

**THE TATAMY BOROUGH SEWER AUTHORITY**

**RESOLUTION NO. 01- 2013-20**

A RESOLUTION OF THE TATAMY BOROUGH SEWER AUTHORITY, OF TATAMY BOROUGH, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING RESOLUTION NOS. 09-1993-10, 05-2000-16, 03-2001-17, 11-2007-18, AND 06-2008-19 IN ORDER TO CONSOLIDATE ALL PRIOR AMENDMENTS FOR SEWER TAPPING OR CONNECTION FEES, AND TO RESTRUCTURE SEWER RENTAL CHARGES, AND LATE PAYMENT PENALTIES FOR THE USE OF THE SEWERS AND SEWER SYSTEM IN THE BOROUGH OF TATAMY.

Whereas, this Authority is a Pennsylvania Municipal Authority existing under and governed by the Municipal Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented (the "Authorities Act" ); and

Whereas, this Authority, pursuant to the powers vested in it by law and pursuant to the request and consent of the Borough of Tatamy, Northampton County, Pennsylvania ("Borough") has constructed a sanitary sewage collection system, and transportation system ("sewer system") requiring the rendering of sewer service in and for the Borough; and

Whereas, the Borough has enacted an Ordinance requiring all owners of improved properties located within the Borough abutting or accessible to the sewer system, to connect with and use the sewer system (hereinafter referred to as the "Connection Ordinance"); and

Whereas, the Authority has the power and authority under the Authorities Act to charge tapping fees and usage fees as well as to regulate the connection to the sewer system: and

Whereas, the Authority desires to impose a tapping fee on all connections to the sewer system hereafter made and to impose sewer user fees.

Now therefore, Resolution No. 01-2013-20 and all subsequent revisions as noted above are hereby amended as follows:

**Section 1. Definitions** "Unless the context specifically indicates otherwise, the meaning of terms used in this resolution shall be as follows":

- a) Authority means the Tatamy Borough Sewer Authority, as presently or hereafter constituted, which has been created by the Council of Tatamy Borough, and to which has been referred by Tatamy Borough the specific project of sewers.
- b) Borough means the Borough of Tatamy, Northampton County, Pennsylvania.
- c) Commercial establishment means any structure or any portions thereof intending to be used wholly or in part for the purposes of carrying on a trade, business or profession, or for social, amusement, religious, educational, charitable, or public use, and which contains plumbing for kitchen, toilet, or washing facilities. Hotels, motels, boarding or rooming houses and institutional dormitories shall be included in this definition.
- d) Council means the group of elected officials acting as the governing body of the Borough.

- e) Improved property means any property upon which there is erected a structure intended or used for continuous or periodic habitation, occupancy for any purpose whatsoever, or used for any purpose whatsoever, by human beings or animals, from which sanitary wastes or wastes in addition to ore other than sanitary sewage is discharged and is connected or required to be connected directly or indirectly to the sewer system.
- f) Industrial establishment means any structure intending to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering, or assembly of any products, commodity or article.
- g) Non-residential establishment means any establishment now or hereafter served by the sewage system other than residential establishment, and includes references to the terms commercial establishment and industrial establishment.
- h) Person means any individual, partnership, company, association, society, corporation, group, or entity.
- i) Residential establishment means any room, group of rooms, house, trailer, structure, dwelling, or enclosure intended to be occupied or occupied as separate living quarters by a family or other group of persons living together or by persons living alone but excluding institutional dormitories.
- j) Sanitary sewage means the normal water carried household and toilet waste from residential and non- residential establishments, as well as any solid, liquid, or gaseous substance or water born wastes or form of energy rejected or escaping from any industrial, manufacturing, trade, or business process or from the development, recovery, or processing of natural resources which are suitable for discharge to the sewage system.
- k) Sewer system means all temporary and permanent facilities at any time, and from time to time, owned or leased by the Authority or leased to and operated by the Borough and used or usable for, or in connection with, the collection of sanitary sewage.
- l) Tapping fee means a fee imposed under the authority of the Authorities Act to enable the recovery of the cost of construction of the sewage collection system.
- m) Water supplier means the Pennsylvania- American Water Company, its successors and assigns.

