

SOUTH MIDDLETON TOWNSHIP MUNICIPAL AUTHORITY

RESOLUTION NO. 02-09-09-2

A RESOLUTION OF THE BOARD OF SOUTH MIDDLETON TOWNSHIP MUNICIPAL AUTHORITY AMENDING AND COMPILING PRIOR RESOLUTIONS AND RESTATING THE COLLECTED RELEVANT RESOLUTIONS IMPOSING SANITARY SEWERAGE RENTALS AND CHARGES FOR USE OF THE SANITARY SEWER SYSTEM OWNED AND OPERATED BY THIS AUTHORITY UPON OWNERS OF IMPROVED PROPERTIES WHICH SHALL BE CONNECTED TO SAID SANITARY SEWERAGE SYSTEM, AND FOR THE TREATMENT OF WASTES DISCHARGED THERETO; PROVIDING FOR BILLING, COLLECTION AND FILING LIENS; REGULATING THE DISCHARGE OF SEWAGE INTO SAID SEWERAGE SYSTEM; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR THE ADOPTION OF ADDITIONAL RULES AND REGULATIONS

The Board of South Middleton Township Municipal Authority hereby resolves as follows:

PREFACE: This Resolution is intended to compile and consolidate prior resolutions of the Board which amended earlier resolutions, and to restate the several resolutions in this single resolution.

**ARTICLE I
DEFINITIONS**

Section 1.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Resolution shall be as follows:

- A. **"Authority"** shall mean South Middleton Township Municipal Authority, a Pennsylvania municipality authority.

- B. **"Commercial Establishment"** shall mean any structure or any portion thereof intended to be used wholly or in part for the purpose of carrying on a trade, business or profession or for social, amusement, religious, education, charitable or public uses, and which contains plumbing for kitchen, toilet or washing facilities, excluding Private Dwelling or Living Units.

- C. **"Commonwealth"** shall mean the Commonwealth of Pennsylvania.

- D. **"Improved Property"** shall mean any property 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 shall be or may be discharged.

- E. **"Major Industrial Establishment"** means any structure intended to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering or assembly of any product, commodity, or article, that employs one hundred (100) or more persons.

- F. **"Minor Industrial Establishment"** means any structure intended to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering or assembly of any product, commodity, or article, that employs fewer than one hundred (100) persons.
- G. **"Owner"** shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.
- H. **"Operations Manager"** shall mean any Person who may, from time to time, be placed in general charge of the Sewer System.
- I. **"Person"** shall mean any individual, partnership, trust, association, corporation, municipality, municipal authority or any other group or entity.
- J. **"Private Dwelling or Living Unit"** shall mean a structure or dwelling intended to be occupied as a whole by one family, or an apartment intended to be occupied by one family or any other one-family living unit.
- K. **"Public Establishment"** means any structure or any portion thereof intended to be used wholly or in part for the purpose of carrying on a Municipal, State or Federal Business, or any other facility owned and operated as an Instrumentality of the Commonwealth of Pennsylvania, and which contains plumbing for kitchen, toilet, water fountain or washing facilities.
- L. **"Sanitary Sewage"** means normal water-carried household and toilet wastes.
- M. **"School"** means any structure or any portion thereof used, or intended to be used, as a public or private elementary, secondary or post-secondary school and which contains plumbing for kitchen, toilet, water fountain or washing facilities.
- N. **"Sewer"** shall mean any pipe or conduit constituting a part of the Sewer System used or usable for collection of Sanitary Sewage.
- O. **"Sewer System"** shall mean all facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of Sanitary Sewage, and owned by the Authority.

- P. **"Township"** shall mean the Township of South Middleton, Cumberland County, Pennsylvania, a Pennsylvania municipal corporation acting by and through its Board of Supervisors or, in appropriate cases, its authorized representatives.
- Q. **"Water Supplier"** shall mean a municipal supplier in the case where public water is available to, and is furnished to, the particular Improved Property.
- R. **"Water Usage"** shall mean, with respect to any Improved Property and for any particular period in question, the quantity of all water used, as evidenced by (1) in the case of an Improved Property served by a public water supply, meter readings of water meters installed by the Water Supplier for the purpose of measuring water purchased from such Water Supplier, or (2) in the case of an Improved Property not served by a public water supply, such other water meters or measuring devices as may be installed and maintained in accordance with applicable provisions of Township Ordinance or otherwise installed and maintained in a manner satisfactory to the Authority. In the case of an Improved Property served by more than one source of water supply, the "Water Usage" shall be the total measured usage from all water supplies.

