

RESOLUTION NO. 2 OF 2019

RATE RESOLUTION

A Resolution of the Cooper Township Municipal Authority for the Imposition and Collection of Sewer Rentals or Charges.

WHEREAS, Cooper Township Municipal Authority plans to operate a sewage collection system which lies wholly within the boundaries of Cooper Township, Montour County, Pennsylvania, the facilities of which, together with all additions, extensions, alterations and improvements which may be made or acquired from time to time, are referred to as the "Sewer System"; and

WHEREAS, Cooper Township Municipal Authority has power and authority to impose Rules and Regulations governing sewer service and imposition of rates and charges.

NOW, THEREFORE, BE IT RESOLVED, by the Cooper Township Municipal Authority as follows:

**ARTICLE I
TITLE**

Unless the context specified and clearly indicates otherwise, the meaning of items and phrases pertaining to this Resolution shall be as follows:

- A. "APARTMENT HOUSE" means a building occupied by two (2) or more dwelling units.
- B. "AUTHORITY" means Cooper Township Municipal Authority, a municipal authority of the Commonwealth, acting by and through this Board or, in appropriate cases, acting by and through its authorized representatives.
- C. "BILLING UNIT" means a Commercial Establishment, a Dwelling Unit, an Industrial Establishment, and/or an Institution Establishment.
- D. "B.O.D." (Biochemical Oxygen Demand) means the quantity of oxygen expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (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 Wastewater" published by the American Public Health Association.
- E. "COMMERCIAL ESTABLISHMENT" means a room, group of rooms, building, or enclosure, except such room, group of rooms, building, or enclosure constituting a home occupation as home occupation is defined hereafter, which is connected, directly or indirectly, to the Sewer System and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article, or service or used or intended for use for any social, amusement, religions, educational, charitable, or public purpose and containing plumbing facilities for kitchen, toilet, or washing purposes.
- F. "DWELLING UNIT" means a building under one roof and occupied by one family or one business or industrial establishment; or

1. A combination of buildings in one enclosure or group and occupied by one family or one business; or
 2. One side of a double building or house having a solid vertical partition wall; or
 3. Each room or group of rooms in a building occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of persons living together or by a person living alone; or
 4. Each apartment, office, or suite of offices in a building or house having several such apartments, offices, or suites of offices and using in common one or more hallways and one or more means of entrance, or
 5. Any trailer or mobile home occupied by one family or business, or
 6. Any use or activity which generates the wastewater flow of 170 gallons per day.
- G. "HOME OCCUPATION" means an accessory use which is customarily conducted entirely within a dwelling or in an accessory building by an occupant of the dwelling unit and is clearly incidental or secondary to the residential use of the dwelling unit.
- H. "IMPROVED PROPERTY" means any property located within this Authority 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 and/or Industrial Wastes shall be or may be discharged.
- I. "INDUSTRIAL ESTABLISHMENT" means any room, group or 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 process waste, as distinct from Sanitary Sewage, shall be discharged.
- J. "INDUSTRIAL WASTES" means any and all wastes discharged from an Industrial Establishment other than Sanitary Sewage.
- K. "OWNER" means any Person vested with ownership, legal or equitable, sole or partial, or any Improved Property.
- L. "PERSON" means any individual, partnership, company, association, society, corporation, or other group or entity.
- M. "SANITARY SEWAGE" means normal water-carried household and toilet wastes from any Improved Property.
- N. "SEWER SYSTEM" means all facilities, as of any particular time, for collecting, pumping, transportation, treating, or disposing of Sanitary Sewage and Industrial Wastes, to be owned by the Cooper Township Municipal Authority or by others.

- O. "SUSPENDED SOLIDS" means Suspended Solids as determined pursuant to the procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.
- P. "TOTAL SOLIDS" means all solids, as determined by appropriate procedures found in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.
- Q. "USER" means any person discharging or causing to discharge any liquid to the Sewer System.

**ARTICLE II
IMPOSITION AND COLLECTION OF SEWER RENTALS OR CHARGES**

- A. Sewer rentals or 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 rentals or charges shall be payable in the amounts, at the times and in the manner provided in this Article. Any Improved Property connected to the Sewer System shall be exempt from the charges specified in Paragraph B of this Article if the improvements on that property have no facility for the use of water (any plumbing fixture including, but not limited to, sinks, lavatories, kitchen equipment, toilets, water carriers, urinals, process water devices of any nature, or other systems or equipment deemed as such by the Authority) so that it is physically impossible for such an improvement to discharge anything into the Sewer System. In the event that new improvements on that property prior to such new construction, the charges specified by Paragraph B of this Article hereafter shall commence when the building or improvement is occupied or leased. In the event that there is more than one Dwelling Unit un such improvement, the charges shall commence for each Dwelling Unit when such unit is occupied or leased. In the event that such a Dwelling Unit thereafter becomes vacant or otherwise becomes unoccupied, the sewer rental charge shall continue without interruption or abatement regardless.
- B. Computation of Sewer Rentals or Charges shall be as follows:

