

**Application of Pennsylvania-American Water Company for Acquisition of
the Wastewater Assets of Upper Pottsgrove Township
66 Pa. C.S. § 1329
Application Filing Checklist – Water/Wastewater
Docket No. A-2020-3021460**

18. Rates.
- b. Provide a copy of the seller's current rules and regulations for service.

RESPONSE:

- b. See attached Upper Pottsgrove's current rules and regulations governing the provision of wastewater service titled Sewers and Sewage Disposal – Rates and Regulations marked as **Attachment A-18-b**.

*Township of Upper Pottsgrove, PA
Thursday, October 29, 2020*


Chapter 275. Sewers and Sewage Disposal

[HISTORY: Adopted by the Board of Commissioners of the Township of Upper Pottsgrove as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Collection of delinquent accounts — See Ch. 153.
Streets, sidewalks and driveways — See Ch. 304.
Subdivision and land development — See Ch. 310.
Water — See Ch. 342.

ATTACHMENTS

Attachment 1 - Exhibit A, Grease Interceptor Sizing Worksheet 

Article I. Construction and Connection

[Adopted 6-22-1970 by Ord. No. 42 (Ch. 18, Part 1, of the 1993 Code)]

§ 275-1. Definitions.

[Amended 11-27-1972 by Ord. No. 59; 8-22-1994 by Ord. No. 255; 3-27-1995 by Ord. No. 261; 10-21-1996 by Ord. No. 271]

The following words and phrases, when used in this chapter, unless the context clearly indicates otherwise, shall have the meanings given to them in this section:

ACT 537 PLAN

The official plan for the provision of adequate sewage systems in the Township, adopted by the Township and submitted to and approved by the Department of Environmental Protection, under and in accordance with the Pennsylvania Sewage Facilities Act⁽¹⁾ and the rules and regulations promulgated from time to time thereunder, including any provisions thereto which may be adopted and approved from time to time, as such plan and revisions shall be in force at the time of application under this chapter.

APPLICABLE SPECIFICATIONS

All local, state and/or federal specifications and requirements which are applicable to a particular construction, installation, work or other activity which is regulated by or otherwise the subject of this chapter, as such specifications and requirements shall be in force at the time of application under this chapter. Without limiting the generality of the foregoing, "applicable specifications" shall include all such

specifications and requirements, and any revisions, amendments, supplements thereto or substitutions therefor, which may be established or otherwise adopted from time to time by resolution of the Board of Commissioners. In the event of any inconsistency between or among any such local, state and/or federal specifications or requirements, the specification or requirement which imposes the greater or greatest restriction shall prevail and control.

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BOARD OF COMMISSIONERS

The Board of Commissioners of the Township.

BUILDING SEWER

The extension from the sewage and/or industrial waste drainage system of any structure to the lateral of a sewer.

CONNECTION CHARGES

Sewer system connection charges provided under Article V of this chapter, including, without limitation, a connection fee, customer facilities fee, tapping fee, and other fees or charges permitted under the Pennsylvania Municipality Authorities Act^[2] and other applicable state law.

[Amended 2-1-2010 by Ord. No. 440]

CONNECTION UNIT

Each individual building or house, whether constructed as a detached unit or as one of a pair or row, which is designed or adaptable to separate ownership for use as a family dwelling unit or for commercial or industrial purposes. A school, factory, apartment house, office building or other multiple-unit structure whose individual apartments or units are connected to a common internal sewage system and which are not commonly subject to separate ownership shall be appraised based upon the Township's schedule of EDU values, which schedule may be amended from time to time by resolution of the Board of Commissioners.

[Amended 2-1-2010 by Ord. No. 440]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection (formerly the Department of Environmental Resources) of the Commonwealth of Pennsylvania.

DEVELOPER

Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development.

[Added 12-23-2002 by Ord. No. 345]

HEALTH DEPARTMENT

The Health Department of Montgomery County, Pennsylvania.

IMPROVED PROPERTY

Any property within the sewerered 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.

INDUSTRIAL WASTE or INDUSTRIAL WASTES

Any liquid, gaseous, radioactive, solid or other substance, which is not sewage, resulting from manufacturing of industry or other plant or works, and mine drainage, silt, coal mine solids, rock, debris, dirt and clay from coal mines, coal collieries, breakers or other coal processing operations. "Industrial waste" or "industrial wastes" includes substances whether or not generally characterized as waste.

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INSTALLMENT PAYMENT OPTION RESOLUTION

The resolution adopted by the Board of Commissioners, as the same may be amended from time to time, providing for the administration of and procedures for the option to pay connection charges by installments under § 275-24 of Article V of this chapter.^[3]

LATERAL

That part of the sewer system extending from a sewer to the right-of-way line of the public street (in the case the sewer is located in a public street) or to the boundary line of the sanitary sewer easement (in the case the sewer is located in a sanitary sewer easement).

OWNER

Any person vested with ownership, legal or equitable, sole or partial, of any property located in the sewer area.

PENNSYLVANIA SEWAGE FACILITIES ACT

Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. § 750.1 et seq., together with all amendments and supplements thereto, and any new law or statute substituted for the same, as such act, amendments, supplements and substitutions shall be in force at the time of application hereunder.

PERSON

Any individual, partnership, company, association, society, corporation or other group or entity.

SANITARY SEWAGE or SEWAGE

Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals, and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, to use of water for domestic water supply or for recreation, or which constitutes pollution under the Clean Streams Law, Act of June 22, 1937, P.L. 1987, No. 394, as amended, 35 P.S. § 691.1 et seq.

SEWER

Any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes and to which ground, surface and storm water is not admitted intentionally.

SEWER RENTAL

Sanitary sewer rentals and charges provided under § 275-7 of Article I of this chapter.

SEWER RENTAL UNIT, EQUIVALENT DWELLING UNIT or EDU

Each single-family dwelling unit or the equivalent, which is connected to the sewer system, as determined and provided under and in accordance with Article VI of this chapter.

SEWER SYSTEM

All facilities, as of any particular time, for collecting, pumping, treating and disposing of sanitary sewage and industrial wastes, situate in the sewer area and owned and/or operated by the Township.

TOWNSHIP

The Township of Upper Pottsgrove, Montgomery County, Pennsylvania.

[1] *Editor's Note: See 35 P.S. § 750.1 et seq.*

[2] *Editor's Note: See 53 Pa.C.S.A. § 5601 et seq.*

[3] *Editor's Note: Said resolution is on file in the Township offices.*

§ 275-2. Use of public sewers required.

[Amended 8-28-1978 by Ord. No. 106; 8-22-1994 by Ord. No. 255; 3-27-1995 by Ord. No. 261; 5-21-2001 by Ord. No. 329]

A. Connections.

[Amended 8-15-2011 by Ord. No. 450]

(1) The owner of any improved property, which abuts or adjoins any street in which there is a municipally constructed sewer and on which property there is a waste-discharging structure within 150 feet of the sewer main or appurtenances, shall connect the improved property to the sewer in such manner as the Township may require, within 60 days after notice to the owner from the Township to make such connection, for the purpose of discharge of all sewage and industrial wastes from the improved property (not only from the waste discharging structure), subject to such limitations and restrictions as shall be established by the Township from time to time. For purposes of this subsection, the phrase "waste-discharge structure" shall mean a structure from which sanitary sewage and/or industrial wastes shall or may be discharged.

(2) The owner of any improved property, which abuts or adjoins any street in which there is a privately constructed sewer and on which property there is a waste-discharging structure within 150 feet of the sewer main or appurtenances, only if the property contains a failing septic system which has been confirmed by the Montgomery County Health Department or if the property's owner elects to voluntarily connect to public sewer, shall connect the improved property to the sewer in such manner as the Township may require, within 60 days after notice to the owner from the Township to make such connection, for the purpose of discharge of all sewage and industrial wastes from the improved property (not only from the waste-discharging structure), subject to such limitations and restrictions as shall be established by the Township from time to time. For purposes of this subsection, the phrase "waste-discharge structure" shall mean a structure from which sanitary sewage and/or industrial wastes shall or may be discharged.

B. The Board of Commissioners may, upon written application of the owner of improved property, and for reasons beyond the reasonable control of the owner related to weather or a physical condition of the property, extend the sixty-day period in which to connect the property to the sewer as provided in Subsection A of this section. The application shall be submitted to the Board of Commissioners prior to the expiration of the sixty-day period. The grant of the application and the period of extension shall be at the discretion of the Board of Commissioners. In no event, however, shall any extension be granted which will create or continue a health hazard or other objectionable condition. An extension of the connection period shall not also extend the due dates for the payment of connection charges and sewer rental. Should a connection extension be granted, connection charges shall be due and payable in accordance with § 275-24 of Article V of this chapter, and sewer rental shall be payable and collected in accordance with § 275-7 of this article.

C. All sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under Subsection A of this section, shall be conducted into a sewer subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township from time to time.

