

ORDINANCE NO. 96-2

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF POTTSVILLE, STATE OF ARKANSAS AS FOLLOW:

SECTION 1 - GENERAL PROVISIONS

1.0. Short Title:

This Ordinance shall also be know as the Sewer use Ordinance.

1.1 Purpose and policy:

a. This Ordinance sets forth the regulations governing the use of public and private sewers and drains, the discharge of wastes into the City of Pottsville wastewater collection system and to comply with all applicable Federal, State and local laws and regulations.

b. The objects of this Ordinance are:

(1) To prevent the introduction of pollutants into the waters of the state.

(2) To protect the health, welfare and safety of the citizens of the city of Pottsville from the improper disposal of sanitary wastes, garbage or other objectionable waste.

(3) To provide regulations for the disposable of private sanitary waste, and to provide for the regulated use of the City of Pottsville's wastewater treatment and collection system.

(4) To prevent the introduction of pollutants into the City's wastewater treatment and collection system which will interfere with the operation of the system or which will pass through the system inadequately treated.

(5) To prevent any violation of the City's National Pollution Discharge Elimination System ("NPDES") Permit.

(6) This Ordinance provides for the regulation of disposal and collection of domestic sewage through the issuance of permits, the enforcement of the proper disposal of domestic wastes and pollutants contained therein, and connection to and use of the City's wastewater collection system.

(7) It is in the best interests of the City to clarify and update its existing Use Ordinance through the provisions of this Ordinance. It is further intended that this Ordinance shall take precedence over any term or condition of agreements or contracts of the City which are inconsistent with the provisions of this Ordinance, over any and all inconsistent terms and conditions of any previous Ordinance.

1.2. Definitions:

- a. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(1) Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under laboratory conditions of five (5) days at 20 degree centigrade and measured using approved analytical procedures. Expressed in mass loading or concentration.

(2) Building Drain: That part of the lowest horizon piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

(3) Building Sewer: The extension from the building drain to the collection system or other place of disposal, also called house connection

(4) City: The of Pottsville or its City Council.

(5) Control Authority: The operators of the City of Pottsville's water and wastewater treatment system.

(6) Easement: An acquired legal right for the specific use of land owned by others.

(7) Floatable Oil: Is oil, fat, or grease in a physical state that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

(8) Garbage: Animal and vegetable waste resulting from the handling, preparation, cooking as distinct from domestic or sanitary wastes.

(9) Industrial Wastes: Wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

(10) May is permissive; Shall is Mandatory.

(11) Natural Outlet: Any outlet, including storm sewers and combined sewer overflows, that discharges into a water-course, pond, ditch, lake, or other body of surface water or groundwater.

(12) Person: Any individual, partnership, co-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.

(13) pH: A measure of the acidity of a liquid expressed as the negative logarithm (base 10) of the hydrogen ion concentration stated in Standard Units, "SU's."

(14) Properly Shredded Garbage: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

(15) Publicly Owned Treatment Works ("POTW"): A treatment works as defined by section 212 of the Act, Title 33 U.S.C. 1292, which is owned by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipe, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the City, users of the

City's POTW.

(16) POTW Treatment Plants: That portion of the POTW designed to provide treatment of wastewater.

(17) Public Sewer: A common sewer controlled by the City.

(18) Sanitary Sewer: A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not intentionally discharged.

(19) Sewage: The spent water of a community. The preferred term is "wastewater."

(20) Sewer: A pipe or conduct that carries wastewater.

(21) Slug: Any discharge of waste or wastewater which in concentration of any given constituent or in quality of flow exceeds for fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

(22) Storm Drain: A drain or sewer (Sometimes termed "storm sewer") for conveying water, groundwater, subsurface water, or unpolluted water from any source.

(23) Total Suspended Solids (TSS): The total concentration of matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, which is removable by laboratory filtering and measured using approved analytical procedures.

(24) Unpolluted Water: Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

(25) Users: Any person who, directly or indirectly, contributes, causes or permits the contribution of wastewater into the City's POTW.

(26) Wastewater: The liquid and water-carried industrial or domestic wastes from dwellings, commercial building,

industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(27) Wastewater Facilities: The structures, equipment, and process required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

(28) Wastewater Treatment Works: An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or POTW.

(29) Watercourse: A natural or artificial channel for the passage of water either continuously or intermittently.

SECTION 2 - OFFICE OF SEWER INSPECTOR

2 . 1 . Creation, Appointment and removal:

- a. The office of Sewer Inspector is hereby transferred to the direct control of the Control Authority. The office shall be filled by personnel appointed and under the direct control of the Control Authority.

