

**WEST HANOVER TOWNSHIP WATER AND SEWER  
AUTHORITY RESOLUTION 2022-A-2**

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A RESOLUTION OF THE BOARD OF WEST HANOVER TOWNSHIP WATER AND SEWER AUTHORITY (AUTHORITY) AMENDING AND SUPERSEDING RESOLUTIONS 1995-A-48, 1995-A-49A, 1996-A-01, 1996-A-02, 1996-AS, 1997-A-1, 1999-A-01, 2000-A-03, 2001-A-03, 2004-A-4, 2013-A-1, 2015-A-1, 2016-A-2 and 2017-A-1

ESTABLISHING THE BASIS AND AUTHORITY FOR CHARGING A TAPPING FEE, A CONNECTION FEE, A CUSTOMER FACILITY FEE, AND SEWER RATES AS REFERRED TO IN §607(d) TITLE 53 CHAPTER 56 OF THE PENNSYLVANIA CONSOLIDATED STATUTE FOR MUNICIPAL AUTHORITIES AGAINST APPROPRIATE OWNERS OF PROPERTY WHO CONNECT TO SAID SEWAGE COLLECTION, TRANSPORTATION, AND TREATMENT SYSTEM; FOR REGULATING THE USE OF THE SEWER SYSTEM; AND FOR ESTABLISHING ENFORCEMENT PROVISIONS.

WHEREAS, the Authority, with the approval of the Township of West Hanover, Dauphin County, Pennsylvania (the "Township"), has acquired and constructed a sanitary sewage collection, transportation, and treatment system, including all related and necessary facilities, for rendering sewage service in and for a portion of the Township; and

WHEREAS, the aforementioned sanitary sewage collection, transportation, and treatment system owned by the Authority, together with all appurtenant facilities and properties which the Authority has acquired and hereafter shall acquire in connection therewith, including all property, real, personal, and mixed, rights, powers, licenses, easements, rights of way, privileges, franchises, and any and all other property or interests in property of whatsoever nature, used or useful in connection with such facilities, and together with all additions, extensions, betterments, alterations, and improvements thereto which may be made or acquired, from time to time, by the Authority, herein are referred to as the "Sewer System"; and

WHEREAS, the Authority, in accordance with power vested in it by law, desires to fix and charge tapping fees, connection fees, collection fees, and customer facility fees and sewer rates for connection to the Sewer System; and

WHEREAS, the Authority, in accordance with the power vested in it by law, desires to establish rules regulating use of the Sewer System, and

WHEREAS, this resolution establishes the basis and authority for charging tapping fees, connection fees, collections fees, customer facility fees, and sewer rates, and other rules

regulating use of the Sewer System. NOW, THEREFORE, BE IT RESOLVED, by the Authority, as follows:

### **SECTION 1 DEFINITIONS**

- A. "Authority" means West Hanover Township Water and Sewer Authority, Dauphin County, a Pennsylvania municipal authority.
- B. "Building" means an occupied or unoccupied structure which is connected directly or indirectly to the Sewer System. The building may serve a single purpose or may house multiple offices or businesses under a single contiguous roof.
- C. "Building Sewer" means the extension from the sewage drainage system of any structure to the Service Lateral of a sewer.
- D. "Capacity Fee" is a component of the tapping fee that is charged against each appropriate owner of property hereafter connected or hereafter required to be connected to the Sewer System for the costs of the capacity related components of the Sewer System which is comprised of the treatment plant and certain designated principal Sewers and pumping stations that were constructed or purchased by the Authority.
- E. "Capacity Sewers" are sewers that provide the drainage for the Collection Sewers, and include interceptors (larger sewers) and pumping stations. The Capacity Sewers are included in the costs in establishing the Capacity component of Tapping Fees and therefore can have no Collection Fees associated with connecting to these lines.
- F. "Collection Fee" is a component of the tapping fee that is charged against each appropriate owner of property hereafter connected or hereafter required to be connected to the Sewer System for the collection facilities portion of the Sewer and only applies to direct Service Line connections to Collection Sewers that have been constructed or purchased by the Authority.
- G. "Collection Sewers" are sewer lines, and sometimes pumping stations, that are designated primarily to facilitate Service Lateral connections. Collection Sewers are in contrast to designated "Capacity Sewers," which in turn facilitate Collection Sewer connections and are typically physically larger than Collection Sewers.
- H. "Connection Fee" is a fee for the Authority's costs associated with the connection, construction, and/or inspection of Service Laterals. Such Connection Fee shall be the Authority's actual cost or an average of similar costs for service lateral connection, construction, and/or inspection.