Each Owner of a non-residential improved property which shall be connected to the Sewer System shall pay sewer rentals and charges, except as hereinafter provided at the rate of \$76.00 per monthly billing period, per equivalent Dwelling Unit, on the basis of Dwelling Units, as set forth in the following classification or schedule:

Category	Equivalent Dwelling Unit(s)
(a) Each retail store, business, industry, or office, having zero employees (including the Owner(s) of the business) who live outside the residence, were the business is attached to or forming a part of Owner's residence:	1
Each additional four (4) employees or faction thereof:	1/2
<ul style="list-style-type: none"> • Employees shall be counted based upon the number of total employees, not the hours worked. 	

Category	Equivalent Dwelling Unit(s)
(b) Each retail store, dry cleaning establishment, business, warehouse, industry, or office, including professional, governmental, institutional, and medical offices:	
(1) having four (4) or fewer employees, (which shall include the Owner(s) of the business, not attached to or forming part of Owner's residence:	1-1/2
(2) Each additional four (4) employees of fraction thereof, up to a total of 800 employees:	1/2
(3) Each additional 20 employees of fraction thereof, in excess of 800 employees:	1
Note: Employees shall be counted based upon the number of total employees, not the hours worked.	
(c) Each restaurant, tavern, café, club, or other eating and/or drinking establishment having 12 or fewer seats:	1
(1) Each 12 seats of fraction thereof over 12:	1
(d) Each hotel, motel, or boarding house, per four (4) rental rooms or fraction thereof:	1
(e) Each service station, garage or automobile repair shop, without car wash facilities:	1
(1) Two (2) bays or fewer:	2
(2) Each additional bay over two (2):	1
(f) Each service station, garage, or automobile repair shop, with car wash facilities, each bay:	1
(g) Each laundromat, per washer:	1
(h) Each barber shop, beauty shop or salon, whether or not attached to or forming part of Owner's residence:	1
(i) Each firehouse or assembly hall, per building:	1
(j) Each church:	1
(k) Each swimming pool or large community building:	6

Category	Equivalent Dwelling Unit(s)
(l) Each school, public or private, having:	
(1) Toilet facilities only, having 20 or fewer pupils:	1
Each additional five (5) pupils, or fraction thereof, over 20:	1/4
(2) Toilet facilities and cafeteria serving three (3) or more meals per week, having 15 or fewer pupils:	1
Each additional five (5) pupils, or fraction thereof, over 15:	
(3) Toilet facilities and gymnasium having showering facilities, having 15 or fewer pupils:	1
Each additional five (5) pupils, or fraction thereof, over 15:	1/3
(4) Toilet facilities, cafeteria serving three (3) or more meals per week, and gymnasium with showering facilities, having 10 or fewer pupils:	1
Each additional five (5) pupils, or fraction thereof, over 10:	1/2
(m) Each Improved Property having a commercial (¾ horsepower or greater) garbage grinder, per grinder:	1
(n) Each business or industry providing showers for employees:	
(1) Ten (10) or fewer employees:	1
(2) Each additional ten (10) employees or fraction thereof:	1
(o) Each funeral home:	1
(p) Each courthouse annex:	2
(q) Each hospital or clinic, per 1 bed:	1

C. **Multiple Users:** Each billing unit located in a multiple unit shall be billed as a separate entity and the foregoing sewer rentals or charges, as appropriate, shall be used in computing the sewer rentals or charges applicable to each such billing unit as though such Billing Unit was in a separate structure and had a direct and separate connection to the Sewer System.

D. If the use of any Improved Property shall change during any monthly annum period, the sewer rental or charge shall be adjusted by this Authority, by pro-ration on a monthly basis to the nearest calendar month, with a credit or charge, as shall be appropriate under the circumstances, being made on the statement for the next succeeding quarter annum period.