2 . 2. Duties:

- a. It shall be the duty of the Sewer Inspector to inspect all connections made by any person of any sewer or drainage pipe with the public sewers of the city and to require all such connections to be made in accordance with the provisions of this article. It shall be his duty to inspect all such connections within a reasonable time after being called for such purpose by any person holding a permit for such connection,

SECTION 3 - USE OF PUBLIC SEWERS REQUIRED

3.1. General Prohibition:

- a. It shall be unlawful for any person to place, deposit, or permit to be deposited on public or private property within the City

or in any area under the jurisdiction of the City, any human excrement, garbage, or objectionable waste.

- b. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. The issuance of a valid National Pollutant Discharge Elimination System Permit covering such discharges into a natural outlet shall be considered as meeting all requirements of this section.
- c. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of wastewater.
- d. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City 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 City, is hereby required, at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this ordinance, within 30 days after the date of official notice to do so, provided that said public sewer is within 300 feet of the building.

SECTION 4 - PRIVATE WASTEWATER DISPOSAL

- 4.1 Where a public sanitary sewer is not available under the provisions of Section 3.1.d., the building sewer shall be connected to a private wastewater disposal system which meets the requirements of the Arkansas Department of Health and the Arkansas Department of Pollution Control and Ecology.
- 4.2. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 3.1.d., a direct connection from the building shall be made to the public sewer within 30 days in compliance with this ordinance. The sludge will be removed from the existing tank and the tank then backfilled with gravel or soil.
- 4.3. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

SECTION 5 - BUILDING SEWERS AND CONNECTIONS (GENERAL)

- 5.1** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Control Authority.
- 5.2** There shall be two classes of building sewer permits; (a) for residential and commercial service, and (b) for services to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Control Authority. A permit and inspection fee for residential or commercial permits and for industrial permits shall be paid to the Control Authority at the time the application is filed. No person shall be eligible to obtain a permit for residential or commercial service unless he has a Master Plumber's License to do business under the laws of the State of Arkansas, or for a residence, the person is the owner residing at the residence and doing the construction himself. Fees shall be set forth in the City's Schedule of Charges and Fees.
- 5.3.** All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City and Control Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 5.4.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as a one building sewer.
- 5.5.** Old building sewers may be used in connection with new buildings only when they are found, on examination, and tested at the owner's expense in a manner approved by the Control Authority, to meet all requirements of this Ordinance.
- 5.6.** All new sewers and related construction work must be properly designed and constructed. For all collectors, interceptors, grease/grit trap and building sewers, the size, slope, alignment, material of construction, and the methods used for excavating, placing, jointing, testing, and backfilling, shall all conform to the requirements of the building and plumbing code or

other applicable rules and regulations of the City, Control Authority and the State of Arkansas, The materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 (latest edition) shall apply.

- 5.7. Whenever possible, the building sewer shall be brought to the building at elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a pumping station, approved by the Control Authority, and discharged to the building sewer.
- 5.8. No person shall make or maintain connections of roof downspouts, foundation drains, area drains, or other sources of surface runoff, rainfall or groundwater to a building sewer or building drain which in turn is connected directly to the building sewer.
- 5.9. No person shall, without written approval of the Control Authority, Construct a new building with the lowest floor elevation below the top of the nearest downstream manhole from the point of connection of the building's sewer system to the sewer main.
- 5.10. All connections into the public sewer shall conform to the requirements of the building and plumbing code or other applicable standard specifications, rules and regulations of the City or Control Authority. In the absence of City or Control Authority rules and regulations, the specifications and procedures set forth in appropriate standard specifications of the ASTM and WEF Manual of Practice No. 9 (latest edition). All such connections shall be made gastight and watertight and shall be verified by proper testing.
- 5.11. All excavations for building sewer installation shall be adequately guarded with barricades and warning lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City and Control Authority.
- 5.12. The applicant for the building sewer permit shall notify the Control Authority when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Control Authority or its representative.

SECTION 6 - INSTALLATION, CONNECTION AND ABANDONMENT

- 6.1. Duties of Developer and Subdivider:

- a. In the development of any addition to the City in which there is to be a sewer main constructed, the developer shall install on the sewer main a connection for house service at all lots or building sites in the addition or subdivision. The connection shall extend to the property line of each building site or lot and past any proposed hard surface street or, should no street be involved they shall extend from the sewer main to the property line of each building site or lot a distance of not less than four (4) feet from the sewer main.
- b. In the event any lot or group of lots are subdivided to create an additional building site or sites, then the subdivider shall install a sewer tap on the building site or sites.
- c. All house services shall be accurately located on the sewer construction plans and be delivered upon completion to the Control Authority in accordance with the Control Authority Standard Specifications.

