

SEWERS AND SEWAGE DISPOSAL

CHAPTER 174

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PART I

PUBLIC SEWERS

ARTICLE I

GENERAL PROVISIONS

174-1. DEFINITIONS:

As used in this Chapter, the following terms shall have the meanings indicated:

AUTHORITY The duly appointed members of the Pequannock, Lincoln Park and Fairfield Sewerage Authority.

AUTHORITY SEWERAGE SYSTEM The facilities owned or leased by the Authority, operated by the Authority, or both, for collecting, pumping, conveying, treating and disposing of sewage.

BOD (denoting "biochemical oxygen demand") The quantity of Oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20 C.) or sixty-eight degrees Fahrenheit (68 F.), expressed in milligrams per liter (mg/l). Measurements shall be as set forth in the latest edition of Standard Methods for the Examination of Water and Waste-water.

BOROUGH The Borough of Lincoln Park

BUILDING DRAIN That part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes, excluding sump pumps, inside the walls of the building or structure and conveys it to the building sewer.

BUILDING SEWER That part of a horizontal drainage system, beginning three (3) feet outside the inner face of the building or structure wall, which receives the discharge from the building drain and conveys it to a service lateral of a street sewer.

CHLORINE DEMAND The difference between the amount of chlorine added to water, sewage or industrial wastes and the amount of residual chlorine remaining at the end of a twenty (20) minute contact period at room temperature as set forth in the latest edition of Standard Methods for the Examination of Water and Wastewater.

COD (denoting "chemical oxygen demand") The quantity of oxygen required to

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chemically oxidize material waste by dichromate acid solution, expressed in milligrams per liter (mg/l). Measurement shall be set forth in the latest edition of Standard Methods for Examination of Water and Wastewater.

COLLECTION UNIT Each individual building or structure, whether constructed as a detached unit or as one (1) of a pair or row, which is designated or adaptable to separate ownership or occupancy.

ENGINEER The Borough's Engineer who is engaged at the time to serve the Borough for the design, inspection of, construction and operation of the local sewage system.

HEALTH DEPARTMENT The Health Department of the Borough of Lincoln Park

IMPROVED PROPERTY Any property within a sewered area upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL WASTES Liquid or other wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resource.

LOCAL SEWERAGE SYSTEM All sanitary sewers and appurtenances within the Borough which are or may be connected to the Authority sewerage system.

NORMAL SEWAGE Sewage, industrial wastes or other wastes which, when analyzed, show, by weight, the following characteristics:

A. **BOD:** two thousand three hundred (2,300) pounds per million gallons {two hundred eighty (280) milligrams per liter} or less.

B. **CHLORINE DEMAND:** two hundred eight (208) pounds per million gallons {twenty five (25) milligrams per liter} or less.

C. **SUSPENDED SOLIDS:** two thousand five hundred (2,500) pounds per million gallons {three hundred fifteen (315) milligrams per liter} or less.

D. **CHEMICAL OXYGEN DEMAND:** two thousand nine hundred twenty (2,920) pounds per million gallons {four hundred (400) milligrams per liter} or less.

E. **NITROGEN:** two hundred (200) pounds per million gallons {twenty-four (24) milligrams per liter} or less.

OTHER WASTES Garbage, shredded or un-shredded, refuse, wood, eggshells, coffee grounds, sawdust, shavings, bark, sand, lime, cinder, ashes and all other discarded matter not normally present in sewage or industrial wastes.

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OWNER Any person vested with any ownership or other interest in the land, legal or equitable, individual or joint or in common, of any property located in the sewered area.

PERSON Any individual, firm, company, association, society, corporation or group.

PLUMBING SYSTEM A structure's water supply and distribution pipes, fixtures and traps; soil, waste and vent pipes; sanitary and storm drains; and building sewers, including their respective connections, devices and appurtenances to an approved point of disposal.

PUBLIC SEWER A sewer which is controlled by the Borough of Lincoln Park.

SANITARY SEWAGE Sewage discharging from the sanitary convenience of any building or structure, free of storm and surface water, industrial wastes and other wastes.

SANITARY SEWER A public sewer which conveys sewage and to which storm surface and ground water are not intentionally admitted.

SEWAGE Waterborne animal, vegetable or other degradable wastes from septic tanks, water closets, buildings, residences, industrial establishments or other places, together with such groundwater infiltration and inflow, surface water, admixtures or other wastes as may be present.

SEWER A pipe or conduit for conveying sewage.

SEWER DIVISION The Division of Sewers of the Lincoln Park Department of Public Works.

SEWER INSPECTOR The Borough Plumbing Inspector or any person employed by the Borough or its Boards and Bodies who is properly licensed and authorized to inspect the construction of building sewers to the service lateral.

STREET SEWER The Borough's sanitary sewers located under streets, with branch service laterals that collect and convey sanitary sewage or industrial wastes, or a combination of both.

SUSPENDED SOLIDS Solids that are in suspension in sewage or other liquids and which are removable by filtration. Measurement shall be as set forth in the latest edition of Standard Methods for Examination of Water and Wastewater.

TREATMENT PLANT The Pequannock, Lincoln Park and Fairfield Sewerage Authority treatment plant located in Lincoln Park, New Jersey, and any necessary or desirable renewals, replacements, alterations, extensions, enlargements or betterment thereof, whether located on such site or elsewhere.

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174-2. DEPOSIT OF OBJECTIONABLE WASTES:

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Borough any human or animal excrement, garbage or other objectionable waste.

174-3. DISCHARGE OF POLLUTED WASTE:

It shall be unlawful to discharge to any natural outlet within the Borough or in any area under the jurisdiction of such Borough any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Part i.