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- D. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sewage or industrial wastes in violation of Subsection A of this section. No person shall discharge or permit to be discharged to any natural outlet within this Township any sewage or industrial wastes in violation of Subsection A of this section, except where suitable treatment has been provided which is satisfactory to this Township.
- E. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any improved property which has been connected to a sewer or which shall be required under Subsection A of this section to be connected to a sewer. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned, except as hereinafter provided, and, at the discretion of this Township, shall be cleansed and filled under the direction and supervision of this Township, and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township, cleansed and filled, shall constitute a nuisance and such nuisance may be abated as provided by law, at the expense of the owner of such improved property. Septic tanks may, by special request to the Board of Commissioners, be used for the discharge of storm and cellar waste waters.
- F. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.
- G. The notice to the owner by the Township to make connection to a sewer, referred to in Subsection A of this section, shall consist of a written or printed document requiring the connection, and may be given at any time after a sewer is in place which can receive and convey sewage and industrial wastes for treatment and disposal from the particular property. The notice may be given by the Township to the owner by personal service, regular first class mail, certified mail and/or registered mail, whichever of such methods the Township, in its discretion, deems appropriate, unless another method is required by law in which case such other required method shall be used. In the event that the owner shall neglect or refuse to connect with the sewer within the sixty-day notice period (or within such extended period as may be granted by the Board of Commissioners under Subsection B of this section), the Township, at its discretion, shall have the right, but not the duty, by itself or agents thereof, to enter upon the property and construct the connection. In such case, the Township shall, upon completion of the connection work, send an itemized bill of the cost of connection (which shall include, without limitation, the connection charges provided under and by Article V of this chapter), to the owner of the property, which bill shall be payable forthwith in full by the owner. Should the owner neglect or refuse to pay, in full, said bill, the Township shall have the right to collect the same by way of the municipal claim and lien under the general law providing for the filing and recovery of municipal claims and liens. The provisions of this subsection shall not be in limitation of, but shall be in addition to, such other or further rights or remedies as may be available to the Township in law or at equity to connect, or compel the connection of, the property with the sewer and/or to collect from the property owner or other responsible party the cost of connection and other applicable amounts.
- H. The owner of any improved property abutting on or adjoining any street serviced or intended to be serviced by a sewer system shall supply information indicating the location of any and all wells on such improved property. Such information shall be supplied on forms furnished by the Township within 30 days of notice to said owner and/or occupant. In addition to the fines and other penalties prescribed by § 275-34 of Article VII of this chapter, the owner and/or the occupant of such improved property failing to give the required information within 30 days of notice by the Township, shall be required to pay to the Township any and all costs, including engineering costs, incurred by the Township in ascertaining the required information. In the event that such costs are not paid as required hereby, the Township shall have the right, in addition to such other or further rights or remedies as may be available to the Township in law or at equity, to file a municipal claim and lien therefor, together with interest on the amount of such costs at the rate of 6% per annum (or such higher rate as may be provided or otherwise permitted by law) plus a penalty of 5% on the amount of such costs (or such higher penalty as may be provided or otherwise permitted by law). The Township Solicitor shall thereupon proceed to collect the same together with all interest, penalty and court costs plus an attorney's commission of 5% on the amount of such costs and the interest and penalty thereof

(or such higher commission as may be provided or otherwise permitted by law) under the general law relating to the filling and collection of municipal claims and liens.

§ 275-3. Building sewers and connections.

[Amended 4-24-1972 by Ord. No. 58; 10-24-1975 by Ord. No. 79; 10-24-1977 by Ord. No. 97; 8-22-1994 by Ord. No. 255; 12-14-1998 by Ord. No. 294; 10-18-1999 by Ord. No. 301; 8-15-2011 by Ord. No. 450]

All design and construction efforts undertaken by the Township will be for the servicing of first-floor elevations. Those that wish to connect basements or subfloors shall do so at their own expense and only upon approval of the Township Engineer. Any additional piping, appurtenance or pumps required to facilitate basements or subfloors shall be the responsibility of the applicant/property owner.

- A. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner, any sewer or the sewer system without first obtaining a permit, in writing, from this Township. Such permit shall be issued to owners required to connect to a sewer subject always to compliance with these rules and regulations and may be issued by the Township to owners not so required to connect.
- B. Application for a permit required under Subsection A of this section shall be made by the owner of the improved property to be served.
- C. 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:
 - (1) Such person shall have notified the Secretary of this Township of the desire and intention to connect to a sewer.
 - (2) Such person shall have applied for and obtained a permit as required by Subsection A of this section, and shall have paid, in full, the connection charges provided under and by Article V of this chapter.
 - (3) Such person shall have given the Secretary of the Township at least 72 hours' prior 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. Except as otherwise provided in this Subsection D, each connection unit on each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one connection unit on one 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 this Township, in writing, shall have been secured.
- E. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected, and such owner shall indemnify and save harmless this Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.
- F. Materials for a building sewer, jointing materials and methods of installation shall be in accordance with the requirements of § 275-4 of this article and shall be subject to approval by this Township.
- G. The permit required by Subsection A of this section shall be displayed prominently upon the improved property to be connected to a sewer at all times during construction of the building sewer and connection of the building sewer to a sewer.

H. A building sewer discharging to public or community sewer shall be connected to the sewer at the lateral. Only **Appendix A-18-b** be connected to any lateral. The building sewer shall conform to the typical building sewer connection, which is attached hereto.^[1] Future changes to the typical building sewer connection shall be approved from time to time by Resolution of the Upper Pottsgrove Township Board of Commissioners.

[1] *Editor's Note: A copy of the sewer connection diagram is on file in the Township offices.*

I. The owner and/or builder of all new structures containing sewage facilities on which construction is commenced in the Township subsequent to July 1, 1972, shall provide a stub for the purpose of connecting the sewage drainage system of the structure with a building sewer. The stub shall be provided whether or not the property is then benefited, improved or accommodated by sanitary sewers. Unless and to the extent otherwise provided by applicable specifications:

- (1) The stub shall be placed on the side of the structure closest to the road or street.
- (2) The stub shall be of four-inch cast iron pipe.
- (3) The stub shall be extended two feet outside the foundation wall of the structure.
- (4) The top of the stub shall be no lower than the underside of the cellar floor of the structure.
- (5) The elevation of interior piping in the building shall be so constructed in relation to the stub so as to minimize the cost of any future changeover to a future sanitary sewer system.

J. The owner and/or builder of all new buildings containing sewage facilities on which construction is commenced in the Township subsequent to the effective date of this article, shall provide interior piping or plumbing constituting the sewage drainage system therefor at adequate elevation to provide gravity flow drainage into sanitary sewers existing or proposed whether or not the property presently is benefited, improved or accommodate thereby.

K. No person other than a state registered master plumber shall perform work on facilities connected or to be connected to the sewer system or connect such facilities to the sewer system.

§ 275-4. Rules and regulations governing building sewers and connections to sewers.

[Amended 3-28-1983 by Ord. No. 141; 8-24-1987 by Ord. No. 171; 8-22-1994 by Ord. No. 255; 10-21-1996 by Ord. No. 271; 12-14-1998 by Ord. No. 294; 8-15-2011 by Ord. No. 450]

A. Within or connecting to the Township collection systems, all sewers and collection systems, piping, pumps and appurtenances shall be designed and installed in accordance with the Township standard specifications, which are on file with Upper Pottsgrove Township, entitled "Standard Sewer Specifications and Details," for building sewer connections and for public sewer extensions by contractors and developers, dated August 2011. Such standard sewer specifications and details are incorporated herein by reference. Future changes to the standard sewer specifications and details shall be made from time to time by resolution of the Upper Pottsgrove Township Board of Commissioners.

- B. Relief from the standard sewer specifications and details can be granted only by action of the Board of Commissioners upon written request.
- C. Building sewer shall be used for the following purposes and no other: The disposal of sewage; and/or the disposal of industrial waste, provided that the discharge under the sewer system of each substance constituting the industrial waste is expressly allowed by and in accordance with the applicable law and is otherwise expressly permitted by the Township. Without limiting the generality of the foregoing sentence or other provision of this chapter, building sewers may not be used for the disposal of groundwater, surface water and/or stormwater; and unauthorized connections to building sewers shall include, but not be limited to, sump pumps, yard drains, roof, gutter downspouts and foundation drains.
- D. An authorized representative or representatives of the Township shall, after giving reasonable notice to the owner and/or occupant of a property, have the authority to enter the property and/or any structure thereon and to make inspections to verify that no unauthorized connections to a building sewer or otherwise to the sewer system exist; that there are no sources on the property or in any structure thereon of infiltration or inflow of water into a building sewer or otherwise into the sewer system other than as permitted under and in accordance with this chapter; and/or that the plumbing system serving the property and/or any structure thereon is functioning properly. The property owner shall, after receipt of written notification of repairs, modifications and/or corrections deemed necessary by the Township or its authorized representative, complete such repairs, modifications and/or corrections in a proper and timely manner to the satisfaction of the Township. Such repairs, modifications and/or corrections shall be made at the sole expense of the property owner.

§ 275-5. Maintenance, repair and/or replacement of building sewers and laterals.

