

**BOROUGH OF FOX CHAPEL
ORDINANCE NO. 698**

AN ORDINANCE OF THE BOROUGH OF FOX CHAPEL SETTING ALCOSAN RATES AND RESTATING BOROUGH, HARMAR AND AVJSA SEWAGE RATES

WHEREAS, the Borough of Fox Chapel imposes certain sewer rates to maintain the sewer infrastructure in the Borough, and

WHEREAS, such sewer rates were last increased January 1, 2014 and it is desired to restate such rates; and

WHEREAS, certain other sewer rates are imposed by the Borough of Fox Chapel to compensate for charges imposed by the Allegheny County Sanitary Authority; and

WHEREAS, it is desired to provide for said increased rates and charges; and

WHEREAS, it is also desired to restate the rates imposed by the Borough of Fox Chapel to compensate for charges imposed by Harmar Township, Allegheny Valley Joint Sewage Authority (“AVJSA”), and the Borough of Fox Chapel.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Fox Chapel, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by virtue of the same:

SECTION 1.

A. Fox Chapel Borough Sewers

Section 51. Imposition of Charges. Beginning on the first day of January, 2014, there are hereby imposed sewer rentals or charges for the use of the Borough sewers to be payable by the owners or occupants of all properties served thereby.

Section 52. Sewer Rental Schedule. In order to apportion such sewer rentals or charges equitably among the several properties served by the Borough sewers, the following schedule of sewer rentals or charges based upon the most recent available water meter reading is hereby adopted:

(a) \$4.66 per 1,000 gallons plus a Customer Service Line Charge of \$15 per account for operations and \$45 per equivalent dwelling unit (EDU), equal to 350 gallons per day, for the Squaw Run Interceptor Project per quarterly bill.

Section 53. Calculation of Quantity of Water Used; Use of Approved Water Meter Authorized. The quantity of water used by water users other than those referred to in Section 52, subsection (a), shall be estimated by the Borough at 25,000 gallons per quarter, and such water users’ sewage charges shall be calculated by applying the schedule of rates set forth in Section 52, subsection (a), to the aforesaid estimated quantity. In the event such a water user desires, he may, at no expense to

the Borough, install and maintain a water meter approved by the representative of the Borough authorized for the purpose. In addition, the Borough, in its sole discretion, shall have the right to require that an approved water meter be installed to measure water usage by each separate user. Included in this shall be the right of the Borough to require separate water meters for each of multiple users occupying separate premises on the same property (for example, the landlord and a tenant). The sewage charges shall then be calculated upon actual water consumption recorded on this meter. Nothing in this Section shall prevent the Borough from collecting charges from either landlord or tenant, as and to the extent permitted by law.

Section 54. Additional Water Meter May Be Installed at Expense of Property Owner. The owner of any property subject hereto may install and maintain, at no expense to the Borough of Fox Chapel, a water meter, approved by the representative of the Borough authorized for the purpose, to measure water used for lawn care and other purposes so that such water does not enter the sanitary sewer system. In such a case the charges imposed hereby will be based upon the water consumption indicated by the difference between the reading on the main water meter and the reading on the secondary water meter located on such property.

Section 55. Authorization to Install Sewage Meter. With the prior written approval of the representative of the Borough authorized for the purpose, the owner of any property subject hereto may install a sewage meter, in which event the sewer rentals or charges hereby imposed will be based upon the quantity of sewage so metered.

Section 56. Billing Schedule; When Payable, Penalty and Interest Added to Delinquent Bills. Bills for sewer rentals or charges imposed by this ordinance shall be rendered quarterly by the representative so designated by the Borough on the basis of the most recent quarterly water meter reading or estimate. All sewage charges billed shall be payable within twenty (20) days after the bill is rendered. If the bill remains unpaid after twenty (20) days from the billing date, a penalty of 5% shall be payable plus interest on the overdue bills at the rate of .5% per month or part thereof upon 105% of the sewage charge, which interest shall begin on the sixtieth (60th) day after the due date.

Section 57. Unpaid Sewer Rentals and Charges Constitute Lien; Collection Any sewer rental or charge not paid within thirty (30) days from the billing date shall be a lien upon the property charged with the payment thereof from the first day of the following month. Such sewer rentals or charges, if not paid after thirty (30) days' notice, may be collected as provided by law, by an action in assumpsit, or by distress of personal property on the premises, or by lien filed in the nature of a municipal lien, or by requesting and directing the Fox Chapel Authority to shut off, after compliance with the General Municipal Law, particularly 53 P.S. § 2261, the supply of water to said premises until all such rentals and charges, together with any penalties and interest thereon, shall be paid.

Section 58. Access to Premises Served by Water Meters or Sewage Meters. The Borough, through its' authorized representatives, shall be permitted to enter upon all properties serviced by water meters or sewage meters for the purpose of inspection, observation, measurements, and testing. No owner or occupant may perform any grading, construction, or other work which has the effect of (a) burying or making inaccessible any water meter, sewage meter, meter pit, manhole or other element of the water or sewage system, (b) causing stormwater or surface water to drain into or to collect upon or around any such water meter, sewage meter, meter pit, manhole or other element, or (c) placing fill or overburden upon any water or sewer line or pipe so as to overload or otherwise compromise such line or pipe. In the event an owner or occupant performs such work and fails or refuses to remove or correct it after notice from the Borough, the Borough may perform the removal or correction work for the account of the owner or occupant and may recover its direct and indirect costs (including customary overhead) of such work from the owner or occupant by any available legal means, including but not limited to, placing a municipal lien against the property upon which the Borough performs such work.