174-4. PRIVY VAULTS; CESSPOOLS AND SEPTIC TANKS:

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

174-5. CONNECTION TO PUBLIC SEWER REQUIRED; NOTICE:

The owner of any improved property within the Borough and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Borough is hereby required, at his expense, to install toilet facilities therein and to connect such facilities directly with the proper public sanitary sewer, in accordance with the provisions of this Part i, within one hundred twenty (120) days after the date of official notice to do so, provided that such public sanitary sewer is within one hundred fifty (150') feet of such improved property. No connection requirement shall be imposed and the owner shall be exempt from the foregoing provisions in this case of any improved property abutting a street, alley or right-of-way in which there is located a public sanitary force main or in the case of proximity of such improved property to a force main. Nevertheless, all such exemptions may be rescinded if a health hazard has been determined by the Health Department, and in such event, the owner shall be required to construct and connect such facilities within sixty (60) days of the date of official notice by the Health Department.

174-6. COSTS TO BE BORNE BY OWNER:

- A. The following work shall be installed at the owner's expense:
 - 1. Installation of the building sewer.
 - 2. Making the tap in the sewer lateral and the connection between the two.
 - 3. Backfilling the trench.
- B. The tap is the service lateral and connection between the Service lateral and the building sewer shall be made only by a licensed plumbing

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contractor or municipally licensed drain layer. Any connections to the public sanitary sewer in the absence of a lateral, including the making of the tap in the sewer, the making of the connection of the service lateral to the building sewer, backfilling the trench and resurfacing of the street above the trench from the street sewer to the curb, shall also be done, at the owner's expense, by a licensed contractor approved by the Engineer, under the supervision of the Engineer and the Sewer Inspector.

ARTICLE II

BUILDING SEWERS AND CONNECTIONS

174-7. INDEPENDENT BUILDING SEWERS REQUIRED; EXCEPTIONS:

A separate and independent building sewer shall be provided for every building; except that a single building sewer may be extended to service a building situated in the rear on the same lot or on an interior lot that does not abut the public place.

174-8. ABANDONMENT OF PRIVATE SEWAGE DISPOSAL FACILITIES:

At such time as public sanitary sewer becomes available to a property served by a septic tank, cesspool, seepage pit, underground tank or other private sewage disposal system, as provided in 174-5, a direct connection shall be made to the public sanitary sewer in compliance with this Part 1, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with a suitable material, such as sand, crushed stone, gravel, shale or other material approved by the Health Department, within ninety (90) days following such abandonment.

174-9. SEPARATION OF WATER AND SEWER PIPES:

- A. Except as permitted below, the underground water service pipe and the building drain or building sewer shall be constructed at least ten (10') feet apart, measured horizontally, and shall be separated by undisturbed or compacted earth.
- B. New water service pipes may be placed in the same trench with the building drain and sewer. Pre-existing water service pipes shall be permitted less than ten (10') feet from the building drain and building sewer, provided that approval is given by the Sewer Inspector and the following conditions are met:
 - 1. The bottom of the water service pipe at all points shall be at least twelve (12") inches above the top of the sewer line at its highest point.
 - 2. The water pipe shall be placed on a solid shelf excavated at one (1) side of the common trench.
 - 3. The number of joints in the water service pipe shall be kept to a minimum. -17408-

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4. The materials and joints of sewer and water service pipes shall be installed in such a manner and shall be of such strength and durability as to prevent the escape of solids, liquids and gases therefrom under all known adverse conditions, such as corrosion, strains due to temperature changes, settlement, vibrations and superimposed loads.

174-10. GRADE AND ALIGNMENT:

Building sewers shall consist of horizontal drainage piping installed in uniform alignment at uniform slopes not less than one-eighth (1/8") inch per foot for pipe with a diameter of four (4") inches.

174-11. SPECIFICATIONS FOR BUILDING SEWER MATERIALS:

Building sewer pipe material shall be of class 3300 asbestos-cement pipe or cast iron soil pipe ASTM specification No. A74. Length of sections should not exceed ten (10') feet for cast iron pipe and six and one-half (6½') feet for asbestos-cement pipe. Other pipe materials for building sewers shall be in conformance with the National Standard Plumbing Code. Joints shall be watertight and root-proof. All building sewer pipes shall be four (4") inches in diameter.

174-12. PIPE JOINTS; FITTINGS AND CONNECTIONS:

All fittings shall conform to the type of piping material used in the construction of the building sewer. No ledges, shoulders or reductions which could retard flow in the piping shall be permitted in the building sewer. Different types of drainage piping materials shall be joined either by adapter fittings described in the National Standard Plumbing Code or by means of an acceptable pre-fabricated sealing ring or sleeve as specifically approved by the Sewer Inspector.

174-13. DISTANCE FROM BEARING WALLS; PROTECTION FROM FREEZING:

No building sewer shall be laid within three (3') feet of any bearing wall. Building sewers shall be installed below recorded frost penetration, except that the Sewer Inspector may permit installation of cast iron pipe at a lesser depth due to ground soil or topographic conditions, provided that proper and adequate protection is afforded against damage to the building sewer.

174-14. CHANGES IN DIRECTION IN BUILDING SEWER AND PIPES:

Changes in direction of less than forty-five (45) degrees in the building sewer and building sewer pipe shall be made only with factory-curved pipe with proper fittings, which meet the same standards as straight pipe.

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174-15. CLEAN OUT:

- A. Clean outs shall not be more than seventy-five (75') feet apart in horizontal drainage lines or building sewers.
- B. Clean outs shall be cast-iron soil pipe ASTM specification No. A74 or equal, and the top fitting joint shall be leaded. Clean outs shall be installed at each change of direction of the drainage system or building sewer greater than forty-five (45) degrees. A clean out shall be placed in the building sewer at the point of connection to the service lateral and brought to the surface with a long turn tee wye. Every clean out shall be installed so that the clean out opens in the direction of the flow of the building sewer. Clean out openings shall not be used for the installation of new fixtures or flood drains. Clean outs shall be of the same nominal size as the pipes.

174-16. NON-GRAVITY FLOW:

Sewage which cannot be discharged into the sanitary sewer by gravity flow, shall be discharged into a tightly covered and vented sump from which the contents shall be lifted and discharged into the building sewer by automatic pumping equipment as described in the National Standard Plumbing Code.

