

RESOLUTION 09-9

A RESOLUTION ESTABLISHING AND REGULATING SEWER USER FEES; CHARGES FOR FURNISHING SEWER SERVICE TO CUSTOMERS SERVED BY THE SEWER FACILITIES OF THIS AUTHORITY, PROVIDING FOR PAYMENT OF SUCH SEWER RATES AND CHARGES; AND ADOPTING CERTAIN RULES AND REGULATIONS FOR THE CONTROL AND ENFORCEMENT OF THIS RESOLUTION OF THE WASHINGTON TOWNSHIP MUNICIPAL AUTHORITY, WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA.

1. DEFINITIONS

- (A) Authority - The Washington Township Municipal Authority, a Pennsylvania Municipal Authority.
- (B) Customer - A property owner who prior to or after the effective date hereof, has contracted or shall contract for sewer service and/or a property owner who upon or after the effective date hereof is receiving or shall receive sewer service, all as defined herein. Customers shall be classified as Residential or Commercial/Industrial as follows:
 - (1) Residential Customer - Service provided to:
 - (a) A building or group of rooms under one roof and occupied by one family; or
 - (b) A group or combination of buildings on a tract or tracts of land described by one deed where the buildings are all occupied or utilized by one family; or
 - (c) Any structure 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 containing kitchen and toilet fixtures, or
 - (d) Each trailer or mobile home occupied by one family; or
 - (e) Each church building, or
 - (f) Parks, playgrounds and recreation areas when owned and operated by Washington Township in Franklin County, PA.

(2) Commercial/Industrial Customer - Service provided to:

- (a) Any structure or portion thereof intended to be used in whole or in part for the manufacturing, fabricating, processing, cleaning, laundering and assembling of any product, commodity or article; or
 - (b) Any structure or portion thereof intended to be used in whole or in part for the purpose of carrying on a trade, business or profession or for social, amusement, charitable, educational or public uses; or
 - (c) Any structure, building, house, or any combination thereof, used or occupied by one or more business enterprises, as described in Section 1, part(B)(2)(a) or (b) herein, including any business enterprise operated as a part of a residence or within the same structure in common usage and metered commonly, or
 - (d) Any structure, building, or group of rooms used for living or dwelling for more than one family or single individual units operated as an apartment building or rooming house having more than one individual unit or family on a single water meter, or
 - (e) Any group of structures, buildings, trailers or mobile homes used for living or dwelling for more than one family, located on real property described by one deed; or
 - (f) Each school building.
- (C) EDU (Equivalent Dwelling Unit) - Equal to one residential unit or where a property contains no residential units, one EDU shall be equal to 60,262 gallons of sewerage discharged per year.
- (D) Property Owner - Any individual, partnership, association, government body, political subdivision, municipality, municipal authority, or other group or entity, having legal and/or equitable title to the premises being provided with sewer service by the Authority.
- (E) Quarterly - All billing periods begin the first day of the month and end the last day of the third month.
- (1) Beginning November 1, 2009, for all customers having the Authority's sewer and/or water service, the billing periods begin: February 1, May 1, August 1, and November 1.

- (F) Sewer System - The wastewater treatment plant, pumping stations, and other sewer collection system facilities, together with all appurtenant facilities which the Authority has or shall acquire, including all property, real, personal and mixed, which are owned, operated and maintained by the Authority, together with all appurtenant facilities which the Authority has or shall acquire, including all property real, personal, and mixed rights, powers, licenses, easements, right-of-ways, privileges, franchises, and all other property or interest in property of any nature, for use in connection with constructing, operating and maintaining said sewer facilities, and all additions, extensions, and improvements which hereafter, from time to time, may be made.
- (G) Service Restoration – Restoration of service capability, including reinstallation of a water meter. This may only occur to properties having a zero account balance.
- (H) Service Termination – Either temporary or permanent abatement of sewer service which *shall include removal* of the water meter and/or excavation and capping of the sewer lateral, and final billing.
- (I) Service Startup - The initial service provided to properties connecting through the Tapping Fee Regulations. There are no charges for service startup.

