

ORDINANCE NO. 3-2015

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN BY AMENDING, REPEALING AND REENACTING CHAPTER 177, ENTITLED "SEWERS", RELATING TO THE PROMOTION OF PUBLIC HEALTH, SAFETY AND WELFARE WITHIN THE SEWER DISTRICTS OF THE BOROUGH OF KUTZTOWN, PROVIDING FOR THE MANAGEMENT OF THE SEWER COLLECTION SYSTEM, ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION OF THE SEWAGE DEPARTMENT AND THE INSTALLATION OF SEWER LATERALS AND BUILDING SEWERS; REFERRING TO THE CHARGES THEREFOR; AND PROVIDING FOR ENFORCEMENT APPEALS, FINES AND PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of same as follows:

SECTION 1. Section 177-1 through Section 177-20 of the Code of the Borough of Kutztown are hereby repealed and amended to read as follows:

SECTION 177-1. Administration.

SECTION 177-2. Definitions.

SECTION 177-3. Service Applications.

SECTION 177-4. Subdivision and Land Development Applications.

SECTION 177-5. Industrial Applications.

SECTION 177-6. Special Conditions.

SECTION 177-7. Sewer Connection.

SECTION 177-8. Service Discontinuance.

SECTION 177-9. Pollutant Limitations.

SECTION 177-10. Access.

SECTION 177-11. Separate Services.

SECTION 177-12. Enforcement.

SECTION 177-13. Sewage Charges.

SECTION 177-14. Billings.

SECTION 177-15. User Deposit.

SECTION 177-16. Appeals

SECTION 177-17. Violations.

SECTION 177-1. Administration.

The management, regulations and operation of the Sewer System of the Borough of Kutztown, Berks County, Pennsylvania and all things pertaining thereto and arising in connection therewith shall be vested in the Sewer Department as previously established by Borough Council.

SECTION 177-2. Definitions.

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

APPROVED - shall mean a device or method that has been accepted by the Sewer Department as suitable for the proposed Use.

BOROUGH - the Borough of Kutztown, Berks County, Pennsylvania, acting through its Borough Council or duly designated employee or representative as designated by Borough Council.

BUILDING DRAIN - shall mean the lowest piping of a Drainage System which receives the discharge from soil, waste and other drainage pipes within the User's Premises and connects to the Building Sewer.

BUILDING SEWER - shall mean the part of a Drainage System which extends from the Building Drain to the Sewer connection and includes the Building Trap.

BUILDING TRAP - shall mean a fitting or fitting assembly installed in the Building Sewer.

CLEAN-OUT - shall mean an accessible opening protected by a removable device so as to permit access to the Drainage System for removal of obstructions.

CONNECTION FEE - shall mean fees payable by an applicant for connection to the Borough Sewer System, prior to such connection being provided by the Borough.

DOMESTIC SEWAGE - shall mean normal wastes from water closets, lavatories, showers, laundries and kitchens; but excluding process water, ground water, and discharge from sump pumps, waste water or industrial wastes.

DRAINAGE SYSTEM - shall mean all the piping within a Premise which conveys sewage or waste to the sanitary Sewer System, of the Borough at the Sewer Connection.

HOUSE CONNECTION - shall mean the place of connection at the building sewer end and sewer lateral.

LEAD FREE - shall mean solders and flux containing not more than 0.2% lead and pipes and fittings containing not more than 0.8% lead.

POLLUTION - shall mean any discharge other than Domestic Sewage.

PRETREATMENT FACILITIES - shall mean those facilities which are necessary to treat sewage or waste water so as, to meet the requirements of Section 177-9 of this Chapter.

PUBLIC IMPROVEMENTS REQUIREMENTS MANUAL or PIRM, - Shall mean the set of standards and -specifications governing the type and installation of Sewer System components and facilities as adopted and amended from time to time by Borough Council.

SCHEDULE OF RATES AND CHARGES - shall mean the sewer rates, charges or fees adopted and amended or revised from time to time by Resolution of Borough Council.

SEWER DEPARTMENT - shall mean the operating department organized and supervised by the Borough Council to manage and operate the Sewer System.

SEWER CONNECTION - shall mean the point of connection between the Sewer Lateral and Sewer system.