[Added 3-23-1998 by Ord. No. 284]

- A. It shall be the responsibility of the property owner, at the sole cost and expense of the property owner, to maintain, repair and/or replace each building sewer on the property.
- B. It shall be the responsibility of the Township, at its sole cost and expense, to maintain, repair and/or replace a lateral, except in the case such maintenance, repair and/or replacement is required as a result of, directly or indirectly, any use of or with respect to the lateral by the owner of the property served by the lateral (other than the proper use of the building sewer connected to the lateral) or by any other act or conduct of the property owner. In such case, the cost and expense for the maintenance, repair and/or replacement of the lateral shall be borne by the property owner and may be collected as hereinafter provided in regard to maintenance, repair and/or replacement of a building sewer. In all cases, all maintenance, repair and/or replacement of a lateral shall be performed solely by the Township.
- C. Without limiting the generality of the responsibility of a property owner to maintain, repair and/or replace a building sewer under Subsection A, the property owner shall perform and complete such maintenance, repair and/or replacement work as the Township may deem necessary and direct in and by written notice to the property owner. All maintenance, repair and/or replacement work, whether or not directed by the Township, shall be performed and completed in a proper and timely manner, in accordance with applicable specifications and to the satisfaction of the Township. The property owner shall indemnify the Township from any loss or damage which may result or arise from, directly or indirectly, any such work.
- D. If a property owner shall refuse or fail to maintain, repair and/or replace a building sewer as required by or pursuant to this section or other provisions of this chapter, the Township shall have the right, at its discretion, but not the duty, by itself or agents thereof, to enter

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the property as may be necessary and perform such maintenance, repair and/or replacement work.

- (1) Costs of work performed by Township.
 - (a) Should the Township perform such work, the Township, upon completion of the work, shall provide the property owner with an itemized bill for the cost of the work by one or more of the following means as the Township deems appropriate:
 - [1] Personal service upon the property owner.
 - [2] Personal service upon any adult occupant of the property.
 - [3] Certified or registered mail addressed to the property owner at the last known address of the property owner appearing in the Township records.
 - (b) The bill shall be due and payable immediately upon service of the bill upon the property owner or adult occupant (if by personal service) or upon receipt of the bill by the property owner or agent thereof (if mailed).
- (2) Should the property owner fail or refuse to pay the bill in full, the Township shall have such rights and remedies as may be available to the Township at law or in equity against the property owner and/or the property to recover the amount of the bill in full, together with such interest, reasonable attorney fees and administrative costs as may be allowed by law. Such rights and remedies shall include, without limitation, a municipal claim or lien under law providing for the filing and recovery of municipal claims and liens.
- E. The provisions of this section, including, but not limited to, Subsection B, shall not limit, or be construed to limit, any rights or remedies which may be available to the Township at law or in equity against any third person for the recovery of damages to the sewer system, including, without limitation, the recovery of the costs incurred by the Township to maintain, repair and/or replace a lateral.

§ 275-6. Specific pollutant limitations.

[Added 1-21-2020 by Ord. No. 506]

No user of the Upper Pottsgrove Township Wastewater Treatment Collection System and the Pottstown Borough Authority/Borough Wastewater Collection and Treatment Plant shall contribute or cause to be contributed, directly or indirectly, wastewater containing pollutant levels in excess of the following maximum discharge limitations:

Pollutant	Maximum Daily Limit
Total Arsenic	1.2284 mg/l
Total Cadmium	0.1425 mg/l
Total Chromium	3.905 mg/l
Total Copper	3.711 mg/l
Total Cyanide	2.1918 mg/l
Total Lead	2.2001 mg/l
Total Mercury	0.1195 mg/l

Pollutant

Total Molybdenum
 Total Nickel
 Total Selenium
 Total Silver
 Total Zinc
 Total Toxic Organics

Maximum Daily Limit

1.8707 mg/l
 3.886 mg/l
 2.0093 mg/l
 1.2659 mg/l
 4.548 mg/l
 2.13 mg/l

Pollutants

Free Cyanide
 Total Phenols

Instantaneous Maximum

0.56 mg/l
 1.00 mg/l

Pollutants

(1) Biochemical Oxygen Demand (BOD5)
 (1) Total Suspended Solids
 (1) Ammonia, as N
 (1) Oil and Grease

Maximum Daily Unit

250 mg/l
 250 mg/l
 25 mg/l
 100 mg/l

The Borough/Authority may impose alternate mass and/or concentration limits upon industrial users for all parameters within this section as long as the total loading remains within the approved, as specified by the United States Environmental Protection Agency. For these pollutants, each industry that is subjected to the requirements of the municipal industrial pretreatment program is allocated a specific mass limit and/or a specific concentration limit.

Pollutants are marked with (1) that exceeded the maximum daily limit shall be surcharged using the following formula:

$$\text{Surcharged} = 0.17 + 0.29(\text{BOD, mg/l}) / (250 \text{ mg/l}) + 0.39(\text{TSS, mg/l}) / (250 \text{ mg/l}) + 0.15(\text{NH}_3\text{- N, mg/l}) / (25 \text{ mg/l})$$

[1] *Editor's Note: Former § 275-6, Additions to existing specifications for installation of sewerage system components, added 12-23-2002 by Ord. No. 345, was repealed 8-15-2011 by Ord. No. 450.*

§ 275-7. Sewer districts, rentals and charges.

[Amended 8-24-1992 by Ord. No. 234; 11-8-1993 by Ord. No. 247; 3-27-1995 by Ord. No. 261; 7-27-1998 by Ord. No. 290]

A. All sewer districts are delineated in the most recently approved and adopted Township Act 537 sewerage facilities plan. Sewer service is governed by this document. Those wishing service outside the planned area for sewer must petition the Board of Commissioners through written request.

[Amended 2-1-2010 by Ord. No. 440]

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 of each connection unit.

B. Sewer rentals and connection charges are established, which shall be payable by and collected from the owner of each connection unit, which shall be connected with the Upper Pottsgrove Township sewage system from and after the date upon which the Township shall notify such owner in writing that the Township is prepared to accept sanitary sewage and/or industrial waste from such connection unit for transportation to and treatment at a sewage treatment plant.
 [Amended 2-1-2010 by Ord. No. 440]

C. There is hereby established a flat-rate sanitary sewer rental of \$215 per quarter for each sewer rental unit in the Upper Pottsgrove Township sewage system. Future modifications to this rate may be enacted by resolution and/or ordinance adopted by the Board of Commissioners.
 [Amended 3-20-2006 by Ord. No. 392; 1-7-2008 by Ord. No. 418; 12-15-2008 by Ord. No. 432; 12-16-2013 by Ord. No. 466]

D. Sanitary sewer rentals and industrial waste charges shall be billed quarterly. The face amount of each quarterly bill shall be due and payable in full within 30 days from its date. If full payment of the face amount of the bill is not received within 30 days from its date, a penalty of 10% of the face amount of the bill shall be added thereto, and interest on the unpaid amount of the bill (including penalty) shall accrue at the rate of 9% per annum commencing from the 30th day until paid. The penalty and interest provided in this subsection shall be in addition to such other or further penalties, interest or other remedies which may be available to the Township should it proceed to collect such bill, penalty and interest by way of municipal claim and lien or other appropriate legal or equitable action.

E. Sump pump user fee. In the event an owner or occupant of a dwelling unit fails to allow access of an authorized representative of the Township to inspect and/or verify connections to the building sewer or sanitary sewer system, as provided in § 274-4E above, an additional sump pump user fee of \$75 per quarter shall be charged to the owner of the dwelling unit. This amount shall be in addition to other charges permitted under this section and in addition to other remedies which are permitted for violations described in § 275-5 above.

[Added 3-16-2009 by Ord. No. 433]

§ 275-8. Procedure for dedication of sewerage systems.

[Added 12-23-2002 by Ord. No. 345]

- A. Sewerage systems to be dedicated for public use shall be designated, constructed, and inspected in accordance with Township specifications and any approved subdivision or land development plan for which the sewerage system was required.
- B. The Township Engineer shall conduct a final inspection of the sewerage system prior to dedication. The inspection shall include a visual inspection and a televised inspection of any sewer pipe. The cost of these inspections shall be borne by the developer.
- C. The developer shall provide the Township with a video tape (or other acceptable media) of the televised inspection.
- D. The developer shall correct any deficiencies identified by the visual or TV inspection prior to dedication, and to the satisfaction of the Township Engineer. The correction shall be made at the developer's expense regardless of the type or nature of the deficiency.
- E. In the case of a pump station or other mechanical component, the final startup and test shall be completed and all deficiencies corrected prior to dedication to the Township. The developer shall provide the Township with three copies of any operators manuals, parts lists, warranties, or other documentation as necessary prior to dedication.

- F. The Township Engineer shall advise the Township when all deficiencies have been corrected, and the sewerage system and/or specific components are ready for dedication.

§ 275-9. Violations and penalties; additional remedies.

[Added 12-23-2002 by Ord. No. 345]

- A. Any person or persons, firm or corporation violating any provisions of this article, on conviction thereof, shall pay a fine or penalty not exceeding \$600 for each and every offense, and whenever such a person or persons shall have been notified by the Board or by the service of a warrant and summary proceedings that such violations are being committed, each day thereafter that such a person continues and persists in such violations shall constitute a separate offense. Such fine and penalty shall be collected as provided by law, and, in default of the payment of the fine and penalty imposed and the costs, the defendant may be sentenced and committed to the county jail for a period not exceeding 30 days.
- B. The Township, in addition and/or in the alternative to but not in limitation of the foregoing and in addition to such other or further remedies as may be provided by law or at equity, may institute an appropriate action in law or at equity to restrain and abate any nuisance that arises as a result of the violation of this article and/or may require the repair and maintenance of the component of the subject sewerage system. The Township may remove and abate the nuisance and correct any objectionable condition, and may thereafter recover the cost and expense of such action from the responsible party or parties and may also recover counsel fees pursuant to Chapter 153 of this Code in the event that a municipal claim is filed.

