

## ORDINANCE NO. 633

AN ORDINANCE OF PENN TOWNSHIP FIXING AND IMPOSING SEWER RENTS AND CHARGES, INCLUDING CONNECTION CHARGES AND SURCHARGES FOR INDUSTRIAL WASTE, FOR THE USE OF THE SEWERS AND SEWER SYSTEMS, WITHIN THE TOWNSHIP, PROVIDING FOR THE COLLECTION OF SEWER RENTS AND CHARGES AND IMPOSING PENALTIES FOR DELINQUENT PAYMENTS; AND AUTHORIZING OTHER NECESSARY ACTION.

**WHEREAS**, Penn Township (Township) has a sewage treatment plant, extensive collection sewers, sewer mains and interceptor sewers, pumping stations, force mains, and other necessary sewer facilities and whereas the sewer system is owned and served by Township, the Township imposes and collects sewer rents and charges for the use of the sewer system which will be sufficient to pay the cost and expenses of operating, maintaining and repairing the sewer system and to provide a margin of safety, and

**WHEREAS**, the Township has entered into a Service Agreement with the Borough of Hanover, whereunder the Borough has agreed at the cost of the Township to receive, transport and treat sanitary sewage and industrial waste from certain areas of the Township discharged directly or indirectly into sewers operated by the Borough; and

**NOW, THEREFORE**, the Board of Township Commissioners of Penn Township hereby ordains as follows:

### **SECTION 1: DEFINITIONS**

The definitions as set forth in Ordinance No.507 are hereby incorporated into this Ordinance.

### **SECTION 2: IMPOSITION OF CONNECTION CHARGE**

There is hereby imposed on each owner of each property connecting to the sewer system after the effective date of this Article a connection charge as established by resolution of the Board of Commissioners.

### **SECTION 3: IMPOSITION OF SEWER RENTS**

There is hereby imposed upon and it shall be the responsibility of the owner of each property or the user of water on each property within the Township served by the sewer system or furnished with sewer service at the cost of the Township pursuant to the service agreement and/or flow exchange agreement annual sewer rents payable as provided by the Sewer Rent Ordinances of Penn Township. Changes in the classifications, rates and charges for sewer rents shall be effective on the first day of the quarter following enactment of the new classifications, rates or charges.

**SECTION 4: SEWER RENT RATES**

**A Single occupancy or use, except commercial and industrial establishments.**

The sewer rent charge for collection and treatment of sanitary sewage from single-family dwelling units or from properties used for a single purpose, except commercial and industrial establishments, shall be a quarterly charge, computed as follows:

- 1. Meter rates. For properties served with water by the water supplier, sewer rents based upon water consumed as determined by the quarterly reading of the water supplier as follows: for the quarter ending February 28, 2006, and for each quarter ending the last day of each February, May, August and November thereafter:

<b>Quantity of Water Used (gallons per quarter)</b>	<b>Quarterly Rates</b>
First 7,000 or less	\$32.00 minimum
All over 7,000	\$3 per 1,000 gallons

- (2) Flat rates. For properties not served with water by the water supplier, a flat quarterly sewer rent of fifty dollars (\$50) per quarter for the quarter ending February 28, 2006, and for each quarter ending the last day of February, May, August and November thereafter.

The Township has the right to pass on to the service account any and all additional administrative costs that may be incurred during the collection process.

**B. Multiple occupancy or use.**

Meter rates for service addresses that are not single-family residential units, but are multiple units connected to one (1) meter shall be calculated according to the following table:

**Rate Table**

<b>Classification of Account</b>	<b>Minimum Charge Factor</b>
Trailer court	1.0 x number of available lots
Apartments	1.0 x maximum number of units in apartment complex
Flats, town houses, condominiums, duplexes	1.0 x maximum number of units
Greater than 1 household per dwelling unit	1.0 x number of households in the dwelling unit

For purposes of the Rate Table, "household" shall be defined as two (2) or more persons living together and sharing expenses or facilities within the dwelling unit.

Included within the term "household" are families, roommates and couples living together but not married. The term "household" shall also include individuals living independently and not sharing expenses or accommodations with any other person.

In cases where two (2) or more dwellings, flats, apartments or two (2) or more households in one (1) dwelling unit are sharing one (1) sewer connection, each such trailer court, apartment complex, flat or dwelling unit shall be assessed the minimum charge to be calculated as follows:

- (a) The charge factor for the account shall be calculated using the formula set forth in the Rate Table above. Note: No credit shall be given for vacant trailer court lots, apartments or flats.
- (b) The charge factor shall be multiplied by the minimum charge as set forth in Section 4 A, (1) and (2), to arrive at the new minimum charge.
- (c) To determine the new rate structure, the charge factor shall be multiplied by the two (2) different levels of quantity of water used as shown in Section 4, A (1) to determine the new Rate Table. The charge per one thousand (1,000) gallons over the minimum shall remain the same as indicated under Quarterly Rates, substituting the new minimum as calculated in Section 4 B (2) above for the new minimum charge.