SEWER LATERAL - Shall mean that part of the Sewer System which extends to the Users Premises and receives discharge at the House Connection from the Building Sewer. The Sewer Lateral does not include the Building Trap.

SEWER SYSTEM - shall mean the existing waste treatment, pumping stations, force mains, truck lines, collection lines, manholes, sewer laterals and clean-outs and other facilities and properties, together with the appurtenant facilities and properties which the Borough now owns or hereafter may acquire from time to time,, including all property, real, personal and mixed,, rights, powers, licenses, easements, rights-of-way, privileges, licenses, franchises and other property or interest in property of whatsoever nature used or useful in connection with such facilities and together with all additions, extensions, alterations and improvements thereof or thereto which may be made or acquired from time to time by the Borough.

SYSTEM HAZARD - shall mean a condition posing an actual or potential threat of damage to the physical properties of the Sewer System, the User's System or an endangerment to the public's safety, health and welfare.

TAPPING FEE - shall mean fees payable by an applicant so as to be allowed to connect to and discharge into the Borough Sewer System as provided for by Act No. 203 of 1990 of the Commonwealth of Pennsylvania.

TENANT - shall mean, a Person who leases or rents Premises from a User.

USER - shall mean Person in control of any User's Premises who, prior to, upon or after the effective date hereof, has contracted or shall contract for connection to a User's Unit and/or a Person who, upon or after the effective date hereof, is being provided or will be provided with service for a User's Unit. It shall mean and include, as applicable, each of the following: a residential or non-residential (business, commercial, industrial or institution) establishment.

USER'S UNIT or USER'S PREMISES - shall mean:

- a. a building under one roof and occupied by one family or non-residential establishment; or
- b. a combination of buildings in one enclosure or group and occupied by one family or business; or
- c. one side of a double building or house having a solid vertical partition wall; or
- d. each room or group of rooms in a building occupied or intended for occupancy as a separate business or separate living quarters by a family and/or other group of persons living together or by a person living alone; or
- e. any trailer or mobile home occupied by one family or business; or
- f. any public building devoted entirely to public use, such as a school house,, house of worship or firehouse; or
- g. each apartment, condominium, office or suite of offices in a building or house having several such apartments, condominiums., offices or suites of offices and using in common one or more hallways and one or more means of entrances.

USER'S DRAINAGE SYSTEM - shall mean any Drainage System located on User's Premises in any manner connected to the Sewer System. A User's plumbing system is considered to be a User's Sewer System.

SECTION 177-3. Service Applications.

A. Applications for new sewer service or repair of existing sewer service shall be made by the User of the Premises to be served. Such application shall bind the applicant and all subsequent Users to which sewer service is to be furnished. The connection to the Sewer System represents a contract between the User and the Borough.

B. Except in the case of emergencies, ten (10) days written notice to the Sewer Department shall be given by a User desiring service or repair of service.

C. Applications for service or repair of service shall be submitted to the Borough Code Enforcement office in such form as is prescribed from time to time.

SECTION 177-4. Subdivision and Land Development Applications.

Connection permits shall not be issued to properties requiring subdivision and/or land development approval by the Borough and DEP Planning Module Approval until such approvals are granted and an agreement has been executed and recorded between the User and the Borough. The agreement shall contain, but not be limited to, the following conditions:

1. rights-of-ways;
2. escrow for the cost of the improvements;
3. provisions providing for the User to pay all engineering and legal cost incurred by the Borough;
4. provisions requiring testing and televising of all lines prior to the Borough accepting dedication of said lines;
5. provisions for the User to submit to the Borough "as-built" drawing showing location of manholes, mains, lateral connections and house connections and depths of same.

SECTION 177-5. Industrial Applications.

Connection permits shall not be issued to industrial Users until the following conditions are met and information submitted:

1. nature and concentration of any pollutants which may be discharged;

2. pretreatment methods;
3. average daily discharge;
4. completion of a wellhead protection permit application as required by Chapter 220 of this Code;
5. list of each product and amount of product on premises;
6. emergency preparedness plan.

The industrial user shall, upon an unpermitted discharge, immediately notify the Borough.

SECTION 177-6. Special Conditions.