Article II. Connection to Township System; On-Lot Disposal Systems

[Adopted 4-26-1976 by Ord. No. 84 (Ch. 18, Part 4, of the 1993 Code)]

§ 275-10. Sewage collection system.

[Amended 8-22-1994 by Ord. No. 255; 10-21-1996 by Ord. No. 271]

Wherever practicable building sewers shall be installed and connected to the Township sewage collection system. In areas not presently served by the Township sewage collection system, the Township may require, in accordance with the Pennsylvania Sewage Facilities Act¹ and the rules and regulations promulgated thereunder, in addition to installation of on-site sewage disposal facilities, the installation and capping of building sewers, laterals and mains, if studies of the Township indicate that extension of the Township sewage collection system to serve the property appears probable or necessary to protect public health.

- A. When a feasibility analysis, conducted by the Township Engineer, the Health Department, the Department of Environmental Protection, or other governmental agency having jurisdiction, determines that a sewage collection system is practicable, then a sewage collection system, with connections to each building in a subdivision or land development, shall be installed at the expense of the applicant or subdivider, and connected to the Township sewage collection system.

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planning areas for public

- B. If the Township sewage collection system is not available in the vicinity, but the area in question is within the planning areas for public sewers delineated on the Act 537 Plan, a sewage collection system, together with all necessary laterals extending from the mains to the street right-of-way lines, shall be constructed and installed at the expense of the applicant or subdivider. The sewage main shall be capped in accordance with applicable specifications at the limits of the subdivision or land development; and the laterals shall be capped in accordance with applicable specifications at the street right-of-way lines. The sewage collection system installation shall include the construction within rights-of-way or easements to bring the sewage main to the future connection with the Township sewage collection system.
- C. If sewage collection systems are not to be installed at the time of subdivision and development, subdividers shall grant, reserve, and set aside easements in streets and roads for installation and maintenance of sewage lines at such time that the subdivision or land development shall be a part of the Township sewage collection system.
- D. When a capped sewage collection system is provided, on-site disposal facilities shall also be provided.
- E. The size, grade, location of manholes and other details of the sewage collection system shall meet applicable specifications.
- F. Lateral connections to each lot shown on the final plan shall be installed to the right-of-way line of the street prior to paving. Each building shall have a separate connection to the Township sewage collection system.
- G. Prior to the commencement of construction of the sewage collection system in the subdivision or land development for connection or future connection to the Township sewage collection system, the subdivider or applicant shall execute, acknowledge and deliver to the Township a written agreement to and with the Township providing for the construction, installation and completion of the sewage collection system in the subdivision or land developments and the connection or future connection thereof to the Township system. The agreement shall contain such terms and conditions as the Township shall require and approve including, without limitation, terms and conditions concerning: plans; permits; financing; inspections; approvals; dedication and conveyance of sewerage facilities and appurtenances; costs, expenses and deposits therefor; and bonds, guarantees and/or other financial security. The Township shall provide the agreement to the subdivider or applicant for execution, acknowledgement and delivery. The agreement may be set forth as a separate instrument or included as part of the agreement or agreements providing for the construction, installation, completion and financial security to guarantee the completion of other improvements and common amenities in or related to the subdivision or land development.
- H. The subdivider or applicant shall pay all applicable fees, costs and charges, including deposits therefor, in such amounts and at such times as the Board of Commissioners, by resolution, shall establish from time to time, with respect to the construction, installation and completion of the sewage collection system in the subdivision or land development and the connection or future connection thereof to the Township sewage collection system.
- I. This section shall be applicable to all subdivisions and land developments, whether utilizing public or private streets; and in the case of a subdivision or land development utilizing private streets, the subdivider or the applicant shall execute a recordable covenant with the Township that, for the purposes of sewage connections, assessments and rentals, the rights and liabilities of himself and his grantees, heirs, successors, and assigns shall be the same as if his property abutted a public street.

[1] *Editor's Note: See 35 P.S. § 750.1 et seq.*

§ 275-11. On-lot disposal systems.

[Amended 8-22-1994 by Ord. No. 255; 10-21-1996 by Ord. No. 271]

If public sewage disposal is not available and sewage treatment is on a project or individual lot basis, such private facilities shall be installed by the subdivider, developer, builder or property owner consistent with then-current law and regulations of the Department of Environmental Protection and/or the Health Department, and under the supervision of representatives of the either or both of said departments.

- A. Necessary tests and inspections. All percolation tests, soil samples and other data to determine the size and extent of the facilities needed, as such tests, samples and other data may be deemed necessary by the Department of Environmental Protection and/or the Health Department, shall be performed or provided by the subdivider, developer, builder or property owner. During the installation of such facilities and before final coverage thereof, the subdivider, developer, building or property owner shall allow representatives of the Department of Environmental Protection, the Health Department and/or the Township to make such inspections and checks deemed necessary by the representatives to assure that all requirements and specifications have been satisfied. Such representatives shall be granted free access to the development area at all times during the period of such testing, sampling, data gathering and facilities installation and completion.
- B. Certificate of approval. A certificate of approval, or other evidence satisfactory to the Township, delivered to the Township Secretary and indicating that the private facilities satisfy all applicable requirements and specifications, shall be a requirement and condition of final plan approval.

§ 275-12. Rules and regulations.

[Added 9-29-2003 by Ord. No. 356]

The Board of Commissioners is hereby authorized to adopt, by resolution, rules and regulations for the maintenance and repair of on-lot systems to be applied in those instances when the Pennsylvania Department of Environmental Protection (DEP) requires an agreement between the Township and a property owner for maintenance and repair of a new on-lot individual sewage disposal system, or when the Township reasonably believes that such an agreement is necessary in order to protect the health, safety, and welfare of its residents. Such rules and regulations may be amended from time to time by further resolution of the Board of Commissioners. The rules and regulations may include provisions for the payment of fees and the establishment of an escrow account.

Article III. Application for Permit

[Adopted 12-26-1977 by Ord. No. 98 (Ch. 18, Part 5, of the 1993 Code)]

§ 275-13. Permits for installation of individual or community sewage systems.

[Amended 3-8-1993 by Ord. No. 243; 8-22-1994 by Ord. No. 255; 3-27-1995 by Ord. No. 261; 10-21-1996 by Ord. No. 271]

All applications for permits for the installation of individual or community sewage systems shall be made in the form and manner prescribed by the Department of Environmental Protection and/or the Health Department. The person, persons or entity making any such application

shall pay all application, inspection and other fees and costs, and deposits therefor, as may be required by either of both of said departments in connection with the application for and issuance of the permits.

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Article IV. Maintenance and Repair of On-Lot Systems

[Adopted 9-26-1983 by Ord. No. 144 (Ch. 18, Part 3, of the 1993 Code)]

§ 275-14. Additional definitions.

[Amended 8-22-1994 by Ord. No. 255]

In addition to the definitions provided under and by § 275-1 of Article I of this chapter, the following phrases, when used in this article and in Articles II and III of this chapter, shall have the same meanings given such phrases in the Pennsylvania Sewage Facilities Act:[1]

- A. Individual sewage system.
- B. Community sewage system.

[1] *Editor's Note: See 35 P.S. § 750.1 et seq.*

§ 275-15. Responsible parties.

The owner, lessee and/or party in possession of any real estate upon which any part of an individual sewage system or community sewage system is located and the owner, lessee and/or party in possession of any premises serviced by such system shall be responsible jointly or severally for the maintenance and repair of such system including the collection and/or treatment facilities, and all other parts thereof as hereinafter set forth.

§ 275-16. Maintenance and repairs.

[Amended 10-21-1996 by Ord. No. 271]

The party or parties responsible for the maintenance and repair of an individual or community sewage system as set forth above shall maintain and repair said system as necessary so that the system will operate properly and effectively and in accordance with all regulations of the Department of Environmental Protection or any other controlling governmental agency.

§ 275-17. Seepage.

No seepage of waste from any individual or community sewage system whether now established or hereafter installed shall under any circumstances be permitted to come to ground surface and the party or parties responsible therefor shall do whatever is necessary to prevent such seepage.

§ 275-18. Nuisances.

[Amended 8-22-1994 by Ord. No. 255; 10-21-1996 by Ord. No. 271]

Whenever the Department of Environmental Protection, the Health Department or other governmental agency having jurisdiction finds that an individual or community sewage system is a nuisance by causing pollution or a health hazard, and issues a written order to the responsible party or parties (as identified in § 275-15 of this article) to abate the nuisance and correct the objectionable conditions, the responsible party or parties shall comply fully with the order in the manner and by the time set forth in the order.

§ 275-19. Remedies.

[Amended 8-22-1994 by Ord. No. 255; 10-21-1996 by Ord. No. 271]

If the order of abatement and correction (as provided in § 275-18 of this article) is not fully complied with in the manner and by the time specified therein, the Department of Environmental Protection, the Health Department or other governmental agency having jurisdiction, may remove and abate the nuisance and correct the objection condition, and may recover the cost and expense of such action from the responsible party or parties. The Township, in addition and/or in the alternative to but not in limitation of the foregoing and in addition to such other or further remedies as may be provided by law or at equity, may institute an appropriate action in law or at equity to restrain and abate the nuisance and/or to require the repair and maintenance of the subject sewage system.

§ 275-20. Rules and regulations.

