer System

- 942.01 Ultimate responsibility.
- 942.02 Prohibition of illicit discharges.
- 942.03 Prohibition of illicit connections.
- 942.04 Suspension of MS4 access.
- 942.05 Industrial or construction activity discharges.
- 942.06 Monitoring of discharges.
- 942.07 Requirements to prevent, control and reduce stormwater pollutants by the use of BMPs.
- 942.08 Watercourse protection.
- 942.09 Notification of spills.
- 942.10 Enforcement.
- 942.11 Appeals of notice of violation.
- 942.12 Enforcement measures after appeal.
- 942.13 Cost of abatement of violation.
- 942.14 Injunctive relief.
- 942.15 Compensatory action.
- 942.16 Violations deemed as public nuisance.
- 942.17 Criminal prosecution.
- 942.18 Attorney fees and costs.
- 942.19 Remedies not exclusive.

942.01 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated by this Article are minimum standards; therefore, this Article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. (Ord. 32-2011. Passed 10-4-11.)

942.02 PROHIBITION OF ILLICIT DISCHARGES.

(a) No person shall discharge or cause to be discharged in to storm drain system or waters of this Commonwealth any materials, including, but not limited to, pollutants or waters containing pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. Any discharge in violation of the Article shall be considered illicit discharges, except as exempted below.

(b) The commencement, conduct or continuance of any illicit discharge to the storm drain system or Waters of this Commonwealth is prohibited except as follows:

- Discharges from firefighting activities	- Flows from riparian habitats and wetlands
- Potable water sources including water line flushing	- Uncontaminated water from foundations or from footing drains
- Irrigation drainage	- Lawn watering
- Air conditioning condensate	- Dechlorinated swimming pool discharges (less than one PPM chlorine)
- Springs	- Uncontaminated groundwater
- Water from crawl space pumps	- Water from individual residential car washing
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material have been removed) and where detergents are not used	- Routine external building wash down (which does not use detergents or other compounds)
- Diverted stream flows	- Water discharged in well testing for potable water sources
- Groundwater Infiltration to Storm Drains	- Uncontaminated Pumped Groundwater
- Crawl Space Pumps	

- (1) Discharges specified in writing by the Municipality as being necessary to protect public health and safety.
- (2) Dye testing is an allowable discharge, but requires a verbal notification to the Municipality 48 hours prior to the time of the test
- (3) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of DEP; provided, that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and, provided, that written approval has been granted for any discharge to the storm drain system and/or Waters of this Commonwealth.

(c) In the event that the Municipality or DEP determines that any of the discharges identified in Section 942.02(b) significantly contribute to pollution of the waters of this Commonwealth, Municipality or DEP will notify the responsible person(s) to cease the discharge. (Ord. 32-2011. Passed 10-4-11.)

942.03 PROHIBITION OF ILLICIT CONNECTIONS.

The construction, use, maintenance or continued existence of Illicit Connections to the storm drain system is prohibited.

- (a) This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (b) A person is considered to be in violation of this Article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. (Ord. 32-2011. Passed 10-4-11.)

942.04 SUSPENSION OF MS4 ACCESS.

(a) Suspension due to Illicit Discharges in Emergency Situations. The Municipality, the Commonwealth of Pennsylvania and the United States of America may, without prior notice, suspend MS4 discharge access to a person when such 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, or to the MS4 or Waters of the Commonwealth of Pennsylvania, or the United States. If the violator fails to comply with a suspension order issued in an emergency, the Municipality may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the Commonwealth of Pennsylvania or United States, or to minimize danger to persons, including, without limitations, entering the property for the purpose of disconnecting and/or performing emergency maintenance or repairs to storm sewers. In the event the Municipality must disconnect or perform emergency maintenance and/or repairs, the Municipality may file and attach a municipal lien on the property which is causing Illicit Discharge.

(b) Suspension due to the Detection of Illicit Discharge or Illicit Connection. Any person discharging to the MS4 in violation of this Article may have their MS4 access terminated if such termination would abate or reduce an Illicit Discharge or Illicit Connection. The Municipality will notify a violator of the proposed termination of its MS4 access. The violator may petition the Municipality for a reconsideration and hearing.

(c) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency. (Ord. 32-2011. Passed 10-4-11.)

942.05 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Municipality prior to the allowing of discharges to the MS4. (Ord. 32-2011. Passed 10-4-11.)

942.06 MONITORING OF DISCHARGES.

(a) Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

- (b) Access to Facilities.
- (1) The Municipality shall be permitted to enter and inspect facilities subject to regulation under this Article as often as may be necessary to determine compliance with this Article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Municipality.
 - (2) Facility operators shall allow the Municipality ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
 - (3) The Municipality shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Municipality to conduct monitoring and/or sampling of the facility's storm water discharge.
 - (4) The Municipality has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Municipality and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Unreasonable delays in allowing the Municipality access to a permitted facility are a violation of a storm water discharge permit and of this Article. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Municipality reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article.
 - (7) If the Municipality has been refused access to any part of the premises from which stormwater is discharged, and the Municipality representative is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.
(Ord. 32-2011. Passed 10-4-11.)

942.07 REQUIREMENTS TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BMPs.

The Municipality will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or Waters of the Commonwealth of Pennsylvania or the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an Illicit Discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit. (Ord. 32-2011. Passed 10-4-11.)

942.08 WATERCOURSE PROTECTION.

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. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. 32-2011. Passed 10-4-11.)

942.09 NOTIFICATION OF SPILLS.

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 information of any known or suspected release of materials which are resulting or may result in Illicit Discharges or pollutants discharging into storm water, the storm drain system, or water of the Commonwealth of Pennsylvania or the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Municipality within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. 32-2011. Passed 10-4-11.)

942.10 ENFORCEMENT.

(a) Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Article, the Municipality may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of Illicit Connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

(b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator or assessed as a municipal lien on the property.

(Ord. 32-2011. Passed 10-4-11.)

942.11 APPEALS OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the Municipality. The notice of appeal must be received within 30 days from the date of the Notice of Violation. A hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Municipal authority or their designee shall be final.

(Ord. 32-2011. Passed 10-4-11.)

942.12 ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the hearing representative's decision upholding the decision of the Municipality, then representatives of the Municipality shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the Municipality or designated contractor to enter upon the premises for the purposes set forth above. (Ord. 32-2011. Passed 10-4-11.)

942.13 COST OF ABATEMENT OF VIOLATION.

(a) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may thereafter file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the Municipality or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a Municipal lien on the property for the amount of the assessment.

(b) Any person violating any of the provisions of this Article shall become liable to the Municipality by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 12 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.
(Ord. 32-2011. Passed 10-4-11.)

942.14 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. If a person has violated or continues to violate the provisions of this Article, the Municipality may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
(Ord. 32-2011. Passed 10-4-11.)

942.15 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the Municipality may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
(Ord. 32-2011. Passed 10-4-11.)

942.16 VIOLATIONS DEEMED AS PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
(Ord. 32-2011. Passed 10-4-11.)

942.17 CRIMINAL PROSECUTION.

Any person that has violated or continues to violate this any section of this Article 942 shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000 dollars per violation per day and/or imprisonment for a period of time not to exceed 90 days.
(Ord. 32-2011. Passed 10-4-11.)

942.18 ATTORNEY FEES AND COSTS.

The Municipality may recover all attorney's fees, court costs and other expenses associated with enforcement of this Article, either criminal or civil, including sampling and monitoring expenses or other costs of investigation.
(Ord. 32-2011. Passed 10-4-11.)

942.19 REMEDIES NOT EXCLUSIVE.

The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Municipality to seek cumulative remedies.
(Ord. 32-2011. Passed 10-4-11.)

ARTICLE 943
Enforcement and Penalties

- 943.01 Right-of-entry.
- 943.02 Inspection.
- 943.03 Notification.
- 943.04 Enforcement.
- 943.05 Suspension and revocation.
- 943.06 Penalties.
- 943.07 Appeals.

943.01 RIGHT-OF-ENTRY.

Upon presentation of proper credentials, the Municipality may enter at reasonable times upon any property within the Municipality to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.
(Ord. 32-2011. Passed 10-4-11.)

943.02 INSPECTION.

SWM BMPs shall be inspected by the landowner, or the owner's designee, including the Municipality for dedicated and owned facilities, according to the following list of minimum frequencies:

- (a) Annually.
 - (1) During or immediately after the cessation of a ten (10)-year or greater storm, i.e., a storm of a estimated frequency of recurrence of ten (10) years or greater interval of time.
 - (2) A report of all inspections shall be submitted to the Municipality annually.
 - (3) All inspection records shall be maintained by the landowner and shall be made available to the Municipality upon written request
(Ord. 32-2011. Passed 10-4-11.)