**Section 2.** No persons shall connect any dwelling unit, improved property, commercial establishment, or industrial establishment, or any other facility hereafter described to the sewer system without first making application for and securing a permit, in writing from the Borough. Such application shall be made on a form to be provided in the Authority Manual(s) entitled "Individual Residential Dwelling Sanitary Sewer Connection Application Information" and/or "Project Manual for Sewer Construction".

**Section 3.** A Tapping Fee as set forth in Section 5 is imposed upon and is to be charged to and paid by the owner of each dwelling unit, improved property, commercial establishment, industrial establishment, and any other facility described herein, who or of which shall



physically connect its or their property to the sewer system, whether such use shall be direct or indirect, and subject further to the conditions stated in Section 5.

**Section 4.** The development and determination of the Tapping Fee herein is based on financial information and data prepared by Authority engineers and presented to the Authority in August 2007, and copies of the same were made available to the public at the public meeting at which this Resolution was adopted.

**Section 5.** The Tapping Fees shall be calculated as follows: the fee for capacity related facilities which provide service by connection to the sewer system shall be \$2,722.00 per equivalent dwelling unit (E.D.U.) in accordance with the table attached as Exhibit "A".

**Section 6.** The minimum Tapping Fee for each connection to the sewer system shall be \$2,722.00.

**Section 7.** In the case of a combination of one or more dwelling units, each thereof having use of the sewer system through one sewer connection, then each such dwelling unit shall be charged for the fee herein provided as though each dwelling unit had a direct and separate connection to the sewer system. Each dwelling unit in a double house, row, or connecting houses, and in trailer park or mobile home park, shall be considered as a separate entity for the purpose of calculating the Tapping Fee. In the case of apartment buildings or condominiums, each apartment unit and each condominium unit shall be considered a dwelling unit, and one tapping fee shall be paid for each dwelling unit within the apartment building or condominium, but paid by the owner of the apartment building or condominium, as distinguished from the occupant of the apartment unit or condominium unit owner.

**Section 8.** Where two or more buildings or structures are connected to the sewer system through a single service connection, or where two or more uses are made of the same improved property (i.e. motel with a restaurant, retail store with a restaurant, hotel with rooms or apartments, home with a professional office, etc.), the Tapping Fee determination shall be computed as though such building and each type of use were separate, improved properties or uses with separate sewer connections. For connected buildings of multiple users with one sewer connection, see Section 11.

**Section 9.** Where any building connected to the sewer system shall be converted, enlarged, or remodeled, or additional buildings shall be constructed on a property and connected indirectly to the sewer system through an existing lateral, or connected directly through a new lateral so as to create or establish more extensive use or additional uses as classified in Section 5 above, an additional Tapping Fee in accordance with Section 5, and subject also to the provisions of Section 11, for each such additional use, shall be payable to the Authority by Owner of the property so improved.

**Section 10.** Where square footage is used to determine Tapping Fee E.D.U. values, the gross floor area of the building, including the total of each floor and basement, shall be used.

### **Section 11. Sewer Rentals**

- a) Owners of property connected to and from which waste waters are discharged to the sewage system, and to which is furnished metered water service by the water supplier, with exceptions set forth in Subsections (b) and (c) shall pay quarterly sewer rental based upon volumes of water consumed at the rate of \$4.60 per 1,000 gallons of water used, plus a service administration fee of \$15.00 per EDU. The minimum quarterly volume assessment will be 6,000 gallons (minimum charge of \$42.60 for a single family dwelling). The volume of water to be used for billing sewer rentals under this subsection shall include aggregate quarterly volumes of water purchased from the water supplier.
- b) In case of owners of property from which waste waters are discharged to the sewer system that originate in more than one residential and/or non-residential establishment located on the property, sewer rentals shall be computed for each individual establishment as set forth in subsection (a). Individual sewer rentals thus computed for each establishment shall be totaled for purposes of determining the aggregate sewer rental billing to the property owner.
- c) Sewer rental charges set forth herein shall be effective with respect to sewer service rendered on September 1, 1993 and hereafter. All sewer rental billings shall be rendered in arrears of the service provided for calendar quarter service periods on January 1, April 1, July 1, and October 1, of each year a property is connected to the sewage system. Bills shall be rendered quarterly for the quarterly periods ending on the last day of March, June, September, and December of each year. Sewer rental billings shall be based upon water consumed and metered during the quarterly water service period immediately preceding the quarter in which the sewer billing is rendered. Owners of property connected to the sewer system for only a portion of the calendar quarter shall pay a pro-rata sewer rental for the period of time actually connected during the quarter. All sewer rental billings shall be due and payable upon presentation and if not paid within thirty (30) days from the date of billing, a penalty of five percent (5%) shall be added. Any billing not paid within ninety (90) days from the date of billing shall be considered delinquent and assessed an additional fifteen percent (15%) of the current rate as a delinquent penalty. Said penalty shall be charged against the account and considered the responsibility of the property owner.
- d) Owners of properties not served by the public water system must purchase a water meter from the Authority, which meter shall be installed according to the Authority specifications. The property owner shall be responsible for maintenance of the meter.