C. Commercial and industrial establishments.

The sewer rents for collection and treatment of the sanitary sewage and normal industrial waste from commercial and industrial establishments shall be a quarterly charge computed at the rates set forth in Subsection A (1) of this Section 4, except as hereafter stated, based upon the consumption of water upon the property as determined by readings of the water meters of the water supplier and additional water meters, if any, on additional sources of water installed pursuant to Section 5, of this ordinance unless the volume of sewage and waste discharged into the sewer system or into sewers operated by the Borough is otherwise determined as provided in Section 5.

Commercial or industrial establishments discharging into the sewer system or into sewers owned by the Borough shall pay the quarterly charge for the sewage service, computed as provided in Subsection C (1) above, plus additional charges, if applicable, computed as provided in Section 6 hereof.

- D. Garbage grinders. The charge for each garbage grinder shall be six dollars (\$6) per quarter for the quarter ending February 28, 2006, and for each quarter thereafter.
- E. As additional properties within the Township are from time to time connected to the sewer system or directly to a sewer operated by the Borough, the first quarterly sewer rent charged shall be calculated at a proper percentage, based upon the number of

days during the quarter that sewer service is furnished to the property and the amount which would have been the full charge for the quarter based upon the volume of water used as determined by the meter reading or, where applicable, the flat rate charge, plus any administrative charges as set forth under resolution by the Board of Commissioners.

## **SECTION 5: MEASURING VOLUME OF SEWAGE AND WASTE**

### **A. Methods of measuring volume.**

In cases where the property owner or water user purchases all water used on the property from the water supplier the volume of water used, as determined by the readings of the water supplier, shall be used in computing the sewer rental.

In cases where the property owner or water user has a separate source of water supply which discharges into the sewer system, or into a sewer owned by the Borough, and purchases no water or part of the water used upon the property from the water supplier, the sewer rents shall be charged at the flat rate, unless, in the case of a property owner or user other than a commercial or industrial establishment, the property owner or user shall elect to install or to cause the Township to install, at his own expense, a separate water meter on the source of supply, or, in the case of commercial or industrial establishments, the property owner or user shall elect to install, cause the Township to install, or the Township shall require the installation of, at the expense of the property owner or user, a separate or additional water meter on the source of supply. The total amount of water consumed, as shown by readings of such separate or additional meters and, where the property is also served by the water supplier, by readings of its meters, will be used in computing the metered sewer rental.

In cases where establishments use water from the water supplier and/or from an independent supply for industrial purposes and/or for cooling or air conditioning purposes, such that all or any part of the water so used is not discharged into the sewer system or into a sewer owned by the Borough, the quantity of water used to determine the sewer rental shall be computed by one (1) of the following methods:

- (a) Method No. 1. By placing a meter or measuring device on the sewer connection. The readings from this meter or measuring device shall be used in computing the sewer rental.
- (b) Method No. 2. By placing a meter or measuring device on the effluent not discharging into the sewer system or into a sewer owned by the Borough. The readings from this meter or measuring device will then be deducted from the total water meter readings and the remainder will be used in computing the sewer rental.

- (c) Method 3. When it is not practical, in the opinion of the Wastewater Superintendent, to install measuring devices to continuously determine the quantity of water not discharged into the sewer system or into a sewer owned by the Borough, the Wastewater Superintendent will determine, in such manner and by such methods as he or she may prescribe, the percentage of metered water discharged into the sewer system or into a sewer owned by the Borough, and the quantity of water used to compute the sewer rental shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to the estimated amount shall be submitted to the Township Board of Commissioners after notice of the estimate, whose decision on the matter shall be final for the current calendar year.

B. Measuring devices. All meters or measuring devices not provided by the water supplier but permitted or required to be used under the provisions of this Article shall be installed at the cost of the property owner in accordance with the requirements of the Township, shall be under the control of the Township and may be tested, inspected or repaired by Township employees whenever it is deemed necessary. The owner of the property upon which a measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or by other causes. Bills for such repairs, if made by the Township, shall be due and payable at the same time and collected in the same manner as are the bills for sewer services. Such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed.

