

SOUTH MIDDLETON TOWNSHIP MUNICIPAL AUTHORITY

RESOLUTION NO. 02-09-09-1

A RESOLUTION OF THE BOARD OF SOUTH MIDDLETON TOWNSHIP MUNICIPAL AUTHORITY AMENDING AND COMPILING PRIOR RESOLUTIONS AND RESTATING THE COLLECTED RELEVANT RESOLUTIONS IMPOSING WATER RENTALS AND CHARGES FOR USE OF THE MUNICIPAL WATER SYSTEM OWNED AND OPERATED BY THIS AUTHORITY; PROVIDING FOR BILLING, COLLECTION AND FILING LIENS; 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”** means South Middleton Township Municipal Authority, a Pennsylvania municipality authority.
- B. **“Commercial Establishment”** means 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, educational, charitable or public uses, and which contains plumbing for kitchen, toilet, water fountain or washing facilities.
- C. **“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.
- D. **“Private Dwelling or Living Unit”** means a structure or dwelling intended to be occupied as a whole by one family, or any other one-family unit.
- E. **“Trailer Court or Apartment Complex”** - Apartment Complex means a building or buildings consisting of multiple one-family living units. Trailer Court means large tracts of land used for the prime purpose of parking mobile homes or travel trailers, either for temporary or permanent living purposes.
- F. **“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 to which structure water shall be supplied.

- G. **"Owner"** shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.
- H. **"Person"** shall mean any individual, partnership, trust, association, corporation, municipality, municipal authority, or any other group or entity.
- I. **"Water Consumer" or "Consumer"** as used hereinafter means an Owner of real estate who applies for service, and enters into an agreement with the Authority for a supply of water to his property.
- J. **"Water Rental"** means that quarterly charge for direct or indirect connection with the use of the Water System of the Authority.
- K. **"Water System"** shall mean all facilities, as of any particular time, for pumping, storing, transporting, treating and distributing water and owned by the Authority.
- L. **"Township"** shall mean the Township of South Middleton, Cumberland County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, its authorized representatives.

**ARTICLE II
WATER RENTALS AND CHARGES**

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

A. Residential:

First	<u>6,000</u> gallons	<u>\$ 28.00</u> Minimum
Next	<u>6,000</u> gallons	<u>\$ 2.50</u> Per Thousand
Next	<u>28,000</u> gallons	<u>\$ 1.80</u> Per Thousand
Next	<u>60,000</u> gallons	<u>\$ 1.30</u> Per Thousand
Over	<u>100,000</u> gallons	<u>\$ 1.00</u> Per Thousand

1. Trailer Court and Apartment Complex Service: The Owner of each Improved Property may make one connection to the Authority's water system and use one meter to furnish water to the Improved Property for which he will be subject to the minimum charge of \$28.00 per quarter for each trailer pad located in the Trailer Court or each apartment located in the

Apartment Complex. Water consumed in excess of the total minimum gallons per unit for such minimum charges paid shall be billed to the Owner in accordance with the schedule provided in Section 2.01A.

2. The quantities of quarterly water consumption allowable to each Trailer Court or Apartment Complex before excess usage charges shall be placed in effect will be determined by multiplying the total number of trailer pads or apartment units times 6,000 gallons.

B. Commercial:

First 12,000 gallons \$ 45.00 Minimum
 Next 8,000 gallons \$ 2.50 Per Thousand
 Next 20,000 gallons \$ 1.80 Per Thousand
 Next 60,000 gallons \$ 1.30 Per Thousand
 Over 100,000 gallons \$ 1.00 Per Thousand

C. Industrial:

First 12,000 gallons \$ 45.00 Minimum
 Next 8,000 gallons \$ 3.10 Per Thousand
 Next 20,000 gallons \$ 2.50 Per Thousand
 Over 40,000 gallons \$ 1.70 Per Thousand

