

Article V — Sewer Rental & System Usage Fees

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Article V — Sewer Rental & System Usage Fees

§ 65-501 Imposition of Rents or Charges.

Sewer rentals or charges are imposed upon and shall be collected from the Owner of each Improved Property which shall be connected with the Sewer System, for use of the Sewer System, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective as of the date of connection of each Improved Property to the Sewer System and shall be payable as provided in this Article.

§ 65-502 Charges for Dwelling Units, Commercial Establishments, and Institutional Establishments.

(a) **Flat Rates.** Sewer rentals or charges for Sanitary Sewage discharged into the Sewer System from any Improved Property constituting a Dwelling Unit, a Commercial Establishment, or an Institutional Establishment shall be on a flat rate basis for the following classifications at the following rates per quarter annum:

(1) **Dwelling Units.** One Hundred Dollars (\$100.00) per Dwelling Unit (\$400.00/year).

(2) **Commercial Establishments.** One Hundred Twelve Dollars (\$112.00) per Commercial Establishment or combination Dwelling Unit and Commercial Establishment (\$448.00/year).

(3) **Institutional Establishments.**

(A) **Schools.** The charge for each public or private school is Seventy-one Dollars (\$71.00) plus—

(I) One Dollar and forty-five cents (\$1.45) for each full-time pupil, full-time teacher, or full-time employee, based on the daily average number of full-time pupils, teachers, and employees enrolled or employed on days when the school was in session during the immediately preceding full school year; plus

(II) Seventy-five cents (\$0.75) for each part-time pupil, part-time teacher, or part-time employee, based on the daily average number of part-time pupils, teachers, and employees enrolled or employed on days when the school was in session during the immediately preceding full school year.

(b) **Alteration of Flat Rate Classifications.** This Borough reserves the right, from time to time, to establish additional flat rate classifications and to establish quarter annum rates therefor; and this Borough further reserves the right, from time to time, to alter, modify, revise and/or amend flat rate classifications and the quarter annum rates applicable thereto.

(c) **Restaurants and Hotel Rooms.** Notwithstanding subsection (a), the sewer rentals or charges for Sanitary Sewage discharged into the Sewer System from any Commercial Establishment which includes a restaurant and/or one or more hotel rooms shall be determined in accordance with § 65-503 (relating to Charges for Industrial Establishments) as if that Commercial Es-

tablishment were an Industrial Establishment. The Borough reserves the right to require any of the other Units or Establishments described in subsection (a) to pay sewer rentals or charges in accordance with § 65-503 as if they were Industrial Establishments, rather than pay a flat rate under subsection (a).

(d) Exceptional Strength Charges. The sewer rentals or charges for Sanitary Sewage and Industrial Wastes discharged from any Improved Property constituting a Commercial Establishment or Institutional Establishment shall be increased above the base charges set forth in the preceding subsections of this Section by an exceptional strength charge if the wastes discharged have BOD greater than 210 mg/L, TSS greater than 230 mg/L, or TKN greater than 40 mg/L. The exceptional strength charges shall be equal to the amount of exceptional strength charges required to be imposed by the Borough on the Improved Property under agreements relating to the Interceptor System and/or the Treatment Plant to which the Borough is bound (or, if greater, the additional charges to the Borough by the County Authority and/or the City for exceptional strength discharges from the Improved Property), plus any additional costs for accelerated deterioration of the Borough Sewer System as may be established by resolution of Borough Council or in an agreement or arrangement with the Owner of the Improved Property.

§ 65-503 Charges for Industrial Establishments.

(a) In General. Sewer rentals or charges for Sanitary Sewage and Industrial Wastes discharged from any Improved Property constituting an Industrial Establishment shall be based on—

(1) the actual metered volume of discharge, as permitted in this Article, where discharge is metered;

(2) the volume of water usage, measured and adjusted, if appropriate, as provided in § 65-508, where the actual volume of Sewage discharge is not metered but the volume of water usage is metered in connection with the Water System or otherwise; or

(3) an estimate by this Borough of the water consumption of the Improved Property, when the actual volume of Sewage discharge is not metered as permitted in this Article, and the volume of water usage is not metered in connection with the Water System or otherwise.

