

BOROUGH OF ORWIGSBURG,
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 147

AN ORDINANCE

OF THE COUNCIL OF THE BOROUGH OF ORWIGSBURG,
SCHUYLKILL COUNTY, PENNSYLVANIA, IMPOSING
SEWER RENTALS OR CHARGES FOR USE OF THE
SEWER SYSTEM TO BE OPERATED BY THIS
BOROUGH AND FOR TREATMENT OF SEWAGE
DISCHARGED THERETO, UPON OWNERS OF
IMPROVED PROPERTY CONNECTED TO SUCH SEWER
SYSTEM: PROVIDING FOR COLLECTIONS AND FOR
FILING OF LIENS: REGULATING THE DISCHARGE OF
SEWAGE INTO SUCH SEWER SYSTEM; AND ADOPTING
CERTAIN RULES AND REGULATIONS AND PROVIDING
FOR ADOPTION OF ADDITIONAL RULES AND
REGULATIONS.

The Council of the Borough of Orwigsburg,
Schuylkill County, Pennsylvania, hereby enacts and or-
dains as follows:

SECTION 1 - DEFINITIONS

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

A. "Authority" means The Municipal Authority of the Borough of Orwigsburg, a Pennsylvania municipality authority.

B. "Billing Unit" includes, as applicable, each of the following: a Commercial Establishment, a Dwelling Unit, an Industrial Establishment and an Institutional Establishment.

C. "B.O.D." (Biochemical Oxygen Demand) means the quantity of oxygen, expressed in ppm, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for 5 days at 20 degrees centigrade. The standard laboratory procedure shall be that found in the latest edition of "Standard Methods for the Examination of Water and Sewage", published by the American Public Health Association.

D. "Borough" means the Borough of Orwigsburg, Schuylkill County, Pennsylvania, acting by and through its council or, in appropriate cases, acting by and through its authorized representatives.

E. "Commercial Establishment" means each room, group of rooms, building or other enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service.

F. "Dwelling Unit" means each room, group of rooms, building, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person living alone.

G. "Improved Property" means any property upon which there is erected a structure intended for continuous or periodic

H. "Industrial Establishment" means any room, group of rooms, building or other enclosure used or intended for use in the operation of one business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from Sanitary Sewage, shall be discharged.

I. "Industrial Wastes" means any solid, liquid or gaseous substance or form of energy ejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from Sanitary Sewage.

J. "Institutional Establishment" means any room, group of rooms, building or other enclosure which does not constitute a Commercial Establishment, Dwelling Unit or Industrial Establishment.

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

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

M. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution and is an indication of acidity or alkalinity of a substance.

N. "Ppm" means parts per million by weight.

O. "Sanitary Sewage" means normal, water-carried household and toilet wastes discharged into the Sewer System from an Improved Property.

P. "Sewage" means Sanitary Sewage and/or Industrial Wastes.

Q. "Sewer" means any pipe, main or conduit constituting a part of the Sewer System used or usable for Sewage collection purposes.

R. "Sewer System" means all facilities, as of any particular time, for collecting, transporting, pumping, treating and disposing of Sewage situate in or adjacent to the Borough, owned by the Authority and leased to the Borough for operation and use.

S. "Total Solids" means solids as determined by appropriate procedures found in the latest edition of "Standard Methods for the Examination of Water and Sewage", published by the American Public Health Association.

T. "Water System" means all facilities and properties utilized in the supply of water to the public in and adjacent to this Borough, whether such facilities and properties shall be owned and/or operated by the Authority, this Borough, any other municipality, municipality authority, or a private utility.