174-17. TRENCH EXCAVATIONS:

- A. De-watering shall be required in all cases where groundwater is encountered to assure dry trench conditions. In all such cases, a minimum of two (2) well points shall be installed to a depth at least twelve (12") inches below the sewer lateral prior to excavation. The de-watering requirements may be waived, in writing, by the Borough Engineer if existing ground and water conditions warrant such exemption.
- B. Trenches shall be of sufficient width to permit proper installation of the pipe. Where shoring is required, ample allowance shall be made in trench width for proper working conditions.
- C. Trenches shall be excavated to a depth such that the bottom of the trench does not form the bed for the pipe. A four (4") inch bedding of three-fourths (3/4") inch broken stone shall be backfilled for a minimum depth of two (2') feet with sand or fine gravel placed in layers of six (6") inches maximum depth and compacted after each placement. The pipe shall not be supported on blocks to grade. Where rock is encountered in trenching, it shall be removed to a point at least three (3") inches below the grade line of the trench, and the trench shall be backfilled to grade, with gravel tamped in place so as to provide a uniform bearing for the pipe between joints. Care shall be exercised to see that the pipe does not rest on rock at any point, including the joints. If soft materials of poor bearing qualities are found at the bottom of the trench, stabilization shall be achieved by over excavation at least two (2) pipe diameters and bringing up to grade

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with fine gravel or crushed stone or a concrete foundation. Such concrete foundation shall be bedded with sand tamped in place so as to provide a uniform bearing for the pipe between joints.

174-18. TRENCH BACKFILLING:

Until the crown of the pipe is covered by at least two (2') feet of tamped earth, considerable care shall be exercised in backfilling trenches. Loose earth, free of rocks, broken concrete, frozen chunks and other rubble shall be carefully placed in the trench in six (6") inch layers and tamped in place. Care shall be taken to thoroughly compact the backfill under and beside the pipe to ensure that the pipe is properly supported. Backfill shall be placed evenly on both sides of the pipe and tamped in such manner as to retain proper alignment.

174-19. PRESSURE TESTS:

Prior to backfilling over the pipe, the entire building sewer shall be tested under the supervision of the Sewer Inspector, with water to a pressure not less than ten (10') feet of head for a period of not less than fifteen (15) minutes. No leakage shall be permitted.

174-20. PROTECTION OF OPEN TRENCHES; RESTORATION OF PROPERTY:

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Borough. No trenches shall remain open for a period in excess of twenty-four (24) hours following inspection and approval.

174-21. COMPLIANCE WITH OTHER REGULATIONS:

- A. For purposes of interpretation, the provisions of this Part 1 are intended to be in conformity with the standards outlined in the National Standard Plumbing Code, published by the National Association of Plumbing - Heating - Cooling Contractors.
- B. All building sewers, building drains and plumbing fixtures shall conform to all other applicable provisions in the National Standard Plumbing Code not otherwise outlined in this Part 1.

ARTICLE III

QUALIFICATION CERTIFICATES

174-22. CERTIFICATION REQUIRED; APPLICATION REQUIREMENTS:

- A. Except as provided in 174-23, only a municipality qualified and licensed plumbing contractor or a municipally qualified drain layer shall construct,

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install, alter, repair or reconstruct any building sewer or any connection to the service lateral. Before the issuance of any such municipal qualification certification, the plumbing contractor or drain layer shall:

1. Fill out the questionnaire provided by the Sewer Inspector covering qualifications, insurance carried, work performed and equipment available.
 2. Successfully pass a standard written exam given by the Sewer Inspector, for which exam a fee of twenty-five (\$25.) dollars shall be paid to the Borough of Lincoln Park. Licensed plumbers, however, shall be exempt from this requirement.
 3. Provided Certificates of Insurance covering each policy required herein, which policies shall designate the Borough as named insured. The Certificate of Insurance and policies shall contain a provision that, in the event of cancellation, the Borough shall receive notice of such intended cancellation thirty (30) days in advance thereof. Such policy shall be written by a responsible insurance company or companies satisfactory to the Borough and shall include the following:
 - a. Worker's Compensation (statutory).
 - b. Comprehensive general liability, including bodily injury and property damage.
 - c. Contractual liability.
 - d. Hold-harmless coverage and complete operations, five hundred thousand (\$500,000.00) dollar per person and occurrence.
- B. Exclusion for explosion, collapse, underground pipes, telephone wires, etc. (XCU) and all exclusions relating to construction work of the type and character contracted for, shall be deleted. Such insurance shall cover, in addition to the Borough, the contractor, any sub-contractors or anyone directly or indirectly employed by either of them, together with hold harmless employed by either of them, together with hold harmless coverage and liability for person injuries, including wrongful death as well as claims for damages to property, including any legal fees arising out of such claims.

174-23. OWNER'S CERTIFICATE:

An owner shall be permitted to construct, install, alter, repair or reconstruct any building sewer, but shall not be permitted to make any connection to a service lateral, upon any residential real property to which the owner has an interest, as more fully

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defined in 174-1, provided that a qualification certificate therefore shall be first obtained from the Sewer Inspector. Before the issuance of any such qualification certificate, the applicant shall:

- A. Fill out the questionnaire provided by the Sewer Inspector covering qualifications, insurance carried, work performed and equipment available.
- B. Provided a certificate of liability insurance written by a responsible insurance company satisfactory to the Borough, including the following coverage:
 - 1. Worker's compensation for any third party or independent sub-contractor (statutory).
 - 2. Comprehensive general liability, including bodily injury and property damage, fifty thousand (\$50,000.00) dollars per person and occurrence.