(b) Volume Rates. Base sewer rentals or charges for Sanitary Sewage and Industrial Wastes discharged from any Improved Property constituting an Industrial Establishment shall be equal to the greatest of the amounts determined under paragraphs (1), (2), (3), and (4):

(1) **Volume Rate Schedule.** The amount computed in accordance with the following schedule based on the number of gallons discharged (determined under the method set forth in subsection (a)):

<u>Gallons Discharged</u>	<u>Base Amount</u>	<u>plus</u>	<u>Marginal Rate</u>	<u>For volume over</u>
0 – 15,000	\$95.25	+	0	0 gallons
15,001 – 30,000	\$95.25	+	\$1.33 / 1000 gal	15,000 gallons
30,001 – 100,000	\$115.20	+	\$1.12 / 1000 gal	30,000 gallons
100,001 – 200,000	\$193.60	+	\$0.73 / 1000 gal	100,000 gallons
200,001 – 1,000,000	\$266.60	+	\$0.58 / 1000 gal	200,000 gallons
1,000,001 – 3,000,000	\$730.60	+	\$0.49 / 1000 gal	1,000,000 gallons
3,000,001 – 9,000,000	\$1,710.60	+	\$0.35 / 1000 gal	3,000,000 gallons
over 9,000,000	\$3,810.60	+	\$0.33 / 1000 gal	9,000,000 gallons

(2) **Minimum Flat Charge.** A minimum quarterly charge of Ninety-five Dollars and twenty-five cents (\$95.25); or

(3) **Minimum Employee Charge.** A minimum quarterly charge of Seventy Dollars and ninety-two cents (\$70.92) plus an additional One Dollar and ninety-four cents (\$1.94) per employee, based upon the daily number of employees for the quarter-annum immediately preceding the quarter-annum for which the bill is rendered.

(4) **Historical Minimum Charge.** A minimum quarterly charge of seventy-five percent (75%) of the average sewer rental or charge paid by the Industrial Establishment during the same quarter annum period of the two (2) preceding calendar years or, if said Industrial Establishment did not pay rentals or charges during such two (2) previous years, then seventy-five percent (75%) of the sewer rental or charges paid by said Industrial Establishment during the same quarter annum of the previous year.

(c) **Exceptional Strength Charges.** The sewer rentals or charges for Sanitary Sewage and Industrial Wastes discharged from any Improved Property constituting an Industrial Establishment shall be increased above the base charges set forth in subsection (b) by an exceptional strength charge if the wastes discharged have BOD greater than 210 mg/L, TSS greater than 230 mg/L, or TKN greater than 40 mg/L. The exceptional strength charges shall be equal to the amount of exceptional strength charges required to be imposed by the Borough on the Improved Property under agreements relating to the Interceptor System and/or the Treatment Plant to which the Borough is bound (or, if greater, the additional charges to the Borough by the County Authority and/or the City for exceptional strength discharges from the Improved Property), plus any additional costs for accelerated deterioration of the Borough Sewer System as may be established by resolution of Borough Council or in an agreement or arrangement with the Owner of the Improved Property.

§ 65-504 Multiple Units.

Each Billing Unit located in a Multiple Unit shall be billed as a separate entity and the foregoing sewer rentals or charges, as appropriate, shall be used in computing the sewer rentals or charges applicable to each such Billing Unit as though such Billing Unit was in a separate structure and had a direct and separate connection to the Sewer System, *provided*, however, that this Section shall not be applicable to a combination Dwelling Unit and Commercial Establishment as specified in § 65-502(a)(2).

§ 65-505 Changes in Billing Status During a Billing Period.