SECTION 2 - SEWER RENTALS OR CHARGES

Sewer rentals or charges are imposed upon and shall be collected from the Owner of each Improved Property upon or in which shall be located a Billing Unit or Billing Units, as defined herein, for use of the Sewer System, whether such use shall be direct or indirect, which sewer rentals or 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

Institutional Establishment which has all or any part of its water supply measured by a meter or meters in connection with the supply of water from the Water System or otherwise shall be metered as herein required or permitted or which shall have installed a meter for measuring the quantity of discharge of Sewage into the Sewer System shall be computed on the basis of the following metered rate schedule:

METERED RATES

CONSUMPTION OF WATER OR
DISCHARGE OF SEWAGE, AS
APPLICABLE, IN GALLONS
PER QUARTER

RATE PER QUARTER

First 5,000 gallons	\$11.00
Next 15,000 gallons	1.50 per 1,000 gallons
Next 60,000 gallons	0.90 per 1,000 gallons
Next 100,000 gallons	0.60 per 1,000 gallons
Next 2,320,000 gallons	0.45 per 1,000 gallons
Next 7,500,000 gallons	0.30 per 1,000 gallons
Next 10,000,000 Gallons	0.20 per 1,000 gallons

Provided, however, that the minimum sewer rental or charge under this Paragraph shall be \$17.00 per quarter annum.

(3) Industrial Establishments discharging Sewage to the Sewer System having a B.O.D. greater than 200ppm and a Total Solids content in excess of 800ppm shall pay a strength of waste surcharge in addition to the volume charge set forth under subparagraph B(2) of this Section 3. Said surcharge shall equal 50% of the volume charges, based upon rates set forth under subsection B(2) of this Section 3, multiplied by the number

with the schedule of rates and classifications hereinafter set forth.

Each Billing Unit shall be billed and considered as a separate entity for billing purposes, irrespective of the fact that each such Billing Unit is not connected separately and independently with the Sewer System.

SECTION 3 - AMOUNT AND MANNER OF COMPUTATION
OF SEWER RENTALS OR CHARGES

A. Dwelling Units

The sewer rental or charge for Sanitary Sewage discharged into the Sewer System from each Dwelling Unit shall be \$68.00 per annum, payable at the rate of \$17.00 per quarter annum.

B. Commercial, Industrial and Institutional
Establishments

(1) The sewer rental or charge for Sewage discharged into the Sewer System from each Billing Unit constituting a Commercial Establishment, Industrial Establishment or Institutional Establishment which does not have all or any part of its water consumption or its Sewage discharged measured by a meter or meters shall be at the rate of \$17.00 per quarter annum per equivalent dwelling unit as set forth in the following schedule:

<u>Category</u>	<u>Equivalent Dwelling Units</u>
1. Each service station	2
2. Each bowling alley	1
3. Each hotel	3
4. Each restaurant	2

5. Each food store	1
6. Each funeral home	1
7. Each barber shop	1
8. Each beauty shop	1
9. Each insurance agency	1
10. Each utility store or shop	1
11. Each doctor's office	1
12. Each service club without a bar	1
13. Each service club with a bar	2
14. Each church	1
15. Each post office	1
16. Each theater	2
17. Each bank	2
18. Each telephone company	1
19. Each tax office	1
20. Each miscellaneous store	1
21. Each automobile sales office and /or repair shop and each Industrial Establishment:	
a. with an average of less than 15 employees	1
b. with an average of more than 15 employees	1 for each 15 employees
22. Any other Commercial or Institutional Establishment	1

The average employees under category 21 above shall be computed on the basis of the average number of persons employed by such establishment during each applicable quarter annum.

(2) The sewer rental or charge for Sewage discharged into the Sewer System from each Billing Unit constituting a Commercial Establishment, Industrial Establishment or

(n) computed in accordance with the following formula:

$$N = R \left[\frac{(S_1 - S_a)}{S_a} \right] \times \left[\frac{(B_1 - B_a)}{B_a} \right]$$

N = Number to be multiplied by volume charge

R = Ratio of annual extra cost of treatment to the total annual cost of treatment

S₁ = Total Solids content of Sewage in ppm

S_a = Average Total Solids content of Sewage - 800 ppm

B₁ = B.O.D. content of Sewage in ppm

B_a = Average B.O.D. of Sewage - 200 ppm

The strength of Sewage to be used for establishing surcharges in accordance with the above formula shall be determined at intervals deemed advisable by this Borough or as may be requested by the particular Industrial Establishment. The collection and analysis of waste samples for determining applicable surcharges shall be supervised by a Registered Professional Engineer approved by this Borough. All costs for waste sampling and collection shall be paid by the party which desires that the waste be sampled and analyzed. The analysis of all waste samples collected to determine applicable surcharges shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage", as published by the American Public Health Association.