174-24. SUSPENSION, CANCELLATION OR REVOCATION OF CERTIFICATE; APPEALS:

In the event of any violation of any provision of this Article, the qualification certificate so issued hereunder may be suspended, canceled or revoked by the Sewer Inspector after a hearing granted by the Sewer Inspector to the holder of the certificate, upon five (5) days notice served at the certificate holder's business or residence as appears on the records of the Sewer Division. The Sewer Inspector may, following notice and hearing, also revoke any certificate issued through error or obtained by fraud. Any person aggrieved by the action of the Sewer Inspector shall have the right to appeal to the Council by filing a written notice of appeal with the Borough Clerk within ten (10) days of each action. The Council shall set a hearing within thirty (30) days thereafter and shall either affirm or reverse the decision of the Sewer Inspector.

174-25. DENIAL OF CERTIFICATE; APPEALS:

The Sewer Inspector shall have the right to deny a certificate to an applicant if he finds that the applicant does not possess the necessary qualifications as set forth in the questionnaire or if the applicant fails to comply with any provisions of this Article. Any applicant who is denied a certificate by the Sewer Inspector, shall have the right to appeal such determination, in writing, to the Council within ten (10) days. The Council shall set a hearing within thirty (30) days thereafter and shall either affirm or revoke the determination of the Sewer Inspector. If the determination is reversed, the Sewer Inspector shall forthwith issue such qualification certificate, provided that the applicant complies with all other requirements of this Article.

174-26. NON-TRANSFERABILITY OF CERTIFICATE:

No qualification certificate issued under the provisions of this Article, may be transferred for any reason whatsoever.

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ARTICLE IV

PERMIT AND FEES

174-27. PERMIT REQUIRED:

No authorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sanitary sewer or appurtenance thereto to engage in the business of installing, constructing, altering, repairing or reconstructing any building sewer without first obtaining a written permit from the Sewer Inspector.

174-28. APPLICATION FOR PERMIT:

An application for a building sewer installation permit, supplemented by plans, licenses, performance bonds, engineering studies and other pertinent information outlined in Article III, shall be submitted to the Sewer Inspector prior to the award of a written permit.

174-29. CLASSES OF PERMITS; FEES:

- A. There shall be two (2) classes of building sewer installation permits:
 - 1. Class 1, non-industrial waste-producing uses.
 - 2. Class 2, industrial waste-producing uses.
- B. In either case, the owner or his agent shall make application on a special form furnished by the Borough.
- C. An application made by an agent shall be consented to, in writing, by the owner.
- D. Fees and charges:

All fees and charges shall be in accordance with Chapter 139, Health Department, Fee Schedule, Section 139-4, Sanitary Permits.

174-30. MUNICIPAL PERMITS:

- A. Provided that a qualification certificate has been issued to any owner pursuant to the provisions of 174-23, an owner shall be issued a municipal permit upon filing the necessary applications therefore. Any such owner shall otherwise be exempt from the remaining provisions of this Section.
- B. A licensed plumber or a drain layer, acting as an owner's agent shall be required to:

1. Obtain a municipal qualification certificate, pursuant to the provisions of 174-22.
2. Post a cash deposit in the amount of one thousand (\$1,000.) dollars or a bond in a like amount, approved as to form and surety by the Borough Attorney, for the term of each permit, to cover the installation of the building sewer and the connection to the service lateral. The condition for the return of the cash deposit or such bond, in either instance, shall be that installation of the building sewer and the connection to the service lateral made during the term if the installer's permit has been made in strict accordance with the application, the provisions of the National Standard Plumbing Code, this Article and the provisions of the permit or that the installer or the surety will pay to the Borough, the owner or any occupant of the realty all of its or their expenditures, fees and costs, up to the amount of the deposit or the amount of the bond, in the repair of any malfunction or damage to the service lateral or any public property which shall occur incident to the installation of the building sewer.

174-31. INSTALLATION COSTS; NON-LIABILITY OF BOROUGH:

All costs incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Borough from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.

174-32. DISPLAY OF PERMIT:

The permit required shall be displayed prominently upon the improved property to be connected to the public sanitary sewer at all times during construction of the building sewer.

174-33. RESPONSIBILITY OF PERMITTEE:

The issuance of a permit for the making of a connection shall not relive the owner or his agent or any person presuming to act under the authority of such permit from obtaining any additional permits required by law, Ordinance or Regulation for the opening of streets or roads, the discharge of certain wastes, the construction of buildings or the like.

174-34. REVOCATION OF PERMIT:

A permit may be revoked at any time by the Sewer Inspector, in writing, for any violation of this Part 1 or for violation of any condition upon which the permit was issued or for a refusal to allow inspection by the Sewer Inspector.

174-35. TRANSFER OF PERMIT:

No permit issued under the provisions of this Part I may be transferred for any reason whatsoever.

174-36. RIGHT OF BOROUGH TO REFUSE CONNECTION OR TO DISCONTINUE USE:

The Borough may refuse connection of any improved property to the local sewerage system or compel discontinuance of sewer use by any person until such time as all provisions of this Article have been complied with or otherwise to prevent infiltration of stormwater or groundwater or the discharge of waste prohibited by the Rules and Regulations promulgated by the Pequannock, Lincoln Park and Fairfield Sewerage authority or otherwise deemed harmful to the sanitary sewer system by the Engineer.

174-37 INSPECTIONS; NOTICES:

A building sewer permittee shall notify the Sewer Inspector at least twenty-four (24) hours in advance of any required inspection. Inspection shall be required when the service lateral is tapped and connection is made thereto and prior to backfilling the trench.

ARTICLE V

USER CHARGES

,,,,,174-38. QUARTERLY RESIDENTIAL CHARGES:

Sewer rental fees and charges for residential premises connected to the local sewage system shall be according to the following schedule:

- A. One-family dwelling: Eighty-Three Dollars (\$83.00) per quarter
- B. Multi-Family Apartment: Sixty-Two Dollars (\$62.00) per quarter
(3 or more units)
- C. Two- Family Dwelling: One Hundred-Sixty-Four Dollars (\$164.00) per Quarter.
- D. One-family dwelling with professional office located therein, provided that said professional office is separate and distinct from the living quarters: One-Hundred, Forty-Four Dollars (\$144.00) per quarter.