943.03 NOTIFICATION.

In the event that a person fails to comply with the requirements of this Ordinance, or fails to conform to the requirements of any permit issued hereunder, the Municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violations and establish a time limit for the correction of these violation(s). Failure to comply within the time specified shall subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and do not prevent the Municipality from pursuing any and all remedies. It shall be the responsibility of the Owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.

(Ord. 32-2011. Passed 10-4-11.)

943.04 ENFORCEMENT.

(a) It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM Site Plan, unless specifically exempted in Section 937.02.

(b) It shall be unlawful to violate any Section of this Ordinance.

(c) Inspections regarding compliance with the SWM Site Plan are a responsibility of the Municipality. (Ord. 32-2011. Passed 10-4-11.)

943.05 SUSPENSION AND REVOCATION.

(a) Any approval or permit issued by the Municipality pursuant to this Ordinance may be suspended or revoked for:

- (1) Non-compliance with or failure to implement any provision of the approved SWM Site Plan or O&M Agreement.
- (2) A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the Regulated Activity.
- (3) The creation of any condition or the commission of any act during the Regulated Activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.

(b) A suspended approval shall be reinstated by the Municipality when:

- (1) The Municipality has inspected and approved the corrections to the violations that caused the suspension.
- (2) The Municipality is satisfied that the violation has been corrected.

(c) An approval that has been revoked by the Municipality cannot be reinstated. The applicant may apply for a new approval under the provisions of this Ordinance.

(d) If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the Municipality may provide a limited time period for the owner to correct the violation. In these cases, the Municipality will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the municipality may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

(Ord. 32-2011. Passed 10-4-11.)

943.06 PENALTIES.

(a) Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Municipality, pay a judgement of not more than one thousand dollars (\$1,000.00). No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Municipality may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.

(b) The Municipality may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.
(Ord. 32-2011. Passed 10-4-11.)

943.07 APPEALS.

(a) Any person aggrieved by any action of the Municipality or its designee, relevant to the provisions of this Ordinance, may appeal to the City Council within 30 days of that action.

(b) Any person aggrieved by any decision of the Municipality, relevant to the provisions of this Ordinance, may appeal to the York County Court of Common Pleas within 30 days of the Municipality's decision.
(Ord. 32-2011. Passed 10-4-11.)

ARTICLE 944
References

944.01 References.

944.01 REFERENCES.

(a) Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. Pennsylvania Stormwater Best Management Practices Manual. Harrisburg, PA.

(b) Pennsylvania Department of Environmental Protection. No. 363-2134-008 (April 15, 2000), as amended and updated. Erosion and Sediment Pollution Control Program Manual. Harrisburg, PA.

(c) U.S. Department of Agriculture, National Resources Conservation Service (NRCS). National Engineering Handbook. Part 630: Hydrology, 1969-2001. Originally published as the National Engineering Handbook, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.

(d) U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. Technical Release 55: Urban Hydrology for Small Watersheds, 2nd Edition. Washington, D.C.

(e) U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, Silver Spring, Maryland. Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

(f) Act of July 31, 1968, P.L. 85, No.247, The Pennsylvania Municipalities Planning Code, as amended.
(Ord. 32-2011. Passed 10-4-11.)

APPENDIX A
OPERATION AND MAINTENANCE (O&M) AGREEMENT
STORMWATER MANAGEMENT BEST MANAGEMENT
PRACTICES (SWM BMPs)

THIS AGREEMENT, made and entered into this _____ day of _____, 20__ , by and between _____, (hereinafter the "Landowner"), and _____, County, Pennsylvania, (hereinafter "Municipality");

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of _____ County, Pennsylvania, Deed Book _____ at page _____, (hereinafter "Property").

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the SWM BMP Operation and Maintenance (O&M) Plan approved by the Municipality (hereinafter referred to as the "O&M Plan") for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of BMPs; and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site SWM BMPs be constructed and maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the SWM Site Plan, that SWM BMPs as required by said SWM Site Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, successors, and assigns.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the BMPs in accordance with the plans and specifications identified in the SWM Site Plan.

2. The Landowner shall operate and maintain the BMPs as shown on the SWM Plan in good working order in accordance with the specific operation and maintenance requirements noted on the approved O&M Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2., the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within ten (10) days of receipt of invoice from the Municipality.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality from all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or Municipality.
8. The Municipality may inspect the BMPs at a minimum of once every three (3) years to ensure their continued functioning. Optionally, at its sole discretion, the Municipality may inspect the BMPs at more or less frequent intervals.

This Agreement shall be recorded at the Office of the Recorder of Deeds of County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs, and any other successors in interests, in perpetuity.

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ATTEST:

WITNESS the following signatures and seals:

(SEAL) For the Municipality:

For the Landowner:

ATTEST:

County of _____, Pennsylvania (City, Borough, Township)
I, _____, a Notary Public in and for the county and state
aforesaid, whose commission expires on the _____ day of _____, 20____, do
hereby certify that
whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of
_____, 20____, has acknowledged the same before me in my said
county and state.

GIVEN UNDER MY HAND THIS _____ day of _____, 20____.

NOTARY PUBLIC (SEAL)

APPENDIX B

DISCONNECTED IMPERVIOUS AREA (DIA)

B.1. Rooftop Disconnection

When rooftop down spouts are directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the rooftop may qualify as completely or partially DIA and a portion of the impervious rooftop area may be excluded from the calculation of total impervious area.

A rooftop is considered to be completely or partially disconnected if it meets the requirements listed below:

- The contributing area of rooftop to each disconnected discharge is 500 square feet or less, and
- The soil, in proximity of the roof water discharge area, is not designated as hydrologic soil group "D" or equivalent, and
- The overland flow path from roof water discharge area has a positive slope of five percent (5%) or less.

For designs that meet these requirements, the portion of the roof that may be considered disconnected depends on the length of the overland path as designated in Table B.1.

Table B.1: Partial Rooftop Disconnection	
Length of Pervious Flow Path*	Roof Area Treated as Disconnected
(ft.)	(% of contributing area)
0 - 14	0
15 - 29	20
30 - 44	40
45 - 59	60
60 - 74	80
75 or more	100
* Flow path cannot include impervious surfaces and must be at least 15 feet from any impervious surfaces.	

B.2. Pavement Disconnection

When pavement runoff is directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the contributing pavement area may qualify as a DIA that may be excluded from the calculation of total impervious area. This applies generally only to small or narrow pavement structures such as driveways and narrow pathways through otherwise pervious areas, e.g., a walkway or bike path through a park.

Pavement is disconnected if the pavement, or area adjacent to the pavement, meets the requirements below:

- The contributing flow path over impervious area is not more than 75 feet, and
- The length of overland flow is greater than or equal to the contributing length, and
- The soil is not designated as hydrologic soil group "D" or equivalent, and
- The slope of the contributing impervious area is five percent (5%) or less, and
- The slope of the overland flow path is five percent (5%) or less.

If the discharge is concentrated at one or more discrete points, no more than 1,000 square feet may discharge to any one point. In addition, a gravel strip or other spreading device is required for concentrated discharges. For non-concentrated discharges along the edge of the pavement, this requirement is waived; however, there must be a provision for the establishment of vegetation along the pavement edge and temporary stabilization of the area until vegetation becomes stabilized.

REFERENCE

Philadelphia Water Department. 2006. Stormwater Management Guidance Manual. Section 4.2.2: Integrated Site Design. Philadelphia, PA.

APPENDIX C

**STORMWATER MANAGEMENT DISTRICT
WATERSHED MAP**

TABLE 1
Runoff Curve Numbers
[From NRCS (SCS) TR-55]

		HYDROLOGIC SOIL GROUP			
LAND USE DESCRIPTION		A	B	C	D
Open Space		44	65	77	82
Meadow		30**	58	71	78
Agricultural		59	71	79	83
Forest		36**	60	73	79
Commercial	(85% Impervious)	89	92	94	95
Industrial	(72% Impervious)	81	88	91	93
Institutional	(50% Impervious)	71	82	88	90
Residential					
Average Lot Size	% impervious				
1/8 acre or less*65		77	85	90	92
1/8 - 1/3 acre	34	59	74	82	87
1/3 - 1 acre	23	53	69	80	85
1 - 4 acres	12	46	66	78	82
Farmstead		59	74	82	86
Smooth Surfaces (Concrete, Asphalt, Gravel or Bare Compacted Soil)		98	98	98	98
Water		98	98	98	98
Mining Newly Graded Areas (Pervious Areas Only)		77	86	91	94

* Includes Multi-Family Housing unless justified lower density can be provided.