[Added 9-29-2003 by Ord. No. 356]

The Board of Commissioners is hereby authorized to adopt, by resolution, rules and regulations for the maintenance and repair of on-lot systems to be applied in those instances when the Pennsylvania Department of Environmental Protection (DEP) requires an agreement between the Township and a property owner for maintenance and repair of an existing on-lot individual sewage system, or when the Township reasonably believes that such an agreement is necessary in order to protect the health, safety, and welfare of its residents. Such rules and regulations may be amended from time to time by further resolution of the Board of Commissioners. The rules and regulations may include provisions for the payment of fees and the establishment of an escrow account.

Article V. Rates and Charges

[Adopted 1-23-1989 by Ord. No. 193 (Ch. 18, Part 2, of the 1993 Code)]

§ 275-21. Permit required.

No person shall connect any improved property with any part of the sewer system without first making application for and securing a permit, in writing, from the Township, as provided for in Article I of this chapter.

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§ 275-22. Imposition of connection charges.

[Amended 8-22-1994 by Ord. No. 255]

The Township hereby imposes connection charges, as provided in § 275-23 of this article, against and to be paid by the owner of any improved property hereafter required or allowed to be connected pursuant to the connection requirements as provided in Article I of this chapter.

§ 275-23. Connection charges.

[Amended 8-22-1994 by Ord. No. 255; 7-27-1998 by Ord. No. 290]

The connection charges imposed against and payable by the owner of improved property, as provided in § 275-22 of this article, shall be those applicable charges and fees as established from time to time by resolution of the Board of Commissioners. Connection charges shall include, without limitation, a connection fee, customer facilities fee and tapping fee; provided, however, that in the case of properties located in former Sewer District Number 2 and presently connected to Greengate Subdivision sewer system, they shall not be charged a connection fee or customer facilities fee and the tapping fee shall be limited to \$1,200.

§ 275-24. Due date of payment.

[Amended 8-22-1994 by Ord. No. 255; 3-27-1995 by Ord. No. 261; 7-27-1998 by Ord. No. 290]

A. Except a otherwise provided in Subsections B through E of this section, the connection charges shall be due and payable in full either at the time the application is made to the Township for a permit to make connection to the sewer system, as provided in § 275-21 of this article, or, in the case an owner of improved property fails to make connection to the sewer system as required by the Township pursuant to § 275-2 of Article I of this chapter, on the date the Township begins to charge sewer rentals to the improved property, which shall be at the cost and expense of the property owner.
[Amended 2-1-2010 by Ord. No. 440]

B. Connection charges may be payable, at the option of the owner, in equal quarterly installments in accordance with the following:

- (1) The term of the installment payments shall not exceed two years commencing on the date the permit application is made to the Township to connect to the sewer system; provided, however, that in the case of properties located in former Sewer District Number 2 and presently connected to Greengate Subdivision sewer system, such term shall commence 30 days after the date of this article.
- (2) Interest on the unpaid balance of the connection charges shall accrue at the rate of 6% per annum as of the date the permit application is made to the Township to connect to the sewer system; provided, however, that in the case of properties located in former Sewer District Number 2 and presently connected to Greengate Subdivision sewer system, such interest shall accrue at the rate of 6% per annum beginning 30 days after the date of this article. Accrued interest shall be paid with each installment.
- (3) The first and subsequent installments, including accrued interest, shall be due and payable as provided in the installment payment option resolution.^[1]

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[1] Editor's Note: Said resolution is on file in the Township offices.

- (4) In the event that any installment, together with any accrued interest thereon, is not timely and fully paid, or in the further event that connection to the sewer system is not timely made under the connection permit, the entire unpaid balance of connection charges and accrued interest thereon, upon the occurrence of either such event and at the option of the Township, shall become immediately due and payable.
- (5) The installment payment option under this subsection shall be exercised by the owner by submitting written notice of such exercise to the Township on or before the time a permit application is made to the Township to connect the property to the sewer system; provided, however, that in the case of properties located in former Sewer District Number 2 and presently connected to Greengate Subdivision sewer system, such installment payment option under this subsection shall be exercised by the owner by submitting written notice of such exercise to the Township within 30 days of the enactment of this article. In addition, the owner shall execute, acknowledge, deliver and/or record such agreements and/or other documents (including, but not limited to, promissory and judgment notes) which the Township may require to provide for and secure the installment payment of connection charges under and in accordance with this subsection.

- (6) An owner, who exercises or desires to exercise the installment payment option under this subsection, shall pay such fees, costs and charges, as provided from time to time by resolution of the Board of Commissioners, in order to establish and administer the installment payment of connection charges.

- (7) The installment payment option under this subsection shall be subject to such other requirements as may be provided in the installment payment option resolution.^[2]

[2] Editor's Note: Said resolution is on file in the Township offices.

- C. The installment payment option under Subsection **B** of this section shall not apply to or be available in those cases where the Township connects improved property to the sewer system upon the failure of the owner to make such connection, or for the payment of additional tapping fees and other connection charges assessed under or pursuant to this chapter except as may be otherwise provided under or pursuant to Article **VI** of this chapter (including the EDU schedule resolution therein provided) and the installment payment option resolution.^[3]

[3] Editor's Note: Said resolution is on file in the Township offices.

- D. In the event that the sixty-day period in which to connect to the sewer system is extended under Subsection **B** of § 275-2 of Article **I** of this chapter:

- (1) The due date for the payment of the connection charges (other than the installment payment thereof under Subsection **B** of this section) shall be the last day of the original sixty-day connection period.
- (2) For purposes of the installment payment option under Subsection **B** of this section, the last day of the original sixty-day connection period, rather than the date or time of the sewer connection permit application, shall be:
 - (a) The commencement date of the installment term;
 - (b) The date on which interest begins to accrue; and

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(c) The last day by which to exercise the installment payment option.

E. Additional tapping fees and other connection charges, which may be assessed under or pursuant to this chapter, shall be paid as provided under or pursuant to this chapter (including the provisions of Article VI of this chapter and the EDU schedule resolution and water meter method resolution therein provided). Installment payment of any such additional tapping fees and other connection charges shall be permitted and made only as provided under or pursuant to Article VI (including the EDU schedule resolution) and the installment payment option resolution.^[4]

[4] *Editor's Note: Said resolutions are on file in the Township offices.*

§ 275-25. Charges payable to Township.

[Amended 8-22-1994 by Ord. No. 255]

All connection charges shall be payable to the Township. Payments of connection charges shall be tendered to the Township Secretary or to such other officer or representative of the Township as shall be authorized from time to time, by resolution of the Board of Commissioners, to accept payment.

§ 275-26. Enforcement.

[Amended 8-22-1994 by Ord. No. 255]

Payment of connection charges imposed by the Township pursuant to this Article V shall be enforced by the Township in any manner appropriate under laws at the time in effect.

§ 275-27. Modifications.

This Township may, from time to time, adopt modifications of, supplements to or amendments of this article.

Article VI. Sewer Rental Unit (Equivalent Dwelling Unit or EDU)

[Adopted 3-27-1995 by Ord. No. 261 (Ch. 18, Part 2-A, of the 1993 Code)]

§ 275-28. Additional definitions.

In addition to the definitions provided under and by § 275-1 of Article I of this chapter, the following phrases, when used in this article, unless the context clearly indicates otherwise, shall have the meanings given in this section:

APPROVED OPERATIONAL WATER METER

A new or existing water meter which is or has been installed, approved by the Township and functioning in accordance with this article.

CLASS C PROPERTY

Improved property which is already connected to the sewer system.

CLASS UD PROPERTY

Improved property, not connected to the sewer system, the owner of which is not required to connect the property to the sewer system under this chapter, but desires to do so.

CLASS UR PROPERTY

Improved property, not connected to the sewer system, the owner of which is required to connect the property to the sewer system under this chapter.

EDU SCHEDULE

The allocation of sewer rental units (equivalent dwelling units or EDUs) to improved properties according to use pursuant to § 275-29 of this article.

EDU SCHEDULE RESOLUTION

The resolution adopted by the Board of Commissioners, as the same may be amended from time to time, providing for a schedule allocating sewer rental units (equivalent dwelling units or EDUs) to improved properties according to use.^[1]

EXISTING EDU RATING

The present EDU allocation of a Class C property established under current or former provisions of the EDU schedule, or a previous ordinance, resolution or schedule.

OPTIONAL WATER METER METHOD

The option method of allocating sewer rental units (equivalent units or EDUs) to improved properties pursuant to § 275-30 of this article.

TAPPING FEE

The sewer system connection charge, in the nature of and denominated a tapping fee, provided under Article V of this chapter.

WATER METER METHOD RESOLUTION

The resolution adopted by the Board of Commissioners, as the same may be amended from time to time, providing procedures for the allocation of sewer rental units (equivalent dwelling units or EDUs) to improved properties under the optional water meter method.

[1] *Editor's Note: Said resolution is on file in the Township offices.*

§ 275-29. Assessment of sewer rental and tapping fees.

- A. Sewer rental and tapping fees shall be assessed under this chapter on the basis of EDUs allocated to improved properties in accordance with this article. Allocations shall be made pursuant to either the EDU schedule or the optional water meter method as provided in this article. In no event shall an allocation to a property be less than one EDU.