SECTION 4 - TIME AND METHOD OF PAYMENT

A. All bills with respect to Billing Units not based on metered water consumption or metered Sewage discharge shall be rendered on the first days of February, May, August

and November of each year, or as soon after such first days as shall be possible, for service during the preceding three month period.

B. All bills with respect to Billing Units based on metered water consumption or metered Sewage discharge shall be made on the same date and shall cover the same quarterly service period as shall be applicable for billing in connection with the Water System or on such other date as the Borough, by resolution or ordinance, shall specify, in which case the billing shall cover the immediately preceding quarter annum.

C. All bills shall be due and payable without penalty one day after mailing or delivery by or in behalf of this Borough to the Person responsible for payment thereof.

If quarterly bills shall not be paid within 15 days after such shall become due and payable, a penalty of 5% shall be added. Payments mailed and postmarked on or before such 15th day shall be deemed to be payments within the period allowed for payment without penalty. If such 15th day shall be a legal holiday or a Sunday, payments made on or mailed and postmarked on the next succeeding business day not a legal holiday shall be deemed to be payments within the period allowed for payment without penalty.

D. Every Owner of Improved Property which is connected to the Sewer System initially shall provide this Borough with and thereafter shall keep this Borough advised of his correct address. Failure of any Person to receive bills for sewer rentals or charges shall not be considered an excuse for non-payment nor shall such failure result in an extension of the period of time during which such bills shall be payable without penalty.

E. Whenever service to any Billing Unit shall begin after the first day or shall terminate before the last day of any billing period, the sewer rental or charge for such period shall be prorated equitably for that portion of the billing period during which service was provided by this Borough.

SECTION 5 - LIENS FOR SEWER RENTALS OR CHARGES; FILING
AND COLLECTION OF LIENS; COLLECTION OF SEWER RENTALS
OR CHARGES

The sewer rentals or charges hereby imposed shall be a lien on the Improved Property connected to and served by the Sewer System from the date such sewer rental or charge becomes due and payable under provisions of this Ordinance. All sewer rentals or charges hereby imposed which shall not be paid after 15 days, as provided in Section 4C of this Ordinance, shall be entered as a lien against the Improved Property connected to and served by the Sewer System, which lien shall be filed in the office of the Prothonotary of Schuylkill County, Pennsylvania, in the manner provided by law for the filing of municipal claims. All delinquent bills shall be collected by this Borough in any manner permitted and authorized by law.

SECTION 6 - PROHIBITED WASTES

No Person shall discharge or cause to be discharged into the Sewer System any storm water, surface water, ground water, roof runoff or subsurface drainage, or any Sewage:

- A. having a temperature higher than 100^o F.;
- B. containing more than 100 ppm of fat, oil or grease;
- C. containing any gasoline, benzine, naptha, fuel oil or other imflammable or explosive liquid, solid or gas;

- D. containing any unground garbage;
- E. containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction or other interference with the proper operation of the sewage treatment plant where such wastes are to be treated;
- F. having a pH(as determined by consulting engineers for this Borough) lower than 6.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of said sewage treatment plant;
- G. containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving water of said sewage treatment plant. Toxic wastes shall include, but shall not be limited to, wastes containing cyanide, copper, nickel and/or chromium ions.
- H. containing Total Solids of such character and quantity that unusual attention or expense is required to handle such materials for sewage treatment processes; or
- I. containing noxious or malodorous gas or substance capable of creating a public nuisance;

unless otherwise specifically permitted, authorized or approved by this Borough and the Commonwealth of Pennsylvania or any duly constituted Board, Commission or Department thereof having

jurisdiction in the premises.

SECTION 7 - MEASURING VOLUME OF SEWAGE

A. Whenever the entire water supply of any Billing Unit constituting a Commercial Establishment, Industrial Establishment or Institutional Establishment discharging Sewage into the Sewer System Shall be metered in connection with the supply of water from the Water System, the volume of water furnished, as determined from meter readings of the Water System, shall be used as the volume of water consumed in computing sewer rentals or charges, subject to adjustment, if appropriate, as provided in this Ordinance.