** Caution - CN values under 40 may produce erroneous modeling results.

NOTE: Site conditions of bare earth or fallow shall be considered as meadow when choosing a CN value for existing undeveloped conditions.

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TABLE 2
RATIONAL RUNOFF COEFFICIENTS
 By Hydrologic Soils Group and Overland Slope (%)

Land Use	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Cultivated Land	0.08 ^a	0.13	0.16	0.11	0.15	0.21	0.14	0.19	0.26	0.18	0.23	0.31
	0.14 ^b	0.18	0.22	0.16	0.21	0.28	0.20	0.25	0.34	0.24	0.29	0.41
Pasture	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.15	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Meadow	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
	0.14	0.22	0.30	0.20	0.28	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Residential												
Lot Size 1/8 Acre	0.25	0.28	0.31	0.27	0.30	0.25	0.30	0.33	0.38	0.33	0.36	0.42
	0.33	0.37	0.40	0.35	0.39	0.44	0.38	0.42	0.49	0.41	0.45	0.54
Lot Size 1/4 Acre	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.30	0.34	0.40
	0.30	0.34	0.37	0.33	0.37	0.42	0.36	0.40	0.47	0.38	0.42	0.52
Lot Size 1/3 Acre	0.19	0.23	0.26	0.22	0.26	0.30	0.25	0.29	0.34	0.28	0.32	0.39
	0.28	0.32	0.35	0.30	0.35	0.39	0.33	0.38	0.45	0.36	0.40	0.50
Lot Size 1/2 Acre	0.16	0.20	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.30	0.37
	0.25	0.29	0.32	0.28	0.32	0.36	0.31	0.35	0.42	0.34	0.38	0.48
Lot Size 1 Acre	0.14	0.19	0.22	0.17	0.21	0.26	0.20	0.25	0.31	0.24	0.29	0.35
	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.40	0.31	0.35	0.46
Industrial	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.70
	0.85	0.85	0.86	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88
Commercial 0.71	0.71	0.72		0.71	0.72	0.72		0.72	0.72		0.72	0.72
	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.90	0.89	0.89	0.90
Streets	0.70	0.71	0.71	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	0.76	0.77	0.79	0.80	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95

Open Space	0.05	0.10	0.14	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	0.11	0.16	0.20	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Parking	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

^a Runoff coefficients for storm recurrence intervals less than 25 years.

^b Runoff coefficients for storm recurrence intervals 25 years or more.

Source: Rawls, W.J., S.L. Wong and R.H. McCuen, 1981, "Comparison of Urban Flood Frequency Procedures", Preliminary Draft, U. S. Department of Agriculture, Soil Conservation Service, Baltimore, MD.

TABLE 3

**Roughness Coefficients (Manning's "n") for Overland Flow
(U.S. Army Corps Of Engineers, HEC-1 Users Manual)**

<u>Surface Description</u>	<u>n</u>
Dense Growth	0.4
Pasture	0.3
Lawns	0.2
Bluegrass Sod	0.2
Short Grass Prairie	0.1 - 0.2
Sparse Vegetation	0.05 - 0.13
Bare Clay-Loam Soil (eroded)	0.01 - 0.03
Concrete/Asphalt - very shallow depths (less than 1/4 inch)	0.10 - 0.15
- small depths (1/4 inch to several inches)	0.05 - 0.10

**Roughness Coefficients (Manning's "n") for Sheet Flow
(U.S. Soil Conservation Service Technical Release 55)**

<u>Surface Description</u>	<u>n</u>
Smooth Surfaces (concrete, asphalt, gravel, or bare soil)	0.011
Fallow (no residue)	0.05
Cultivated Soils:	
Residue Cover Less Than or 20%	0.06
Residue Cover Greater Than 20%	0.17
Grass:	
Short Grass Prairie	0.15
Dense Grasses	0.24
Bermuda Grass	0.41
Range (natural)	0.13
Woods:	
Light Underbrush	0.40
Dense Underbrush	0.80

TITLE FIVE - Other Public Services

- Art. 951. Municipal Solid Waste Management Act.
- Art. 952. Waste Minimization and Recycling.
- Art. 953. Refuse Collection Service Fees.
(Repealed)

ARTICLE 951

Municipal Solid Waste Management Act

951.01	Purpose and goals.	951.12	Annual collection fee schedule.
951.02	Responsible agent.	951.13	Time of payment and penalty for late payment.
951.03	Definitions.	951.14	Delinquent collection fees and liens.
951.04	Prohibited acts.	951.15	Adjustments and credits for change of refuse classification.
951.05	Standards for storage.	951.16	Minimum charges and vacancy credits.
951.06	Responsibilities of property owners.	951.99	Penalty.
951.07	Collection standards.		
951.08	Large item collection.		
951.09	Trade wastes.		
951.10	Disposal of refuse.		
951.11	Annual reporting.		

CROSS REFERENCES

- Pennsylvania Solid Waste Management Act - see 35 P.S. Sec. 6001 et seq.
- Power to regulate - see 3rd Class Sec. 2403(6) (53 P.S. Sec. 37403(6))
- Accumulation of garbage - see 3rd Class Sec. 2403(16) (53 P.S. Sec. 37403(16))
- Solid waste management - see 25 Pa. Code Ch. 75
- Waste minimization and recycling - see S.U. & P.S. Art. 952

951.01 PURPOSE AND GOALS.

The City finds that the efficient management of solid waste is needed to protect the public health of its citizens as well as to protect the aesthetic qualities of this City. As a goal the City shall endeavor to protect public health and aesthetics including public education, management of solid waste collection and enforcement.
(Ord. 30-2007. Passed 9-18-07.)

951.02 RESPONSIBLE AGENT.

- (a) The Director of Public Works shall be responsible for all aspects of solid waste management in the City.
- (b) The Director shall be responsible for the preparation of all necessary plans for solid waste management and the coordination of those plans with the local, State and Federal agencies. The Director shall prepare, in consultation with the City Solicitor and other City offices, the instructions to bidders, specifications and other contract documents necessary to enter into contracts with the refuse contractor.
- (c) The Director shall have the power and duty to:
- (1) Provide a public refuse collection, storage, transportation and disposal service and/or approve and regulate the establishment, maintenance and operation of private solid waste collection, storage, transportation and disposal services and sites.
 - (2) Adopt, issue and enforce such rules and standards as are necessary to implement and carry out the intent of this article.
 - (3) Issue warning notices and initiate proceedings against violators of this article.
 - (4) Investigate all complaints made by either customers or the refuse contractor.
 - (5) Inspect all aspects of solid waste collection, storage and disposal, including but not limited to, equipment, containers, facilities, books and records.
 - (6) Designate enforcement personnel.
(Ord. 30-2007. Passed 9-18-07.)

951.03 DEFINITIONS.

The following words, when used in this article, shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates otherwise.

- (a) "Act 101" means the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act.
- (b) "Authority" means the York County Solid Waste and Refuse Authority.
- (c) "Authorized placement of municipal solid waste" means regular municipal solid waste shall be placed at the designated pick-up point no earlier than 5:00 p.m. the day before collection is scheduled, and no later than 6:00 a.m. the day of collection. Large items are to be placed at the designated pick-up point only after arrangements have been made with the City. The scheduled large items shall be set out for collection according to the same time limitations as above.
- (d) "Avenue", "alley" or "street" means a public or private way used for public travel or giving access to the rear of lots or buildings.
- (e) "Cans" shall mean containers comprised of aluminum, tin, steel, or a combination thereof, which formerly contained only non-aerosol edible substances or such other substances as have been approved for recycling by the City.
- (f) "Cardboard" means all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, wax coated cardboard, soiled cardboard, pizza boxes and chip board.