(a) **Change in Use or Classification of Property.** If the use or classification of any Improved Property shall change during any quarter annum period, the sewer rental or charge shall be adjusted by this Borough by proration on a monthly basis to the nearest calendar month, with a credit or charge, as shall be appropriate under the circumstances, being made on the statement for the next succeeding quarter annum period.

(b) **Commencement or Termination of Use.** Whenever service to any Improved Property shall begin after the first day or shall terminate before the last day of any quarterly billing period, sewer rentals or charges for such period shall be prorated equitably, if appropriate, for that portion of the quarterly billing period during which such Improved Property was served by the Sewer System.

§ 65-506 Time and Method of Payment.

(a) **Rendering of Bills.** All bills for the sewer rentals, charges, and surcharges imposed under this Article with respect to any given property shall be rendered at least twenty-five (25) calendar days before the due date, and are payable to the Borough at the Borough Hall. Bills shall be mailed to the address appearing on the tax records of the Borough or to the property itself, unless the owner of the property designates a different address from time to time. Each owner shall provide the Borough with, and thereafter keep the Borough advised of, the owner's current and correct address. The failure of any person to receive a bill 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.

(b) **Due Date.** Bills shall be due each January 31, April 30, July 31, and October 31 for services rendered during the most recently ended calendar quarter, and shall also include the outstanding balance of unpaid amounts from previous bills and unpaid late payment penalties. Payments are credited on the date they are received at the Borough Hall.

(c) **Late Payment Penalties.** A late payment penalty shall be imposed if there remains an outstanding balance on any bill rendered under subsection (a) as of 12:00 noon on the sixth (6th) calendar day after the due date of that bill. The amount of the late payment penalty is fifteen percent (15%) of the outstanding balance on the bill (including amounts originally billed for previous quarters that remain unpaid, and unpaid late payment penalties) as of the time the penalty is imposed.

(d) **Collection and Lien.** If there is an unpaid balance on any bill sixty (60) days after the due date of the bill, the Borough Manager may file a civil action before the local District Justice to collect the unpaid balance, or may refer the account to the Borough Solicitor to proceed with a civil action or utilize the procedures for the perfection of a municipal lien and collection of a municipal claim. The Borough Manager may also utilize the procedures set forth in § 64-701 *et seq.* to terminate water service to a property with overdue sewer rentals or charges.

§ 65-507 Liens for Sewer Rentals.

Sewer rentals or charges imposed under this Article shall be a lien on the Improved Property connected to and served by the Sewer System; and any such sewer rentals or charges which are not paid within sixty (60) days after the due date for any quarterly bill applicable to the particular Improved Property, at the discretion of the Borough, shall be filed as a lien against the Improved Property so connected to and served by the Sewer System, which lien shall be filed and collected in the manner provided by law for the filing and collecting of municipal claims.

§ 65-508 Measuring Volumes Based on Water Usage.

(a) Measurement of Total Volume Discharged.

(1) **All Water Supplied By Water System.** Whenever the entire water supply of an Improved Property or, if applicable, a Billing Unit or Billing Units located therein, constituting an Industrial Establishment, which shall be discharging Sanitary Sewage and/or Industrial Wastes into the Sewer System, is supplied by the Water System, the volume of water furnished, as determined from meter readings of the Water System, shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges, subject to adjustment, if appropriate, as provided in paragraph (3).

(2) **All Water Not Supplied By Water System.** Whenever an Improved Property or, if applicable, a Billing Unit or Billing Units located therein, constituting an Industrial Establishment, which shall be discharging Sanitary Sewage and/or Industrial Wastes into the Sewer System, shall have a source or sources of water supply in addition to or other than the Water System, the Owner of such Improved Property shall provide a meter or meters on such additional or other source or sources of water supply. The total volume of water consumed, as determined from the meter readings of the Water System and the meter readings of the meter or meters on such additional or other source or sources of water supply, or the meter readings of the meter or meters on such other source or sources of water supply, as appropriate, shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing the sewer rentals or charges, subject to adjustment, if appropriate, as provided in paragraph (3).

