

TOWNSHIP OF RUSH,
Schuylkill County, Pennsylvania

#99
AN ORDINANCE

FIXING AND CHARGING SEWER RATES AND OTHER CHARGES FOR USE OF THE SEWAGE COLLECTION AND TRANSPORTATION SYSTEM ACQUIRED AND CONSTRUCTED BY THIS TOWNSHIP AND FOR COLLECTING, TRANSPORTING AND DISPOSING OF WASTES DISCHARGED THERETO, UPON OWNERS OF IMPROVED PROPERTY CONNECTED TO SUCH SEWAGE COLLECTION SYSTEM; PROVIDING FOR COLLECTIONS AND FOR FILING OF LIENS; REGULATING THE DISCHARGE OF SANITARY SEWAGE INTO SUCH SEWAGE COLLECTION SYSTEM; ADOPTING CERTAIN RULES AND REGULATIONS WITH RESPECT TO USE OF SAID SEWER SYSTEM; AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS.

WHEREAS, This Township has determined to acquire and construct a sanitary sewage collection system, including all related and necessary facilities, for rendering sewage service in and for a certain area of the Township known as Lake Hauto (the "Service Area"), including construction of sewage transportation facilities to connect to the collection and treatment system owned by Borough of Nesquehoning, Carbon County, Pennsylvania (the "Nesquehoning Sewer System"), to facilitate the discharge of waste collected in the aforesaid sewage collection system to the Nesquehoning Sewer System for transportation, treatment and disposal.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of this Township, as follows:

SECTION 1
DEFINITIONS

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

A. "Building Sewer" or "Service Line" means the extension from the sewage drainage system of any structure to the Lateral of a Sewer.

B. "Domestic Establishment" means any room, group of rooms, apartment, house trailer, building or other enclosure connected, directly or indirectly, to the Sewer System and occupied or intended for occupancy as separate living quarters by a family or any other group of Persons living together or by a Person or Persons living alone.

C. "Improved Property" means any property located within the Service Area 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.

D. "Lateral" means that part of the Sewer System extending from a Sewer to the curb line, or if there shall be no curb line, to the property line, or if no such Lateral shall be provided, then Lateral shall mean that portion of or place in a Sewer which is provided for connection of any Building Sewer.

E. "Non-Domestic Establishment" means any room, group of rooms, building or other enclosure connected, directly or indirectly, to the Sewer System, which does not constitute a Domestic Establishment.

F. "Owner" means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

G. "Person" means any individual, partnership, company, association, society, corporation or other group or entity.

H. "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution, indicating the degree of acidity or alkalinity of a substance.

I. "Sanitary Sewage" means normal water-carried household and toilet wastes from any Improved Property.

J. "Sewer" means any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes.

K. "Sewer System" means all facilities, as of any particular time, for collecting, transporting, pumping and/or disposing of Sanitary Sewage situate in the Service Area, to be constructed by the Township for rendering sewage service in and for a the Service Area, as more particularly defined in the Preamble to this Ordinance.

L. "Township" means the Township of Rush, Schuylkill County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized officers or representatives.

SECTION 2
SEWER RATES AND OTHER CHARGES

Sewer rates and other 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 rates and charges shall commence and shall be effective as of the date of connection of each such Improved Property to the Sewer System, and shall be payable as provided herein, in accordance with the following schedule of rates and classifications:

A. Domestic Establishments

Each Domestic Establishment. . . \$600.00 per annum payable at the rate of \$150.00 per quarter annum billing period.

Each Domestic Establishment in a double house, in a row of connecting houses, in an apartment building or in any other multiple dwelling shall be billed as a separate entity. If two (2) or more families use separate cooking and/or toilet facilities in an Improved Property, the sewer rates and other charges payable hereunder shall be computed as though each such family was a separate user with a separate connection to a Sewer.

B. Non-Domestic Establishments (Commercial, Professional Offices, Retail Stores, Churches, Grange Halls, Service Stations, Garages, Automotive Repair Shops, Barber Shops, Beauty Shops, etc.)

