

MONROE TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

RESOLUTION NO. 2012-15

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MONROE, CUMBERLAND COUNTY, PENNSYLVANIA, IMPOSING USER CHARGES TO BE COLLECTED FROM THE OWNER OF EACH IMPROVED PROPERTY SERVED OR TO BE SERVED BY THE SEWER SYSTEM SERVING THE SOUTHERN SERVICE AREA OF THIS TOWNSHIP; AND PROVIDING FOR PAYMENT AND COLLECTION OF SUCH USER CHARGES.

BE IT RESOLVED, by the Board of Supervisors of the Township of Monroe, Cumberland County, Pennsylvania, as follows:

ARTICLE 1

DEFINITIONS

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

“Authority” shall mean Monroe Township Municipal Authority.

“Board of Supervisors” shall mean the Board of Supervisors of this Township.

“Building Sewer” shall mean the sewage drainage system from a building constructed on any Improved Property to the Lateral serving such Improved Property, including any grinder pump or pressure sewer or similar apparatus or facilities installed by this Township or the Authority or the Owner and which are located on such Improved Property.

“Commercial Establishment” shall mean any room, group of rooms, building or enclosure, or group thereof, connected, directly or indirectly, to the Sewer System and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service, which maintains separate toilet, sink or other plumbing facilities in the room or group of rooms utilized for such business enterprise.

“Commonwealth” shall mean the Commonwealth of Pennsylvania.

“Connection Ordinance” shall mean Ordinance No. 2000-7, of this Township, enacted on June 29, 2000, together with any amendments, revisions and supplements thereto, requiring, *inter alia*, certain Owners of Improved Property that is adjoining and adjacent to the Sewer System, to connect therewith and providing for related matters.

“Dwelling Unit shall mean any room, group of rooms, house trailer, apartment, condominium, cooperative or other enclosure connected, directly or indirectly, to the Sewer System and occupied or intended for occupancy as living quarters by an individual, a single family or other discrete group of persons, excluding institutional dormitories.

“Educational Establishment” shall mean any room, group of rooms, buildings or other enclosure connected, directly or indirectly, to the Sewer System and used or intended for use, in whole or in part, for educational purposes, including both public and private schools or colleges.

“Equivalent Dwelling Unit” or “EDU” shall mean the unit of measure by which the User Charge shall be imposed upon each Improved Property, as determined in this Resolution or in any subsequent resolution of this Township, which shall be deemed to constitute the estimated equivalent amount of Sanitary Sewage discharge by a typical single-family Dwelling Unit.

“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 and/or Industrial Wastes shall be or may be discharged, which is located within the Northern Service Area and is subject to the mandatory connection provisions of the Connection Ordinance.

“Industrial Establishment” shall mean any Improved Property used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other Improved Property from which wastes, in addition to or other than Sanitary Sewage, shall or may be discharged.

“Industrial Wastes” shall mean any and all wastes discharged from an Industrial Establishment, and/or any wastewater having characteristics which may have the potential to be detrimental to the Treatment Plant, other than Sanitary Sewage.

“Institutional Establishment” shall mean any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System, including institutional dormitories and school buildings, which do not constitute a Commercial Establishment, a Dwelling Unit or an Industrial Establishment.

“Lateral” shall mean that part of the Sewer System extending from a Sewer to the easement line or to the property line, as applicable, or if no such extension is provided, then “Lateral” shall mean that portion of, or place in, a Sewer that is provided for connection of any Building Sewer.

“Multiple Use Improved Property” shall mean any Improved Property upon which there shall exist any combination of a Dwelling Unit, Commercial Establishment, Industrial Establishment, Educational Establishment or Institutional Establishment.

“Owner” shall mean any Person vested with title, legal or equitable, sole or partial, of any Improved Property.

“Person” shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity, including municipalities, municipality authorities, school district and other units of government.

“Sanitary Sewage” shall mean normal water-carried household and toilet wastes from any Improved Property.

“Sewer” shall mean any pipe or conduit constituting a part of the Sewer System used or usable for collection of Sanitary Sewage and/or Industrial Wastes.

“Sewer System” shall mean all facilities acquired and/or constructed by the Authority within the Southern Service Area and used or useful in connection with the collection, transportation, treatment and/or disposition of Sanitary Sewage and/or Industrial Wastes delivered to the Treatment Plant and leased to this Township for operation and use.

“South Middleton” shall mean South Middleton Township Municipal Authority.

“Southern Service Area” shall mean the geographic area of this Township contiguous to the Township of South Middleton, Cumberland County, Pennsylvania, served by the Sewer System and the Treatment Plant, and such other area of this Township determined and designated, from time to time, by the Board of Supervisors of this Township as part of such service area.