A. Garages and service stations: garages, service stations or similar uses used for the cleaning and repair of vehicles and which provide floor drains for the collection of drainage or residue shall be provided with an interceptor to collect, but not be limited to, oil, gasoline, grease and similar fluids, as well as sand, grit and other solids.

B. Restaurants and food handling facilities; all food handling establishments shall install and maintain a grease trap and interceptor, as set forth in Chapter 163 of this Code.

C. Surface water: floor drains above the 100 year flood level may discharge into the Sewer System; floor drains below the 100 year flood level, except as noted in Section 177 - 6A shall not be discharged into the Sewer System. Surface water from floor drains, gutters, roof drains, trench drains or under drains shall be discharged into the Borough storm water system and/or to grade, in accordance with other applicable laws and Ordinances.

D. Cesspools, septic tanks and holding tanks: no cesspools, septic tanks or holding tanks shall be used or maintained upon any property which is connected to the Sewer System or which is required to be connected to the Sewer System. No cesspool, septic tank or holding tank shall be connected to the Sewer System.

SECTION 177-7. Sewer Connection.

A. All Sewer Connections hereinafter installed and/or replaced shall be made at the Borough Sewer Lateral and shall be installed as specified in the Pennsylvania Uniform Construction Code.

B. The Sewer Department shall install the Sewer Lateral from the sewer main to the property line. All Clean-Outs shall be placed a minimum of ten (10) feet upstream from the downstream property line unless conditions dictate an alternative location. Such locations shall be determined by the Sewer Department. For this installation, a Connection Fee, and when

applicable a Tapping Fee, shall be charged to the User as adopted from time to time by Resolution of Borough Council.

C. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Borough, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Borough.

D. All costs and expenses of acquisition, construction, operation and maintenance of a building sewer and of the lateral serving any improved property shall be borne by the owner of the improved property served thereby, unless otherwise provided by the Borough. All costs and expenses of connection of a building sewer to a lateral, and connection of a lateral to a sewer, including such costs and expenses of acquiring, installing, operating and maintaining a grinder pump or similar apparatus approved by the Borough, shall be borne by the owner of the improved property so connected, unless otherwise provided by the Borough. Each such owner shall indemnify and shall save harmless this Borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction, connection, operation or use of a building sewer or of a lateral.

E. No Person other than a master plumber shall connect any Premises with the Borough's Sewer System at the Borough Sewer Connection and prior to doing same, shall obtain a plumbing permit from the Borough Code Office.

F. Any work done in making a connection to the Sewer System shall be inspected by the Sewer Department and/or Borough Code Office prior to covering same. Closures made in violation of this Section shall be uncovered for inspection.

G. In case of leaks upon the Premises of a User remaining unrepaired after notice to the User, which notice shall contain the time in which such repair shall be made,, the Sewer Department shall effect such repair with all costs for said repair to be paid for by the User.

H. Sewer connections: notice to connect to the Borough Sewer System shall be via U.S. certified mail to the owner of the property.

SECTION 177-8. Service discontinuance.

A. The Sewer Department reserves the right to disconnect the Sewer Lateral or order suspension of the User's Sewer System of any User for any of the following reasons:

- (1) For repairs.
- (2) For unavoidable interruption in the Borough's Sewer System.

- (3) After any disapproval of the User's equipment or installation by virtue of its being defective or unsafe without prompt action being taken to remedy the same.
- (4) When connection is incompatible with orders, the Code of the Borough of Kutztown or laws of the Commonwealth of Pennsylvania or department thereof.
- (5) For nonpayment of any bill, including service charge, payable to the Borough under the provisions of the Code of the Borough of Kutztown establishing or otherwise related to the discharge of sewage into the Sewer System.
- (6) For violation of or noncompliance with the terms and conditions, regulations and rules set forth in this Chapter any other regulation of the Borough pertaining to the discharge of sewage into the Sewer System.
- (7) For the discharge of any substance other than Domestic Sewage into the Sewer System which creates or may create a System Hazard.
- (8) Whenever such action is necessary in the opinion of the Sewer Department to protect the Borough from fraud or abuse.

B. The Sewer Department shall notify a User in writing by Certified United States First Class Mail, postage prepaid, when discontinuance is due to nonpayment of bills, or other violations described herein.