1. Each Owner of an Improved Property on which there is a Non-Domestic Establishment which shall be connected to the Sewer System shall pay sewer rates and other charges, except as hereinafter noted, of \$600.00 per annum, payable at the rate of \$125.00 per quarter annum billing period, per Equivalent Dwelling Unit, on the basis of Equivalent Dwelling Units, as set forth in the following schedule:

<u>User Classification</u>	<u>Equivalent Dwelling Unit(s)</u>
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A.(1) Each retail store, business, professional office or commercial establishment which is not otherwise more specifically designated hereinafter in this schedule:

(a) Having three (3) or less employees who spend at least twenty-five percent (25%) of their working hours in the Non-Domestic Establishment

(b)	Each additional employee who spends at least twenty-five percent (25%) of his or her working hours in the Non-Domestic Establishment	.13
(c)	Each transient employee who spends more than seventy-five percent (75%) of his or her working hours assigned outside of the Non-Domestic Establishment	.04
B.	Each Church	1
C.	Each Grange Hall	1
D.	Each Service Station, Garage or Automotive Repair Shop:	
(1)	Having three (3) or less employees	1
(2)	Each additional employee over 3	.13
(3)	Each washing bay located in said Non-Domestic Establishment	.50
E.	Each Barber Shop or Beauty Shop:	
(1)	Having two chairs or less	1
(2)	Each additional two chairs or fraction thereof	.50

2. If two (2) or more Domestic Establishments and/or Non-Domestic Establishments are connected to the Sewer System through a single lateral, or if two (2) or more types of use are made of the same Improved Property, the sewer rates and other charges payable hereunder shall be computed as though each such Domestic Establishment and/or Non-Domestic Establishment and each such type of use were a separate Improved Property or user with a separate connection to a Sewer.

3. Sewer rates and other charges for commercial, industrial or other business units payable hereunder shall be computed on the basis of the average number of employees (including individual owners and employers) for the calendar quarter preceding the applicable quarter annum billing period.

4. If the Owner of any Non-Domestic Establishment shall fail to provide this Township with complete information required to compute the sewer rates and other charges for such Non-Domestic Establishment, this Township may estimate a

reasonable applicable sewer rate and other charges for such Non-Domestic Establishment and such estimated sewer rates and other charges shall be the actual sewer rate and other charge payable until the required information is filed; provided, however, that no rebates will be paid by this Township if the information filed reveals a lower indicated sewer rate and other charge than that estimated by this Township.

5. Additional classifications and sewer rates or other charges or modifications of the above schedule of sewer rates or other charges may be established by this Township from time to time as deemed necessary. Nothing contained herein shall be construed as prohibiting special agreements between the Township and establishments connected to the Sewer System under conditions and circumstances making special agreements advisable and necessary.

SECTION 3
TIME AND METHOD OF PAYMENT

A. All bills for sewer rates and other charges shall be rendered on the first days of January, April, July and October, respectively, in each year, or as soon after the first day of said months as is possible and shall cover a quarterly billing period consisting of the immediately subsequent three calendar months, said bills being rendered in advance.

Owners of Improved Properties connected to the Sewer System during any quarterly billing period shall pay a pro rata sewer rate and other charges for service for the balance of the such quarterly billing period.

B. Sewer rates and other charges shall be due and payable upon the applicable billing date as provided for in subsection A of this Section 3, and the appropriate amount computed in accordance with this Ordinance shall constitute the net bill. If sewer rates and other charges are not paid within 30 calendar days after each billing date, an additional sum of 3% per quarter shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made on or mailed and postmarked on or before the last day of such 30 calendar-day period shall constitute payment within such period. If the end of such 30 calendar-day period shall fall on a legal holiday or a Sunday, 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. Nothing in this paragraph shall prevent the agent of the Township appointed to administer the Sewer System or collect the sewer rates to establish other penalties and other charges for late payments in addition to or in substitution of the penalties and additional charges set forth in this paragraph.