**Section 12. Exclusion of harmful waste.** The authority reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewage system, or to compel pretreatment of waste waters in order to prevent discharges deemed harmful, or to have a deleterious effect upon any portion of the sewage system. No waste waters shall be discharged to the sewer system:



- a) Having a temperature higher than 140° F.
  - b) Containing more than 100 ppm by way of facts, oils, and grease.
  - c) Containing any gasoline, benzene, naphtha, fuel oil, or other inflammable or explosive liquids, solids, or gases.
  - d) Containing any garbage that has not been ground by household type or other suitable garbage grinders.
  - e) Containing any ashes, cinders, sands, mud, straw, shavings, metal, glass, rags, feather, tar, plastics, wood, paunch manure, or any other solid or viscous substances capable of causing obstructions or other interferences with proper operation of the sewage system.
  - f) Having a pH lower than 6.5 or higher than 9.0, or having any other corrosive properties capable of causing damage or hazards to structures, equipment or personnel of the sewer system.
  - g) Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process, or constitute hazards to human or animals, or to create any hazard in waters which receive treatment effluent from the city of Easton Sewage Treatment Plant. Toxic wastes shall include, but not way of limitation, waste containing cyanide, chromium, copper, and nickel ions.
  - h) Containing noxious malodorous or substances capable of creating a public nuisance.
  - i) Containing solids of such character and quantity that special and unusual attention is required for their handling.
  - j) Containing water or substances, having characteristics, etc., which violate provisions of the agreements for sewage transportation treatment services with the Easton Area Joint Sewer Authority.
  - k) Which contain surface drainage or storm water.
- Suitable pretreatment facilities shall be installed to meet these requirements.

**Section 13. Equalizing waste flows.** The Authority reserves the right to require industrial establishments having large variation in rates of waste water discharged to install suitable regulating devices for equalizing waste flows to the sewer system.

**Section 14.** The Authority representative shall have access at all reasonable times to water and any other meters used for establishing or determining water consumption, water excluded from the sewage system and/or waste water discharged to the sewer system.

- a) **Sewer Billing Adjustments for Extraordinary Water Usage-** At the discretion of the Tatamy Borough Sewer Authority, the following adjustments may be applied to billings for Tatamy sewage treatment charges in the event of an unanticipated and/or extraordinary water use by property owners:

- 1. Extraordinary water usage due to a system failure which did not enter the sewage collection system. For example, an underground break in a water supply line to a residence or between out-buildings of a property after the metered water service connection. In such situations, property owners (after

providing evidence of the leak) may be reimbursed or credited for billed sewage treatment charges at the current billing rate per 1,000 gallons. The quarterly debt service charge will remain at \$15.00, regardless of water usage. The sewage treatment charge portion of the quarterly billing will be based on the average water consumption for that property over the previous four- quarter billing period.

2. Extraordinary water usage due to a system failure which entered the sewage collection system. For example, a severely leaking toilet valve or major failure of the plumbing system causing greater than 100% increase in the "usual" average water usage volumes for a property shall enable the property owners, after providing evidence of the leak, to be reimbursed or credited for billed sewage treatment charges at 50% of the current billing rate per 1,00 gallons. The quarterly debt service charge will remain at \$15.00, regardless of water usage. The sewage treatment charge portion of the quarterly billing will be based on the average consumption for that property over the previous four- quarter billing period.

- b) **Supplemental Water Meters-** The Authority will allow for the installation of a second water diversion meter for non-sewage water use servicing a hose connection for car washing, watering gardens, filling swimming pools, etc., or other water uses that will not enter the sanitary sewer collection system.

