

TYRONE TOWNSHIP

SEWER SERVICE AREAS, RENTALS AND CHARGES

ORDINANCE NO. 2013-04

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF TYRONE TOWNSHIP ESTABLISHING SEWER SERVICE AREAS; ESTABLISHING SEWER SERVICE RENTALS AND CHARGES; PROVIDING FOR COLLECTION; PROVIDING FOR USE OF FUNDS SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Board of Supervisors of Tyrone Township, Adams County, Pennsylvania, desires to establish sanitary sewer service areas within the Township; and

WHEREAS, it is necessary for the Township to establish sewer rental fees and charges for the sewer service areas that constitute the Township's Sewer System; and

WHEREAS, the Township desires to establish general billing and collection procedures for sewer rentals and charges.

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of Tyrone, Adams County, Pennsylvania, as follows:

SECTION 1: SEWER SERVICE AREA

There is hereby created in the Township of Tyrone one sewer service area, to be known, as the Heidlersburg Sewer Service Area.

SECTION 2: SEWER SERVICE RENTALS AND CHARGES

Sewer rentals and charges initially established herein, as may be amended, supplemented, or modified by the Board of Supervisors of Tyrone Township by resolution from time to time, are hereby imposed as follows:

1. HEIDLEBURG SEWER SERVICE AREA

A. Rentals

- (1) Single-family residential unit containing plumbing for kitchen or for toilet facilities, whether a house, apartment unit or mobile home: a sewer rental of \$30 per month.
- (2) Commercial, industrial, institutional or other user: a quarterly sewer rental computed on the basis of \$10 per 1,000 gallons of actual water used in the previous month, as reflected by the water or wastewater meter records. The minimum monthly billing for this category of user shall be \$30 per month per EDU.

B. Tapping Fee (Established in Accordance with Act 57 of 2003, as amended from time to time)

There is hereby fixed and imposed upon the owner of each property making any connection to the sewer system, directly or indirectly, including those changing the type of use of property previously connected or connecting one or more new uses of the types hereinafter referred to through an existing connection, regardless of whether such property is connected separately or through one or more existing or new lateral sewer or sewer connections or collection lines owned by any owner other than Tyrone Township, a tapping fee of \$2,500 per equivalent dwelling unit, or part thereof, according to the Rules and Regulations established by the Township by Resolution, as may be amended from time to time, for each connection within the Township. The imposition of this tapping fee is in accordance with the Act 57 of 2003 Calculation of Tapping Fee October 2013 study prepared by Wm. F. Hill & Associates, Inc. Tapping fees shall, hereafter, not exceed those schedules which shall be adopted, from time to time, by resolution of the Township, provided that such fees are based on future studies by the Township's Engineer and in compliance with current laws.

C. Connection Fee (Established in Accordance with Act 57 of 2003, as amended from time to time)

The connection fee is to be applied when the Township installs the sanitary facilities from the sanitary sewer main to the property line. The connection fee shall be established in accordance with the provisions of Act 57.

Any cost associated with the connection fee, including labor and materials, in addition to the above schedule, shall be paid by the owner of the property to be served by the Township promptly upon completion of the connection and before service shall be supplied to the property. The basis for the calculation of the cost shall be the actual cost to the Township for the labor, materials and equipment included in the installation, plus overhead expenses.

D. Customer Facilities Fee (Established in Accordance with Act 57 of 2003, as amended from time to time)

This fee is to be applied when the Township installs the sanitary facilities from the property line or right-of-way line to the proposed dwelling or building. If the sanitary facilities are installed by the property owner the Township's only cost is for the required inspection.

2. The Township reserves the right to adopt by resolution and promulgate from time to time additional classifications and sewer rates or charges therefor or modifications of the schedule of sewer rates or charges as set forth in this Section, which additional classifications and sewer rates or charges or modifications, as the case may be, shall be construed as a part of this Ordinance.

SECTION 3: CHANGE OF CLASSIFICATION OF PROPERTY

If use or classification of any property should change within any month, the difference in sewer rental, prorated on a monthly basis to the nearest calendar month, will be charged or credited, as the case may be, in the bill for the succeeding month.