- (g) "Christmas trees" shall mean discarded trees that were once "live" and were used for seasonal decoration. Trees shall be free from all ornaments, lights, tree stands and bags.
- (h) "City" means the City of York, Pennsylvania.
- (i) "Commercial customer unit" means a number assigned by the City or at the request of a customer that limits the total number of containers that can be collected and which is the basis for commercial refuse rates.
- (j) "Commercial establishment" means all customer facilities that are not used for residential dwelling. This includes, but is not limited to, offices, bars, restaurants, churches, schools and other educational institutions, garages, retail, health care and service organizations.
- (k) "Construction, remodeling and demolition refuse" includes roofing shingles, tile, plaster, drywall, sheet rock, metal or wood sheds, dirt, concrete, stones, bricks and similar materials from commercial repair of private properties or such activities. Small quantities of this material (excluding dirt, concrete, stones, bricks and similar materials) are permitted by residents only if they are contained to meet requirements of the ordinance unit requirements at their billing address and the contractor shall be responsible for collection of this material.
- (l) "Contractor, refuse or recycling contractor" means such contractor as may be engaged by the City to collect, transport, market recyclables and dispose of all types of large items or bulky waste or appliances and refuse, defined under the terms of the City contract.
- (m) "County" means the County of York, Commonwealth of Pennsylvania.
- (n) "County plan" means the solid waste management plan for York County as approved by the Pennsylvania Department of Environmental Protection and the City of York.
- (o) "Customer unit" means a billing unit where six ordinance units and designated recyclables may be placed for receipt by the refuse/recycling collection contractor. Customer units are determined by the City.
- (p) "Designated pick-up point" means the point designated at each property where refuse, large items (bulky waste/white goods) yard waste and recyclables are to be placed for collection by the refuse contractor at the curb, edge of alley or as designated by the Director of Public Works.
- (q) "Director" means the Director of Public Works of the City of York, Pennsylvania.
- (r) "Hazardous waste" means any waste which by virtue of its quantity or content presents a hazard to the individuals handling it, a hazard to public health, or potential pollution to the air or waters of the Commonwealth of Pennsylvania, or makes land unfit or undesirable for normal use; this includes, but is not limited to chemicals, explosives, pathological wastes, radioactive materials and any materials defined hazardous wastes by Federal or State law or regulation.
- (s) "Large items" includes, but is not limited to: refrigerators, stoves, dishwashers, hot water heaters, washing machines, dryers, freezers, televisions, chairs, rolled carpet, desks, bureaus, tables, mattresses, boxsprings, bed frames, sofas, passenger automobile tires on the rim, push lawn mowers, bath tubs, toilets, sinks, windows, window screens, doors and similar household items. Construction, remodeling and demolition refuse from customer units is excluded from regular curbside collections when the amount exceeds five ordinance units. (Ord. 30-2007. Passed 9-18-07.)

- (t) "Leaf waste" means leaves, garden residue, shrubbery and tree trimmings less than four inches in diameter. (Ord. 42-2008. Passed 10-7-08.)
- (u) "Litter" means all municipal solid waste or recyclables which is not properly containerized or disposed of.
- (v) "Municipal solid waste" means, as set forth in Act 101, any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in Act 97 from a municipal, commercial or plant or air pollution control facility. The term does not include source-separated recyclable materials.
- (w) "Municipality" means the City of York located within the County of York, Commonwealth of Pennsylvania.
- (x) "Opt out" means when a commercial property or a residential property, with a minimum of fifty housing units, chooses to make private arrangements for collection of municipal solid waste (privately contracted services must include trash, yard waste, recyclables, large-items, etc.) instead of using services provided by the City's contract.
- (y) "Ordinance unit" means one refuse container or securely tied bundle of refuse, construction, remodeling and demolition debris of such size that the longest dimension shall not exceed three feet and that the volume shall not exceed thirty-two gallons and provided further that the total weight of any one ordinance unit shall not exceed forty pounds. This shall include, but not be limited to, bundles of wood and small household appliances like lamps, irons, toasters, small toys, passenger automobile tires (off rim), etc. In general, any small household appliance that fits into a 32 gallon trash bag or 32-gallon trash can shall be considered an ordinance unit for regular collection. Items that cannot fit into a 32 gallon bag or can will be considered large items as further defined above in definition "large-item".
- (z) "Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (aa) "Paint and paint products" shall mean latex and oil-based paints, turpentine, paint thinners, varnish and paint strippers or removers. These items can be placed in regular garbage. Containers must be sealed tightly to prevent spillage. The County's Resource Recovery Center uses an air pollution control system to safely process these items.
- (bb) "Person" means any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, Federal institution or agency, State institution or agency, municipality, public and private schools and educational facilities, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty or imprisonment, the term "person" includes the officers and directors of a corporation or other legal entity having officers and directors.

- (cc) "Pick-up point" means the point designated at each property where refuse, large items (bulky waste/white goods), yard waste and recyclables are to be placed for collection by the refuse contractor at the curb, edge of alley or as designated by the Director of Public Works of the City of York, Pennsylvania. Each property is entitled to one designated pick-up point.
- (dd) "Public place" means sidewalks, curbs, alleys, streets or any area in the public right of way.
- (ee) "Refuse" means all regulated nonrecyclable municipal waste which is discarded as useless.
- (ff) "Refuse container" means a metal or plastic container sold for the purpose of storing refuse that is thirty-two gallons or less and, when filled, weighs less than forty pounds. Plastic bags up to thirty-two gallon capacity sold for the purpose of storing municipal waste may be substituted. Containers must have a handle and a tight fitting lid.
- (gg) "Residential customer unit" means a single-family dwelling or individual apartment or room where up to six ordinance units may be placed at the designated pick-up point for collection by the City's contracted haruler.
- (hh) "Solid waste" means garbage, refuse and other nonrecyclable discarded materials resulting from commercial, institutional, residential and community activities.
- (ii) "Source separated" means to separate recyclable materials from the solid waste stream at the point of waste generation.
- (jj) "Tires" means passenger vehicle tires from residential customer units.
- (kk) "Trade waste" means waste building materials from construction, demolition, remodeling or repair of buildings by a private contractor; scrap or waste materials from manufacturing, animal slaughter, motor vehicle maintenance or repair and agriculture production.

Trade waste as described above shall not be included for collection. Small quantities of wood, plaster or other material from small private home repairs are acceptable if they meet the ordinance unit requirement. (Ord. 30-2007. Passed 9-18-07; Ord. 42-2008. Passed 10-7-08.)

951.04 PROHIBITED ACTS.

- shall:
- (a) For reasons of public health and sanitation, no person, owner, occupant or lessee
 - (1) Place any municipal solid waste or other material subject to decay, anywhere in the City except in a suitable container;
 - (2) Permit to remain any municipal solid waste or other material subject to decay, anywhere in the City except in accordance with Section 951.05;
 - (3) Cause or permit to remain, on private property or the adjoining public places such as sidewalks, curbs or streets, the unauthorized accumulation of dust, litter, yard waste, refuse, recyclables or large items;
 - (4) Cause or permit to remain, any municipal solid waste on a street, alley or other public place, or upon any private property within the limits of the City, unless it complies with Section 951.05;
 - (5) Deposit municipal solid waste in any stream or other body of water;
 - (6) Deposit or permit to fall from their person or vehicle any municipal solid waste or litter on any public places, street or alley in the City. This section shall not be construed to prohibit placing of refuse in a container complying with the provisions of this article preparatory to having such material collected and disposed of in the manner provided herein;

- (7) Discharge wastes or waste waters other than storm or groundwater onto public streets or alleys;
- (8) Dispose of any municipal solid waste anywhere in the City except at a lawfully established solid waste disposal facility, in full compliance with all applicable Federal, State and local laws;
- (9) Allow municipal solid waste that has been scattered or spilled from refuse containers, bags or bundles from a cause or causes other than negligence of the contractor on any premises, private property or adjoining public places, such as curbs, sidewalks, streets and alleys. Failure by the owner of such property to remove any municipal solid waste promptly shall be deemed a violation of same;
- (10) Allow any unauthorized accumulation of municipal solid waste on any premises, private property or adjoining public places, such as curbs, sidewalks, streets and alleys. Unauthorized accumulation is hereby declared to be a nuisance and is prohibited. Failure by the owner of such property to remove any existing accumulation of municipal solid waste promptly shall be deemed a violation of same;
- (11) Permit refuse containers to remain on sidewalk between scheduled collections and fail to remove such containers within twenty-four hours after collection; or
- (12) Allow accumulated municipal solid waste and large items at the designated pick-up point for collection prior to 5:00 p.m. the day before collection is scheduled or placed later than 6:00 a.m. the day of collection.
- (13) Dispose of quantities, in excess of the average household, of cooking oil or grease from commercial food preparations other than by private arrangements with a waste oil vendor.
- (14) Use refuse containers in excess of 32 gallons or containers that are not specifically sold for the purpose of refuse storage. Such containers may be removed and disposed of as illegally placed municipal solid waste and no refunds will be given.

