

TOWNSHIP OF SOUTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 91-02

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SOUTH MIDDLETON, CUMBERLAND COUNTY, PENNSYLVANIA, IMPOSING SEWER RENTALS AND CHARGES FOR USE OF THE SEWER SYSTEM OPERATED BY THE TOWNSHIP AND FOR TREATMENT OF WASTES DISCHARGED THERETO, UPON OWNERS OF IMPROVED PROPERTY WHICH SHALL BE CONNECTED TO SUCH SEWER SYSTEM; PROVIDING FOR BILLING, COLLECTION AND FILING OF LIENS; REGULATING THE DISCHARGE OF SANITARY SEWAGE INTO SUCH SEWER SYSTEM; AND ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS.

The Board of Supervisors of the Township of South Middleton, Cumberland County, Pennsylvania, enacts and ordains as follows:

ARTICLE I

DEFINITIONS

Section 1.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance 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. "Director" shall mean the Sewer Manager.
- E. "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.

F. "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.

G. "Lease" shall mean the agreement of Lease, dated as of June 1, 1988, between the Authority, as lessor, and the Township, as lessee, with respect to the Sewer System.

H. "Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

I. "Person" shall mean any individual, partnership, trust, association, corporation, municipality, municipality 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 contain plumbing for kitchen, toilet, water fountain or washing facilities.

L. "Sewer" shall mean any pipe or conduit constituting a part of the Sewer System used or usable for collection of Sanitary Sewage.

M. "Sewer Manager" shall mean any Person who may, from time to time, be placed in general charge of the Sewer System.

N. "Sewer System" shall mean all facilities, as of any particular type, for collecting, pumping, transporting, treating and disposing of Sanitary Sewage, and owned by the Authority and leased to the Township for maintenance, operation and use.

O. "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.

P. "Water Supplier" shall mean a municipal supplier in the case where public water is available and the Owner where private water sources are used.

ARTICLE II

SEWER RENTALS AND CHARGES

Section 2.01. Effective September 16, 1991, 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 therefrom 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 \$66.00/quarter

B. Multiple Use: in case of a combination of one or more 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, Industrial, Public and School Establishments.

The quarterly sewer rentals and charges for Commercial, Industrial, Public and School Establishments shall be based on the greater of the following:

A. Quantity of water used as evidenced by meter readings of water meters installed by the water suppliers for the purpose of measuring water purchased from said water suppliers and such other meters or measuring devices as may be installed pursuant to any provisions of Township Ordinance.

B. The number of Employees/Students and shall be based on the greater of the following sub paragraphs.

C. "The rate based upon Water Consumption" shall be at the rate of \$77.00 for all flows consumed up to 20,250 gallons per quarter and at the additional rate of \$6.45 per one thousand gallons of water used in excess of the first 20,250 gallons mentioned above.

D. The rate based upon Employee/Student shall be as follows:

(1) The rate of \$16.78 per quarter per employee, based upon the daily average number of employees for the quarter immediately preceding the quarter being billed.

(2) In the case of schools, the rate of \$4.47 per student, based upon the daily average number of students enrolled on the days when the school

was in session during the full school term immediately preceding the date of the bill for the quarter annum involved. Teachers and employees shall be included for the purposes of this Ordinance.

(3) Regardless of the water consumption as outlined in A above; or the number of Employees/Students as outlined in B above, the minimum bill for each establishment shall be \$77.00.

(4) Rates for Industrial Establishments which may be located in South Middleton Township in the future shall be charged and subject to the Industrial Cost recovery method as required by the United States Environmental Protection Agency and this Ordinance shall be amended in accordance with such requirements prior to discharge by any such Industrial Waste from the Establishment.

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 Township shall specify, for service rendered in the applicable quarterly period. All bills are payable upon presentation or delivery at the CCNB office at Boiling Springs, Mount Holly Springs and Carlisle, Pennsylvania, or 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 Township with and thereafter shall keep the Township 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 five 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 (1½%) per month until paid in full.

ARTICLE IV

LIENS FOR SEWER RENTALS; FILING AND COLLECTION OF LIENS

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 Township against the Owner of the Improved Property charged, or may be enforced against such Improved Property by filing a municipal claim.

Section 4.02. At the discretion of the Township, the sewer service to any Improved Property may be terminated for nonpayment of sewer rentals, as provided in the Pennsylvania Act of April 14, 1949, P.L. 482, as amended; provided, however, that the sewer bill must be in arrears in excess of thirty days, and the Owner must have received notice in writing from the Township of the intent to terminate service at least ten days before the action is taken, pursuant to said Act.

ARTICLE V

METHODS OF MEASURING VOLUME MEASURING DEVICES AND METER READINGS

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

(1) Whenever a person purchasing all water used from the Water Supplier discharges Sanitary Sewage into the Sewer System, the volume of water used, as determined from meter readings made by, or made available to, the Township, shall be used in computing the sewer rentals.

(2) In cases where persons have sources of water supply in addition to, or other than from the Water Supplies and discharge Sanitary Sewage into the Sewer System, those persons shall provide a meter on such additional or other source of supply. The total amount of water used in computing the sewer rentals.

(3) In cases where persons use water from the Water Supplier and/or from any other source 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 Sewer 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 Sewer 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 Township 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 the Water Supplier but otherwise used under the provisions of this Ordinance may be furnished and installed by the Township at the expense of the Owner and shall be owned by, and under the control of, the Township and may be tested, inspected or repaired by Township 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 Township 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 Township shall be responsible for the reading of all meters or measuring devices, unless such readings are otherwise made available to the Township by the Water Supplier, and the same shall be made available to Township employees and agents for meter reading at all reasonable times.

ARTICLE VI

ACCESS

Section 6.01. The Township 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 Township 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 Ordinance.

ARTICLE VIII

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

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

Section 8.02. This Township 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 Sewer System, which rules and regulations shall be, shall become and shall be construed as part of this Ordinance.

ARTICLE IX

EFFECTIVE DATE

Section 9.01. This Ordinance shall become effective in accordance with law.

ARTICLE X

CONSTRUCTION AND SEVERABILITY

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

ARTICLE XI

DECLARATION OF PURPOSE

Section 11.01. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of the Township.

ARTICLE XII

REPEALER

Section 12.01. All provisions of Ordinance No. 6 of 1989 enacted May 18th 1989, of this Township shall be and are expressly repealed.

DULY ENACTED AND ORDAINED, this 3rd day of July, 1991, by the Board of Supervisors of the Township of South Middleton, Cumberland County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF SOUTH MIDDLETON
Cumberland County, Pennsylvania

By: Dale Jones, Jr.
Chairman of the Board of Supervisors

ATTEST:
Mitch L. Hoffman
Secretary