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- E. Mother/Daughter: One Hundred Forty-Four Dollars (\$144.00) per quarter

,,,,,174-39. NON-RESIDENTIAL CHARGES:

- A. For each single commercial, industrial or other type of enterprise, including schools, churches, municipal facilities, charitable organizations, hospitals and nursing homes, there shall be a minimum charge in the sum of **EIGHTY-THREE DOLLARS (\$83.00)** per quarter, based upon water

usage of **SEVENTEEN THOUSAND (17,000)** gallons per quarter, with an additional charge of **FIVE DOLLARS (\$5.00)** per thousand gallons for use in excess thereof. The quarterly charge for each subsequent quarter, however, shall be based upon the water usage and charge for the first quarter of that particular year, except in those cases where such quarterly estimations are not representative of actual annual use.

B. In those establishments set forth in Subsection A of this Section; which are not connected to the Borough's water system, but are connected to the local sewerage system, a water meter will be furnished by the Borough, at the owner's expense, at the costs set forth below, with installation of said meter at the owner's own cost and expense. Water meters shall be charged in accordance with the following schedule:

1. One (1") inch meter with connection: one hundred fifty (\$150.) dollars.
2. One-and-one-half (1½") inch meter with connection: two hundred (\$200.) dollars.
3. Two (2) inch meter with connection: two hundred fifty (\$250.) dollars.

174-39.1 USER APPLICATION PROCEDURES AND CHARGES FOR USE OUTSIDE THE BOROUGH:

Provisions for sewer service for uses outside the Borough connected to the local sewage system shall be subject to the following procedures and fees:

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- A. Application shall be submitted on forms available in The office of the Department of Development accompanied by application and escrow fees herein specified.
- B. Applicants shall also post an Escrow Review Fee sufficient to allow for the required review and negotiation efforts by Professionals/staff. \$750.00 shall be posted for residential applications and \$1,000.00 for non-residential applications. These escrow fees shall be an initial deposit with the understanding that additional monies may be required for deposit if review dictates.
- C. The Governing Body shall constitute the approving authority based upon recommendation from the Borough Engineer. Governing Body approval shall be subject to approval of the Pequannock, Lincoln Park and Fairfield Sewerage Authority (TBSA). Governing Body approval shall also be contingent upon approval of a satisfactory contract with the municipality within which the applicant's property is located containing agreement that service to applicant shall be subject to the Ordinances and regulations of the Borough and the Rules and Regulations of the TBSA. The applicant

shall also be a party to the contract.

D. Service fees shall consist of three (3) basic elements as follows:

1. A fee which relates to water consumption and which will be determined by using the rates established by Borough Ordinance.
2. A one time fee in the sum of \$500.00 per dwelling unit for residential uses and a minimum fee of \$1,000.00 for non-residential uses based upon \$1.50 per gallons per day (gpd) estimated sewerage flow in accordance with average daily volume of sewerage standards as set forth in **N.J.A.C. 7:9A-1.1** which compensates for the supplementary expenditures made by the Borough to offset the budget shortfall caused by insufficient sewer user revenues in order to meet TBSA treatment expenses.
3. Administrative and maintenance fixed at 10% of #1 above.

174-39.2 SEWER CONNECTION FEE:

In addition to any and all other applicable fees and charges, all new sewer connections shall be assessed a one-time Sewer Connection Fee of Two-Thousand, Seven-Hundred, Eighty-Five (\$2,785.00) Dollars.

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174-40. PAYMENT; LIENS; INTEREST:

- A. The owner of each building or structure connected with the local sewerage system shall be responsible for the payment of bills rendered by the Sewer Division or other agency of the Borough designated for the collection thereof for use, inspection or connection of or with the sewer system.
- B. All sewer connection, use or inspection charges, until fully paid, shall be a lien against the premises on which the building or structure serviced is located.
- C. All bills for sewer service shall be rendered quarterly, unless the Borough should decide subsequently to render them on a semi-annual or annual basis. No bill shall be rendered for less than the minimum charge for the time elapsed, as determined by the above fees and charges. All bills not paid within thirty (30) days of the billing date shall be charged interest at the rate of twelve (12%) percent per annum from the date of the bill to the date of the payment. Statutory rights of collection, as provided by statute, are reserved to the Borough.

174-41. INDUSTRIAL COST RECOVERY:

There is hereby adopted by the Mayor and Council of the Borough of Lincoln Park, for the purpose of complying with the regulations of the United States Environmental Protection Agency, that certain industrial cost recovery system of the Pequannock, Lincoln Park and Fairfield Sewerage Authority, dated July 1979, of which a copy is now filed in the office of the Borough Clerk, and the provisions shall be controlling within the limits of the Borough of Lincoln Park.

ARTICLE VI

EXTENSIONS

174-42. HOUSING; INDUSTRIAL AND COMMERCIAL DEVELOPMENTS:

- A. Builders and developers shall construct sanitary sewers and shall install and connect service laterals and building sewers for every residential, commercial, industrial or other unit within the development prior to the individual sale or use thereof. The builder or developer must comply with all requirements and provisions of this Part 1. Plot plans for such development must be submitted to the Borough for approval prior to any construction.

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- B. All sewer plans shall conform to specifications established by the Borough for the construction of a sanitary sewage collection system as set forth in Contracts One, Two, Three and Four, prepared by Peter S. Marra and filed in the Office of the Borough Clerk. Pipe size and type, location of mains, grades, methods of laying pipe and the type of appurtenances and construction thereof shall be subject to the approval of the Borough Engineer and the New Jersey Department of Environmental Protection (DEP). New sewer lines shall, at all times, be extended to connect to the local sewerage system. The Engineering fees and charges for permits shall be paid to the Borough by the builder or developer. Upon approval of such plans by the Borough, the extensions may be constructed by and at the expense of the builder or developer, but only under inspection by the Engineer or his designee. The cost of such inspection, including salaries and expenses, shall be borne by the builder or developer.
- C. Upon completion of the sewerage system for a Development And following formal acceptance by the Borough, the ownership of the sewer system shall be deeded to the Borough, after which time the Borough shall assume all maintenance which may be specifically excluded at the time of formal acceptance.