- I. "Customer Facilities Fee" is a fee for the Authority's cost associated with construction of the Building Sewer, inspecting the Building Sewer, issuing permits, and other administrative costs associated with entering the new customer into the system. The Customer Facilities Fee shall be based on the Authority's actual cost or on an average of similar costs for Building Sewer construction, inspection, and administrative matters related to the Building Sewer.
- J. "Domestic Establishment" means any room, group of rooms, apartment, house trailer, building, or other enclosure connected, directly or indirectly, to the Sewer System and occupied or intended for occupancy as separate living quarters by a family or any other group of Persons living together or by a Person living alone. Each apartment unit in an apartment facility is considered a Domestic Establishment. Motels and Hotels are excluded from this definition. In the special case where multiple separate and detached dwelling units are permitted to be constructed on the same property, each separate dwelling unit shall be a separate Domestic Establishment.
- K. "EDU" means equivalent dwelling unit.
- L. "Effluent" is the Sewage or Industrial Waste discharged from an Improved Property to the Sewer System.
- M. "Grinder Pump, Grinder Pump System" means a pumping system used by an owner of an Improved Property to lift Sanitary Sewage from the Improved Property to the Authority's Sanitary Sewer System in lieu of a gravity Building Sewer. The Grinder Pump System generally consists of a prefabricated wet well, grinder pump, and pump control system.
- N. "Improved Property" means any property upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure or structures Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.
- O. "Industrial Wastes" means any solid, liquid, or gaseous substance or form of energy rejected or escaping in the course of any industrial, manufacturing, trade, or business process or in the course of the development, recovery, or processing of natural resources, as distinct from Sanitary Sewage.
- P. "Inspection Fee" is a fee charged by the Authority to the owner of an Improved Property for inspection services, permits and other administrative costs for services rendered by the Authority, or its agents, associated with establishing new Sewers and connections to the Sewer System.
- Q. "Maximum Month Volume, Maximum Month Discharge" is the maximum volume of sewage or Industrial Wastes discharged over any single calendar month period. "Metering, metered" is a method of determining the amount of Sewage or Industrial Waste that a Non-

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Domestic, or Multi-Use Establishment discharges into the Sewers by measuring either the Effluent directly or the amount of water consumed at the site.

- R. "Metered Non-Domestic Establishment" means a Non-Domestic Establishment for whom the amount of Sewage or Industrial Waste discharged into the Sewer System is determined by metering.
- S. "Multi-Use Establishment" is a single building that houses multiple users, businesses, or activities with various Non-Domestic usage classifications, or combines Domestic and Non-Domestic Establishment uses within a single structure or building.
- T. "Non-Domestic Establishment" means any room, group of rooms, building, or other enclosure connected, directly or indirectly, to the Sewer System, which does not constitute a Domestic Establishment.
- U. "Owner" means any Person vested with ownership, legal or equitable, sole or partial, of any group or entity.
- V. "Person" means any individual, partnership, company, association, society, corporation, or other group or entity.
- W. "Reimbursement Fee" is a component of the Tapping Fee that is collected by the Authority from users of certain specific facilities when a fee required from such users will be reimbursed to the person at whose expense the facilities were constructed, as set forth in a written agreement between the Authority and such person at whose expense such facilities were constructed. The Reimbursement Fee will be collected only from users whose Service Lines connect directly to such facilities, unless otherwise established by agreement.
- X. "Sanitary Sewage, Sewage" means normal water-carried household and toilet wastewater from any Improved Property.
- Y. "Service Lateral" means that part of the Sewer System extending from a Sewer to the curb line, or if there shall be no curb line, to the property line, or if no such Service Lateral shall be provided, then "Service Lateral" shall mean that portion of the Service Line which is extended from the sewer for connections of any Building Sewer.
- Z. "Service Line" is a sewer line that directly provides service to a single building or structure, and usually comprises of the Service Lateral and the Building Sewer.
- AA. "Sewer" means any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purpose.