C. The Borough shall not be liable for any damage, loss or injury sustained by the User or the User's Tenant by reason of any failure to receive sewage on account of storms, accident or for any other cause whatsoever.

D. Should any User's Sewer System serviced by the Borough Sewer System be operated in violation of any provisions of this Chapter or any State and Federal regulations, it shall be the duty of the Sewer Department to completely disconnect all Service Connections serving such User's Sewer System or to assure itself that there is a physical separation of piping until this Chapter is properly complied with. Any cost of such disconnection and the estimated cost of reconnection shall be paid by the User before service is restored.

SECTION 177-9. Pollutant limitations.

A. The Borough shall require any User who discharges any substance other than Domestic Sewage into the Sewer System to provide Pretreatment Facilities for such Pollution.

B. The requirement for Pretreatment Facilities shall be determined by the following criterion:

- (1) to meet the parameters and specific pollutant limitations necessitated by actions of regulatory agencies with respect to permits issued to the Borough for the operation of the Sewer System.
- (2) to meet regulations so as to comply with and be acceptable to Applicable State agencies and any other regulating agency in regards to discharge and treatment Of sewage.
- (3) to prevent a System Hazard.

C. The cost of any and all required Pretreatment Facilities shall be paid for by the User.

D. The design and operation of Pretreatment Facilities shall conform and be approved by the Borough., applicable State agencies and any other regulatory agency which has jurisdiction.

E. The Borough may require the collection and analysis of samples of waste to confirm compliance with these requirements. Such collection and analysis shall be performed by a licensed laboratory at the User's cost.

F. The Borough may require the User to install a sampling point in the building drain to facilitate observation, sampling and measurement of the waste discharge. The cost of such sampling point shall be at the User's cost.

G. Pollution of the Sewer System shall be any or any combination of the discharges listed below:

- (1) Having a temperature higher than 150 F; or
- (2) Containing more than 100 mg/1 by weight of fat., oil or greases; or
- (3) Containing any gasoline,, benzene,- naphtha, fuel oil or other inflammable or explosive liquid,- solid or gas; or
- (4) Containing any unground garbage; or
- (5) Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass., rags., feathers, tar, plastics, wood, paunch manure, or other solid or viscous substance capable of causing obstruction or other interference with the proper operation of the Borough's .Sewer System; or
- (6) Having a PH of not lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the Borough's Sewer System; or

- (7) Containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage collection and/or treatment process and/or sludge treatment or disposal, constituting a hazard to humans or animals, or create any hazard in the receiving waters of the Borough's Waste Treatment Plant; or
- (8) Containing total solids in such character and quantity that unusual attention or expertise is required to handle such materials at the Borough's Waste Treatment Plant or that prevents the Borough from disposing of the sludge or other solids in its usual manner; or
- (9) Containing a noxious or malodorous gas or substance capable of creating a public nuisance; containing any sanitary sewage not amenable to treatment or reduction by the sewage treatment processes employed, or exceeding the parameters listed in this Section, unless otherwise permitted, authorized or approved by the Borough and/or the applicable agencies of the Commonwealth of Pennsylvania.
- (10) Containing any radioactive wastes or isotopes.
- (11) A daily average of more than 300 mg/1 of total suspended solids, 300 mg/1 of BOD 5', 3500 mg/liter of dissolved solids, or 3850 total solids.
- (12) 50 mg/1 of ammonia as N.
- (13) 25 mg/1 for phosphorus, total as P.
- (14) 0.8 mg/1 as zinc, total (from 1.8)
- (15) 2 mg/1 for chromium, total.
- (16) 0.09 mg/1 for chromium, hexavalent.
- (17) 2.0 mg/1 for nickel, total
- (18) 0.65 mg/1 for copper.
- (19) 1.0 mg/1 for cadmium.
- (20) 150 units on the cobalt-platinum scale for color.
- (21) 50 mg/1 for iron.
- (22) 2.0 mg/1 for lead

- (23) 0.1 mg/1 for mercury.
- (24) 0.1 mg/1 for selenium.
- (25) 25 mg/1 for oil and grease.

SECTION 177-10. Access.