“Stormwater” shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

“Township” shall mean Township of Monroe, Cumberland County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

“Treatment Plant” shall mean the Wastewater treatment and disposal system facilities owned and operated by Mechanicsburg, together with all appurtenant facilities and properties, and together with any additions, improvements, enlargements and/or modifications thereto from time to time acquired or constructed.

“User” shall mean any Person who contributes causes or permits the contribution of Wastewater into the Sewer System or the Treatment Plant from an Improved Property.

“User Charge” shall mean the quarterly rental or charge imposed by this Township hereunder, as amended from time to time, against the Owner of each Improved Property, for the use or availability of use of the Sewer System.

“Wastewater” shall mean the liquid and water-carried Industrial Wastes or Sanitary Sewage from a Dwelling Unit, Commercial Establishment, Educational Establishment, Industrial Establishment, Institutional Establishment and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the Treatment Plant.

ARTICLE II

USER CHARGES

SECTION 2.01. A User Charge is hereby imposed upon the Owner of each Improved Property that is or shall be connected to the Sewer System, for use of the Sewer System, whether such use is direct or indirect, and for services rendered by this Township in connection therewith, and shall be payable as provided herein. At the discretion of this Township, such User Charge may be imposed upon the Owner of an Improved Property who fails or refuses improperly to connect such Improved Property to the Sewer System, as compensation for the availability of service by this Township in connection with the Sewer System.

SECTION 2.02. The User Charge shall be payable by the Owner of each Improved Property commencing the earlier of: (1) the date of actual, physical connection of an Improved Property to the Sewer System, or (2) sixty (60) days from the date of issuance of the notice to connect described in the Connection Ordinance; or such other date established by this Township for commencement of the payment of the User Charge.

SECTION 2.03. User Charges applicable to any Improved Property shall be calculated, imposed and collected on the basis of one of the following methods, in the sole discretion of this Township:

- A. Flat Rate Basis: Each Improved Property connected to the Sewer System billed on a Flat Rate Basis shall be charged the User Charge as a specific amount per Equivalent Dwelling Unit applicable to such Improved Property, as determined by this Township, from time to time. The number of Equivalent Dwelling Unites applicable to each Improved Property shall be determined as follows:

<u>Description of Improved Property</u>	<u>Unit of Measurement</u>	<u>Number of EDU's per Unit of Measurement</u>
Residential Dwelling Unit (year-round or seasonal)	Each single family dwelling unit	1

<u>Description of Improved Property</u>	<u>Unit of Measurement</u>	<u>Number of EDU's per Unit of Measurement</u>
Apartment Multiple Dwelling	Each apartment or unit	1
Retail store, professional Offices or other Commercial Establishment	1 to 10 employees Each additional 10 employees or fraction thereof	1 1
Hotel, motel or boarding house (not including restaurant facilities)	1 to 4 rental rooms Each additional 4 rooms or fraction thereof	1 1
Restaurant, club, tavern or Other retail food or drink Establishment	1 to 10 customer seats Each additional 10 seats or fraction thereof	1 1
Automobile service station or Commercial vehicle repair shop	1 or 2 bays Each additional 2 bays or fraction thereof	1 1
Beauty parlor or barber shop (with hair washing)	First chair Each additional chair	1 1
Educational/Institutional Establishment	Per each 15 pupils, faculty, administrators and staff or fraction thereof	1
Church	Each property	1
Fire Company	Each property	1
Community Hall	Each property	1
Community Park	Each property	1
Laundromat	First 2 washing machines Each additional washing machine	1 1
Funeral Home	Each property	1
Municipal Garage	Each structure connected to the Sewer System	1

<u>Description of Improved Property</u>	<u>Unit of Measurement</u>	<u>Number of EDU's per Unit of Measurement</u>
Industrial/Commercial Establishment	1 to 10 employees	1
	Each additional 10 employees or fraction thereof (or based on the volume of wastewater generated)	1
Convalescent Homes	3.5 patients Employees will be classified as patients	1

EDU's applicable to businesses, retail stores and professional offices may be determined on the basis of the average number of Full and part-time employees (including individual owners and employers) during the calendar quarter preceding the date the Owner of such Improved Property is required to connect to the Sewer System in accordance with the Connection Ordinance.

The number of Equivalent Dwelling Unites applicable to Commercial Establishments and Industrial Establishments shall be computed on the basis of the average daily number of full and part-time employees (including the owner(s) or employer(s)) for the calendar quarter preceding the date of the quarterly billing. The Owners of such facilities shall be responsible for advising this Township in writing of the number of employees upon connection to the Sewer System and, from time to time, upon request of this Township. The number of Equivalent Dwelling Unites applicable to Educational and Institutional Establishments shall be computed on the highest quarterly average daily attendance of occupants, pupils, faculty, administrators and staff during the twelve (12) months preceding the date of the quarterly billing. The Owners of such facilities shall be responsible for advising the Township in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure, from time to time, upon request of this Township.

