

ORDINANCE NO. 186, 2008

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AMENDING SUBPART B, ENTITLED "FEES, CHARGES AND CONNECTIONS", OF PART 1, ENTITLED "PUBLIC SEWAGE DISPOSAL SYSTEM", OF CHAPTER XXIII, ENTITLED "SEWERS AND SEWAGE DISPOSAL", OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF TILDEN, TO AMEND THE DEFINITION OF BUILDING SEWER OR LATERAL; TO AMEND THE LOCATION OF CONNECTION OF A BUILDING SEWER AND TYPE OF MATERIALS USED FOR BUILDING SEWERS; TO AMEND THE RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND CONNECTIONS TO SEWERS REGARDING THE INITIAL INSTALLATION OF LATERALS; TO AMEND THE COMPUTATION OF SEWER RENTALS OR CHARGES TO ESTABLISH A METERED RATE SCHEDULE WHICH MAY BE AMENDED FROM TIME TO TIME BY RESOLUTION OF THE BOARD OF SUPERVISORS AND TO ESTABLISH A NON-METERED SERVICE CALCULATION PER EQUIVALENT DWELLING UNIT

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. The definition of "Building Sewer or Lateral", of Section 102, entitled "Definitions", of Subpart A, entitled "Contents, Definitions and Abbreviations", of Part 1, entitled "Public Sewage Disposal System", of Chapter XXIII, entitled "Sewers and Sewage Disposal", of the Code of Ordinances of the Township of Tilden is hereby amended and restated as follows:

"Building Sewer or Lateral" means the extension of the building drain from the building to the public sewer or other place of disposal."

SECTION 2. Section 111, entitled "Building Sewers and Connections", of Subpart B, entitled "Fees, Charges and Connections", of Part 1, entitled "Public Sewage Disposal System", of Chapter XXIII, entitled "Sewers and Sewage Disposal", of the Code of Ordinances of the Township of Tilden is hereby amended and restated as follows:

"Section 111. Building Sewers and Connections. No person shall uncover, connect with, make any opening into, or use, alter or disturb in any manner any sewer or any part of the sewer system without first obtaining a written permit from the Township. Application for a permit shall be made by the Owner of the improved

property served or to be served.

No person shall make or cause to be made a connection of any improved property with a sewer until such person shall have fulfilled each of the following conditions:

(a) Such person shall have notified the Secretary of the Township of the desire and intention to connect to a sewer.

(b) Such person shall have applied for and obtained a written permit.

(c) Such person shall have given the Secretary of the Township at least twenty-four (24) hours notice of the time when such connection will be made so that the Township may supervise and inspect the work of connection and necessary testing.

(d) Such person shall have furnished satisfactory evidence to the Secretary of the Township that any tapping fee charged and imposed by the Township against the owner of each improved property who connects such improved property to a sewer has been paid.

Any person, partnership or corporation who shall allow stormwater or water from roofs to enter the sanitary sewer system of the Township shall be responsible for the damages and for repairing the said sewer system, which said damages and cost of repairs shall be collected by the Township from the offending party, together with legal costs.

Except as otherwise provided in this Section, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one (1) improved property on one (1) building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of the Township, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Township.

Duplex residences presently connected to one (1) sewer and with interior plumbing so designed that both houses are connected to one (1) riser pipe contiguous to each house will be permitted to discharge sewage into the sanitary sewer through one (1) house connection, provided that a separate connection fee and separate minimum rental fee is paid for each residence. The owner of each property shall obtain a permit before any connection is made to the lines.

All costs and expenses of construction of a building sewer and all costs and

expenses of connection of a building sewer to a sewer, including testing, shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless the Township from all loss or damage that may be occasioned, directly or indirectly, as a result of a building sewer or of connection of a building to a sewer. The construction of the building sewer shall be subject to inspection by the Township. Maintenance of the building's sewer will remain the responsibility of the owner of the property.

A building sewer shall be connected to a sewer at the place designated by the Township and where, if applicable, the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a building sewer to the lateral shall be made secure and watertight.

The owner of each 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 the provisions of this Part."

SECTION 2. Section 112, entitled "Rules and Regulations Governing Building Sewers and Connections to Sewers", of Subpart B, entitled "Fees, Charges and Connections", of Part 1, entitled "Public Sewage Disposal System", of Chapter XXIII, entitled "Sewers and Sewage Disposal", of the Code of Ordinances of the Township of Tilden is hereby amended and restated as follows:

"Section 112. Rules and Regulations Governing Building Sewers and Connections to Sewers. Initial lateral for existing improved properties will be installed by the Township from the sewer main to the curblin, or if there is not curblin, extending to the edge of the right-of-way or easement. The building sewer from the end of lateral to the building shall be installed by the owner at said owner's sole cost and expense. For any property requiring connection to the sewer system after the initial construction of the sewer main it shall be the responsibility of the property owner for the construction of the connection of the building sewer from the sewer main to the building.

The maintenance responsibilities for the sewer service line and the house connection from the sewer main to the building shall be that of the property owner.

Where an improved property, at the time connection to a sewer is required, shall be sewered by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.

No building sewer shall be covered until it has been inspected and approved by the Township. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.

Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored, at the sole cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Township.