**1. Diversion Meter Regulations:**

- a) A diversion meter permit at a fee of \$5.00 must be obtained from the Tatamy Borough Secretary by the property owner.
- b) The installation and maintenance of these meters will be the sole responsibility and expense of the property owner.
- c) The diversion meter shall be a Sensus water meter (or equivalent), 5/8" with a remote generator which shall read flow in gallons. The meter readout shall be located on the outside of the property for easy accessibility of readings. This metering device may be purchased directly from the Authority at cost.
- d) Only an outside spigot shall be connected to the diversion meter, and there shall be no other connections. The diversion meter shall be installed within six (6) feet, or as close as practicable, to the outside spigot.
- e) The installation must be inspected by an Authority representative prior to its use for billing adjustment purposes. As part of the initial inspection, the Authority representative will obtain the starting meter reading, and seal the meter at that time. Appointments for the inspection can be scheduled with the Borough Office at 610-252-7123.
- f) The property owner agrees to permit the Authority representative access to the property during reasonable hours for the purpose of conducting said inspections and meter readings.



- g) Property owners will be credited for sewage treatment charges at the current billing rate per 1,000 gallons. Credit for non-sewage water use will be given only on an annual basis, during the fourth quarter billing period each year. This credit will represent non-sewer water usage during the previous four-quarter period.
  - i. In order to receive credit for non-sewage water use, you must use the online meter usage form. The form can be found on the Tatamy Borough website [www.tatamypa.com](http://www.tatamypa.com)
  - ii. If you do not have a computer or internet access, please take your information to the Borough Office and the Borough Secretary can enter your information there.
  - iii. The credit will be applied at the end of the calendar year invoicing which is normally sent out around December 10<sup>th</sup>.
- h) Water meters will be audited annually by an Authority representative.

## 2. Annual Filling of Swimming Pools

- a) The Authority will allow for sewage billing adjustments for the initial filling of a new or existing swimming pool. As a service to the community, swimming pool owners will be loaned a portable metering device by the Authority to measure pool water makeup from a standard hose connection.
- b) Property owners may "sign out" the portable meter from the Borough Secretary at the Borough Office. The log-out/ log-in meter readings will be used to adjust sewer use charges for the next quarter billing. The portable meter will be loaned out for a maximum period of three (3) days to ensure its availability to all Borough residents in a timely manner.
- c) Only a metered water use for the filling of swimming pools, as described above, will be credited to quarterly sewage treatment charges. "Estimates" of water volume based upon swimming pool dimensions will not be given credit.

**Section 15. Penalties, Delinquent Sewer Rentals, and Liens** Quarterly charges for sewer service shall be subject to five percent (5%) penalty if not paid within thirty (30) days after the date of billing. Any billing not paid within ninety (90) days from the date of billing shall be considered delinquent and assessed an additional fifteen percent (15%) of the current rate as a delinquent penalty. Additionally all delinquent owners will be responsible for all attorney fees and court cost actually expended in the collection of all delinquent accounts. Additionally, if the bill is not paid within ninety (90) days after becoming due, the Authority shall have the right to cut off water and sewer service from the delinquent premises, and not to restore the same until all delinquent bills against the same and the cost of cutting off and restoring service shall have