2. SEWER USER FEES, RENTAL, AND CHARGES

- (A) All residential customers shall be billed a minimum of one (1) EDU for sewer user fees.
- (B) Residential customers operating a small business from their home shall be billed a minimum of 1 ½ EDU's.
- (C) When Commercial/Industrial sewer users have more than one unit supplied by a single water meter, the sewer user fee shall be billed the greater of the calculations in 2.C. (1) or 2.C. (2). Units shall mean the total number of dwellings designed for occupancy for more than 90 days and premises (laundries, administrative buildings, etc.) located within the area being supplied by water, whether they are occupied or not, at the time the master meter is read.
 - (1) The total minimum sewer user fee shall be calculated by multiplying the sewer user fee by the number of units at the time the master meter is read.
 - (2) The consumption based user fee shall be calculated by water consumption. The master water meter usage for the latest billing cycle shall be divided by 60,262 gallons to determine the number of EDU's. The EDU's shall be multiplied by the quarterly sewer user fee per EDU.

**Billing Calculation Examples - Multi-unit Sewer Service
(Single Line Serving More Than One Unit)**

Example 1: Minimum Sewer User Fee

10 units x \$71.01 (quarterly user fee) = \$710.10 Total Minimum Quarterly Sewer User Fee

Example 2: Consumption Based User Fee

Actual water usage 568,000 gal/yr
568,000 gal/yr - 60,262 gal/yr/EDU = 9.5 EDUs
9.5 EDUs x \$71.01 (quarterly user fee) = \$674.70

- (3) The customer shall pay the total minimum sewer user fee or the consumption based user fee, whichever is greater.
- (D) Commercial/Industrial customers shall be billed by EDU's based on annual water consumption when available except as noted in Article 2, Section C, above. When the volume of water to be used for billing purposes cannot be determined for a customer, the bill shall be calculated using the EDU calculations as set forth by separate Authority resolution establishing sewer benefit fees.
- (1) Each commercial/industrial customer shall be billed equal amounts quarterly. The billing cycles shall commence August 1.
- (2) The number of EDU's to be assessed shall be calculated by using the last four quarters of water usage available divided by 60,262 gallons per EDU. All EDU calculations shall be rounded to the nearest half.
- (E) The annual sewer service rate shall be \$284.04 per EDU with a quarterly rate of \$71.01 per EDU.
- (F) Additional Charges (For All Customers)
- (1) Tapping Fees shall be charged according to the Municipality Authorities Act requirements and Authority resolutions.
- (2) All costs and expenses including but not limited to legal fees, liens, or maintenance required for servicing an account due to customer error or neglect or abuse including but not limited to equipment damage or rental and delinquency shall be billed to the customer account and include penalty fees and interest fees as identified below in Section 3. Billing and Payment.

- (3) The Authority's labor rate shall be \$35.00 per hour during regular work hours, with a minimum of one hour. The Authority's labor rate shall be 1 ½ times this rate after normal business hours, with a 'call out' charge of \$85.00, which shall include the first hour of work. However, the labor rate for the Washington Township Supervisors shall be discounted 20%, unless otherwise specified.
- (4) All inspection fees for a property owner intending to connect his single family dwelling to the Authority's sewer system shall consist of a fee of \$70.00 per connection and is due and payable at the time application is made to the Authority to make such a connection. This fee shall cover up to two (2) inspections of the sewer connections. All additional inspections will be charged at the hourly rate with a minimum of one hour per visit.
- (5) All inspection fees for a property owner intending to connect multiple dwelling units of commercial, industrial, or institutional units to the Authority's Sewer System shall be charged at the rate of \$35.00 per hour during regular hours for time spent by the Authority's representative in inspecting, testing, and approving said connection or connections. Although the Authority does not perform routine inspections after regular hours, in the event it should be necessary to do so, the rate shall be 1 ½ times the normal regular rate, with a minimum of two hours charged. All inspections fees shall be due and payable within ten (10) days of the mailing of the Authority's invoice for such services. A minimum fee of \$70.00 per connection shall be charged.