- BB. "Sewer Rate" is the periodic fee charged to Domestic, Non-Domestic, and Multi-Use Establishments for the conveyance and treatment of sanitary sewage created by said Establishments.
- CC. "Sewer System" means all sanitary sewage collection, transportation, and treatment system owned by the Authority, together with all appurtenant facilities and properties which the Authority has acquired or hereafter shall acquire in connection therewith, including all property, real, personal and mixed, rights, powers, licenses, easements, rights of way, privileges, franchises and any and all other property or interests in property of whatsoever nature, used or useful in connection with such facilities, and together with all additions, extensions, betterments, alterations, and improvements thereto which may be made or acquired, from time to time, by the Authority,
- DD. "Special Purpose Fee" is a component of the Tapping Fee and is a fee that is collected by the Authority for special purpose facilities and shall be applicable only to a particular group of customers or for serving a particular purpose or a specific area based upon the cost of the facilities. Facilities may include those that provide existing service or those that will provide future service.
- EE. "Tapping fee" is a fee charged against each appropriate owner of property hereafter connected or hereafter required to be connected to the Sewer System for the costs related to those components of the Sewer System that were constructed by, or in specific cases on behalf of the Authority. The Tapping Fee is comprised of four components: A capacity component, a collection component, a special purpose component and a reimbursement component, as defined herein.
- FF. "Township" means Township of West Hanover, Dauphin County, Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized officers or representatives.
- GG. "Unmetered Non-Domestic Establishment" means a Non-Domestic Establishment for whom the amount of Sewage or Industrial Waste discharged into the Sewer System is not determined by metering.
- HH. "Unmetered Multi-Use Establishment" means a Multi-Use Establishment for whom the amount of Sewage or Industrial Waste discharged into the Sewer System is not determined by metering.
- II. "Usage Capacity" is the volume of capacity determined for Non-Domestic or Multi-Use Establishments used in calculating the Tapping Fee amount.

## **SECTION 2 CONNECTION TO THE SEWER SYSTEM**

### **SECTION 2.1 REQUIREMENT TO CONNECT TO THE SEWER SYSTEM**

- A. All Improved Properties upon which are constructed occupied or unoccupied buildings or other structures which contain fixtures for generating or discharging Sanitary Sewage or Industrial Wastes and where any portion of such buildings or structures are located within 150 feet of the Sewer System, shall be required to connect to the Sewer System.
- B. Where more than one occupied or unoccupied structure which contains fixtures for generating or discharging Sanitary Sewage or Industrial Wastewater are constructed on a property that satisfies the requirements in Section 2.1.A for connection to the Sewer System, all said structures shall be required to connect in a manner approved by the Authority.

### **SECTION 2.2 APPLICATION FOR A PERMIT TO CONNECT TO THE SEWER SYSTEM**

No Person hereafter shall connect, directly or indirectly, any Improved Property with any part of the Sewer System without first making application for and securing a permit, in writing, from the Authority. Such application shall be made on a form provided by the Authority.