B. For purposes of daily usage and sewer rental fees, "an EDU" shall be defined as 250 gallons per day. For purposes of purchasing capacity within the system and assigning tapping fees, the Township shall use the EDU assignment of the host or terminal municipality/authority that supplies either conveyance or wastewater treatment facilities to the Township. This EDU value can be modified by the Board of Commissioners to address special needs or development.
[Amended 2-1-2010 by Ord. No. 440]

C. Tapping fees assessed and/or paid upon a final allocation of EDUs under this article or a former ordinance, resolution or schedule, shall not be subject to reduction or refund, to any extent, in the event that the allocation is subsequently reduced as a result of a change in use, or extent of use, of the property or a change in the EDU allocation method between the EDU schedule and the optional water meter method.

D. Sewer rental assessed and payable upon an allocation of EDUs under this article shall be subject to reduction, but only in the manner and to the extent provided in this article, upon a subsequent reduction in the allocation for sewer rental purposes.

§ 275-30. Schedule of EDU allocations.

Unless the optional water meter method applies, has been properly elected, and has not been revoked, EDUs shall be allocated to improved properties according to use under and in accordance with the EDU schedule resolution, and sewer rental and tapping fees shall be assessed and payable under this chapter upon such allocation.

§ 275-31. Optional water meter allocation method.

[Amended 2-1-2010 by Ord. No. 440]

A. Any user that is exclusively commercial and/or industrial or a combination of either (that has more than one EDU assigned to a single structure discharging to the sewer within Upper Pottsgrove), and each such user occupies less than 3,500 square feet of floor area, shall have the right to elect the optional meter allocation method. Billing for these users will be based upon their current EDU allocation (as per Resolution No. 236) and their actual usage.

B. To elect this option, the user must:

- (1) Be a commercial, industrial or a multiple EDU single structure.
- (2) Have an existing EDU allocation and currently discharge to the collection system.
- (3) Have a calibrated meter inspected and approved by the Township.
- (4) Request in writing to the Board of Commissioners to elect this method.

C. New development seeking to elect this method must meet the previously listed criterion and obtain an EDU allocation and pay tapping fees prior to being permitted to exercise this option.

- D. In all cases, EDUs or capacity cannot be returned to the Township or redeemed unless agreed to by the Board of Commissioners.
- E. Once elected and approved by the Board of Commissioners, the billing period will change over at the beginning of the next quarter.
- F. The method of billing computation (quarterly) for those selecting this methodology shall be as follows:

$$\text{Quarter billing} = \text{Quarterly Rate/EDU} * ((\text{Base EDU Allocation} * 60\%) + (\text{Actual Water Usage (gal.)} \div \text{Days in Quarter} \div 250 \text{ gpd/EDU} * 40\%))$$
- G. The meters shall be read quarterly by the Township or its designated representative. The owner of the property shall allow for access of meter-reading personnel. If a meter cannot be read due to lack of access, the Township will bill the owner according to its last invoice. Upon successfully gaining access and reading the meter, the owner's bill will either be credited or assessed based on the updated reading, and the billing will be considered current.
- H. If the meter fails or the Township deems the reading erroneous, the owner will be assessed based on the highest bill paid over the previous three quarters. If the meter is deemed damaged or lacks calibration, the Township will notify the owner. Upon notification, the owner will have five days to complete repairs as directed by the Township. Once repairs are complete, the Township will schedule an inspection and require proof of calibration.
- I. The Township reserves the right to revoke the optional water meter allocation at its sole discretion. Upon revocation, the owner will be billed based on its original EDU allocation. The billing will be from the start of the quarter which the revocation occurs.
- J. If the average flow for three consecutive months is greater than the original EDU allocation, then the owner will be reassessed based on the higher flows. For every 250 gpd its usage exceeds the original allocation, the owner will be assessed an additional EDU. No incremental EDUs will be applied, and the allocation will round to the highest number of EDUs. The owner will also be assessed an additional tapping fee based on the increased flow.

§ 275-32. Water meters.

Water meters used, or proposed for use, under the optional water meter method shall be subject to the following:

- A. Water meters shall be installed, operated, maintained and repaired, in accordance with this section, at the expense of the property owner. Before installing a water meter (or in the case of an existing water meter, before using the meter) for purposes of the optional water meter method, the property owner shall apply for and obtain a permit from the Township. All water meters, whether new or already existing, shall be inspected and approved by the Township in accordance with this section prior to use for purposes of the optional water meter method. The property owner shall pay such application and inspections fees and charges as shall be established from time to time by resolution of the Board of Commissioners.
- B. Water meters shall be approved by the Township, and shall be installed, operated, maintained and repaired in accordance with applicable specifications and this section.

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 working order at all times. The
- C. The property owner shall be solely responsible to maintain the water meter and keep it in good repair and working order at all times. The property owner shall have the water meter calibrated as necessary. The Township shall not be responsible for the maintenance or accuracy of any water meter. In the event a water meter fails to function, the property owner shall report such failure immediately to the Township and shall have repairs made and completed within five days of the failure.
- D. The Township, or a representative thereof, shall, quarterly, have the water meters read and the reading recorded. Property owners shall, at reasonable hours, make their property and water meters thereon available to the Township, or its representative, for such reading and recording. If the Township, or its representative, in the course of such reading and recording, notes that the water meter is not functioning properly, the Township, or its representative, shall give notice to the owner of the failure, and the owner shall have repairs made and completed within five days after the date of the notice.
- E. The Township reserves the right to have water meters inspected after any repairs thereto are made and completed, and to approve the repairs.
- F. If a property owner fails to report water meter failures and/or have repairs made and completed in accordance with Subsection C or D of this section, or fails to allow the Township, or its representative, on the property to have the water meter read and the reading recorded in accordance with Subsection D, the following shall apply:
- (1) The average daily water gallonage consumed on the property for any quarter in which any such owner failure occurs shall be as provided and determined in accordance with and pursuant to the water meter method resolution.
 - (2) If any such owner failures occur in two or more separate quarterly billing periods during any eighteen-month period (whether or not the owner failures are of the same kind, and whether or not the billing periods are consecutive), the Township shall have the right to revoke the optional water meter method for the property and thereafter allocate EDUs to the property in accordance with the EDU schedule (for a Class UR or Class UD property) or restore the existing EDU rating of the property (for a Class C property). If the Township exercises such right of revocation:

- (a) Sewer rental shall be payable by the owner for the EDUs determined in accordance with the EDU schedule or the existing EDU rating as the case may be, beginning with the first full billing period commencing after the Township exercises its right of revocation; and
- (b) Should additional EDUs be allocated to the property as a result of the revocation for which additional EDUs the property owner has not been previously assessed or paid, an additional tapping fee, at the then current rate, for the additional EDUs shall be assessed and shall be due on and payable by the owner to the Township within 30 days after the date of the Township's bill for the same.

Article VII. Municipal Industrial Pretreatment Program (MIPP)

[Adopted 8-10-1998 by Ord. No. 291 (Ch. 18, Part 6, of the 1993 Code)]

§ 275-33. Acceptance and adoption of program.

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 The Municipal Industrial Pretreatment Program (MIPP) of the Borough of Pottstown is accepted and adopted by the Board of Commissioners of Upper Pottsgrove Township in connection with the use of publicly owned treatment works (POTW) of Upper Pottsgrove Township and the Borough of Pottstown to comply with all applicable state and federal laws, including the Clean Water Act of 1977, and the General Pretreatment Regulations (40 CFR, Part 403).

§ 275-34. Borough to administer, implement and enforce.

Except as otherwise provided herein, the borough shall administer, implement and enforce the provisions of this article in Upper Pottsgrove Township.

§ 275-35. Definition of program.

[Amended 3-16-2009 by Ord. No. 434]

The Municipal Industrial Pretreatment Program of the Borough of Pottstown referred to in this article is the Municipal Industrial Pretreatment Program set forth in Ordinance No. 1840, enacted by the Borough of Pottstown on December 9, 1996, as amended by Ordinance No. 2053, enacted by the Borough of Pottstown on July 14, 2008 (Code of Ordinances of the Borough of Pottstown, Chapter 18). Attached hereto and incorporated herein, marked as Exhibit A, is a true and correct copy of Ordinance No. 2053.^[1]

[1] *Editor's Note: Exhibit A is on file in the Township offices.*

§ 275-36. Enforcement by Township.

In addition to enforcement by the borough as hereinabove set forth, Upper Pottsgrove Township shall have the right to administer, implement and enforce the provisions of the Municipal Industrial Pretreatment Program within the Township and also seek relief from violators of the program.

Article VIII. Fats, Oils and Grease

[Adopted 6-20-2016 by Ord. No. 488^[1]]

[1] *Editor's Note: This ordinance also repealed former Art. VIII, Fats, Oils and Grease, adopted 8-23-2004 by Ord. No. 372, as amended.*

§ 275-37. Purpose and policy.

The purpose of this program is to reduce the amount of fats, oils and grease (FOG) entering Upper Pottsgrove Township ("Township") wastewater collection system in order to comply with the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR Part 403). This program provides for the regulation of FOG contributors to the publicly owned treatment works (POTW) through the issuance of permits, inspections, sampling and enforcement. The requirements within this program shall be applied, but not limited to, all food-producing facilities within the Township that discharge effluent to be treated by the Pottstown POTW.

§ 275-38. Definitions. Appendix A-18-b

The following terms and phrases shall have the designated meanings in the context of this program. All other terms shall be as defined in this Chapter 275 of the Code of the Township of Upper Pottsgrove.