3. BILLING AND PAYMENT

- A. Billing shall be done on the first business day after the close of a quarterly period as defined in Section 1.G, or as soon thereafter as practicable and shall represent the amount due for sewer service rendered during the preceding quarterly period.
- B. All bills for sewer service shall be due and payable not later than thirty (30) days after the billing date printed on the invoice ("Invoice Date"). If any bill for sewer service is not paid within thirty (30) calendar days after the Invoice Date, the bill shall be deemed delinquent and a penalty of 12% shall be added,

Payment made or mailed and postmarked on or before the last day of such 30 day period as above set forth, shall constitute payment within such period. If the end of such 30 day period falls on a legal holiday or a Saturday or Sunday, payment made or mailed and postmarked on the next succeeding business day shall constitute payment within the 30 day period.

- C. If a bill remains unpaid for a period of sixty (60) days after the Invoice Date, the

water service connection shall be terminated using the following procedures:

- (1) A notice will be posted on the property at least ten days prior to service termination.
 - (2) A service termination notice shall be mailed to the person liable for payment of the charges.
 - (3) A ten dollar (\$10.00) posting fee shall be assessed to the delinquent account.
 - (4) The water service shall be restored when the delinquent bill, together with all related penalties and fees, are paid.
 - (5) If a bill remains unpaid for a period of 120 days after the Invoice Date, or if termination of the water service connection is not possible, the WTMA will pursue the filing of a Municipal Claim or lien for past due balances. Claims or liens will be released when the bill, together with all interest, penalties, delinquent charges and related filing fees have been paid in full. Such Liens and/or Claims will be updated with new balances periodically.
- D. Whenever sewer service to any customer shall begin after the first day or shall terminate before the last day of any quarterly period, the sewer rates, rents, and charges for such period shall be prorated on a daily basis.
- E. Each bill for a customer for sewer service shall be made out in the name of the property owner. Each customer initially shall provide this Authority with, and thereafter shall keep this Authority advised of his correct address. Failure to receive a bill for sewer service shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which such bill shall be payable without penalty.

However, in the case where a customer states they did not receive a sewer bill in the mail and they meet the following criteria:

1. The customer contacts the Authority's office to advise they did not receive their sewer bill in the mail and provides a signed statement.
2. From the date of the last billing, the customer has paid their sewer billings for the preceding three years in a timely manner. However, in the case where a customer has not had service with the Authority for a three year period, then the customer would be required to have paid in a timely manner from the date of initial service thru the date of the last billing.

The Authority will then waive the current penalty fee for this customer. Each customer would be eligible for one waiver only.

- F. Upon written request on a form provided by the Authority, bills for service will be sent directly to another address (tenant, etc.). The property owner retains the full responsibility for payment for sewer use and other charges associated with his or her property.
- G. Property owners are required to notify the Authority in advance of service termination dates. Failure to do so will require the owner to pay charges up to the date the Authority terminated service.

4. ENFORCEMENT

Proper officers of this Authority are authorized and directed to do things and take all legal action necessary, including the filing of municipal claims in accordance with law, to enforce collection of sewer rates, rents, and charges established and imposed hereby and otherwise to carry out provisions hereof.

5. EFFECTIVE DATE

This Resolution 09-9 shall be effective November 1, 2009.

6. RULES AND REGULATIONS

- A. This Authority, from time to time, in accordance with law, by appropriate resolution, may adopt such additional rules and regulations, as in the opinion of the Board of this Authority, may be desirable, beneficial, or necessary for, or in connection with use and operation of the sewer system.
- B. Any such rules and regulations shall be construed in conjunction with provisions hereof and shall become effective upon the date fixed by this Authority upon adoption thereof.

7. SEVERABILITY

In the event a section of this policy is found to be in violation of a Township, County, State, or Federal Regulation or Law, that section shall be voided without impact to the enforcement of those sections not in violation of said regulations or laws.

8. . REPEALER

All resolutions and regulations, or parts of resolutions and regulations in effect on the date of the adoption of this resolution and not inconsistent herewith, shall continue in full force and effect. Resolution 09-6 (amended) and all other resolutions and regulations, or parts of resolutions and regulations inconsistent herewith, are expressly repealed.

Enacted and resolved this 20th day of October, 2009 in due and lawful assembly.

Washington Township Municipal Authority

Fred Eisenhart, Chairman

Lori Frantz, Secretary/Treasurer