ARTICLE VII

PEQUANNOCK, LINCOLN PARK AND FAIRFIELD SEWERAGE AUTHORITY

174-43. ESTABLISHMENT OF AUTHORITY:

- A. Pursuant to the provisions of Paragraph c) of Section 4 of the Sewerage Authorities Law of the State of New Jersey, there is hereby created a public body corporate and politic under the name and style of the "Pequannock, Lincoln Park and Fairfield Sewerage Authority".
- B. The Pequannock, Lincoln Park and Fairfield Sewerage Authority is and shall be an agency and instrumentality of the three (3) municipalities, created by parallel Ordinances duly adopted by their Governing Bodies, and is a sewerage authority as contemplated and provided for by the Sewerage Authorities Law and shall have and exercise all of the powers and perform all of the duties provided for by the Sewerage Authorities Law and any other statutes heretofore or hereafter enacted and applicable thereto.
- C. The Authority shall consist of six (6) members thereof, and two (2) of such members shall be appointed by the Governing Body of each of the municipalities, in accordance with the provisions of the Sewerage Authorities Law.
- D. Members of the Pequannock, Lincoln Park and Fairfield Sewerage Authority, may receive compensation for their services as members of the

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Authority within the limitation hereby stated that no member shall receive in excess of two thousand five hundred (\$2,500.) dollars per annum.

174-44. PURPOSE:

- A. The purpose of this Article is to provide an efficient means for the enforcement of Rules and Regulations regulating the making of connections to and regulating the discharge into the sanitary sewer system operated by the Pequannock, Lincoln Park and Fairfield Sewerage Authority, pursuant to the provisions of **N.J.S.A. 40:14A-23** and **Section 502** of the service agreement between the Borough of Lincoln Park and the Pequannock, Lincoln Park and Fairfield Sewerage Authority.
- B. All building sewers, building drains and plumbing systems and their uses shall conform to the applicable provisions of the Authority's Rules and Regulations not otherwise provided for in this Article.

174-45. VIOLATIONS AND PENALTIES:

Any person violating the Rules, Regulations or emergency proclamations of the Authority in the Borough of Lincoln Park shall be subject to the fines and penalties set forth in Article III, Section 1-15 of this Code (General Penalty), in the discretion of the Judge imposing the same, and the Municipal Clerk of the Borough of Lincoln Park shall have jurisdiction in actions for the violation of such Rules and Regulations, which shall

be enforced by like proceedings and processes as those provided by law for the enforcement of Ordinances of the municipality. In the event of a continuing violation, each day the violation continues shall be deemed a separate and distinct violation. The Officers authorized by law to serve and execute processes in the Municipal Court shall be the Officers to serve and execute any processes issued of the Municipal Court for violations of the Rules and Regulations of the Authority. The Administrator of the Authority is hereby designated as the Enforcement Officer for this Article.

174-46. DISPOSITION OF FINES AND PENALTIES:

All moneys collected either as fines or penalties, but not court costs, for any violations of the Rules and Regulations of the Authority under any provisions of this Article shall be forthwith paid over to the Authority by the custodian of the municipal funds.

ARTICLE VIII

ENFORCEMENT

174-47. NOTICE OF VIOLATION; ABATEMENT:

Any person who violates any provision of this Part 1 shall be served by the

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Borough with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

174-48. VIOLATIONS AND PENALTIES:

Any person who continues any violation beyond the time limit provided for in the notice described in 174-47 above shall, upon conviction thereof, be punished by a fine not exceeding five hundred (\$500.) dollars or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation continues.

174-49. LIABILITY FOR LOSSES OR DAMAGES:

Any person who violates any provision of this Chapter shall be liable to the Borough for any expense, loss or damage incurred by the Borough by reason of such violation.

174-50. LIABILITY OF BOROUGH:

The Borough shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any building or structure. The Borough shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs or failure from any cause beyond its control. The Borough reserves the right to restrict the use of sewer service whenever public welfare may require. The owners of improved property, upon connection to the local sewerage system, assume all liability and waive any claim

against the Borough on account of breakage or stoppage of or any damage or expense to any service lateral or building sewer.

PART 2

INDIVIDUAL AND PRIVATE DISPOSAL SYSTEMS

ARTICLE IX

ADOPTION OF STANDARDS

174-51. ESTABLISHMENT:

A Code regulating the location, construction, use, maintenance and method of emptying or cleaning individual sewage disposal systems and the issuance of licenses or permits to locate, construct, empty or clean such systems and fixing penalties for the violation thereof, except, however, certain Sections of such Code hereinafter more particularly set forth, is hereby established pursuant to the provisions of **N.J.S.A. 26:3-69.1 to 26:3-69.6 (P.L. 1950, c.188)**.

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174-52. AMENDMENTS:

The Code established and adopted by this Article is described and commonly known as the "Standards for Individual Subsurface Sewage Disposal Systems (1989)". The Sections of such Code which are not intended to be adopted by this Article, all of which are plainly marked in the copy thereof hereto annexed, are as follows:

- A. Section 2.12: dealing with the location of private sewage disposal system.
- B. Section 4.2: dealing with the construction of building sewers.
- C. Section 5.1: dealing with the septic tank capacities.
- D. Section 5.2: dealing with the septic tank capacity when domestic garbage grinder units are installed.
- E. Section 5.6: dealing with the construction material of Septic tanks.
- F. Section 8.4.

174-53. COPIES ON FILE:

Three (3) copies of the Individual Sewage Disposal System Code of New Jersey (current issue), with the deletions similarly marked, have been placed on file in the office of the Borough Clerk upon the introduction of this Article and will remain on file in such office for the use and examination of the public.