(A) The properly authorized agent(s) of the Sewer Department and/or Borough Code Office shall, at all reasonable hours,, have free and unrestricted access to any User's Premises of any User for the purpose of inspecting the User's Sewer System and for examining or repairing any property of the Borough. Reasonable hours shall be deemed to be between 6:00 a.m. and 10:00 p.m., prevailing time.

(B) The Borough shall have the right to enter the premises of any non-residential User at any time during operations to determine whether the User is complying with all requirements of this Ordinance and any waste water discharge permit or order issued hereunder. Users shall allow the department employees ready access to all parts of the Premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

SECTION 177-11. Separate Services.

A. All structures served by the Sewer System shall have a separate Sewer Lateral and Drainage System installed for such structure, whether or riot such structure is separately assessed for tax purposes and whether or not two or more such structures are erected upon adjoining land of the same User.

B. In multi-use buildings, under ownership of one Person or User, a single Sewer Lateral and Drainage may be used to discharge sewage from more than one User Unit. The size oil the connection shall be, approved by the Sewer Department.

C. In condominium buildings, where individual User Units are owned by different Users., a separated Service Lateral and Drainage System shall be required unless approved otherwise by the Borough.

SECTION 177-12. Enforcement.

A. Whenever the Code Officer believes or has cause to believe that there has occurred and/or is continuing any violation of the provisions of this Chapter or any rules, regulations, or resolutions adopted pursuant to this Chapter, the Code Officer shall give notice of such violation to each person responsible therefor, and such notice shall:

- (1) Be in writing and state the place and location of the violation;

- (2) State the nature, condition and manner of the violation;
- (3) State the determination of the Code Officer with respect to the violation;
- (4) State the name of each person deemed responsible by the Code Officer for such violation, together with the name of the owner of the property upon which the violation occurred and/or is located;
- (5) State the date of the notice and the period of time, if any, allowed for compliance with this Chapter, as such period of time is specified in subsection C. of this Section;
- (6) Be served upon the owner of the property involved and all other persons, if any, named in the notice pursuant to subsection A(4) of this Section, and service of such notice shall be made upon the owner and each such other person, if any, either personally or by certified first class mail, return receipt requested, postage prepaid, sent to the last known address of such owner and such other person.

B. The requirements for service of notice as contained in this Chapter shall apply only as to notification of the first occurrence of any violation. The issuance of a notice thereafter regarding any repeated occurrence of the same violation shall not be required prior to imposition of penalties as provided for in this Chapter.

C. The period of time within which a person determined to be responsible, pursuant to subsection A(4) of this Section, for any violation shall comply with the specific provisions of this Chapter, following the issuance of a notice, shall be the period of time determined by the Code Officer, taking into consideration the nature of the violation and the degree of danger to public health and safety posed by such violation. The notice of any violation may require immediate compliance with this Chapter (any such notice requiring immediate compliance hereinafter referred to as an "emergency order") when it is determined by the Code Officer that the violation in question presents an immediate and present danger or nuisance to the health, safety and welfare of the public, and, in such cases, notice of the violation constituting such emergency order may be verbal (which verbal notice shall thereafter be confirmed with a written notice) and shall be served personally upon the person, if available, who has caused or is responsible for or in control of said violation, and such notice constituting such emergency order may require the immediate correction and discontinuance of the violation and compliance with this Chapter.

D. Notwithstanding any such notice requirements of this Section which it is determined by an officer of the Kutztown Police Department that an immediate, present danger exists to the health, safety and welfare of the public, said officer shall enforce the provisions of this Chapter being violated by verbal notice constituting an emergency order, without the need for the issuance of any written notice of any violation.

SECTION 177-13. Sewage charges.

A. A sewer service charge for the discharge of sewage is hereby imposed, as adopted from time to time by Resolution of Borough Council.

B. The sewer rates for the discharge of sewage per Users shall be as adopted from time to time by Resolution of Borough Council.