6.2. Connection, Sewer Service - Specifications:

- a. All connections with any public sewer shall be made with a sewer pipe of suitable size not less than four inches in diameter, inserted into a service stub connected to a "Y" or manhole. If there is no service stub in place, the individual making the connection shall notify the Control Authority. The Control Authority shall install a service stub as required, for which the responsible developer or the individual shall be charged actual costs.
- b. All house sewer service lines shall be of PVC gravity sewer pipe SDR-26, Schedule 40 PVC Pipe ASTM D 1785; or ductile iron gravity sewer pipe, ASTM 746; and when specified by an engineer, cast-iron soil pipe, ASTM A 74-75 or CISPI 301-72 cast-iron 301-72.
- c. On all new house sewer service lines there shall be placed a sewer cleanout near the dwelling and should the house sewer service line extend more than ninety feet, a second cleanout plug shall be placed within ninety feet of the first cleanout plug. Further no line shall be constructed with a distance of more than ninety feet between cleanout plugs.
- d. Should existing lines be cut for cleanout purposes at or near the property line, then a cleanout plug shall be install at the place of the

line cut.

6.3. Responsibility For Maintenance:

It shall be the property owner's responsibility to maintain the house sewer service line from the dwelling to the owner's property line. Also, the property owner shall be responsible for the cleanout of any stoppage of the sewer service line from the sewer main to the dwelling or other types of structures. The Control Authority shall be responsible for repairs of the sewer service line from sewer main to the property line. In the event of new construction where it is necessary to cross the street with the house service line, the property owner shall notify the Control Authority and the Control Authority shall give an estimate of cost to the property owner and upon the deposit of the estimate with the Control Authority, The Control Authority will proceed to extend the sewer service from main to customer's property line according to the Control Authority's specifications. Upon the completion of the line, should the estimate be too high the balance will be refunded to the property owner, and should the estimate be too low the property owner shall reimburse the Control Authority for the balance.

6.4. Covering of Excavation; Responsibility for Inspection:

- a. It shall be unlawful for any person making a connection of any sewer or drain pipe to any of the public sewers to fill in or cover up the excavation made for such connection, until the connection from the sewer to the foundation of the structure connection has been inspected and approved by the sewer inspector, and approval endorsed by the inspector on the duplicate permit issued by the Control Authority.
- b. The responsibility of having a sewer line ready for inspection and notifying the inspector shall rest upon the property owner and/or contractor.

6.5. Damages:

Any person who is engaged in making a connection of a sewer or drain pipe with any public sewer, who shall knowingly damage the main sewer pipe, by cracking, breaking or otherwise create an infiltration or inflow condition on the sewer system, shall be deemed guilty of a misdemeanor. If the person causing the damages, whether intentionally or otherwise, shall fail to repair or replace the damaged portion upon the request of the inspector, he shall be barred from making any other connections with

any of the public sewers, and the Control Authority is hereby authorized to refuse him a permit and such person may be subject to criminal penalties or civil recovery as set forth herein.

6.6 Requirement of Permit; Requirement of Plumbers License:

It shall be unlawful for any person to make a connection of a sewer or drainage pipe with any public sewer without first having obtained a permit from the Control Authority. No person shall be eligible to obtain a permit unless the connection to the public sewer is performed by a plumber licensed under the laws of the State of Arkansas, except as noted in sub-section 5 .2 . of this Ordinance.

6.7. Permit application, Contents of Permit, Reinspection:

- a. When any person desires or is required to connect any building to the public sewers of the City, the person shall file an application for a permit with the Control Authority.
- b. The permit application shall state:
 - (1) When the connection is desired to be made;
 - (2) The owner of the property to be connected;
 - (3) The occupant of the property;
 - (4) The person performing the construction;
 - (5) The lot and property desired to be connected; and
- c. Upon approval of the control Authority and the payment of an appropriate fee as set forth in the City's schedule of charges and fees, the Control Authority shall issue a permit to make the connection at the location stated in the application.
- d. The permit will be substantially in the following form:

Permission is hereby granted to [person making the connection] to connect a sewer or drain pipe for [owner of property] with the public sewer at a point described in the application [location of connection, street address and lot, block, subdivision]. The connection shall be made in the manner required by the Arkansas State Health Department, and subject to the approval of the Control Authority.
- e. After the connection is made, the pipe shall be bedded, tested according to the rules and regulations of the Control Authority, and the ditch left open. The plumber or person making the connection shall then call the Control Authority for an inspection.