(b) For reasons of efficient solid waste management, no person, corporation, City contractor or private refuse hauler shall:

- (1) Bring municipal solid waste generated outside the City limits into the City for collection under any City contracts; or
- (2) Mix municipal solid waste generated outside the City limits with any wastes collected under any City contracts.
(Ord. 30-2007. Passed 9-18-07.)

951.05 STANDARDS FOR STORAGE.

All municipal solid waste storage shall conform to the following standards:

- (a) The storage of all municipal solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects and rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisances. Specifically, wastes from game hunting and fishing and similar unsightly and malodorous wastes should be double-bagged and securely tied in trash bags that are sold for the purpose of municipal waste storage and the volume of each bag shall not exceed thirty-two gallons and the total weight shall not exceed forty pounds.

- (b) The property owner or occupant or lessee shall provide a sufficient number of containers to contain all waste materials generated during periods between regularly scheduled collection as may be necessary to meet the definition of "authorized placement of municipal solid waste".
- (c) Refuse containers shall have the following characteristics:
 - (1) Sheet metal or plastic containers, specifically sold for the purpose of storing refuse;
 - (2) Is watertight;
 - (3) Has a tight-fitting lid;
 - (4) Has a handle;
 - (5) Has a capacity not exceeding thirty-two gallons; and
 - (6) When filled, weighs not more than forty pounds.
- (d) Other storage requirements:
 - (1) Plastic bags sold as bags to be used for refuse may be used instead of the refuse containers described above, provided they do not exceed thirty-two gallons, are securely tied and further meet the requirements of subsection (a) hereof;
 - (2) Paper bags, plastic grocery and department store bags, laundry baskets, milk crates, plastic or metal drums, cardboard boxes and any containers which are not specifically sold for the purpose of refuse storage and any trash can, toter or bag in excess of 32 gallons shall not be used;
 - (3) Any nonrecyclable municipal solid waste, when stored outside of refuse containers, shall be tied securely in bundles such that the longest dimension does not exceed three feet in length and a thickness of two feet; and
 - (4) Large items shall be stored so that the collection of water and harborage of rodents is prevented. As a safety precaution, refrigerators which are placed for collection must first have the doors removed.
- (e) Refuse containers shall be placed at pick-up points only after 5:00 p.m. of the evening preceding the days when collection is to be made, and after collection is made refuse containers shall be removed back into the building or property to which same belong within 24 hours. It is hereby made the duty of each owner or occupant to replace promptly in such containers any contents of same as may have been spilled or scattered therefrom by any means or cause, other than the negligence of the refuse contractor.
- (f) Large items shall not remain in public places unless arrangements have been made through the City and shall be placed at the designated pick-up point no earlier than 5:00 p.m. the evening preceding scheduled collection. If scheduled items are not collected by the City's contracted hauler on the scheduled date, the customer shall notify the City the next business day.
(Ord. 30-2007. Passed 9-18-07.)

951.06 RESPONSIBILITIES OF PROPERTY OWNERS.

- (a) It shall be the responsibility of all property owners to maintain in a clean, sanitary condition the shared or public places of the dwelling, yard and sidewalk.
- (b) All owners of commercial and residential rental units are responsible for posting refuse/recycling rules and information inside each apartment unit and in each common doorway, where possible. Further, owners are required to inform tenants on collection requirements such as: refuse collection days, recycling and yard waste collection days, time of placement, designated pick-up points and how to schedule collection of large items. The City shall provide public information to landlords upon request for distribution to tenants.

(c) Private alleys, as identified by County real estate records, property deeds or City records shall be maintained in a clean and sanitary condition, free of debris, trash, litter, weeds and other vegetative growth by adjoining property owners. Each owner shall be responsible for their equal portion directly adjoining their property.

(d) The City reserves the right to bill property owners for any special collection and maintenance performed by the City.
(Ord. 30-2007. Passed 9-18-07.)

951.07 COLLECTION STANDARDS.

(a) All municipal solid waste shall be collected and transported so as to prevent health hazards, safety hazards and nuisances.

(b) Municipal solid waste shall be placed, except where prohibited herein, into one or more refuse containers or ordinance units, as applicable. Such containers or ordinance units shall be placed at the designated pick-up point.

(c) Not more than the number of containers and/or ordinance units permitted for the classification of each particular property shall be placed for any single collection.

Residential or commercial property owners or their tenants shall not place more than six refuse containers or ordinance units out for collection per customer unit assigned a property. Placement of more than permitted number of refuse containers or units may result in no collection being made. The City reserves the right to assign higher classifications to each property that exceeds their limits.

Single family residences shall be assigned one customer unit. Additional units may be assigned at the request of the customer or as designated by the City.

Multi-family residences shall be assigned one customer unit per dwelling unit. Additional units may be assigned at the request of the customer or as designated by the City.

Commercial users shall be assigned customer units based on the number of refuse containers or units required for collection. The number of units may be assigned at the request of the customer or as designated by the City.

<u>Property</u>	<u>Maximum Ordinance Units Per Collection</u>
Residential (including single-family dwellings and rental apartments):	
1 unit	6
2 units	12
3 units	18
(X) units	6 x (X)
Commercial:	
Commercial #1	6
Commercial #2	12
Commercial #3	18
Commercial #(X)	6 x (X)
Special Container(s)	According to arrangements made with the City.

(d) Collection of municipal solid waste from residential properties may be made between 6:00 a.m. and 9:00 p.m., with the following exceptions when no collections will be made: Sundays, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

In situations where the day of collection requires a change due to celebration of holidays, special events, acts of God, etc., the collections shall be made from the affected customer units according to the schedule outlined in the current refuse contracts.

(e) Collection and transportation equipment shall be designed and constructed so as to be leak-proof, easily loaded, readily emptied and easily cleanable. The waste shall be suitably enclosed or covered so as to prevent littering, attraction of insects or rodents, or creation of other nuisances.

(Ord. 30-2007. Passed 9-18-07.)

951.08 LARGE ITEM COLLECTION.

(a) Items to be collected under this section include, but are not limited to: refrigerators, stoves, dishwashers, hot water heaters, washing machines, dryers, freezers, televisions, chairs, rolled carpet, desks, bureaus, tables, mattresses, boxsprings, bedframes, sofas, bundled wood, passenger automobile tires (on the rim), push lawn mowers, bath tubs, toilets, sinks, windows, window screens, doors and similar household items. Construction, remodeling and demolition refuse from commercial home repair is excluded from City collection. Construction, remodeling and demolition refuse from customer units is excluded when the amount exceeds five ordinance units.

(b) The allowable large items scheduled from private residents and property owners are equal to a maximum of five items per dwelling unit, for each week scheduled. The City shall schedule large item requests from residents at the City Offices.

(Ord. 30-2007. Passed 9-18-07.)

951.09 TRADE WASTES.

The refuse contractor shall not be required to pick up trade waste as defined herein. Persons who generate such trade wastes shall remove or have same removed at their own expense.

(Ord. 30-2007. Passed 9-18-07.)

951.10 DISPOSAL OF REFUSE.

(a) The disposal site for municipal solid waste as defined in Pennsylvania Act 101, the Municipal Solid Waste Planning, Recycling and Waste Reduction Act shall be the facility operated by the York County Solid Waste Refuse Authority. The Director of Public Works may direct that another permitted site(s) be used.

(b) No person shall dispose of municipal solid waste except in an approved standard method and at all times shall be satisfactory to the Director and in conformance with the requirements of any local agencies having jurisdiction as well as the Pennsylvania Department of Environmental Protection.

(c) No person shall use their land or the land of any other person in the City as a municipal solid waste processing or disposal area or burn solid wastes except in a manner or under conditions prescribed and permitted by the Pennsylvania Department of Environmental Protection.

(Ord. 30-2007. Passed 9-18-07.)

951.11 ANNUAL REPORTING.

Any hauler who collects municipal solid waste and recyclable materials from within the City shall be required to complete an Annual Commercial Recycling Report and to submit it along with a complete customer list of all privately contracted dumpster and tote cart locations in the City. This list shall include customer name, address and the type and level of service. (Ord. 30-2007. Passed 9-18-07.)

951.12 ANNUAL COLLECTION FEE SCHEDULE.

All persons owning property located within the City shall pay the following fees, based on the category under which such property is classified, which fees are to be computed for each use as exists for each property. Costs are assessed to cover services including but not limited to administration, enforcement, curbside and dumpster collection, disposal fees, street sweeping, illegal dumping, yard waste collection, recycling, litter control and other sanitation costs.