(3) **Adjustment When All Water Used Is Not Discharged to Sewer System.** Whenever an Improved Property or, if applicable, a Billing Unit or Billing Units located therein, constituting an Industrial Establishment, shall use water from the Water System and/or water from a source or sources of supply in addition to or other than the Water System for cooling or unpolluted commercial or industrial process purposes, and all or part of the water so used shall *not* be discharged into the Sewer System, the volume used as the measure of discharge of Sani-

tary Sewage and/or Industrial Wastes in computing sewer rentals or charges may be adjusted by one of the following methods:

(A) Sewer Meter. By installing a meter or other measuring device on the connection to the Sewer System. The readings from such meter or measuring device shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges.

(B) Meter of Water Not Discharged to Sewer System. By installing a meter or other measuring device to measure the volume not being discharged into the Sewer System. The readings from such meter or measuring device shall be deducted from the total water meter readings and the remainder shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges.

(C) Estimate by Borough. If it is not practical, in the opinion of this Borough, to install a meter or other measuring device to determine continuously the volume not discharged into the Sewer System, this Borough shall determine, in such manner and by such method as it may prescribe, the percentage of metered water which is being discharged into the Sewer System. The quantity of water used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to such estimated percentage shall be submitted to this Borough, after notice of such estimate. The decision of this Borough with respect to the matter shall be final for the then-current calendar year.

(b) Measurement of Industrial Wastes Discharged.

(1) All Discharge Is Industrial Wastes. Whenever an Industrial Establishment shall discharge only Industrial Wastes into the Sewer System, the volume of water used, measured as provided in this Section, shall be used as a measure of the quantity of Industrial Wastes so discharged.

(2) Discharge Includes Both Sanitary Sewage and Industrial Wastes. Whenever an Industrial Establishment shall discharge combined Sanitary Sewage and Industrial Wastes into the Sewer System, the volume of water used, measured as provided in this Section, chargeable as Industrial Wastes shall be the total volume of water used, less the volume of water determined to be Sanitary Sewage. The volume of water determined to be Sanitary Sewage shall be determined, at the option of the Borough, in either of the following ways:

(A) Actual measured flow; or

(B) By multiplying the average number of employees in the Industrial Establishment during the calendar quarter annum immediately preceding the billing date by nine hundred (900) gallons.

(c) Measuring Devices. Meters or other measuring devices which shall not be available in connection with the Water System, but which shall be required or permitted under provisions of this Section shall be furnished and installed in accordance with specifications of this Borough by the Owner of the Improved Property at his expense, shall be under the control of this Borough and may be tested, inspected or repaired by this Borough whenever necessary. The Owner of the Improved Property upon which such meter or other measuring device shall be installed shall be responsible for its maintenance and safekeeping; and all repairs thereto shall be made at the expense of the Owner, whether such repairs shall be made necessary by ordinary wear and tear or

other causes. Bills for such repairs, if made by this Borough, shall be due and payable immediately upon completion of such repairs and shall be collected in the same manner as quarterly bills for sewer rentals or charges.

(d) **Meter Readings.** This Borough, except to the extent that meter readings are made by any other Person in connection with the Water System and are made available to this Borough for purposes of this Article, shall be responsible for the reading of all meters or other measuring devices and the same shall be available to this Borough at all reasonable times.

§ 65-509 Temporary Surcharges.

In addition to all other sewer rental fees and charges set forth in this Article, temporary surcharges are imposed upon the Owners of Improved Properties which shall be connected with the Sewer System, for the direct or indirect use of the Sewer System, as follows:

(a) **1990.** Forty-five Dollars (\$45.00) for each Dwelling Unit for fiscal year 1990.