ARTICLE X

ADDITIONAL REGULATIONS

174-54. USE OF INDIVIDUAL SYSTEMS:

Individual sewage disposal systems or other means of private sewage disposal shall not be approved where a sanitary sewer is available within one hundred fifty (150') feet of the property line pursuant to 174-5.

174-55. BUILDING SEWERS:

Building sewers shall be constructed in accordance with Article II of this Chapter.

174-56. SEPTIC TANK CAPACITIES:

Septic tanks shall have the following minimum capacities:

- A. A one family dwelling shall have a septic tank with a Minimum capacity of one thousand (1,000) gallons and shall have a liquid depth not less than four (4') feet.

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- B. When serving installations other than single family dwellings, capacities shall be one-and-one half (1½) times the daily flow determined from Section 2.2 of the State Code or one-and-one half (1½) times the estimated flow approved by the administrative authority up to flow of two thousand (2,000) gallons per day, but in no case shall the capacity be less than one thousand (1,000)gallons. Septic tank volumes for flows between two thousand (2,000) gallons per day and six thousand (6,000) gallons per day may be equal to two thousand two hundred and fifty (2,250), plus thirty-seven hundredths (0.37) Q, where Q is equal to the flow in gallons per day. Capacity of septic tanks for flows over six thousand (6,000) gallons per day shall be at least three-fourths (3/4) of the daily flow.

174-57. GARBAGE GRINDERS:

The installation and subsequent operation of garbage grinder units for garbage disposal is hereby prohibited.

174-58. CONSTRUCTION OF SEPTIC TANKS:

Septic tanks shall be constructed only of pre-cast reinforced concrete.

174-59. PERMITS:

No person shall locate, construct or alter any individual sewage disposal system until a permit for such location, construction or alteration of such sewage disposal system shall have been issued y the Department of Health. Such permit shall be valid for the period of one (1) year, and renewals thereof shall be subject to a new percolation

test and soil log.

174-60. APPROVAL OF SYSTEM:

New individual disposal systems shall not be placed in operation nor shall new dwellings or buildings or additions thereto be sold or occupied which must rely on such a system for sewage disposal until the Department of Health shall have issued a Certificate indicating that the disposal system has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid Code. Issuance of such Certificate shall not be required for alterations to an existing individual sewage disposal system.

174-61. LICENSES FOR CONSTRUCTION OF PRIVATE SYSTEMS:

No person shall engage in the business of constructing, renovating, altering or modifying disposal systems, cesspools or privies unless such person shall first obtain a license to engage in such business. Such license shall expire on the 31st day of December next succeeding the date of issue and may be renewed by the Department of Health.

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174-62. EXAMINATION OF LICENSE APPLICANT:

The Department of Health may require an examination of the fitness and ability of any applicant notwithstanding that a license may have been granted such applicant at any time prior thereto. The license may be revoked for failure of the licensee to comply with the provisions of the Code or any other rule or Ordinance of the Department of Health.

174-63. APPEALS:

In case any license or permit or certification required by this Article is denied by the Department of Health, a hearing shall be held thereon before the Department within fifteen (15) days after request therefore, in writing, is made by the applicant. Upon such hearing, the Department shall affirm, alter or rescind its previous determination and take action accordingly within fifteen (15) days after the date of the hearing.

174-64. STOP WORK ORDERS:

The Department of Health may order all further work in and about any individual sewage disposal system which is being erected or installed in violation of the Code to be stopped forthwith, except such work as shall be necessary to remedy such violation and, thereafter, the work continued without any violation of any of the provisions of the Code, and, after issuance connected with or working in and about the erection or installation of any such disposal system or any part thereof no further work shall be done thereon except as aforesaid.

174-65. RESTRICTIONS ON USE OF SEPTIC TANKS:

- A. No septic tanks or appurtenances shall be constructed, repaired or rebuilt within the Borough unless a permit for the constructing, repairing or rebuilding thereof shall have been issued by the Department of Health upon a written application therefore filed by the owner of the property on which it is proposed to construct such a tank or his duly authorized representative. The application shall accompanied by a sketch showing the proposed installation in detail and clearly indicating the location of the property upon which the proposed septic tank is to be built. The location of the tank must be approved by the Department of Health before a permit for the construction of such tank will be issued.
- B. No building permit shall be issued by the Building Inspector for the construction, alteration or modification of a building requiring sanitary facilities in the Borough until and unless the application for such permit has been approved by the Department of Health.
- C. Septic tanks hereinafter installed shall be covered with at least one (1') foot of earth.

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- D. When the septic tank is in place and all laterals or seepage beds are constructed or the seepage bed is completed, the tire work shall be left open until inspection is made by the Inspector. When it is ready for inspection, the Department or the Inspector shall be notified twenty-four (24) hours in advance of the desired inspection.
- E. If the workmanship or materials are found defective or are not in accordance with the above specifications, they shall be corrected within one (1) week to conform to the specifications hereinabove set forth, and a fee of five (\$5.00) dollars shall be paid to defray the expense of each subsequent inspection which shall be made by the Inspector and in the same manner as the first inspection.
- F. No building shall be occupied as a dwelling until final inspection is made, and the contractor shall be responsible for the proper condition of the work until it is finally approved, as evidenced by a Certificate of Occupancy.
- G. No Certificate of Approval shall be issued by the Inspector until and unless the work is performed in a thoroughly workmanlike manner and the materials are of the type and standards above specified and all inspection fees have been paid.

174-66. CORRECTIONS OF DEFECTIVE SEPTIC TANKS:

Any existing septic tank found upon inspection by the Inspector, to be defective or inadequate shall, upon written notice from the Inspector to the owner or his agent, be correct to comply with the provisions of this Code within the time specified in the notice.

174-67. CARE AND OPERATION OF SEPTIC TANKS:

Septic tanks shall be caused to be emptied by the occupant or owner of the premises served by such tank when, in the judgment of the Department of Health, such emptying becomes necessary in the interests of the health of the community. Upon failure to empty a septic tank within the specified time in a written notice from the Department of Health, the Department of Health shall cause the work to be done and the cost charged to the property upon which such septic tank is located.