C. The sewage discharge shall be determined by the water meter or water meters installed by the Borough for the User's Premises, and all bills shall be calculated upon the basis of registration of such water meter or water meters. If a water meter ceases to register or is found defective, the quantity of sewage discharged shall be determined by taking the average water consumption for the four meter reading periods immediately preceding the date when the water meter was found to be defective, which amount shall be assumed to be the average amount of sewage discharged by the User during the billing period in which the water meter was found to be defective. Exceptions will be made to this rule only where the facts clearly show that the stated method does not give a reasonable accurate volume of discharge for the period.

D. The Borough Council shall have the right to change sewer service charges and/or sewer rates from time to time by Resolution.

SECTION 177-14. Billings.

A. All bills for sewage discharge shall be rendered before the first day of January, April, July and October of each year on water meter readings made in the respective immediately preceding months, and such bills shall include the service charge for the immediately preceding calendar quarter. All such bills shall be due and payable on or before the first day of the following February, May, August and November. All bills remaining unpaid for one calendar month after the due date shall be subject to a penalty as adopted from time to time by Resolution of Borough Council, which penalty plus interest shall be computed on the unpaid balance.

B. In case any bill rendered under Section 177-10.A shall remain unpaid for a period of thirty (30) days, the water service to the User shall be shut off, so as to eliminate discharge into the Sewer System, by the Water Department after compliance with the Rules and Regulations of the Pennsylvania Public Utility commission then in effect and service shall not be renewed until arrears and penalties are paid together with any expenses incurred by the Water and/or Sewer Department in shutting off and restoring water and/or sewer service.

C. In cases involving rental User Units, the procedures to be followed to effect discontinuance shall be as set forth in the Pennsylvania Utility Service Tenants Rights Act, Act No. 299 of 1978, as amended and supplemented.

SECTION 177-15. User deposit.

A. Any User Premises to be served with the Sewer System henceforth applying for service may be required to deposit with the Borough an amount equal to the estimated gross bill of such User for any single billing period, plus one (1) month maximum period not to exceed four (4) months).

B. A deposit from a User shall be returned when the User shall have paid undisputed bills for service over a period of twelve (12) consecutive months and any such User, having secured the return of a deposit, shall not be required to make a new deposit unless the service has been discontinued or the Users credit standing impaired through, failure to comply with the Borough's tariff provisions.

C. The payment of any undisputed bill, within the meaning of the Public Utility Law, shall be payment of the bill with or without disconnection or penalty, within thirty (30) days following the period for which the bill was rendered or payment within thirty (30) days following presentation of the bill, or the payment of any contested bill, payment of which was withheld beyond the period herein mentioned and the dispute is terminated substantially in favor of the User and payment by the User within ten (10) days thereafter.

D. No interest shall be payable by the Borough on any deposits.

SECTION 177-16. Appeals

A. Any person aggrieved by a determination or order issued by the Code Officer or by any rule or regulation may appeal said notice, determination, order, rule or regulation to the Code Appeals Board, as provided for in Chapter 12 of this Code.

SECTION 177-17. Violations.

A. Any Person violating any provision of this Chapter which violation causes a System Hazard or causes contamination or Pollution which creates a hazardous condition to the Sewer System or general public, upon conviction thereof shall be subject to a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each violation.

B. Any Person violating any provision of this Chapter, other than a violation as listed in Section 177-12.A of this Chapter upon conviction thereof, shall be subject to a penalty of not less than fifty dollars (\$50.00) nor more than six hundred dollars (\$600.00) for each violation.

C. Every violation of this Chapter shall constitute a separate offense, and each day such violation exists shall constitute a separate offense.

D. The penalties as prescribed above shall be imposed and collected in the manner provided for by the Borough Code in the case of violations of Borough Ordinances.

SECTION 2. Effective Date. This Chapter shall become effective after enactment on the earliest date permitted by law.

SECTION 3. Severability. If any provision, sentence, clause, section or part of this Chapter shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses,

sections or parts of this Chapter, and it is hereby declared to be the intent of the Borough Council that this Chapter would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

ENACTED AND ORDAINED as an Ordinance of the Borough of Kutztown, Berks County, Pennsylvania this 17th day of February, 2015.

BOROUGH OF KUTZTOWN

By: _____
Kevin J. Snyder
President of Borough Council

Attest: _____
Gina M. Wiand
Secretary of the Borough

APPROVED as an Ordinance this 17th day of February, 2015.

Sandra K. Green, Mayor