(b) **1991.** Forty-five Dollars (\$45.00) for each Dwelling Unit for fiscal year 1991.

(c) **1992.** Fifty-five Dollars (\$55.00) for each Dwelling Unit for fiscal year 1992.

(d) **1993.** Fifty-five Dollars (\$55.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1993, to be added as Borough Council deems necessary.

(e) **1994.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1994, to be added as Borough Council deems necessary.

(f) **1995.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(g) **1996.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(h) **1997.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(i) **1998.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(j) **1999.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(k) **2000.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(l) **2001.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(m) **2002.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(n) **2003.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 1995, to be added as Borough Council deems necessary.

(o) **2004.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2004, to be added as Borough Council deems necessary.

(p) **2005.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2005, to be added as Borough Council deems necessary.

(q) **2006.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2006, to be added as Borough Council deems necessary.

(r) **2007.** One Hundred Twenty Dollars (\$120.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2007, to be added as Borough Council deems necessary.

(s) **2008.** One Hundred Twenty-eight Dollars (\$128.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2008, to be added in the amount of Thirty-two Dollars (\$32.00) each calendar quarter, unless Borough Council determines for any given quarter that the surcharge is not necessary.

(t) **2009.** One Hundred Sixty-eight Dollars (\$168.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2009, to be added in the amount of Forty-two Dollars (\$42.00) each calendar quarter, unless Borough Council determines for any given quarter that the surcharge is not necessary.

(u) **2010.** One Hundred Sixty-eight Dollars (\$168.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2010, to be added in the amount of Forty-two Dollars (\$42.00) each calendar quarter, unless Borough Council determines for any given quarter that the surcharge is not necessary.

(u) **2011.** One Hundred Sixty-eight Dollars (\$168.00) for each Dwelling Unit and each commercial/business unit for fiscal year 2011, to be added in the amount of Forty-two Dollars (\$42.00) each calendar quarter, unless Borough Council determines for any given quarter that the surcharge is not necessary.

§ 65-510 Administrative Charges and Fees.

(a) **Authorization.** The Borough may adopt, by Resolution, reasonable fees for reimbursement of costs of setting up and operating the Borough's industrial Wastewater discharge program, which may include—

(1) Fees for Wastewater Discharge Permit applications, including the cost of processing such applications;

(2) Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing a User's discharge, and reviewing monitoring reports and certifications submitted by Users;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;

(4) Fees for filing appeals;

(5) Reimbursement of costs imposed on the Borough by the City or the County Authority in setting up and operating their industrial Wastewater discharge programs; and

(6) Fees to recover administrative and legal costs associated with the enforcement activity taken by the Borough and/or the City to address User noncompliance with the requirements of this Chapter;

(7) Other fees as the Borough may deem necessary to carry out the requirements of this Chapter. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the Borough.

Until such a Resolution is adopted, and thereafter to the extent not covered by such a Resolution, the Borough hereby establishes fees and costs for the items set forth in paragraphs (1), (2), (3), (5), and (6) above at a rate equal to the costs reasonably incurred by the Borough for such items from its outside contractors and consultants and/or the County Authority or the City, plus the time incurred by Borough employees for such items at the hourly cost to the Borough for such employees (including but not limited to compensation, benefits, and taxes). A tentative fee for a Wastewater Discharge Permit application shall be paid at the time the application is filed, based on the Borough's reasonable estimate of the ultimate charge; any additional amount due shall be payable within fifteen (15) days of any monthly billing by the Borough and before issuance of the Permit, and any excess amount shall be refunded promptly after withdrawal of the application or issuance of the Permit.

(b) Reimbursement of Borough Costs By Violators. In the event a Person shall violate any of the requirements of Article VI (relating to General Sewer Use Requirements), as determined by a test performed by the Borough, the City, or the County Authority, the Person shall reimburse the Borough for all costs and penalties assessed against the Borough by the City or the County Authority with respect to the violation.