<u>Classification</u>	<u>Fee Per Year</u>	<u>Fee Per Month</u>
Minimum (per unit)	\$99.00	\$ 8.25
Residential #1	310.20 (Base Rate)	25.85
Commercial #1	620.40 (Base Rate)	51.70
Residential #(X)	(X) x \$310.20 (Base Rate) = Annual Rate	
Commercial #(X)	(X) x \$620.40 (Base Rate) = Annual Rate	
Special Container	As set by the Public Works Director	

(Ord. 45-2011. Passed 12-31-11.)

City Council may, by resolution, change the collection fee schedule. (Ord. 50-2008. Passed 12-16-08.)

951.13 TIME OF PAYMENT; PENALTY FOR LATE PAYMENT.

(a) The annual refuse collection service fee shall be billed monthly to coincide with the billing of metered sanitary sewer accounts.

(b) A penalty of one and one-half percent (1.5%) per month shall be added to each bill for each month during which a bill remains unpaid after thirty days from the billing date. In addition all costs associated with the collection of delinquent accounts, including costs assessed by a collection agency for services rendered, shall be added to the account.

(c) It is the obligation of all persons owning property within the City to answer inquiries by the City as to their address, owner of property and its classification under this article, or to notify the City of such information so they may be billed according to this article. All persons owning property being subject to the refuse collection service fee, who do not supply the City with correct information for billing purposes shall upon discovery, be billed the correct annual fee and penalty from the date of the enactment of this section.

(Ord. 30-2007. Passed 9-18-07.)

951.14 DELINQUENT COLLECTION FEES AND LIENS.

All refuse collection service fees, together with all penalties thereon not paid on or before the end of six months from the beginning of each billing period shall be deemed to be delinquent for the purpose of this article. All delinquent refuse collection service fees and penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the Office of the Prothonotary of York County and shall be collected in the manner provided by law for the filing and collection of municipal claims.
(Ord. 30-2007. Passed 9-18-07.)

951.15 ADJUSTMENTS AND CREDITS FOR CHANGE OF REFUSE CLASSIFICATION.

A classification form is available upon request from the City. No change of classification of a property shall be made until a classification form, properly filled out by the customer, is submitted and verified by the City. No credits or refunds shall be given as the result of reclassification of a property. It is the responsibility of the customer unit to notify the City of any changes in the classification. The City reserves the right to change the classification based on actual inspection of the property.
(Ord. 30-2007. Passed 9-18-07.)

951.16 MINIMUM CHARGES AND VACANCY CREDITS.

(a) There shall be a minimum fee as set by City Council for vacant properties that are connected to the sewer system, and for properties that have elected to opt out of the City collection contract. The minimum fee shall be charged on a per unit basis up to a maximum of fifty (50) units. Disconnection to the sewer system shall be made in compliance with the Plumbing Requirements of the Codified Ordinances of the City. A property shall be considered vacant when the water usage for the unit is 400 gallons or less for that month. Any due credit as verified by the City shall be issued to the owners account or a refund may be made if the amount exceeds fifty dollars (\$50.00).

(b) Refunds or credits shall not be made for any period more than two years prior to the date of the request. The minimum charges and vacancy credits shall become effective July 1, 1992.

(c) Any residential apartment complex, with 50 or more housing units, or commercial establishment that opts out shall be responsible for payment of the minimum fee X the number of units per month up to a maximum charge of fifty (50) units. Additionally, these properties are required to separate yard waste from the regular trash in accordance with this article and to separate all designated recyclables from the regular trash in accordance with this article and Act 101.

(d) Property owners who opt out and secure a private contractor are responsible to provide proper collection and disposal for all normal wastes which are generated by their tenants (trash, recyclables, yard waste and normal household furniture and appliances) in accordance with City ordinances, Article 951 and Article 952. Said properties will be required to furnish to the City adequate proof of a current licensed private contract and to report the tonnages for trash, recycling and yard waste on an annual basis. All opt out properties are subject to inspection by the City to ensure that proper collection and disposal arrangements are in place. Opt out properties shall be required to pay the minimum fee per housing or commercial unit, up to a maximum of 50 units, and are not eligible to receive any curbside collections which are provided under the City's refuse contracts.

(e) Residential properties with less than 50 housing units are not eligible to opt out and must use the City's contracted collection services.

(f) The City reserves the right to deny "opt out" or "exempt" status to any property if deemed in the best interest of the City at the City's sole discretion.
(Ord. 30-2007. Passed 9-18-07.)

951.99 PENALTY.

(a) Any person, firm, corporation or association who violates or fails to comply with any provision of this article shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000), and costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than ninety days (90 days).

(b) The fact that refuse, large items or trade wastes remain on any owners premises in the City in violation of this article, shall be prima-facie evidence that the owner of such premises is responsible for the violation occurring.
(Ord. 1-2009. Passed 1-6-09.)

ARTICLE 952

Waste Minimization and Recycling

952.01	Purpose and goals.	952.12	Prohibited acts.
952.02	Responsible agent.	952.13	Noncollection of solid waste contaminated by designated recyclables.
952.03	Definitions.		
952.04	Establishment of curbside program.	952.14	Noncollection of designated recyclables contaminated by solid waste.
952.05	Collection standards.		
952.06	Responsibilities of property owners.	952.15	Buy recycled.
952.07	Responsibilities of community event organizers.	952.16	Other means of disposal.
952.08	Source separation and preparation for collection.	952.17	Noninterference with existing contracts.
952.09	Establishment of leaf and yard waste facility.	952.18	Additional reporting requirements.
952.10	Mandatory source separation of yard waste.	952.99	Penalty.
952.11	Mandatory commercial and institutional source separation program.		

CROSS REFERENCES

Municipal Waste Planning, Recycling and Waste Reduction -
see 53 P.S. Sec. 4000.101 et seq.

Municipal Solid Waste Management Act - see S.U. & P.S. Art. 951

952.01 PURPOSE AND GOALS.

The City finds that the reduction of the amount of municipal solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of Pennsylvania Act 101, The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and the County Plan. The separation and collection of used designated recyclable materials from the residential, commercial and institutional establishments in this City shall minimize the adverse environmental effects of landfilling by reducing the need for landfills and conserving existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery called for by the County

Plan and conserve natural resources. The promotion and use of recyclable material, goods produced from recycled materials, and goods which facilitate recycling shall further serve the same purposes by encouraging and facilitating recycling. The City shall endeavor to recycle the State mandated goal of twenty-five percent (25%) of municipal solid waste by January 1, 1997. Beginning with the effective date of this Act, the City shall begin to reduce the weight or volume per capita of municipal solid waste by January 1, 1997, in accordance with the provisions of Act 101.

(Ord. 31-2007. Passed 9-18-07.)

952.02 RESPONSIBLE AGENT.

(a) The Public Works Director shall be responsible for all aspects of the recycling program in the City.

(b) The Director shall be responsible for the preparation of all necessary plans for recyclable materials and the coordination of those plans with local, State and Federal agencies. The Director shall prepare, in consultation with the City Solicitor and other City offices, the instructions to bidders, specifications and other contract documents necessary to enter into contracts with the refuse/recycling contractor.

(c) The Director shall have the power and duty to:

- (1) Provide a public recyclable collection, storage, transportation and marketing service and/or approve and regulate the establishment, maintenance and operation of private recyclable material collection, storage, transportation and disposal services and sites;
- (2) Adopt, issue and enforce such rules and standards as are necessary to implement and carry out the intent of this article;
- (3) Issue warning notices and initiate proceedings against violators of this article;
- (4) Investigate all complaints made by either customers or the refuse contractor;
- (5) Inspect all aspects of recyclable collection, storage and disposal, including but not limited to equipment, containers, facilities, books and records; and
- (6) Designate an agent(s) to enforce this article.

(Ord. 31-2007. Passed 9-18-07.)

952.03 DEFINITIONS.

The following words, when used in this article, shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates otherwise.

- (a) "Act 101" means the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act.
- (b) "Aluminum can" means containers which are comprised "entirely" of aluminum and which formerly contained only edible substances.
- (c) "Authority" means the York County Solid Waste and Refuse Authority.