If the use or classification of any Improved Property changes within a billing period, the User Charge for such billing period may be prorated by this Township, in this Township's discretion. The Owner of the Improved Property shall be responsible for

advising this Township in writing of any such change affecting the User Charge payable hereunder. The appropriate credit or additional charge shall appear on the statement for the next succeeding billing period.

The quarterly flat rate User Charge payable per Equivalent Dwelling Unit shall be \$290.00.

- B. Metered Rate Basis: User Charges for any Improved Property connected to the Sewer System, in the sole discretion of this Township, may be determined on a metered rate basis calculated according to:
1. Metered volume of potable water usage by the Improved Property, adjusted, if appropriate, by this Township, or
 2. Actual metered volume of Wastewater discharged by the Improved Property into the Sewer System.

In either of the foregoing cases, such User Charge shall be computed on the basis of \$14.32 per 1,000 gallons of usage per quarter or fractional part thereof, subject to a minimum charge of \$ 220.80 per quarter.

SECTION 2.04. In the case of a Multiple Use Improved Property sharing a common connection to the Sewer System or a common structure, each such classification of Improved Property shall pay a separate User Charge, as though it were housed in a separate structure and had a direct and separate connection to the Sewer System, computed in accordance with this Resolution.

SECTION 2.05. The Owner of any Improved Property discharging Wastewater into the Sewer System shall furnish to this Township, included by way of the application for permit described in the Connection Ordinance, all information deemed essential or appropriate by this Township for the determination of all applicable User Charges and surcharges. The cost of obtaining such information shall be borne by such Owner of the Improved Property.

In the event of the failure of the Owner to provide adequate information, this Township

shall estimate the applicable User Charge and surcharges based upon available information, until such time as adequate information is received. There shall be no rebate of past payments in the Owner's refusal to provide information results in overpayment.

SECTION 2.06. Nothing herein contained shall be deemed to prohibit this Township from entering into separate or special agreements with Owners of Improved Property or other Persons with respect to the User Charge or surcharges to be imposed in those cases where, due to special or unusual circumstances, the User Charge set forth herein shall be deemed by this Township, in its sole discretion, to be inequitable, or where it is in the best interests of this Township to do so.

SECTION 2.07. User Charges and surcharges, as applicable, shall be payable on a quarterly basis, on the 15th day of February, May, August and November, respectively, in each year, and shall cover a billing period consisting of the immediately preceding calendar quarter. The calendar quarters are as follows: First Quarter – January, February, March; Second Quarter – April, May, June; Third Quarter – July, August, September; Fourth Quarter – October, November, December. Owners of Improved Property that shall be first connected to the Sewer System during any quarterly period shall pay a pro rata User Charge for service for the balance of the quarterly period, plus any applicable surcharges.

SECTION 2.08. Payments of User Charges and any applicable surcharges shall be due and payable upon the applicable billing date, at the office of this Township, in the appropriate amount, computed in accordance with this Resolution, which shall constitute the net bill. If any User Charge or any applicable surcharge is not paid within forty-five (45) calendar days after the applicable billing date, an additional sum of ten percent (10%) shall be added to such net bill, which net bill, plus such additional sum, along with interest from the due date at the rate of one-half percent (1/2%) per month or fraction thereof until paid in full, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such forty-five (45) calendar day period shall constitute payment within such period. If the end of such forty-five (45) calendar day period shall fall on a legal holiday or on a Sunday, then payment made on or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such period. Any and all payments received on account of delinquent accounts shall be applied first to the oldest outstanding gross bill, including any accumulated late

fee.

SECTION 2.09. It shall be the responsibility of each Owner of an Improved Property to provide this Township with, and thereafter keep this Township continuously advised of, the correct mailing address of such Owner. Failure of any Owner to receive a bill for charges due and payable 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 2.10. No officer or employee of this Township is authorized to reduce, vary or exempt charges imposed herein or under other provisions of this Resolution without official action by the Board of Supervisors of this Township.

Every Owner or Improved Property shall remain liable for the payment of User Charges and surcharges until the later of: (1) the receipt by this Township of written notice by such Owner that the property has been sold, containing the correct name and mailing address of the new Owner, or (2) the date on which title to the Improved Property is transferred to a new Owner. Failure to provide notice renders an Owner continuously liable for any charges that may accrue until such time as this Township has been properly notified of any change in ownership as described above.

SECTION 2.11. Attorney fees incurred by this Township in the collection of any delinquent municipal claim for User Charges, sewer charges and interest shall be added to the amount of the municipal claim.