**ARTICLE II
SEWER RENTALS AND CHARGES**

Section 2.01. Quarterly sewer rentals and charges are imposed upon, and shall be collected from, the Owner of each Improved Property which shall be connected to the Sewer System, whether such use or benefit resulting there from or such connection shall be direct or indirect, in accordance with the following:

I. Flat Rates for Private Dwelling or Living Units

- A. Each Private Dwelling or Living Unit **\$73.00 per quarter**
- B. Multiple Use: in case of a combination of one or more Private Dwelling or Living Units with a similar unit or units and each thereto having the use of the Sewer System through one sewer connection, then each such Private Dwelling or Living Unit shall be charged the rates herein provided as though each thereof were in a separate structure and as though each thereof had a direct and separate connection to the Sewer System.

II. Meter rates for Commercial, Minor Industrial, Public and School Establishments.

- A. The quarterly sewer rentals and charges for Commercial Establishments, Minor Industrial Establishments, Public Establishments and Schools shall be based on Water Usage, which shall be calculated at the rate of **\$77.00** for all Water Usage up to and

including 15,000 gallons per quarter and \$7.00 per one thousand gallons of all Water Usage in excess of 15,000 gallons per quarter.

III. Rates for Major Industrial Establishments.

In the case of Major Industrial Establishments the charge shall be calculated at the rate of \$19.50 per quarter times the daily average number of employees for the quarter immediately preceding the quarter being billed.

The Authority hereby expressly reserves the right to impose an additional quarterly charge upon any Industrial Establishment as and to the extent necessary to comply with the Industrial Cost Recovery Method required by the United States Environmental Protection Agency.

**ARTICLE III
BILLING AND COLLECTION OF SEWER
RENTS, RATES, AND CHARGES**

Section 3.01. Bills for sewer service will be rendered quarterly on the first days of **January, April, July and October**, respectively, or on such other dates as the Authority shall specify, for service rendered in the applicable quarterly period. All bills are payable upon presentation or delivery at the **Authority Office, 345 Criswell Drive, Boiling Springs, Pennsylvania.**

Section 3.02. Every Owner of an Improved Property which is connected to the Sewer System shall provide the Authority with and thereafter shall keep the Authority advised of his correct address. Failure of any Person to receive bills for sewer rentals or charges shall not be considered an excuse for non-payment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

Section 3.03. All bills paid on or before the 30th calendar day following the date of the mailing of the bill shall be payable at the Net Amount indicated on the bill (which Net Amount shall be the charge based upon the appropriate rate set forth above). All bills paid from and after the 31st calendar day following the date of the mailing of the bill, and on or before the 60th day following said date of mailing, shall be payable at the Gross Amount indicated on the bill (which Gross Amount shall be the Net Amount plus ten per centum of said Net Amount). All bills paid from and after the 61st calendar day following the date of the mailing of the bill shall be payable at Gross Amount plus one and one-half per centum (1 1/2%) per month until paid in full.

**ARTICLE IV
LIENS FOR SEWER RENTALS; FILING
AND COLLECTION OF LIENS; WATER SUPPLY SHUT OFF
FOR NONPAYMENT OF BILLS**

Section 4.01. All bills remaining unpaid after thirty days have elapsed from the date they are due, shall be cause for termination of service, and shall become a lien on the Improved Property charged. The lien may be collected by an action of assumpsit in the name of the Authority against the Owner of the Improved Property charged, or may be enforced against such Improved Property by filing a municipal claim.

Section 4.02. In accordance with the provisions of the Act of April 14, 1949, P.L. 482, as amended, if any bill for sewer rentals, rates or other charges with respect to any premises served by the Sewer System shall not be paid by or on behalf of the Owner or any occupant of such premises within thirty (30) days from the due date of such bill, this Authority may shut off the water supply to such premises, if such premises are served by the water system owned and operated by this Authority, or may request and direct that any "water utility," as such phrase is defined in said Act, providing water service to such premises, shut off the supply of water to such premises, all in accordance with said Act and in each case until the overdue rentals, rates and charges, together with any applicable penalties and interest thereon, shall be paid.