## SECTION 6: ADDITIONAL SEWER RENT APPLICABLE TO CERTAIN WASTES

A. The sewer charge for collection and treatment of normal industrial wastes shall be made in accordance with Section 4 above. In addition thereto further charges shall be made for all industrial waste or sewage discharged into the sewer system or into sewers operated by the borough having excess biochemical oxygen demand, excess suspended solids, excess ammonia nitrogen or excess phosphorus as follows:

- (1) The additional charge for industrial wastes or sewage having a concentration in excess of three hundred (300) milligrams per liter BOD or three hundred (300) milligrams per liter of suspended solids or forty (40) milligrams per liter of Ammonia Nitrogen (NH<sub>3</sub>) or thirteen (13) milligrams per liter of Phosphorus (P) shall be based on the strength factor determined according to the following formula:

$$\text{Factor \%} = 40\% + 20\% \frac{(\text{BOD in mg/l})}{300} + 20\% \frac{(\text{TSS in mg/l})}{300} + 15\% \frac{(\text{NH}_3 \text{ in mg/l})}{40} + 5\% \frac{(\text{P in mg/l})}{13} - 100\%$$

\* Where these figures are less than three hundred (300) milligrams per liter in BOD or less than three hundred (300) milligrams per liter in suspended solids or less than forty (40) milligrams per liter in Ammonia Nitrogen or less than Thirteen (13) milligrams per liter of Phosphorus, the value in parentheses shall be equal to one (1).

The abbreviation mg/l stands for milligrams per liter.

The amount of the surcharge shall be equal to the amount of the billing based upon water consumption alone times the strength factor computed from the formula above.

In cases where the suspended solids in the opinion of the Township do not represent the true characteristics of the solids' loading, the Township reserves the right to use total solids instead of suspended solids.

B. (Reserved)

## **SECTION 7: TIME AND METHODS OF PAYMENTS**

A. The above connection fees set forth in Section 2 hereof shall be payable upon application for permit to make such connection.

B. Sewer rentals or charges shall be paid quarterly, and quarterly billings for sewer rentals shall be made by bills dated on or about March 30, June 30, September 30 and December 30 of each year, for the quarterly calendar period ending the last of the month immediately preceding the date of the bill.

C. The bills for sewer rentals under Section 4 for the first or last quarter during which a property is connected will be prorated on the basis of the quarterly rate, plus any administrative charges as set forth under resolution by the Board of Commissioners.

D. All bills shall be due and payable on their respective dates.

## **SECTION 8: PENALTIES; DELINQUENT SEWER RENTALS; LIENS**

A. Quarterly charges for sewer service shall be subject to a penalty of ten percent (10%) if not paid within thirty (30) days after the date of the bill. If not paid within sixty (60) days after the date of the bill, the bill plus the penalty shall bear interest from the due date at the rate of one-half percent ( $\frac{1}{2}\%$ ) per month or fraction thereof until paid, and the Township shall have the right to cut off sewer service from the delinquent premises and not to restore the same until all delinquent bills against the same and the cost of cutting off and restoring service shall have been paid.

B. All persons furnished with sewer service must give the Township their correct address. Failure to receive bills will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are payable at face.

C. Payments made, as evidenced by the United States post office mark, on or previous to the end of the period during which the bills are payable at face will be deemed to be payments within such period.

D. All sewer rentals, together with all penalties thereon, not paid on or before the end of six (6) months from the date of each bill shall be deemed to be delinquent. All delinquent sewer rentals

and all penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the office of the Prothonotary of York County and shall be collected in the manner provided by law for the filing and collection of such liens.

#### **SECTION 9: RULES AND REGULATIONS**

The Township reserves the right to, and may from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the sewer system. All such rules and regulations shall be and become a part of this Article.

#### **SECTION 10: SEVERABILITY**

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this ordinance, which can be given effect without the invalid provision or application of the ordinance.

#### **SECTION 11: REPEALER**

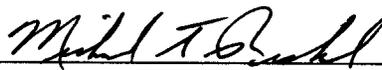
Ordinances 508 and 563 are hereby repealed in their entirety. All other ordinances and parts of ordinances inconsistent herewith are also hereby repealed.

#### **SECTION 12: AMENDMENT TO TOWNSHIP CODE**

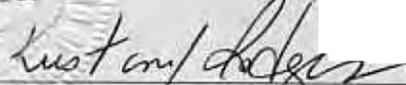
The Articles hereby adopted shall be deemed to be incorporated into the Penn Township Code so that reference to the code shall be understood and intended to include such changes.

ENACTED and ORDAINED this 21<sup>st</sup> day of November, 2005.

BOARD OF COMMISSIONERS OF  
PENN TOWNSHIP

By:   
Michael T. Rishel, President

ATTEST:

  
Kristina J. Rodgers, Secretary