At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of a delinquent municipal claim, this Township shall, by United States certified mail, return receipt requested, postage prepaid, mail to the Owner the notice required by Act No. 1996-1, or, if within thirty (30) days mailing the aforesaid notice, the certified mail is refused or unclaimed or the return receipt is not received, then at least ten (10) days prior to assessing or imposing attorney fees in connection with the collection of a delinquent municipal claim, this Township shall, by United States first class mail, mail to the Owner the notice required by Act No. 1996-1. The notice shall include the following:

- A. A statement of intent of the Township to impose or assess attorney fees within thirty (30) days of mailing the notice or within ten (10) days of mailing the notice, as hereinbefore required.
- B. The manner in which the imposition or assessment of attorney fees may be avoided by payment of the delinquent municipal claim.

When attorney fees are sought to be collected in connection with the collection of a delinquent municipal claim, the Owner shall have the rights granted by Act No. 1996-1, as applicable.

ARTICLE III

PROHIBITED WASTES

SECTION 3.01. No Person shall discharge or shall cause to be discharged into the Sewer System any storm water, surface water, spring water, ground water. Roof runoff, subsurface drainage, building foundation drainage, cellar drainage or drainage from roof leader connections.

SECTION 3.02. Except as otherwise provided, no Person shall discharge or cause to be discharged into the Sewer System any matter or substance prohibited under the Rules and Regulations adopted by this Township as provided in Section 4.06 hereof with respect to the Sewer System.

SECTION 3.03. Nothing contained herein shall be construed as prohibiting any special agreement or arrangement between this Township and the Owner of an Improved Property or other Person allowing Wastewater of unusual strength or character to be admitted into the Sewer System.

SECTION 3.04. Where necessary or appropriate, in the opinion of this Township, the Owner of an Improved Property shall provide, at the sole expense of the Owner, suitable pretreatment facilities acceptable to this Township.

Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of Industrial Wastes shall be submitted for approval of this Township. No construction of any such facility shall commence until approval has been obtained, in writing, from this Township, and until approval has been obtained from any and all regulatory bodies having jurisdiction.

Such facilities for preliminary treatment and handling of Industrial Wastes shall be continuously maintained, at the sole expense of the Owner, in good operating condition satisfactory to this Township. This Township shall have access to such facilities at reasonable times for purposes of inspection and sampling.

ARTICLE IV

MISCELLANEOUS

SECTION 4.01. This township shall have the right of access. At all reasonable times, to any part of any Improved Property as necessary for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by this Township.

SECTION 4.02. The Owner of any Improved Property, upon direction of this Township, shall acquire, install, own and operate, at such Owner's sole cost and expense, a grinder pump or similar apparatus satisfactory to this Township in the manner and at the location directed by this Township. Such grinder pump shall be installed at the time such Improved Property is connected to the Sewer System and shall be subject to inspection and approval together with the remainder of the Building Sewer.

SECTION 4.03. The Owner of any Improved Property shall be held liable for all acts of tenants or other occupants of such Improved Property, as may be permitted by law, insofar as such acts shall be governed by the provisions of this Resolution.

SECTION 4.04. Any Person who violates this Resolution shall be subject, upon being found liable therefore in a civil enforcement proceeding commenced by this Township, to a penalty of not more than One Thousand Dollars (\$1,000), together with costs of

such proceedings in each case. Each day that a violation shall continue shall be deeded and shall be taken to be a separate offence and shall be punishable as such.

SECTION 4.05. Penalties and cost imposed under provisions of this Resolution shall be enforceable and recoverable in the manner at the time provided by applicable law.

SECTION 4.06. This Township hereby approves, adopts, ratifies and confirms the “Wastewater Collection and Conveyance System Rules and Regulations” heretofore adopted by the Authority and currently in effect. This Township may adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with the use and operation of the Sewer System, which additional rules and regulations shall, be shall become and shall be construed as part of this Resolution.

SECTION 4.07. In the event any provision, section, sentence, clause or part of this Resolution shall be held by any Court or Administrative tribunal or competent jurisdiction 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 this Township that such remainder shall be and shall remain in full force and effect.

SECTION 4.08. All resolutions or ordinances or parts of resolutions or ordinances of this Township which are inconsistent herewith expressly shall be and are repealed.

SECTION 4.09 This Resolution shall become effective November 8, 2012.

SECTION 4.10. It is declared that the adoption of this Resolution is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

DULY ADOPTED, this 8th day of November, 2012, by the Board of Supervisors of the Township of Monroe, Cumberland County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MONROE
Cumberland County, Pennsylvania

By: _____
Chairman of the Board of Supervisors

ATTEST:

Secretary

(SEAL)