### **SECTION 2.3 CONSTRUCTION OF THE SERVICE LATERAL**

Unless otherwise provided by the Authority, an Owner of an Improved Property requiring connection to the Sewer System shall be responsible for the cost of installing the Service Lateral from the Curb to the Collection Sewer. Construction methods and the materials of construction shall be in accordance with the Authority's Standard Construction and Materials Specifications in effect at the time of construction of the Service Lateral.

### **SECTION 2.4 CONSTRUCTION OF A GRINDER PUMP SYSTEM**

In the event that an Improved Property cannot be served by a standard gravity Building Sewer and/or Service Lateral, the Owner of an Improved Property may elect to construct a grinder pump system to lift the Sanitary Sewage or Industrial Waste from the Improved Property to the Collection Sewer. The cost of the grinder pump system and its installation shall be the responsibility of the Owner of the Improved Property. The grinder pump system shall be of a type and manufacturer approved by the Authority. In special cases, the Authority may elect to provide the grinder pump system to the Owner. In those special cases, the Owner shall be responsible for installing the grinder pump system.

**SECTION 2.5 MAINTENANCE OF THE SERVICE LATERAL AND BUILDING SEWER**

The Owner of an Improved Property shall be responsible for maintaining the entire length of the Building Sewer and Service Lateral from the Owner's Building to the Collection Sewer, including the cost for repair or replacement of any or all sections of the Building Sewer and Service Lateral.

**SECTION 2.6 MAINTENANCE OF THE GRINDER PUMP SYSTEM**

The Owner of an improved property in which a grinder pump system has been installed shall be responsible for maintaining the grinder pump system, including the grinder pump system force main. Where a force main from a grinder pump discharges to a service lateral, the Owner shall also be responsible for maintaining the Service Lateral as per Section 2.5,

**SECTION 3 SEWER RATES**

**SECTION 3.1 SEWER RATES**

Sewer rates and other charges are imposed upon and shall be collected from the Owner of each Improved Property which shall be connected with the Sewer System, for use of the Sewer System, whether such use shall be direct or indirect, which Sewer rates and charges shall commence and shall be effective as of the date of connection of each such Improved Property to the Sewer System, and shall be payable as provided herein, in accordance with the following schedule of rates and classifications:

- A. Each Domestic Establishment, Non-Domestic Establishment, and Multi-Use Establishment shall be billed for use of the Sewer System at a rate and frequency to be determined from time to time by the Authority and adopted by separate Resolution.
- B. Each Domestic Establishment shall be billed as a separate entity based on EDUs. The minimum billing amount for each Domestic Establishment shall not be less than that determined for ONE (1) EDU. If two (2) or more families use separate cooking and/or toilet facilities in an Improved Property, the sewer rates and other charges payable hereunder shall be computed as though each such family was a separate user with a separate connection to a Sewer.
- C. Each metered Non-Domestic Establishment (Commercial, Industrial, Professional Offices, Retail Stores, Churches, Grange Halls, Service Stations, Garages, Automotive Repair Shops, Barber Shops, Beauty Shops, etc.) and metered Multi-Use Establishment shall be billed for use of the Sewer System based on metered usage data collected by or on behalf of the Authority, except that the billing amount during any billing period shall not be less than the billing amount for a single Domestic Establishment determined for an equivalent billing period.

- D. Each Unmetered Non-Domestic Establishment and Unmetered Multi-Use Establishment shall be billed on the basis of an estimated usage determined as set forth in SECTIONS 3.2 and 3.3. The billing amount during any billing period shall not be less than the billing amount for a single Domestic Establishment determined for an equivalent billing period.