CCTV

Closed-circuit television.

CLASS 1 PRODUCER

Any producer who has an external oil and grease interceptor on the sewer line.

CLASS 2 PRODUCER

Any producer who has an internal grease trap.

CLASS 3 PRODUCER

Any producer who has only a grease barrel on site.

EXEMPT

Any producer that produces nominal amounts of FOG.

FOG

Fats, oils and grease created as a by-product of cooking.

FOG ADMINISTRATOR

Pottstown POTW Superintendent and/or any duly authorized agent of the Pottstown POTW Superintendent.

FOG-HANDLING EQUIPMENT

Any grease interceptor, grease trap, and/or grease barrel.

FOOD-PRODUCING FACILITY (FPF)

Any establishment that contributes, directly or indirectly, wastewater containing FOG to the sewer system. This includes, but is not limited to, restaurants, schools, private clubs, delis, churches and day-care centers.

HOTSPOT

Areas in the sewer system that have experienced blockages and/or require more frequent than normal cleaning.

OIL AND GREASE INTERCEPTOR

An apparatus that collects and contains the FOG and allows water to be discharged.

POTW

Publicly owned treatment works.

SIGNIFICANT NONCOMPLIANCE

Any gross neglect or disregard for the rules and regulations of the FOG Ordinance, included but not limited to grease overflow, FOG-related environmental contamination, or redirecting FOG from the POTW.

§ 275-39. General regulations.

- A. The following regulations apply to any FPF in Upper Pottsgrove Township contributing to the Township wastewater collection system and the Borough of Pottstown POTW, and the FPF is responsible for ensuring that it is in compliance with these regulations at all times:
- (1) Each FPF must have a FOG permit in order to discharge to the POTW. The FOG Administrator shall receive all FOG permit applications and issue appropriate renewal permits every three years. All permit applications must be returned within two weeks.
 - (2) No FPF shall contribute, or cause to contribute, any FOG to the POTW. An oil and grease limitation of 100 mg/l shall apply to the discharge from the FPF. At the discretion of the FOG Administrator, sampling by the Borough of the discharge shall occur when the FPF is not complying with the requirements of the program. The FPF shall be responsible for providing an adequate sampling port on the grease trap. The FPF shall be responsible for the costs required for the analytical laboratory to perform the analysis of any sample. The FPF is also responsible for ensuring that the FPF is back in compliance with these regulations.
 - (3) All FOG-handling equipment shall be installed and properly and continuously maintained in a satisfactory and effective operational manner by the owner at the owner's expense. The FPF is responsible for cleaning and/or having the applicable FOG-handling equipment cleaned on a regular basis so as not to contribute FOG to the POTW. The FPF is responsible for ensuring that if an outside grease hauler is used, the FOG-handling equipment is cleaned properly and completely. The frequency of the cleaning of FOG-handling equipment shall be in accordance with the "25% Rule," as determined by the FOG Administrator and directed in the FOG permit. The "25% Rule" requires that the depth of FOG (floating and settled) in a trap shall not be equal to or greater than 25% of the total operating depth of the trap. The operating depth of this rule, the depth of floating FOG shall not be greater than 20% of total operating depth of a trap since 5% of the FOG is generally settled at the bottom of the trap. The cleaning frequency shall also be determined by the size of the oil and grease interceptor and inspection of the sewer lines.
 - (4) Existing FPF which currently has internal FOG-handling equipment shall be required to clean and maintain the FOG-handling equipment in an efficient manner. The following is prohibited from being discharged to FOG-handling equipment:
 - (a) Wastewater with a temperature greater than 140° F.
 - (b) Wastewater from a food grinder/garbage disposal.
 - (c) Any use of enzymes or other grease solvents, emulsifiers, grease-consuming bacteria, etc., is prohibited and shall not be considered acceptable grease trap maintenance practice.
 - (d) Dishwasher discharge that travels less than 10 feet prior to entering internal FOG-handling equipment.
 - (5) Oil and grease interceptors.

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 Whenever any FPFs are newly built or renovated or any FPFs experience a change in ownership, each FPF shall install a properly sized oil and grease interceptor, approved by the FOG Administrator on the sewer line from the facility, in accordance with the regulations and the Plumbing and Drainage Institute Standards, International Plumbing Code, or other applicable method. After a thirty-day grace period, the FPF shall be fined \$50 each day the oil and grease interceptor is not installed.

- (b) With respect to design features, an external oil and grease interceptor shall, at minimum, have a baffle to separate the trap into two compartments, a manhole to access and inspect the influent and a sampling box on the effluent line to access, inspect and sample the effluent. The interceptor shall have cleanouts and be located for easy access for pumpout and inspection.
- (c) With respect to design features, an internal oil and grease interceptor shall, at minimum, have a baffle and a viewing port to inspect the effluent.
- (6) All oil and grease interceptor sizing shall be in accordance with the Plumbing and Drainage Institute Standards, International Plumbing Code, or other applicable method. A copy of the current Uniform Plumbing Code Formula - Grease Interceptor Sizing Worksheet is attached hereto as Exhibit A.^[1]

[1] *Editor's Note: Said worksheet is included as an attachment to this chapter.*

- (7) At the discretion of the FOG Administrator, each FPF is required to have an employee present during FOG inspections. The FOG Administrator is not responsible for faulty equipment or damage sustained during inspections. The FPF has the option of opening its FOG-handling equipment for each inspection. The FPF is required to provide tools and materials to open all FOG-handling equipment if the FOG Administrator does not have the required tools and materials.
- (8) In all cases, the FOG Administrator may at his/her discretion increase or decrease the frequency of routine inspections for the FPF. The FOG Administrator may take into account a FPF's willingness to comply with the FOG program. FPFs which consistently comply with the requirements of the FOG program may be permitted to reduce the number of inspections per year, at the discretion of the FOG Administrator. FPFs violating any of the previous requirements, however, shall be subject to more frequent inspections, monetary penalties, as well as sampling of the discharge and any administrative orders.
- (9) An oil and grease interceptor which overflows into the sewer line or on the sink discharge line is strictly prohibited. In such case, the FPF shall be responsible for the subsequent containment, cleanup and disposal of the overflow material. It is the responsibility of the FPF to immediately telephone the POTW of the incident (610-970-6540). The notification shall include the location of the overflow, the type of material, the volume and corrective actions. Within five days of the overflow, the FPF shall submit to the Borough receipts of the spill cleanup.
- (10) The FPF must keep on site a current oil and grease interceptor cleaning log as provided by the Borough if cleaning is performed in-house. Included on the cleaning log shall be the following information: date, time, who did the cleaning, volume of waste disposed of and location of disposal. Any oil and grease interceptor being serviced by an outside hauler must have cleaning manifests on site available for inspection.
- (11) The FPF is responsible for any blockages in the FPF's lateral line. The FPF shall have to pay to have the blockage removed. If the blockage causes a restriction or overflow in the Township of Upper Pottsgrove or the Borough of Pottstown sewer line and it can be proven that the FPF caused the blockage, then the FPF will incur the cost of removing the blockage, cleaning up the overflow and penalty from the Pennsylvania Department of Environmental Protection (DEP) or the Environmental Protection Agency (EPA).

- (12) Upper Pottsgrove Township shall have the option of performing the required inspections of any FPF in Upper Pottsgrove or allowing the Borough of Pottstown FOG Administrator to complete the inspections.

§ 275-40. Classifications.

All FPFs shall be classified and inspected by the FOG Administrator in the following way:

- A. Hotspot: The FPF shall be inspected by the Borough of Pottstown Wastewater Collection Department using CCTV.
- B. Class 1 Producer: The inspection frequency shall be at least two times per year by the FOG Administrator and at least one time per year by the Borough of Pottstown Wastewater Collection Department. Manifests must be sent to the Borough of Pottstown waste water treatment plant (WWTP) for the remaining quarter.
- C. Class 2 Producer: The inspection frequency shall be at least two times per year by the FOG Administrator.
- D. Class 3 Producer: The inspection frequency shall be at least one time per year by the FOG Administrator.
- E. Exempt: No inspections are needed. The facility update shall be sent to the FOG Administrator at the beginning of each permit cycle.

§ 275-41. Fees and rates.

All FOG program fees shall be payable monthly. All bills are the responsibility of the FPF and must be paid within 30 days. Bills remaining unpaid after the due date will be charged additional interest in accordance with the Upper Pottsgrove Township regulations. The rates and/or fees shall initially be as provided for in the attached Exhibit B; however, any change hereafter in the rate and/or fees charged shall be made by a resolution adopted by the Upper Pottsgrove Township Board of Commissioners.^[1]

[1] *Editor's Note: The most current fees are on file in the Township offices.*

§ 275-42. Enforcement.

The Township/Borough shall suspend any FOG permit for which the FPF does not adhere to the requirements of the program. Once the permit is suspended, the FPF shall not discharge to the POTW until the permit is reinstated. The permit shall remain suspended until the FPF shows proof that the noncomplying requirement was eliminated. The following shall be the methods of enforcement:

- A. Notice of violation (NOV): Necessary when the FPF has violated any part of the FOG permit; this article, and/or the FOG program, the Borough/Township may serve the FPF with a notice of violation specifically citing the nature of the violation. NOVs follow the regular calendar year and are reported to the DEP and EPA yearly through the MIPP report.
- B. Monetary penalty: When the FPF fails to adhere to the requirements of any part of the FOG permit, this article, and/or the FOG program on numerous occasions, penalties shall range from a specific fee to correct an action to costs involved to have an oil and grease interceptor cleaned.