B. Whenever any Billing Unit constituting a Commercial Establishment, Industrial Establishment or Institutional Establishment discharging Sewage into the Sewer System shall have a source or sources of water supply in addition to or other than the Water System and the rates set forth in subparagraph B(2) of Section 3 shall be applicable to such Billing Unit, a meter shall be installed on such additional or other source or sources of water supply at the option of the Borough. In such case the total volume of water consumed, as determined from the meter readings of the Water System and the meter readings of the meter or meters on such additional source or sources of water supply, or the meter readings of the meter or meters on such other source or sources of water supply, as appropriate, shall be used as the basis for computing sewer rentals or charges, subject to adjustment, if appropriate, as provided in this Ordinance. If such metering is considered impractical by the Borough, then such volume of water consumed or Sewage discharged to be used as the basis for sewer rentals or charges may be estimated by the Borough.

C. The Owner of any Billing Unit constituting a Commercial Establishment, Industrial Establishment or Institutional Establishment may elect to have installed, or the Borough, at its option, may require to be installed, a meter or meters for measuring the volume of Sewage discharged into the Sewer System. In such case sewer rentals or charges shall be based upon the actual metered volume of Sewage so being discharged into the Sewer System. Such sewer rentals or charges shall be computed at the applicable rates set forth in subparagraph B(2) of Section 3.

D. Exclusion from the Sewer System of noncontaminated waste waters and waters used for cooling purposes may be required by this Borough or such exclusion may optional with the Owner if not required by this Borough. When such waters are excluded, the volume of water or other measure to be used for computation of sewer rentals or charges under subparagraph B(2) of Section 3, if the rates set forth therein are applicable to the Billing Unit in question, shall be computed in one of the following methods:

(1) By installing a meter or other measuring device on the connection to the Sewer System. The readings from such meter or other measuring device shall be used as the measure of discharge of Sewage in computing sewer rentals or charges in accordance with the applicable rates set forth in subparagraph B(2) of Section 3.

(2) By installing a meter or other measuring device to measure the volume of water not being discharged into the Sewer System. The readings from

such meter or other measuring device shall be deducted from the total water meter readings and the remainder shall be the volume of water to be used in computing sewer rentals or charges in accordance with the applicable rates set forth in subparagraph B(2) of Section 3.

(3) If it is not practical, in the opinion of this Borough, to install a meter or other measuring device to determine continuously the volume of water not discharged into the Sewer System, this Borough may determine, in such manner and by such method as it may prescribe, the percentage of metered water which is being discharged into the Sewer System. The volume of water to be used in computing sewer rentals or charges in accordance with the applicable rates set forth in subparagraph B(2) 3 shall be the percentage so determined of the volume of water measured by the water meter or meters. Any dispute as to such estimated percentage shall be submitted to this Borough, after notice of such estimate. The decision of this Borough with respect to the matter shall be final for the then current calenday year.

E. Any Owner may elect to install a meter or meters on all sources of water supplied such Billing Unit, or the Borough, at its option, may require such meter or meters to be installed. In such case the rates set forth in subparagraph B(2) of Section 3 shall be used as the basis for computing sewer rentals or charges hereunder. The furnishing and installation of meters or other measuring devices which shall not be owned as a part

of the Water System, but which shall be permitted at the option of the Owner under provisions of this Ordinance, shall be the sole responsibility of the Owner. The installation or use of such meters or other measuring devices at all times shall be subject to the approval of this Borough and may be tested and inspected by this Borough whenever necessary. The Owner shall be responsible for the maintenance, safekeeping and repair of any such meter, whether such repairs shall be made necessary by ordinary wear and tear or other causes.

SECTION 8 - REGULATIONS CONCERNING INDUSTRIAL WASTES

A. When required by this Borough, the Owner of any Industrial Establishment from which Industrial Wastes are discharged into the Sewer System shall install a suitable control manhole in the sewer service line serving such Industrial Establishment in order to facilitate observation, sampling and measurement of such Industrial Wastes. Such manhole, when required, shall be accessible, shall be so located and shall be constructed in accordance with plans approved by this Borough. The manhole shall be installed by such Owner, at his own expense, and shall be maintained by such Owner so as to be safe and accessible at all times.