**SECTION 3.2 ESTIMATED USAGE**

Tapping Fees and Sewer Rates for Unmetered Non-Domestic Establishments and Unmetered Multi-Use establishments may be determined on the basis of estimated usage determined in accordance with Table 3-1. Additional classifications and sewer rates or other charges or modifications of the above schedule of sewer rates or other charges may be established by the Authority from time to time as deemed necessary. Nothing contained herein shall be construed as prohibiting special agreements between the Authority and establishments connected to the Sewer System under conditions and circumstances making special agreements advisable and necessary,

**SECTION 3.3 USAGE ESTIMATES IN LIEU OF TABLE 3-1**

In lieu of the values in Table 3-1, and for Non-Domestic or Multi-Use Establishments not classified in Table 3-1, the estimated usage may be established based upon an estimate by the Authority after consultation with the person responsible for the Non-Domestic or Multi-Use Establishment and review of pertinent information. Historical water consumption or wastewater flow data obtained from similar Establishments may be used to estimate the usage value for such Non-Domestic or Multi-Use Establishments when such data is deemed by the Authority to be a reliable indicator of the prospective usage for establishments. The Authority may subsequently revert to the preceding classification table or actual water consumption data to re-establish the usage value should subsequent experience or usage demonstrate that the historical water consumption or wastewater flow data was inaccurate or unrepresentative of the Establishment's actual usage.

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**Table 3.1 Estimated Usage by Purpose**

<b>User Classification</b>		<b>Estimated Usage in Gallons per Day</b>
1	Retail store per public restroom (If no public restroom provided use User Classification "2")	360
2	Business, professional or industrial facility, per 20 employees or fraction thereof	180
3	Business or industrial facility providing showers for up to six (6) employees, and for (b) each additional six employees over six or fraction thereof.	180
4	Hotel or motel (in addition to restaurant facilities) per two rental rooms or fraction thereof.	180
5	Restaurant, club, or tavern:	
	(a) per 22 seats or fraction thereof per meal service period (i.e., breakfast, lunch, or dinner)	180
	(b) with bar, per 20 seats or fraction thereof per meal service period (i.e., breakfast, lunch, or dinner)	180
6	Church	180
7	Service station or automobile repair garage:	
	(a) Up to two (2) bays	180
	(b) Each additional two (2) bays or fraction thereof	180
8	School, per thirty-two (32) pupils or operating personnel or fraction thereof (based upon average number of pupils and operating personnel during school term preceding the date of billing)	180
9	Laundromat, per each washing machine.	320
10	Car washing establishment, per bay.	1,080
11	Bowling alley (in addition to restaurant facilities) per six lanes or fraction thereof	360
12	Barber shop (hair cutting only):	
	(a) Three chairs or less	180
	(b) Each additional three chairs or fraction thereof	180
13	Retail store with meat and/or vegetable preparation facilities	540

**SECTION 3.4 REQUIREMENT TO INSTALL WATER METER**

The Authority may require the Owner of a Non-Domestic or Multi-Use Establishment to install one or more water meters in order to determine water usage. Where such installation is required by the Authority, the cost of the meter(s) and the cost of installation shall be the responsibility of the Owner. Maintenance and operation of the meter(s) following installation, including periodic calibration, will also be the responsibility of the Owner.

**SECTION 3.5 OWNER INSTALLED WATER METER**

The Owner of a Non-Domestic or Multi-Use Establishment who desires to install a water meter to determine water consumption shall make a formal written request to the Authority for approval of the meter and its installation. Such request for approval shall document the need for the meter and shall include detailed information describing the meter. The cost of the meter and the cost of installation shall be the Owner's responsibility. Operation and maintenance of the meter shall be the Owner's responsibility, including but not limited to the costs of repair or replacement of the meter, and the cost for periodic calibration and certification. Meters shall be calibrated and tested in accordance with the manufacturer's recommendations or the guidelines recommended by the American Water Works Association (AWWA), Manual for Water Meters-Selection, Installation, Testing, and Maintenance (AWWA M6) at a frequency of not less than once every five (5) years, or sooner if the Authority has reason to believe that the meter is not functioning properly. Proof of calibration and certification shall be provided to the Authority.