B. Sewers Entering Allegheny County Sanitary Authority Systems

Section 101. ALCOSAN Charges Established. Beginning January 1, 2016, the charges of the Allegheny County Sanitary Authority (ALCOSAN) for sewage service to properties located in the Borough of Fox Chapel, the sewage from which enters the sewer system of ALCOSAN, shall be added to the sewage charges imposed by the Borough as previously set forth and are as follows:

- (a) Meter Water Users. The following schedule of rates shall be applicable to users of metered water. Charges shall be based upon the quantity of water delivered to each water user as measured by the most recent available water meter reading: \$6.23 per 1,000 gallons, plus a Customer Service Charge of \$13.07 per bill.
- (b) Flat Rate Water Users. The following schedule of rates shall be applicable to water users whose water bills are based upon a flat rate as distinguished from those whose water bills are based on meter readings. All flat rate water residential customers will be billed upon an equivalent residential unit base ("ERU"). The average residential usage becomes the basis on which flat-rate residential water users are charged. The average residential usage is estimated at 25,000 gallons per quarter. Each residential flat-rate account will be billed for sewer services based upon this average and the schedule of rates set forth in Subsection (a) above unless proof is provided that the customer's usage is more or less.
- (c) Other Water Users. The quantity of water used by water users other than those referred to in Subsections (a) and (b) above shall be estimated by ALCOSAN and each such water user's sewage charge shall be calculated by applying the schedule of rates set forth in Subsection (a) above to the estimated quantity.

Section 102. Surcharges Applicable to High-Strength Sewage Discharges. In any case in which a discharger's wastes have an unusually high concentration of the suspended solids and/or biochemical oxygen demand, the sewage charges calculated as hereinbefore set forth shall be increased according to the following formulae:

(a) Suspended Solids Charge

$$(SS - 275) * .008345 * \$0.2464 * \text{flow (1,000 gallons)}$$

Where:

SS = Suspended solids of particular wastes in milligrams per liter (mg/L)

.008345 = Conversion factor from mg/L to pounds per 1,000 gallons

\$0.2464 = Treatment cost per pound of suspended solids

(b) Biochemical Oxygen Demand

$$(BOD - 300) * .008345 * \$0.2184 * \text{flow (1,000 gallons)}$$

Where:

BOD = Biochemical oxygen demand of particular wastes in milligrams per Liter (mg/L)

.008345 = Conversion factor from mg/L to pounds per 1,000 gallons

\$0.2184 = Treatment costs per pound of biochemical oxygen demand

Section 103. Additional Charges for Commercial Garbage Disposals. For each commercial (i.e., non-residential) garbage disposal, ALCOSAN shall charge users as follows:

\$172.37 times horsepower capacity per quarter

Section 104. Rate of Discharge of Construction Site Groundwater.

The following rates will apply to the temporary discharge of accumulated groundwater from construction excavation sites provided that:

- (a) The need to discharge to the sewage collection system will not exceed nine (9) months; and
- (b) No toxic pollutant listed in the ALCOSAN Pretreatment Regulations is present in untreated groundwater above detection limits established for USEPA-approved analytical methods for such pollutant; and
- (c) The concentration of suspended solids in the discharged water is less than 135 mg/1, and the concentration of biochemical oxygen demand is less than 150 mg/1; and

(d) ALCOSAN has determined in its judgment (which shall be final and absolute) that reasonable efforts have been made to obtain a permit from the Pennsylvania Department of Environmental Protection to discharge such groundwater to the nearest waterway, and that the application for such permit has been denied or that discharge under such permit is not feasible.

A fee equal to one-half (1/2) of the existing charge per 1,000 gallons shall be charged for each pump used for the purpose of discharging groundwater and shall be based upon the pumping capacity of each pump used, in thousand gallons per day (kgd). This fee shall be applied daily for each day pumping occurs

Section 105. Certain Water Excluded in Calculating Charges. The quantity of water which does not reach a metered water user’s sewer, if separately metered, will not be included in the quantity upon which the sewage charge is calculated.

Section 106. Authorization to Install Sewage Meter. With the prior written approval of ALCOSAN, a non-residential water user may install a sewage meter in which event the sewage charges will be based upon the quantity of sewage so metered. For the reading of the sewage meter and the account maintenance required to bill based on such meter, a charge per meter will be made according to the Unit Cost for Auxiliary Meters.

Section 107. Use of Well Water in Addition to Public Water. For accounts that use well water in addition to public water and where the well water is metered, the metered well usage will be added to the public water usage to produce the sewage charge. For the reading of the well water meter and the account maintenance required to bill based on such meter, a charge per meter will be made according to the Unit Cost for Auxiliary Meters.

Section 108. Unit Cost for Auxiliary Meters. The Unit Cost for Auxiliary Meters is \$110.00 per year.

C. Sewers Entering Allegheny Valley Joint Sewage Authority (“AVJSA”)

Section 125. Harmar/AVJSA Charges Established. The charges of Harmar Township and the Allegheny Valley Joint Sewage Authority for sewage service to properties located in the Borough of Fox Chapel, the sewage from which enters the sewer system of Harmar Township with treatment facilities owned and operated by the Allegheny Valley Joint Sewage Authority, shall be added to the sewage charges imposed by the Borough of Fox Chapel as previously set forth in Section 52 and are as follows:

(a) Metered Water Users

	<u>Harmar Township</u>	<u>AVJSA</u>	<u>Total</u>
0 – 6,000 gallons/quarter	\$3.00	\$12.00	\$15.00
Plus			
Consumption in excess of 6,000 gallons/quarter	\$0.00	\$ 1.50/ 1,000 gal.	\$ 1.50/ 1,000 gal.

ORDAINED AND ENACTED by the Council of the Borough of Fox Chapel this 21st day of December, 2015.

President of Council

ATTEST:

Secretary

EXAMINED AND APPROVED by me this 21st day of December, 2015.

Mayor