B. Industrial Establishments shall install fine screens to remove husks, hulls, vegetable skins, peelings, threads, lint, grease and other such nonsettleable and floating solids, or other organic or inorganic substances, determined by this Borough to overload, impair the efficiency of or cause difficulties in operation of the sewage treatment plant used to treat and dispose of the wastes or in maintaining required quality of treatment plant effluent.

C. Any Improved Property discharging 50,000 gallons or more of Sewage per day into the Sewer System and having large variations in the rate of discharge of such within a 24 hour period shall install suitable holding tanks for equalizing the rate of discharge uniformly over the entire 24 hour period. The average rate of discharge during any 24 hour period shall not be exceeded by more than 50% at any time during 24 hour period.

D. If the Owner of any Industrial Establishment from which Industrial Wastes are discharged into the Sewers and Sewer System shall propose to change methods of operation so as to alter the type of Industrial Wastes then being discharged into the Sewer System, such Owner shall notify this Borough, in writing, at least 10 days prior to such change, so that this Borough may sample the Industrial Wastes immediately after such change takes place in order to make the determinations provided for or required by this Ordinance.

E. No provision of this Ordinance shall be construed as preventing any special arrangement or agreement between this Borough and any Person whereby Industrial Wastes of unusual strength or character may be accepted into the Sewer System, subject to equitable payment in connection therewith by the Person concerned.

SECTION 9 - RIGHT TO REFUSE CONNECTION TO OR TO
COMPEL THE DISCONTINUANCE OF USE OF THE SEWER
SYSTEM OR TO COMPEL PRETREATMENT OF INDUSTRIAL
WASTES

This Borough reserves the right to refuse to any Person the privilege of connection of any Improved Property

to the Sewer System, or to compel the discontinuance of use of the Sewer System by any Person, or to compel the pretreatment of any Industrial Wastes, in order to prevent discharges into the Sewer System of any wastes deemed to be harmful to the Sewer System or to have a deleterious effect on sewage treatment processes.

SECTION 10 - ACCESS

Representatives of this Borough shall have access at all times to any Improved Property which shall be connected to the Sewer System and to any meters used for purposes of establishing or determining water consumption, water excluded from the Sewer System or Sewage discharged to the Sewer System for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions of this Ordinance.

SECTION 11 - ADDITIONS TO AND CHANGES OF SEWER RENTALS OR CHARGES; ADOPTION OF ADDITIONAL RULES AND REGULATIONS

A. This Borough reserves the right to adopt and promulgate, from time to time, additional classifications and sewer rentals or charges therefor, or modifications of the schedule of sewer rentals or charges as set forth in this Ordinance, which additional classifications and sewer rentals or charges, or modifications, as the case may be, shall be construed as a part of this Ordinance.

B. This Borough reserves the right to adopt and promulgate, from time to time, such additional rules and regulations as it shall deem necessary and proper for the use and operation of the Sewer System, which rules and regulations shall be construed as a part of this Ordinance.

SECTION 12 - EFFECTIVE DATE

This Ordinance shall become effective immediately.

SECTION 13 - 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 Borough that such remainder shall be and shall remain in full force and effect.

SECTION 14 - DECLARATION OF PURPOSE

It hereby is declared that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

SECTION 15 - REPEALER

All ordinances and parts of ordinances inconsistent herewith shall be and the same hereby expressly are repealed.

DULY ENACTED AND ORDAINED this 15th day of April, 1964, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG,
Schuylkill County, Pennsylvania

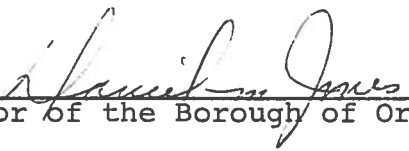
By: _____
President of Council

ATTEST:

Secretary

(SEAL)

EXAMINED AND APPROVED this 15th day of April, 1964.



Mayor of the Borough of Orwigsburg,
Schuylkill County, Pennsylvania