**ARTICLE V
METHODS OF MEASURING VOLUME
MEASURING DEVICES AND METER READINGS**

Section 5.01. Methods of measuring volume for Schools, Commercial, Minor Industrial and Public Establishments.

1. If all water used by a School or a Commercial, Minor Industrial or Public Establishment is supplied by a public water system and is metered by the Water Supplier, the volume of water used, as determined from meter readings made by or made available to the Authority, shall be used in computing the sewer rentals.
2. If a School or a Commercial, Minor Industrial or Public Establishment is served by a water supply in addition to or other than a metered public water supply, (a) the Owner shall provide and maintain a water meter on each such additional or other source of water supply at a location, and in a manner acceptable to the Authority, (b) the Owner shall permit the Authority or its duly authorized representatives to read such meter at least once during each sewer billing period, and (c) the total amount of water used, as measured by such meter or meters shall be used to compute the sewer rentals and charges.

3. If the water usage of any School or Commercial, Minor Industrial or Public Establishment is such that all or any part of the water so used is not discharged into the Sewer System, the quantity of water used to determine the sewer rentals shall be computed by one of the following methods:

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 rentals.

Method No. 2. By placing a meter or measuring device on the effluent not discharging into the Sewer System. The reading 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 rentals.

Method No. 3. When in the opinion of the Operations Manager it is not desirable or not practical to install devices to continuously determine the quantity of water not discharged to the Sewer System, the Operations Manager will determine, in such manner and by such method as he may prescribe, the percentage of metered water discharged into the Sewer System and the quantity of water used to compute the sewer rentals 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 Authority after notice of the estimate, whose decision on the matter shall be final for the current calendar year.

Section 5.02. Measuring Devices: All meters or measuring devices not provided by a Water Supplier, but otherwise used under the provisions of this Resolution, may be furnished and installed by the Authority at the expense of the Owner and shall be owned by, and under the control of, the Authority and may be tested, inspected or repaired by Authority employees whenever deemed necessary. The Owner of the Improved Property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made by the Authority at the Owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such installation and repairs shall be due and payable at the 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 5.03. Meter Readings: The Authority shall be responsible for the reading of all meters or measuring devices, unless such readings are otherwise made available to the Authority by the Water Supplier, and the same shall be made available to Authority employees and agents for meter reading at all reasonable times.

**ARTICLE VI
ACCESS**

Section 6.01. The Authority shall have the right of access, at all reasonable times, to any part of any Improved Property served by the Sewer System as shall be required for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by the Authority through the Sewer System.

**ARTICLE VII
RESPONSIBILITY OF OWNERS OF
IMPROVED PROPERTY**

Section 7.01. The Owner of any Improved Property connected to the Sewer System shall be responsible for all acts of tenants or other occupants of such Improved Property insofar as such acts shall be governed by provisions of this Resolution.

**ARTICLE VIII
ADDITIONS TO AND CHANGES OF SEWER
RENTALS OR CHARGES; ADOPTION OF
ADDITIONAL RULES AND REGULATIONS**

Section 8.01. This Authority reserves the right to adopt and promulgate, from time to time, additional classifications and sewer rentals or charges thereof fore, or modifications of the schedule of sewer rentals or charges as set forth in this Resolution, which additional classifications and sewer rentals or charges, or modifications, as the case may be, shall be construed as a part of this Resolution.

Section 8.02. This Authority reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the Sewer System, which rules and regulations shall be, shall become and shall be construed as part of this Resolution.

**ARTICLE IX
EFFECTIVE DATE**

Section 9.01.

- A. The rates, rentals and charges restated in Article II were adopted by the Board on May 27, 2008, and became effective as of October 1, 2008.
- B. All other provision of this Resolution shall become effective immediately.

**ARTICLE X
CONSTRUCTION AND SEVERABILITY**

Section 10.01. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the Authority that such remainder shall be and shall remain in full force and effect.

Section 10.02. Words of masculine gender used in this Resolution shall be deemed and construed to include the correlative words of the feminine and neuter genders.

**ARTICLE XI
REPEALER**

Section 11.01. All prior resolutions and parts of prior resolutions that are inconsistent herewith expressly are repealed.

DULY ADOPTED, this 9th day of February, 2009, by the Board of South Middleton Township Municipal Authority, in lawful session duly assembled.

**SOUTH MIDDLETON TOWNSHIP
MUNICIPAL AUTHORITY**

By: 
Chairman

ATTEST:


Secretary

(SEAL)