The inspector shall make every effort to make a prompt response. After the inspection is made, the inspector shall present a copy of the inspection tag to the person making the connection. In the event no one is there, the tag shall be left hanging in a conspicuous place.

- f. In the event a second inspection is required of any connection due to the workmanship of the person making the connection, an additional fee will be paid as set forth in the City's schedule of charges and fees.
- g. A duplicate of the permit shall, within five days after the connection has been made and approved, shall be filed with the Control Authority with the approval stated thereon. The Control Authority shall file and keep the permit.

SECTION 7 - USE OF THE PUBLIC SEWERS

7.1. Prohibited Discharges:

- A. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff or subsurface drainage to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewers or to a natural outlet approved by the City.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 - (3) Any water or waste having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

- (4) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, oil, fat, grease, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails and paper dishes, cups, milk containers, egg shells, etc., either whole or ground by garbage grinders.
- (5) Any substance which would preclude the selection of the most cost effective alternative for wastewater treatment and sludge disposal.
- (6) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Control Authority that such wastes can harm either the sewers, sewage treatment process, or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisances. In forming his opinion as to the acceptability of these wastes, the Control Authority will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:
 - a. Any liquid or vapor having a temperature higher than 150 degree F (65 degree C).
 - b. Any water or wastes containing fats, wax, greases, or oils, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify at temperatures between 32 and 150 degree F (0 to 65 degrees C).
 - c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Control Authority.
 - d. Any waters or wastes containing strong acid, iron pickling

wastes, or concentrated plating solution whether neutralized or not.

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Control Authority for such materials.

f. Any waters or wastes containing phenols or other tastes or odor producing substances, in such concentrations exceeding limits which may be established by the Control Authority as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Control Authority in compliance with applicable state or federal regulations.

h. any waters or wastes having a pH in excess of 9.5.

i. Materials which exert or cause; 1. Unusual concentrations of inert suspended solids (such as but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to sodium chloride, sodium sulfate). 2. Excessive discoloration (such as but not limited to dye, wastes and vegetable tanning solutions). 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load in the sewage treatment works. 4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

D. If any waters or wastes are discharged, or are proposed to be discharg-

ed to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 7.1.C. (6), and in which in the judgment of the Control Authority, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may: (a) reject the wastes, (b) require pretreatment to an acceptable condition for discharge to the public sewers, (c) require control over the quantities and rates of discharge, and/or (d) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges. If the Control Authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Control Authority and subject to the requirements of all applicable codes, ordinances and laws.

E. Grease, oil, and sand interceptors shall be provide when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing greases in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be of a type and capacity approved by the Control Authority and shall be located as to be readily and easily accessible for cleaning and inspection.

F. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

G. When required by the Control Authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Control Authority. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

H. All measurements, test, and analysis of the characteristics of waste and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manholes. In the event that no special manhole has been required, the control manhole

shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

I. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment by the industrial concern.

SECTION 8 - POWER AND AUTHORITY OF CONTROL AUTHORITY.

1. The Control Authority and other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter all properties for the purpose of inspection, observation, measurements, sampling, and testing in accordance with the provisions of this chapter.

2. While performing the necessary work on private properties referred to in part one (1) above, the Control Authority or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to City employees except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 7 G.

3. The Control Authority and other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 9 - SEVERABILITY:

If any provisions, paragraph, word, section, chapter, or article of this ordinance is invalidated by any court or competent jurisdiction, the remaining provisions, paragraphs, words, sections, chapters, and articles shall not be affected and shall continue in full force and effect.

SECTION 10 - VALIDITY:

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistencies or conflicts. In case of conflict with any other ordinance, the more stringent provision shall be effective.

SECTION 11 - EFFECTIVE DATE:

This Ordinance being necessary for the health, safety and welfare of the citizens of Pottsville, an emergency is declared to exist, and this Ordinance shall take effect and be enforced from and after its passage, approval and publication, as provided by law.

PASSED AND APPROVED THIS 23 DAY OF May, 1996.

Carlisa J. Zutter (Acting Mayor)
MAYOR, CITY OF POTTSVILLE