- (d) "Cans" means containers comprised of aluminum, tin, steel or a combination thereof, which formerly contained only edible substances or such other substances as have been approved for recycling by the City. Includes, but not limited to: cans formerly containing such substances as vegetables, meats, fruits, juices or other similar food storage containers constructed of materials listed above. Does not include: hazardous cleaning substances, insecticide containers, automotive supply cans (such as transmission fluids, motor oils, etc.), and other similar containers.
- (e) "Cardboard" means all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, wax coated cardboard, soiled cardboard, pizza boxes and chip board.
- (f) "City" means the City of York, Pennsylvania.
- (g) "Commingled" means source separated, nonputrescible recyclable materials that have been mixed at the source of generation (that is placed in the same container).
- (h) "Contractor, refuse or recycling contractor" means such contractor as may be engaged by the City to collect, transport, market recyclables and dispose of all types of large items or bulky waste or appliances and refuse, defined under the terms of the contract.
- (i) "County" means the County of York, Commonwealth of Pennsylvania.
- (j) "County plan" means the solid waste management plan for York County as approved by the Pennsylvania Department of Environmental Protection and the City of York.
- (k) "Curbside magazines" means all post consumer magazines, office paper, computer paper, junk mail (coupons, sweepstake entries, including envelopes). The following are specifically excluded from the definition of curbside magazines (hereafter referred to as excluded material): newspapers, cardboard, cereal boxes, paper back books (pocket books), and carbon paper.
- (l) "Designated pick-up point" means the point designated at each property where refuse, large items (bulky waste/white goods), yard waste and recyclables are to be placed for collection by the refuse contractor at the curb, edge of alley or as designated by the Public Works Director.
- (m) "Designated recyclable materials" means those recyclable materials to be source separated in this City. The term may include, but may not be limited to, glass, cans, plastic containers, newsprint, high grade office paper, mixed office paper, curbside magazines, corrugated cardboard, yard waste or other materials.
- (n) "Director" means the Public Works Director of the City of York, Pennsylvania.
- (o) "Disposition" or "disposition of designated recyclable materials" means the transportation, placement or arrangement of designated recyclable materials for all possible end uses except disposal as solid waste.

- (p) "Glass" means all clear, green and brown colored glass food and/or beverage containers. Glass shall not include crystal, ceramics, lightbulbs and plate, window, laminated, wired or mirrored glass.
- (q) "Hazardous waste" means any waste which by virtue of its quantity or content presents a hazard to the individuals handling it, a hazard to public health, or potential pollution to the air or waters of the Commonwealth of Pennsylvania or makes land unfit or undesirable for normal use; this includes, but is not limited to chemicals, explosives, pathological wastes, radioactive materials, and any materials defined hazardous wastes by Federal or State law or regulation.
- (r) "High-grade office paper" includes paper items generated by offices and/or commercial entities. This may include white computer paper, white copier paper, white typing paper, white letterhead paper, white note pad paper and other similar office paper.
- (s) "Leaf and yard waste facility" means an area designated by the City where leaves, tree trimmings, brush, and garden residue are processed. This area may also be used as a public drop-off point, during the posted hours of operation only for yard waste as designated by the Public Works Director.
- (t) "Municipal solid waste" means, as defined in Act 101 any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in Act 97 from a municipal, commercial or plant or air pollution control facility. The term does not include source-separated recyclable materials.
- (u) "Municipality" means the City of York located within the County of York, Commonwealth of Pennsylvania.
- (v) "Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or Municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- (w) "Person" means any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, Federal institution or agency, State institution or agency, municipality, public and private schools and educational facilities, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and directors.

- (x) "Plastics" includes plastic #1 (PET, Polyethylene Terephthalate) and #2 (HDPE, High-Density Polyethylene).
- (y) "Recyclable material" means a material which would otherwise become municipal solid waste, which can be collected, separated or processed, and returned to beneficial use in the form of raw materials or products.
- (z) "Recycling" means any process by which materials, which would otherwise become municipal solid waste, can be collected, separated or processed, and returned to beneficial use in the form of raw materials or products.
- (aa) "Recycling container" means the container used for the express purpose of storing recyclables for collection by the City's contractor.
- (bb) "Refuse" means all regulated nonrecyclable municipal waste which is discarded as useless.
- (cc) "Resident" means any person residing within the City on a temporary or permanent basis.
- (dd) "Solid waste" means garbage, refuse and other nonrecyclable discarded materials resulting from commercial, institutional, residential and community activities.
- (ee) "Source separated" means to separate recyclable materials from the solid waste stream at the point of waste generation.
- (ff) "Yard waste" includes leaves, tree trimmings, brush and garden residue that meet the City's collection requirements. Grass clippings are specifically excluded from the definition of yard waste and grass shall either remain on lawns or be properly prepared and placed for disposal as regular refuse. (Sec. 952.08)
(Ord. 31-2007. Passed 9-18-07.)

952.04 ESTABLISHMENT OF CURBSIDE PROGRAM.

The Public Works Director shall designate a schedule and plan for curbside collection of recyclable materials for compliance with Act 101 by the deadline set by the Commonwealth of Pennsylvania, September 26, 1990.
(Ord. 31-2007. Passed 9-18-07.)

952.05 COLLECTION STANDARDS.

- (a) Collections of recyclable materials pursuant to this section shall be made in accordance with schedule set by the Public Works Director or as designated in the contract.
- (b) All residents of the Municipality within the area served by the curbside program established pursuant to this section shall source separate all designated recyclables and place them at designated pick-up points in the manner described in Section 952.06 and on the day and time specified for collection by the schedule published by the City.
- (c) The schedule which shall proceed upon public notice by the Director shall direct recyclables to be collected on the first day of the two regularly scheduled weekly pick-ups. For example, those residents who normally place solid waste for collection on Mondays and Thursdays shall also place yard waste (March 1 - December 15) and recyclables for collection on Mondays. Residents with regular refuse collection scheduled for Tuesdays and Fridays, shall also place yard waste (March 1 - December 15) and recyclables for collection on Tuesdays.

(d) All commercial and institutional establishments that currently utilize the existing curbside refuse collection program are required to separate all designated recyclables. Those commercial establishments who contract privately and individually for recycling/refuse collection are required to recycle materials as designated by this article. All commercial or institutional establishments are required to provide written documentation as to the type and weight of materials recycled annually. Reports are due to the City in a form required by the City no later than January 15 of each year.

(e) All designated recyclable materials shall be separated from municipal solid waste generated at apartment and condominium buildings.
(Ord. 31-2007. Passed 9-18-07.)

952.06 RESPONSIBILITIES OF PROPERTY OWNERS.

(a) Apartment and Condominium Buildings.

- (1) Property owners shall arrange with the City for collection of recyclables from their properties.
- (2) All property owners of residential rental units are responsible for posting refuse/recycling rules and information inside each apartment unit and in each common doorway, where possible. Further, owners are required to inform tenants of collection requirements such as: collection days, time of placement and designated pick-up points. The City shall provide public information to landlords upon request for distribution to tenants.
- (3) Property owners shall inform residents and employees about the materials to be recycled, how to prepare materials and how to use collection in writing at least once per year.
- (4) At this time, property owners, landlords and managers who comply with these requirements are not liable for nonparticipation of tenants.

(b) Commercial and Institutional Properties.

- (1) Property owners or their tenants shall arrange recycling collection.
- (2) All property owners of commercial and institutional properties are responsible for distributing refuse/recycling rules and information as provided by the City to tenants. Owners who make arrangements for their tenants are required to inform tenants of collection requirements such as: collection days, time of placement and designated pick-up points. The City shall provide public information to landlords upon request for distribution to tenants.

- (3) Property owners shall inform tenants and employees about the materials to be recycled, how to prepare materials and how to use collection in writing at least once per year.
- (4) At this time, property owners, landlords and managers who comply with these requirements are not liable for nonparticipation of tenants.
(Ord. 31-2007. Passed 9-18-07.)

952.07 RESPONSIBILITIES OF COMMUNITY EVENT ORGANIZERS.

(a) Organizers of community events held in the City, which include but are not limited to, fairs, bazaars, socials, picnics, parades and organized sporting events shall provide recycling opportunities to participants. Organizers shall follow the Act 101 Requirements for Recycling at Community Activities, and the York City Requirements for Recycling at Community Events.

(b) For reporting purposes, organizers shall report amount and types of recyclables to the City on a required form within thirty days following the event.
(Ord. 31-2007. Passed 9-18-07.)