## Schedule of EDU Values

### Property to be connected

- |   |  |
|---|--|
| a) Each Private Dwelling unit or living unit (including each home, townhouse, condominium unit or apartment unit)   | 1 EDU/ Unit                            |
| b) Each fire house or municipal building  | No EDU/ connection                     |
| c) Each church  | 1 EDU/ connection                      |
| d) Each retail store  | 1 EDU/ 3,500 sq. ft.                   |
| e) Each strip mall, strip plaza shopping mall, whether enclosed or not, consisting of two (2) or more connected units, in lieu of separate calculations for retail stores, restaurants, offices, and any other uses, but excluding Laundromats, which shall be calculated separately under (v). | 1 EDU/ 2,200 sq. ft.                   |
| f) Each office, office building or portion of a building used for business and/or professional offices (excluding Doctor's and Dentist's offices, for which additional tapping fees will be charged in accordance with categories (i) and (j) of this schedule)                                 | 1 EDU/ 3,500 sq. ft.                   |
| g) Each warehouse, in addition to office space  | 1 EDU/ 25,000 sq. ft.                  |
| h) Each industrial establishment excluding process waste  | 1 EDU/ 3,500 sq. ft.                   |
| i) Each Doctor's office   | 1 EDU / 2 examining rooms              |
| j) Each Dentist's office  | 1 EDU/ 3 dental chairs                 |
| k) Each retail gas station without car washing facilities   | 1 EDU/ connection                      |
| l) Each retail gas station with car washing facilities  | 2 EDU/ connection                      |
| m) Each hotel or motel, in addition to restaurant or bar  | 1 EDU/ restroom facility               |
| n) Each restaurant, barroom, or other commercial establishment (not otherwise classified herein) which regularly dispenses food and/or beverages  | 1 EDU/ restroom facility               |
| o) Each banquet room (room not used for general restaurant trade, but used for group functions)   | 1 EDU/ 30 seats                        |
| p) Hospital   | 1 EDU/ 1.5 beds                        |
| q) Rest homes, nursing homes  | 1 EDU/ 2.5 beds                        |
| r) Funeral homes  | 1 EDU/ 2 viewing rooms                 |
| s) each public or private day school (in accordance with rate capacity)   | 1 EDU/ 15 teachers, employees & pupils |
| t) Each boarding school   | 1 EDU/ 3 pupils                        |

Exhibit "A"



u) Each day care school (in accordance with rate capacity)	1 EDU/ 20 teachers, employees & pupils
v) Self-service Laundromat	1 EDU/ 2 machines
w) Theaters	1 EDU/ 100 seats
x) Bowling alleys, in addition to restaurant facilities	1 EDU/ 5 alleys
y) Beauty/ barber shops	1 EDU
z) Industrial process waste, cooling water, or any water or wastewater discharge other than normal domestic water	1 EDU/ 240 gals/day average daily flow
aa) Any other uses not classified above	to be determined by Authority

Exhibit "A"

been paid. Property owner shall be responsible for all costs for disconnection and reconnection of the services.

All persons connecting to the sewage system must give the Authority their correct address.

Failure to receive bills will not be considered an excuse for nonpayment, nor permit an extension of the period during which bills are payable at face value.

Payments made, as evidence by the United States Post Office mark on or previous to the end of the period during which the bills are payable at face value, will be deemed to be payment within such period.

All sewer rentals, together with all penalties thereon, not paid on or before the end of one year from the date of each bill shall be deemed to be delinquent. All delinquent sewer rentals and all penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the Office of the Prothonotary of Northampton County, and shall be collected in the manner provided by law for the filing of collection of such liens.

**Section 16. Rules and Regulations** The Authority reserves the right to and may from time to time adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of a sewage system, and all such rules and regulations shall be and become a part of this Resolution. The Project Manual for sewer construction is hereby incorporated by reference.

**Section 17. Effective Date** This resolution and any rules and regulations hereunder shall become effective immediately and shall be applicable to all properties as soon as they respectively become connected with and have the right to use, the sewage system. Authority reserves the right to make such changes from time to time, as in its opinion may be desirable or beneficial and to amend this Resolution or to change the rates or charges in such a manner and such times as in its opinion may be advisable.

**Section 18. Construction and Severability** If any of the provisions, sections, sentences, clauses, or parts of this Resolution or the application of any provision hereof shall be held invalid, such invalidity shall not impair any of the remainder of this Resolution, it being the intention of the Authority that such remainder shall be and remain in full force and effect.

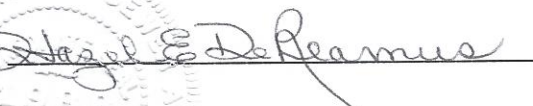
**Section 19. Repeal of Inconsistent Resolutions** All Resolutions or parts of Resolutions in conflict or inconsistent herewith be and the same are hereby repealed absolutely.

Adopted this the 10<sup>th</sup> day of JANUARY, 2013.

Attest:

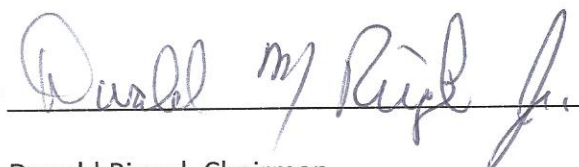
The Tatamy Borough Sewer Authority

By



Hazel DeReamus, Secretary

By



Donald Riegel, Chairman