- C. Administrative order: When a violation occurs, the Borough/Township may subject the FPF to an order to correct the violation within a specific time frame.

§ 275-43. Violations and penalties.

- A. In addition to all other remedies available pursuant to this chapter, the Borough/Township shall have the right to issue a notice of violation (NOV) and/or impose a penalty, as hereinafter set forth, for a violation of any requirements of any part of the FOG permit, this article, and/or the FOG program. To assess a penalty, the following factors shall be considered:
- (1) Damage to the air, water, and land of the Township and surrounding municipalities.
 - (2) Damage and/or harm to the WWTP, POTW and its personnel.
 - (3) Past violations, compliance history.
 - (4) Producer's willingness and efficiency to comply; response to the NOV in a timely manner, notification to the Township/Borough and quick, effective corrective action to eliminate the noncompliance.
 - (5) Magnitude of the violation.
- B. An FPF charged with any penalty shall have 30 days to pay the proposed penalty in full or appeal the penalty and/or the cause of the violation.
- C. The following is a schedule of violations and the maximum penalty to be assessed:
- (1) Significant noncompliance and grease overflow.
 - (a) Satisfactory Level 1: The FPF properly notified the FOG Administrator of the violation, adhered to the cleaning schedule written in the FOG permit and made a major effort to eliminate the violation: \$300.
 - (b) Satisfactory Level 2: The FPF did not properly notify the FOG Administrator of the violation but adhered to the cleaning schedule written in the FOG permit and made a major effort to eliminate the violation: \$400.
 - (c) Unsatisfactory Level 3: The FPF properly notified the FOG Administrator of the violation and made a major effort to eliminate the violation but did not adhere to the cleaning schedule written in the FOG permit: \$500.
 - (d) Unsatisfactory Level 4: The FPF made a major effort to eliminate the violation but did not properly notify the FOG Administrator of the violation and did not adhere to the cleaning schedule written in the FOG permit: \$600.
 - (2) Log not maintained according to FOG permit or manifests not provided for internal oil and grease interceptors:
 - (a) First offense: \$50.
 - (b) Second offense: \$100.

- (c) Third offense: \$150.
- (d) Fourth offense: \$200.
- (3) Manifests not provided proving external oil and grease interceptors were not cleaned according to FOG permit:
 - (a) First offense: \$150.
 - (b) Second offense: \$300.
 - (c) Third offense: \$450.
 - (d) Fourth offense: \$600.
- (4) Failure to allow access to FOG-handling equipment in a timely manner: \$50.
- (5) Failure to respond to correspondence in a timely manner by e-mail, telephone, or mail: \$25.

§ 275-43.1. Rules and regulations.

The FOG Administrator shall have the power to establish appropriate rules and regulations for the administration and enforcement of the provisions of the FOG program.

§ 275-43.2. Appeals procedure.

Any appeal under this Part, including monetary penalty or other action by the Borough, shall be governed by the procedure described in Article VII, Municipal Industrial Pretreatment Program (MIPP), of this chapter.

Article IX. Holding Tanks

[Adopted 8-22-2005 by Ord. No. 385]

§ 275-44. Purpose.

The purpose of this article is to establish procedures for the use and maintenance of existing and new holding tanks designed to receive and retain sewage whether from residential or commercial uses. It is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality.

§ 275-45. Definitions.

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

AGENCY

The Commissioners of Upper Pottsgrove Township, Montgomery County, Pennsylvania.

HOLDING TANK

A watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site.

IMPROVED PROPERTY

Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human being or animals and from which structure sewage shall or may be discharged.

MUNICIPALITY

The Township of Upper Pottsgrove, Montgomery County, Pennsylvania.

OWNER

Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON

Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE

Any substance that contains any of the water products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation or any substance which constitutes pollution under the Clean Stream Law (35 P.S. § 691.1-691.1001).

§ 275-46. Right and privileges granted.

The agency is hereby authorized and empowered to undertake within the Township the control and methods of holding tank use, sewage disposal and sewage collection and transportation thereof.

§ 275-47. Rules and regulations.

The agency is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

§ 275-48. Rules and regulations to be in conformity with applicable law.

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All such rules and regulations adopted by the agency shall be in conformity with the provision herein, all other ordinances and all applicable laws, and applicable rules and regulations of the administrative agencies of the Commonwealth of Pennsylvania.

§ 275-49. Rates and changes.

The agency shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

§ 275-50. Exclusiveness of rights and privileges.

- A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the agency, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The agency will receive, review and retain pumping receipts from permitted holding tanks.
- C. The agency will complete and retain annual inspection reports for each permitted holding tank.
- D. The agency shall receive, review and retain disposal receipts for all loads from disposal sites which shall be approved by PA DEP.

§ 275-51. Duties of improved property owner.

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this article or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the agency and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the agency or its agent to inspect holding tanks on an annual basis.
- C. Permit only those persons approved by the agency to collect, transport, and dispose of the contents therein.

§ 275-52. Violations and penalties.

Any person who violates any provisions of § 275-51, shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$500 nor more than \$5,000 for each day the violation continues, and in default of said fine and costs, undergo imprisonment in the county prison for a period not in excess of 90 days.

§ 275-53. Abatement of nuisances.

In addition to any other remedies provided in this article, any violation of § 275-51 above shall constitute a nuisance and shall be abated by the municipality or the agency by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

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Article X. Reservation of Sanitary Sewer System and Treatment Plant Capacity

[Adopted 9-2-2008 by Ord. No. 428; amended in its entirety 11-17-2008 by Ord. No. 430]

§ 275-54. Purpose.

The Township has determined that allocation to and reservation of sanitary sewer system capacity for future use creates an unreasonable and inequitable economic burden upon the Township and the existing users connected to the sewer system. Until such time as landowners who have been granted capacity choose to make use of such capacity, the Township and the existing users of the system are required to amortize the costs of the reserved facilities. Moreover, such reserved capacity remains unavailable to other persons who may have an immediate need or capacity. Therefore, it is determined to be in the best interest of the Township, the existing users of the sanitary sewer system, and potential users without reserve capacity that landowners desiring or required to reserve sanitary sewer system capacity pay a charge designated and calculated to amortize the cost of the current debt service in proportion to the existing users of the system. The purpose of this article is to establish procedures for the imposition and collection of such charges, to be known as "sewer reservation fees," pursuant to Pennsylvania law.

§ 275-55. Additional definitions.

As used in this article, the following terms shall have the meanings indicated:

RESERVED CAPACITY

The allocated sanitary sewage capacity for and reserved by an applicant.

SEWER RESERVATION FEE

The charge imposed upon an applicant for the allocated sanitary sewage capacity reserved.

§ 275-56. Reservation of Capacity Fee.

- A. An annual fee for the reservation of sewer capacity is hereby imposed upon an applicant for any connections not made within six months from the date of approval of the sewage planning module by DEP.
- B. The annual reservation-of-capacity fee shall be applicable and continue in effect until any of the following events occurs:
 - (1) The total reserve capacity has been utilized or consumed;

- (2) Any unused reserve capacity has been canceled by the applicant for whom it was reserved or by the Township as hereinafter provided; or
- (3) A period of five years shall have expired from the date of final approval by the Township of the development or project or application. If, after five years from the date of final approval by the Township, an applicant is still in need of all or a portion of the sewer capacity originally reserved, the applicant shall make application to the Township for continued reserve capacity, which shall be processed as a new application for sewer capacity, and the approval to grant an extension of the reserve capacity shall not be unreasonably withheld by the Township.
- C. Rates.
- (1) The reservation-of-capacity fee shall not exceed 60% of the average sanitary sewer bill for a residential customer in the Township.
- (2) The amount of the fee shall be established and modified as necessary by resolution and/or ordinance adopted by the Board of Commissioners.
- (3) Reservation-of-capacity fees shall be billed quarterly. The face amount of each quarterly bill shall be due and payable in full within 30 days from its date. If full payment of the face amount is not received within 30 days from its date, a penalty of 10% of the face amount of the bill shall be added thereto, and interest on the unpaid amount, including penalty, shall accrue at the rate of 9% per annum, commencing from the 30th day until paid. The penalty and interest provided in this subsection shall be in addition to such other and further penalties, interest or other remedies which may be available to the Township should it proceed to collect such bill, penalty and interest by way of municipal claim and lien or other appropriate legal or equitable action.
- (4) Adjustment to rates. Any applicant who has reserved sewer capacity may apply to the Township to have the reserve capacity charges adjusted to reflect capacity utilized by connection to the sanitary sewage system during the preceding quarter following applicable Township procedures.

§ 275-57. Adjustments to capacity; cancellation.

- A. In the event that the reserve capacity of any applicant shall be determined to be insufficient during the term of any permit, an applicant shall request additional reserve capacity. Such request shall be processed as a new application in accordance with all Township requirements.
- B. An applicant may, at any time, upon written application to the Township, cancel all or any portion of the reserve capacity allocated to and reserved by him/her. Such cancellation shall be effective as of the date of the next billing quarter, provided that the application shall have been made at least 30 days prior thereto.