If any person shall fail or refuse, upon receipt of written notice from the Township, to remedy any unsatisfactory condition with respect to a building sewer, within ten (10) working days of receipt of such notice, the Township may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such satisfactory condition shall have been remedied to the satisfaction of the Township.

The Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be, and shall be construed as, a part of this Part."

SECTION 3. Section 114, entitled "Computation of Sewer Rentals or Charges", of Subpart B, entitled "Fees, Charges and Connections", of Part 1, entitled "Public Sewage Disposal System", of Chapter XXIII, entitled "Sewers and Sewage Disposal", of the Code of Ordinances of the Township of Tilden is hereby amended and restated in its entirety as follows:

"Section 114. Computation of Sewer Rentals or Charges.

(a) Metered Service. Sewer Rentals and charges for all industrial and commercial properties served by an approved central water system shall be based upon volume of water usage, adjusted, if appropriate. The metered rates shall be in accordance with the Metered Rate Schedule, as amended by Resolution of the Township, from time to time.

Metered Rate Schedule

0 to 16,000 gallons per quarter

\$180.00

Additional 1,000 gallons per quarter
Or fraction thereof\$19.00 per each additional
1,000 gallons increment or
fraction thereof

(b) Non-Metered Service. Sewer rentals and charges for all residential properties and industrial and commercial properties not serviced by an approved central water system shall be computed based upon the number of Equivalent Dwelling Units (EDU) as established by the following table:

Description of Improved Property	Unit of Measurement	Number of EDUs Per Unit of Measurement
Residential Dwelling Unit, including Apartments (year-round or seasonal)	Each single family dwelling unit with no rented room	1
Retail store, professional office or other commercial establishment without public restrooms	1 to 20 employees. Each additional 20 employees or fraction thereof.	1 1
Public restrooms in a retail store, professional office, or other commercial establishment	1 to 3 fixtures. Each 3 additional fixtures or fraction thereof.	1 1
Hotel, Motel or boarding house (not including restaurant facilities)	1 to 3 fixtures. Each 3 additional fixtures or fraction thereof	1 1
Restaurant, club, tavern or other retail food or drink establishment	1 to 10 seats or fraction thereof. Each additional 10 seats or fraction thereof	1 1
Laundromat	1 to 3 washing machines. Each additional 3 machines or fraction thereof.	1 1
Automobile service station or commercial vehicle repair shop	1 or 2 bays. Each additional 2 bays or fraction thereof.	1 1
Beauty parlor or barber shop if attached to a dwelling	1 chair	$\frac{1}{2}$
Free-standing beauty parlor or barber shop		1 EDU plus $\frac{1}{2}$ EDU per chair

Educational/Institutional establishment without cafeteria and gym	Per each 25 pupils, faculty, administrators and staff or fraction thereof	1
Church	Each property.	1
Fire Company/Ambulance Corps.	Each property.	1
Community Hall	Each property.	1
Funeral Home	Each property.	1
Post Office	Each property.	1
Industrial Establishment	1 to 15 employees.	1
	Each additional 15 employees or fraction thereof (or to be based on the volume of wastewater generated). Not including industrial waste.	1
Mobil Home Park	Each mobile home pad or lot.	1

Where an improved property has multiple uses, the number of applicable Equivalent Dwelling Units shall be the sum of all uses.

The number of Equivalent Dwelling Units applicable to Commercial Establishments and Industrial Establishments shall be computed on the basis of the average daily number of full and part-time employees (including the owner(s) or employer(s)) for the calendar month preceding the date of the monthly billing. The Owners of such facilities shall be responsible for advising the Township in writing of the number of employees upon connection to the Sewer System and upon request of the Township. The number of Equivalent Dwelling Units applicable to Educational and Institutional Establishments shall be computed on the highest monthly average daily attendance of pupils (plus faculty, administrators and staff) during the twelve (12) months preceding the date of the monthly billing. The Owners of such facilities shall be responsible for advising the Township in writing of the number of pupils, faculty, administrators and staff in attendance as an average daily figure upon request of the Township.

If the use or classification of any Improved Property changes within a billing period, the User Charge for such billing period may be prorated by the Township. The Owner of the Improved Property shall be responsible for advising the township in writing of any such change affecting the User Charge payable hereunder. The appropriate credit or additional charge shall appear on the statement for the next succeeding billing period.

The monthly flat rate User Charge payable per Equivalent Dwelling Unit shall be established from time to time by resolution of the Township.

(c) Sewer Rentals and Charges During Emergencies. Where, due to emergencies caused by flood, fire or other catastrophe or season of the year, it is necessary for consumers of the Township or of sections of the Township to use unusually large amounts of water, the Township may, by resolution, direct that sewer rentals in the Township or a specified section of the Township for the quarter in which the flood, fire, season, or other catastrophe occurs shall be based upon the amount charged for water in the previous quarter or the same quarter in the previous year, provided that no customer shall be charged an amount in excess of what the charge would have been had said resolution not been enacted."

SECTION 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 4. This Ordinance shall become effective in accordance with law.

SECTION 5. The Code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED this 14th day of June,
2008.

TOWNSHIP OF TILDEN
BOARD OF SUPERVISORS

Attest: Cheryl A. Haus
Secretary

Troy R. Hatt
Russell H. Hatt
Judy E. Rohrig