SECTION 4: BILLS FOR SEWER RENTALS AND CHARGES

Bills for the sewer rentals or charges shall be mailed by the Township to the owners of property receiving sewer service. Said sewer rentals are payable at par by the 15th day of each calendar month and are subject to a five percent (5%) penalty if not paid on or before the 22nd day of each month. If not paid by the last day of the calendar month an additional penalty of five percent (5%) of the unpaid balance shall be added; thereafter, any unpaid balance shall bear interest at the rate of ten percent (10%) per annum or portion thereof until paid. The sewer rentals herein provided shall be collected and enforced in a manner deemed appropriate or necessary by the Township, exercising such remedies provided by law for the assessment and collection of municipal claims and the enforcement of municipal liens under the laws of the Commonwealth of Pennsylvania.

In lieu of monthly payment of sewer rentals, residential customers may elect to prepay sewer rentals in accordance with the following schedule:

Full prepayment of twelve (12) months of base sewer rentals shall be subject to a discount of 5%.

Full prepayment of six (6) months of base sewer rentals shall be subject to a discount of 2.5%.

Residential customers desiring to prepay sewer rentals shall contact the Township and request the appropriate prepayment amount in accordance with the above schedule. Prepayments shall be applied to the sewer rentals incurred in the calendar months following the receipt of the prepayment. If during the prepayment period the sewer rental charges are increased, the residential customer electing to prepay shall be issued a bill for the difference in the prepaid amount and the increased rate, subject to the discount specified above. Said bill shall be paid

within thirty (30) days from issuance. If said bill is not paid within thirty (30) days of issuance, the amount shall not be subject to discount and said bill shall be subject to the penalty and interest provisions set forth above.

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 article.

If any property owner shall connect a drain or pipe with the Sewer System without having first received a permit and paying the tapping fee and connection charge, if any, or if any property owner or occupier of premises who has obtained a permit and made connection with the Sewer System shall permit any person, partnership or corporation to make an attachment to or connect with his/her or its drain or sewer leading into the Sewer System so as to drain any other property than for which a permit was granted, such property owner shall pay the amount of the sewer rental due from the date the said public sewer became available for connection at the rate set forth above for the applicable sewer service area and shall be liable to pay in addition thereto the applicable tapping fee as set forth above and a penalty charge of \$200 for failure to abide by the requirements of this Ordinance.

SECTION 5: USE OF FUNDS

The funds received by the Township from the collection of rentals or charges herein provided for shall be used only for the purpose of defraying the expense of the Township, as recommended by the Township Engineer, in the operation, maintenance, repair, alteration, inspection or other expense in relation to such sewer and sewage system and for such payments as the Township may be required to make under any obligation or agreement they may enter into for said sewers and sewage system, including the reimbursement of any funds expended from the Township general fund on behalf of the Sewer System as required by any guaranty or general obligation, in accordance with the provisions of law.

SECTION 6: SEVERABILITY

The provisions of this Ordinance are severable. In the event that any provision, section, sentence, clause, or part of the Ordinance shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Ordinance. It is hereby declared to be the intent of the Township that such remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 7: REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are expressly repealed to the extent of such inconsistency.

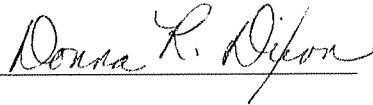
SECTION 8: EFFECTIVE DATE

This Ordinance shall take effect five (5) days after adoption.

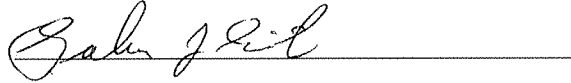
DULY ADOPTED this 14th day of November, 2013, by the Board of Supervisors of Tyrone Township, in lawful session duly assembled.

ATTEST:

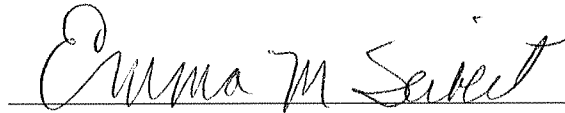
TYRONE TOWNSHIP BOARD OF SUPERVISORS



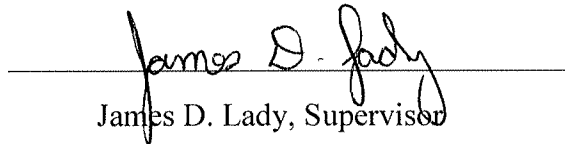
Donna R. Dixon, Secretary



Galen J. Smith, Chairman



Emma M. Seibert, Vice-Chair



James D. Lady, Supervisor