- E. Rates for all Users of the Sewer System shall be subject to change from time to time by action of the Authority, through Resolution or formal action of the Authority board. All rates and charges shall be based on the most recent rates as established by Resolution of the Authority or formal action of the Authority board and which Resolution or board meeting minutes shall be kept on file in the office of the Authority.
- F. **Special Agreements.** Notwithstanding any provision in this Chapter to the contrary, this Authority shall have the right, based upon good reasons and circumstances existing, to enter into special agreements with the Owner of any Improved Property with respect to terms and conditions upon which Sanitary Sewage and/or Industrial Wastes may be discharged into the Sewer System and with respect to payments to be made to this Authority in connection therewith. In such event, such service and payments with respect thereto shall be governed by terms and conditions of such special agreement.
- G. Time and Method of Payment shall be as follows:
1. Sewer rentals or charges imposed by this Article shall be payable on a calendar monthly annum.
 2. All bills with respect to billing units shall be rendered for the appropriate calendar monthly annum on the first day of each month for service during the preceding calendar monthly annum.
 3. Sewer rentals or charges shall be due and payable five (5) days after mailing or delivery of an appropriate net bill by or in behalf of this Authority to the person responsible for payment thereof and shall be payable at the Authority. If the net bill for sewer rentals or charges is not paid within 30 calendar days after the same shall become due and payable, an additional sum of 1% shall be added to the net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made, 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 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. If sewer rentals and charges are not paid within 60 calendar days after the same becomes due and payable, civil action may be taken to collect charges and a lien may be filed pursuant to Paragraph H of this Article, as amended.
 4. Whenever service to any Improved Property shall begin after the first day or shall terminate before the last day of any monthly annum billing period, sewer rentals or charges for such period shall be prorated equitably, if appropriate, for that portion of the monthly annum billing period during which such Improved Property was served by the Sewer System.
 5. Every Owner of an Improved Property which is connected to the Sewer System initially shall provide this Authority with, and thereafter shall keep this Authority advised of, his correct address. Failure of any person to receive monthly annum net bills for sewer rentals or 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.

- H. Sewer rentals or charges imposed by this Article may be subject to a lien upon the Improved Property connected to and served by the Sewer System; and any such annum billing period applicable to the Improved Property shall be filed as a lien against the Improved Property so connected to and served by the Sewer System, which lien shall be filed in the appropriate office of Montour County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims. All fees (including attorney fees) and costs (including court costs) associated with these municipal liens and claims shall be recovered against the Improved Property pursuant to the applicable resolutions of the Authority and ordinances of Cooper Township.
- I. Measuring Volume of Sanitary Sewerage and Industrial Waste for High Volume Users, at the discretion of the Authority, is set forth as follows:
1. High Volume Users are Users discharging Sanitary Sewage and Industrial Wastes of such a volume and flow rate that, at the sole discretion of the Authority, necessitates the installation of a Measuring Device at the point of discharge to the Authority's Sewer System.
 2. Measuring Devices shall include open channel-type flow meters or other Measuring Devices which shall be furnished and installed by the Authority or in accordance with specifications of this Authority by the Owner of the Improved Property at its expense. The Measuring Devices shall be under the control of the Authority and may be tested, inspected, or repaired by the Authority whenever necessary and subject to the discretion of the Authority. The Owner of the Improved Property upon which such meter or other Measuring Device shall be installed shall be responsible for surrounding ground maintenance and general safekeeping. All repairs and meter calibrations shall be made by the Authority, whether such repairs shall be made necessary by ordinary wear and tear or other causes. All costs for such repairs and meter calibrations incurred by the Authority, shall be due and payable by the Owner, immediately upon completion of such repairs and calibration. Payment for such repairs and calibrations shall be collected by the Authority in the same manner as monthly annum bills for sewer rentals or charges.
 3. The assessment of sewer rentals or charges for High Volume Users shall be based on the total flow recorded by the Authority of the Measuring Device and divided by the total whole number of days since the last meter recording and then divided by the Equivalent Dwelling Unit flow allowance of 170 gallons per day and the multiplied by the Equivalent Dwelling Unit Rate in effect at the time. Sewer rentals and charges for High Volume Users shall be rendered for the applicable calendar monthly annum basis. Sewer rentals and charges shall be due and payable as set forth in Paragraph G.
 4. The Authority shall be responsible for the reading of all meters or other measuring devices; and such meters or other measuring devices shall be available to the Authority at all reasonable times by the Owner of the Improved Property.

**ARTICLE III
CHANGING OR VARYING RULES**

- A. The Authority reserves the right to change or amend, from time to time, this Resolution in accordance with law.
- B. No officer or employee of the Authority can vary the provisions set forth in this Resolution without action of the Authority, and no agent or employee of the Authority can bind it by any agreement or representations except when authorized in writing to do so by the Board of the Authority.

**ARTICLE IV
SEVERABILITY**

- A. In the event any provision, section, sentence, clause, or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Resolution, it being the intent of this Authority that such remainder shall be and shall remain in full force and effect.

**ARTICLE V
REPEALER**

- A. All Resolutions or parts of Resolutions which are inconsistent with this Resolution shall be and the same expressly repealed.

DULY ENACTED AND RESOLVED this the 18 day of March, 2019, by the Board of Supervisors of the Cooper Township Municipal Authority, Montour County, Pennsylvania, in public session duly assembled.

Cooper Township Municipal Authority