C. Every Owner of an Improved Property which is connected to the Sewer System initially shall provide this Township with and thereafter shall keep this Township advised of his correct address. Failure of any Person to receive bills for sewer rates and other 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 4
LIENS FOR SEWER RATES AND OTHER CHARGES
FILING AND COLLECTION OF LIENS

Sewer rates and other charges imposed by this Ordinance shall be a lien on the Improved Property connected to and served by the Sewer System; and any sewer rates and other charges which are delinquent shall be filed as a lien against the Improved Property 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.

SECTION 5
PROHIBITED WASTES

A. No Person shall discharge or cause to be discharged any storm water, surface water, spring water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections, uncontaminated cooling water or unpolluted process waters into any Sewer.

B. This Township reserves the right to refuse permission to connect to the Sewer System, to compel discontinuance of use of the Sewer System, or to compel pretreatment of wastes by a Non-Residential Establishment, in order to prevent discharges deemed harmful or to have a deleterious effect upon any Sewer or the Sewer System or upon the treatment plant or any other portion of the Nesquehoning Sewer System.

C. Where necessary all Owners shall install suitable pretreatment facilities in order to comply with this Section 5.

Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of this Township, and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from this Township, and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction.

Whenever facilities for preliminary treatment and handling of wastes shall have been provided by any Owner, such facilities continuously shall be maintained, at the expense of such Owner, in satisfactory operating condition; and this Township shall have access to such facilities at reasonable times for purposes of inspection and testing.

D. Nothing contained in this Section 5 shall be construed as prohibiting any special agreement or arrangement between this Township and any Person whereby wastes of unusual strength or character may be admitted into the Sewer System by this Township, either before or after preliminary treatment.

SECTION 6
REGULATIONS GOVERNING ADMISSION OF
WASTES INTO THE SEWER SYSTEM

A. No owner of a Non-Domestic Establishment shall discharge or cause to be discharged into the Sewer System any wastes except upon application to this Township and upon receipt of a written permit therefore from this Township and subject to such conditions, charges and surcharges, if applicable, as may be prescribed by this Township.

B. Any Non-Domestic Establishment discharging Sanitary Sewage into the Sewer System and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes at the time being discharged into the Sewer System shall notify this Township, in writing, at least 10 days prior to consummation of such change.

C. Grease, oil and sand interceptors shall be provided by the Owner of any Non-Domestic Establishment, when required by this Township, for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand or other harmful ingredients. Any interceptor, when required by this Township, shall be of a type and capacity approved by this Township and constructed or installed at an accessible, safe, suitable and satisfactory location in accordance with plans approved by this Township prior to installation or commencement of construction.

D. This Township reserves the right to require Non-Domestic Establishments having large variations in rates of waste discharge to install suitable regulation devices for equalizing waste flows to the Sewer System.

SECTION 7
ACCESS

This Township shall have the right of access at reasonable times to any part of any Improved Property served by the Sewer System and any meters used for purposes of inspection, measurement, sampling, and testing and for performance of other functions relating to service rendered by this Township in connection with the Sewer System.

SECTION 8
PAYMENT AND DISPOSITION OF SEWER RATES
AND OTHER CHARGES

All sewer rates and other charges shall be payable to the such officer or representative of this Township as shall be authorized, from time to time, by this Township, to accept payment thereof.

SECTION 9
ADOPTION OF ADDITIONAL RULES AND REGULATIONS

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 operation of the Sewer System, which rules and regulations shall be, shall become and shall be construed as part of this Ordinance.

SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective five (5) days after adoption and shall apply to the quarter commencing April 1, 1993 and for all subsequent quarters until changed by resolution of the Board of Supervisors of Rush Township.

SECTION 11
CONSTRUCTION AND SEVERABILITY

In the event any provision, 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 this Township that such remainder shall be and shall remain in full force and effect.

SECTION 12
REPEALER

All other ordinances, parts of ordinances or resolutions, inconsistent herewith expressly are repealed. Specifically Resolution 92-4 is hereby repealed in full.

DULY ENACTED AND ORDAINED, this 11th day of March, 1993.

ATTEST:

Carol Ann Dept
Secretary

TOWNSHIP OF RUSH,
Schuylkill County, Pennsylvania

By: Ronald T. Warner
(Vice) Chairman of the
Board of Supervisors

(SEAL)