952.08 SOURCE SEPARATION AND PREPARATION FOR COLLECTION.

All recyclables placed at the curbside by residents for collection pursuant to the curbside program established pursuant to Section 952.04 shall be prepared for collection in accordance with the following:

- (a) All newsprint shall be placed in brown paper grocery bags or tied in bundles not exceeding forty pounds in weight nor exceeding one foot in thickness each.
- (b) Cardboard shall be flattened and tied in bundles not exceeding forty pounds in weight with dimensions not exceeding three feet by one foot by three feet. Cardboard bundles shall be placed at the designated pick-up point.
- (c) Glass, cans and plastic containers shall have caps and lids removed, shall be rinsed free of contaminants, and shall be placed commingled in a recycling container. Only recycling containers designated by the City shall be utilized for recyclable material collection.
- (d) Curbside magazines shall be placed in brown paper grocery bags, securely fastened or tied in bundles not exceeding one foot in thickness each.
- (e) Yard waste collected curbside shall meet the following regulations:
 - (1) All bundles of brush shall be less than 3 feet in length, 3 feet in diameter and weigh no more than forty pounds each. All stems and branches shall be less than 4 inches in diameter. All stems and branches in excess of 4 inches in diameter are excluded from the City's yard waste program and must be handled privately.
 - (2) Yard waste shall either be bundled or placed in a biodegradable paper yard waste/leaf bag or in an authorized yellow yard waste container as designated by the Public Works Director for collection by the City's collection contractor. There is no limit on the quantity of bags or bundles, however, each bag or can shall not exceed forty pounds and each bundle shall not exceed forty pounds.

- (f) No material shall be placed at the designated pick-up point earlier than 5:00 p.m. the evening of the day preceding a scheduled collection day. Material shall be placed at the designated pick-up point by 6:00 a.m. on the scheduled collection day. Bundled cardboard, bundled or bagged newsprint, bundled or bagged curbside magazines, the commingled recyclables container and bundled or bagged yard waste (March 1 - December 15) shall be placed at the curbside for collection adjacent to one another and clearly separated from containers of solid waste. (Ord. 31-2007. Passed 9-18-07.)

952.09 ESTABLISHMENT OF LEAF AND YARD WASTE FACILITY.

There is hereby established a facility, the "Leaf and Yard Waste Recycling Facility", for the processing and storage of leaves and yard waste including tree trimmings, brush and garden residue.

(Ord. 31-2007. Passed 9-18-07.)

952.10 MANDATORY SOURCE SEPARATION OF YARD WASTE.

(a) No person shall place yard waste, at the designated pick-up point for collection as solid waste by the contractor.

(b) All persons who gather yard waste and who are served by the municipal program for separate collection of yard waste shall source separate all yard waste and place for collection at the times and in the manner heretofore or hereafter prescribed by the Public Works Director.

(c) A leaf and yard waste composting facility has been established in Section 952.09. This area may also be used as a public drop-off point for yard waste during the posted hours of operation only as designated by the Public Works Director.

(d) Nothing herein shall require any person to gather yard waste or prevent any person from utilizing yard waste for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes, provided it is maintained in a safe and sanitary manner, as deemed appropriate by the City.

(e) Failure to properly maintain a backyard compost pile in a safe and sanitary manner as determined by the City is deemed a nuisance. (Ord. 31-2007. Passed 9-18-07.)

952.11 MANDATORY COMMERCIAL AND INSTITUTIONAL SOURCE SEPARATION PROGRAM.

(a) All persons within the City who are not residents and who are not served by the curbside program established pursuant to Section 952.04 shall source separate and arrange for the collection for recycling of all designated recyclables.

(b) Designated Recyclables. Designated recyclables for the mandatory commercial and institutional source separation program may include, but are not limited to, the following materials:

- (1) High grade office paper, which shall include paper items generated by offices and/or commercial entities;
- (2) Corrugated cardboard;
- (3) Glass, cans and plastics;
- (4) Yard waste; and
- (5) Other recyclable materials as designated by the Public Works Director at all times thirty days after such designation and publication of notice.

(c) Responsibility. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the person who generates the recyclables ("generator") or the person contractually obligated to the generator to arrange for collection and disposal of its solid waste. Such arrangements may include, without limitation, direct marketing of recyclables, delivery to a drop-off, contracts with solid waste collection/haulers for separate collection of any or all designated recyclables, contracts with other persons for separate collections of any or all designated recyclables, or direct delivery to the designated site(s) or participation in the City's designated program.

(d) Reporting Requirements. For the purpose of reporting as required by the Commonwealth of Pennsylvania, all commercial or institutional establishments shall report amounts and types of recyclables to the City on a form required by the City for such purposes, annually, or as often as deemed necessary by the City. Reports for the preceding year shall be due to the City by January 15 each year. Failure to complete the form may result in an inspection of the commercial/institutional property and other penalties as described in Section 952.99.

(Ord. 31-2007. Passed 9-18-07.)

952.12 PROHIBITED ACTS.

- (a) It shall be unlawful for any persons, owners, tenants and lessees:
- (1) To collect any designated recyclable material which has been placed at the pick-up point for collection or within a recycling drop-off pursuant to this article other than the designated contractor;
 - (2) To violate or to cause or to assist in the violation of any provision of this article or any provision of the Pennsylvania Act 101 concerning recycling;
 - (3) To place or to cause to be placed any material other than a designated recyclable in a designated recycling container or in or near a recycling drop-off;
 - (4) To hinder, obstruct, prevent or interfere with the City or their personnel or designated contractor in the performance of any duty under this article or in the enforcement of this article;
 - (5) To allow recyclable materials that have been scattered or spilled from containers or bundles by other than negligence of the recycling contractor to remain in the right of way;
 - (6) To cause or to assist in the unauthorized use of containers;
 - (7) To cause or allow any unauthorized accumulation of municipal solid waste or other nonrecyclable material within the recycling container which is hereby declared to be a nuisance and is prohibited. Failure of the property owner, tenant or lessee to remove the existing accumulation within five days shall be deemed in violation of same;

(b) Any unsanitary or unsafe backyard compost pile as determined by the City shall constitute a public nuisance.

(c) All unlawful conduct set forth in this article shall constitute a public nuisance.
(Ord. 31-2007. Passed 9-18-07.)

952.13 NONCOLLECTION OF SOLID WASTE CONTAMINATED BY DESIGNATED RECYCLABLES.

The City, or at the direction of the City, the designated contractor collecting solid waste generated within the City may refuse to collect solid waste from any person who has clearly failed to source separate recyclables from solid waste designated under any applicable section of this article.

(Ord. 31-2007. Passed 9-18-07.)

952.14 NONCOLLECTION OF DESIGNATED RECYCLABLES CONTAMINATED BY SOLID WASTE.

The City, or at the direction of the City, the designated contractor collecting recyclables generated within the City may refuse to collect designated recyclables from any person who has clearly failed to source separate designated recyclables from solid waste as designated under an applicable section of this article. The City, or at the discretion of the City, the designated contractor collecting recyclables generated within the City, shall remove contaminated, misused or misplaced recycling containers as needed.

(Ord. 31-2007. Passed 9-18-07.)

952.15 BUY RECYCLED.

The City established a Recycled Product Procurement Policy, Article 138, to develop a market for products that incorporate postconsumer materials in their manufacturing, are reusable, or are designed to be recycled, to the greatest extent feasible. Businesses and institutions shall consider and purchase products that are made from recycled materials and that can be recycled to the greatest extent possible.

(Ord. 31-2007. Passed 9-18-07.)

952.16 OTHER MEANS OF DISPOSAL.

Notwithstanding anything herein to the contrary, any resident of the City may donate or sell any recyclable to any other person, whether operating for a profit or not for profit, provided, however, that the person receiving the recyclables shall not under any circumstances collect recyclable material from any designated collection point without prior written permission from the City for such collection.

(Ord. 31-2007. Passed 9-18-07.)

952.17 NONINTERFERENCE WITH EXISTING CONTRACTS.

(a) Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with the laws of the Commonwealth of Pennsylvania and in force in the City on the effective date of this section.

(b) No renewal of an existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this section, unless such renewal or such contract shall conform to the requirements of this article.
(Ord. 31-2007. Passed 9-18-07.)

952.18 ADDITIONAL REPORTING REQUIREMENTS.

(a) All contractors providing recycling services to customers in the City are required to conform to all provisions in Act 101, the County Plan and this article, including, but not limited to, keeping accurate weight receipts for all designated recyclable materials and municipal solid waste collected from within City limits. These totals shall be provided to customers and the City annually or as often as deemed necessary by the City. These contractors shall make available for inspection any records/weight receipts pertaining to customers in the City.

(b) Commercial customers and institutions shall allow the City to use the information collected from their recycling efforts for the purpose of grant applications to the State.
(Ord. 31-2007. Passed 9-18-07.)

952.99 PENALTY.

Any persons, firms, corporations or associations who violate or fail to comply with any provision of this article, shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000) and costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than ninety days (90 days). Each continuing day of violation of this article shall constitute a separate offense.
(Ord. 1-2009. Passed 1-6-09.)