D. Privately-Owned Fire Suppression Systems:

METER SIZE	WITH TANK WITH PUMP		WITHOUT TANK WITHOUT PUMP		WITHOUT TANK WITH PUMP	
	METERED	UNMETERED	METERED	UNMETERED	METERED	UNMETERED
2"	\$75.00	\$150.00	\$100.00	\$200.00	\$150.00	\$300.00
3"	\$100.00	\$200.00	\$150.00	\$300.00	\$225.00	\$450.00
4"	\$150.00	\$300.00	\$225.00	\$450.00	\$300.00	\$600.00
6"	\$225.00	\$450.00	\$337.50	\$675.00	\$450.00	\$900.00
8"	\$300.00	\$600.00	\$450.00	\$900.00	\$600.00	\$1,200.00
10"	\$375.00	\$750.00	\$562.50	\$1,125.00	\$750.00	\$1,500.00
12"	\$450.00	\$900.00	\$675.00	\$1,350.00	\$900.00	\$1,800.00
ALL NON-PROFIT PUBLIC EMERGENCY SERVICES					NO CHARGE	

E. Non-Profit Public Emergency Services:

No Charge

F. Public or Private Fire Hydrant - \$25.00 each per quarter.

G. For service less than a full quarterly period, the above-listed rates will be prorated for the period of usage.

ARTICLE III

BILLING AND COLLECTION OF WATER RENTS, RATES, AND CHARGES

Section 3.01. Bills for water 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 Water 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 water rentals or charges shall not be considered an excuse for nonpayment, 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 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 WATER RENTALS; FILING AND COLLECTION OF LIENS TERMINATION OF WATER SERVICE FOR NONPAYMENT OF SEWER RATES, RENTS OR CHARGES

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. This Authority shall have the right to shut off the supply of water to any premises served by the Water System if the Owner or occupant of such premises shall neglect or fail

to pay, for a period of thirty (30) days from the due date thereof, any rental, rate or charge for sewer, sewerage or sewage treatment service imposed by this Authority or by any municipality or other municipal authority organized by any borough or any township of the first or second class, in accordance with the Act of April 14, 1949, P.L. 482, as amended.

**ARTICLE V
RESPONSIBILITY OF OWNERS OF
IMPROVED PROPERTY**

Section 5.01. The Owner of any Improved Property connected to the Water 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 VI
ADDITIONS TO AND CHANGES OF WATER
RENTALS OR CHARGES; ADOPTION OF
ADDITIONAL RULES AND REGULATIONS**

Section 6.01. This Authority reserves the right to adopt and promulgate, from time to time, additional classifications and water rentals or charges therefore, or modifications of the schedule of water rentals or charges as set forth in this Resolution, which additional classifications and water rentals or charges, or modifications, as the case may be, shall be construed as a part of this Resolution.

Section 6.02. 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 operations of the Water System, which rules and regulations shall be, shall become and shall be construed as part of this Resolution.

**ARTICLE VII
EFFECTIVE DATE**

Section 7.01. This Resolution shall become effective immediately.

**ARTICLE VIII
CONSTRUCTION AND SEVERABILITY**

Section 8.01. 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 8.02. 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 IX
REPEALER**

Section 9.01.

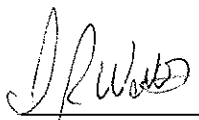
- A. The rates, rentals and charges in Article II (except the "Privately-Owned Fire Suppression System" rates table in ¶2.01.D) were adopted by the Board on May 12, 2008, and became effective as of October 1, 2008.
- B. The rates, rentals and charges in Section 2.01.D of Article II with regard to "Privately-Owned Fire Suppression Systems" were originally adopted by the Board on August 11, 2008 and became effective on October 1, 2008, and were amended by the Board on October 13, 2008, retroactive to October 1, 2008.
- C. The rates, rentals and charges in Section 2.01.C. with regard to the "Over 40,000 gallons" part of the Industrial category were amended by the Board on January 12, 2009, retroactive to October 1, 2008.
- D. All other provisions of this Resolution shall become effective immediately.

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