174-68. PERMIT FOR EMPTYING SEPTIC TANKS:

The contents of any septic tank, cesspool, privy or other receptacle containing human excrement shall not be removed until a permit for such removal has been obtained from the Department of Health.

174-69. MODIFICATION OF SEPTIC TANK SPECIFICATIONS:

Where soil or other conditions make it impossible to comply with the specifications hereinabove set forth respecting septic tanks, the Department of Health may, in its discretion and upon a written application from the owner of the property

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affected, permit such modifications of the above specifications as, in the judgment of the Department of Health, are advisable and as are not inimical to the health of the citizens of the Borough.

174-70. CHEMICAL TOILETS AT CONSTRUCTION SITES:

The Department of Health requires of all contractors that portable toilets of the chemical type acceptable to the Department are provided for the use of their construction workers. The contractor is required to maintain such toilets in a sanitary manner as approved by the Department. See also Section E 200, Paragraph 2.7 of the Plumbing Code of New Jersey.

174-71. MAINTENANCE OF PRIVATE SYSTEMS:

No owner, tenant or occupant of any premises shall allow the contents of any sewage disposal system to overflow therefrom or to become offensive to sight or smell, nor shall any person throw, cast, place or deposit in any sewage disposal system or other such place any dead animals, swill, ashes, garbage, rubbish, offal or any substance not appropriate to the purpose for which the system was intended.

174-72. LOCATION OF SEPTIC TANKS; INSPECTIONS:

No portion of laterals or seepage beds or cesspools used for the reception or storage of human excrement or other wastes shall hereafter be built or maintained within ten (10') feet of the line of any street, road, lane or alley or within ten (10') feet of any party line or fence of the adjacent lot or lots or within twenty (20') feet of the foundation wall of any house or within one hundred (100') feet of any well, spring or

stream of water, unless otherwise permitted by the Department of Health. No sewage disposal system or other such place shall be completed nor shall any cover be put upon the same until it has been inspected by an inspector of the Department of Health and has been found to comply with the terms of the permit and the provision of this Code.

174-73. REVOCATION OF PERMITS:

Any permit issued for the construction of any sewage disposal system or other such place or for the emptying or cleaning of a sewage disposal system or other such place may be revoked by the Department of Health at any time if the owner or tenants of the property on which the sewage disposal system or other such place is located shall maintain the same in violation of law or of the State Sanitary Code or of this Code or of any rule of the Department.

174-74. REGISTRATION OF SCAVENGERS:

No scavenger shall operate without first annually registering with the Department and exhibiting a valid Public Utility Commission permit and demonstrating that all vehicles and equipment intended for use in the Borough and the premises from which the registrant's business is conducted comply with the Individual Disposal System Code and other applicable Ordinances.

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174-75. SCAVENGER'S LICENSE:

No person shall engage in the business of cleaning sewage disposal systems in the Borough without obtaining a license known as a "Scavenger's License" from the Department of Health to do so, which license shall continue for the term of one (1) year from the date of granting. Such license may be revoked, after hearing, by the Department if the licensee or his employee or agent shall violate any Section of this Code or any Ordinance or rule of the Department in cleansing of any sewage disposal system or in removing the contents thereof.

174-76. VEHICLE SPECIFICATIONS FOR SCAVENGERS:

All vehicles or conveyances used in the business of scavenging in the Borough shall be such as may be approved by the Department of Health; they shall be kept clean and inoffensive, and receptacles shall be kept covered tightly, with covers of approved type, except when opened for the loading or discharge of contents or for cleaning. No vehicle so used shall stand in the streets except while being loaded. The materials collected or handled by any scavenger shall be disposed of outside the limits of the Borough.

174-77. ILLEGAL DRAINAGE:

It shall be unlawful to construct any drain or sewer or pour foul liquids on the surface of the ground in such a manner as to become a source from which offensive odors shall emanate or in such manner as to pollute the ground, air or water or to be a risk of detrimental to the health of persons living or passing in the vicinity thereof, and any such act is hereby declared to be a nuisance.

174-78. PUBLIC LAVATORIES:

The owner, tenant, manager or other person in charge or control of any premises in the Borough wherein a public lavatory, washroom, comfort station or other place of a like nature to which the general public has the right to access is maintained shall keep the place in a sanitary condition at all times and shall provide a sufficient quantity of individual towels so that each person using such public lavatory shall have a separate, clean towel for his use; such separate towels shall, after one (1) use, be disposed of in a waste receptacle and not used again, except, if cloth towels, they shall have been thoroughly cleansed, boiled and sterilized.

174-79. FEES AND CHARGES:

The following fees and charges are herewith established:

- A. For the observation and witnessing of all soil logs, pit bailing tests, basin flooding test, and/or any other soil/site studies as may be required by the Administrative Authority:

\$150.00 per proposed realty improvement

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- B. For the observation and witnessing of all soil logs, pit bailing tests, basin flooding test, and/or any other soil site studies as may be required by the Administrative Authority:

\$50.00 per realty improvement

- C. For the filing of an application and plans for a permit to locate and install individual sewage disposal system:

\$150.00

- D. For the filing of application and plans for a permit to alter an individual sewage disposal system:

\$50.00

- E. For the filing of an application to repair an individual sewage disposal system;

\$25.00

- F. License to operate individual subsurface sewage disposal system (3 year license);

\$15.00

- G. For each re-inspection of an individual sewage disposal or part thereof

caused by the failure of the permittee to locate and construct or alter the same in accordance with the terms of the permit issued or the terms of the aforesaid Code;

\$50.00

H. Issuance of Certificate of Compliance;

NO FEE

174-80. PENALTIES:

Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed five hundred (\$500.) dollars or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fines and imprisonment, and each violation of any of the provisions of this Ordinance, and each day the same is violated shall be deemed and taken to be a separate and distinct offense. The application of the above penalty shall not be held to prevent any proceeding for suspension or revocation of licenses or permits.