**SECTION 3.6 AUTHORITY'S RIGHT TO ESTIMATE USAGE IN THE ABSENCE OF USAGE INFORMATION FROM THE OWNER**

If the Owner of any Non-Domestic or Multi-Use Establishment shall fail to provide the Authority with complete usage information required for such Establishment, the Authority may estimate a reasonable applicable sewer rate and other charges for such Establishment and such estimated sewer rates and other charges shall be the actual sewer rate and other charges payable until the required information is filed; provided, however, that no rebates will be paid by the Authority if the information filed reveals a lower indicated sewer rate and other charges than that estimated by the Authority.

**SECTION 3.7 PAYMENT FOR PARTIAL MONTH**

Owners of Improved Properties previously not connected to the Sewer System, and who connect to the Sewer System after the first day of any billing period shall pay a pro rata sewer rate and other charges for service for the balance of that billing period.

**SECTION 3.8 PAYMENT DUE DATE**

All bills for sewer rates and other charges shall be rendered on or before the due date noted on the bill.

**SECTION 3.9 CHARGES FOR LATE PAYMENT**

Sewer rates and other charges shall be due and payable on or before the due date noted on the bill, and the appropriate amount computed in accordance with this Resolution, shall constitute the net bill. If sewer rates and other charges are not paid on or before the due date, an additional sum equal to 10% of the current billing amount shall be added to such net bill and an interest charge of 1.0 % per month shall also be added to such net bill, which net bill, plus such additional amounts, shall constitute the gross bill. Payment made on or mailed and postmarked on or before the due date shall constitute payment within such period, If the due date shall fall on a legal holiday or a Sunday, payment made on or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such period. Payments made shall first be applied to past due amounts, including accrued interest and penalties. Any amount remaining after satisfying past due amounts will be applied to the current bill.

**SECTION 3.10 NOTIFICATION OF CHANGE OF ADDRESS**

Every Owner of an Improved Property which is connected to the Sewer System initially shall provide the Authority with and thereafter shall keep the Authority advised of his or her correct address. Failure of any Person to receive bills for sewer rates and other charges shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

**SECTION 3.11 SEWER RATES AND CHARGES PAYABLE TO AUTHORITY TREASURER OR AUTHORIZED REPRESENTATIVE**

All sewer rates and other charges shall be payable to the Treasurer of the Authority or to such other officer or representative of the Authority as shall be authorized, from time to time, by resolution of the Authority, to accept payment thereof. The Treasurer or such other duly authorized officer or representative of the Authority shall pay over to a depository designated by the Authority by resolution, all sewer rate and other charges received within 7 days of receipt thereof, together with a statement showing the total amount collected. Until so paid over, the Treasurer or other duly authorized officer or representative of the Authority shall segregate all such sewer rates and other charges so collected in an account separate and distinct from all other funds of the Authority and shall hold the same in trust for purposes set forth in aforesaid resolution.

## **SECTION 4 TAPPING FEES AND OTHER FEES**

### **SECTION 4.1 TAPPING FEES**

The Authority hereby does charge a tapping fee as provided herein against each Owner of Improved Property hereafter connected or hereafter required to be connected to the Sewer System. The tapping fee shall be in an amount determined by or for the Authority from time to time, and adopted by the Authority by separate Resolution. Tapping fees shall be due and payable at the time application is made for a permit to connect such property or, when applicable, at the time said property is required by law to be connected, whichever is earlier. The tapping fee may consist of any or all the following four (4) components, unless stated otherwise.

- A. The CAPACITY FEE component is associated with the costs of the capacity related components of the Sewer System which are comprised of the treatment plant and certain designated principal Sewers and pumping stations that were constructed or purchased by the Authority. Each owner of an Improved Property connected or required to be connected to the Sewer System shall be assessed a Capacity Fee component.
- B. The COLLECTION FEE component is charged to each Owner of an Improved Property whose connection to the Sewer System is made directly to a Collection Sewer constructed or purchased by the Authority.
- C. The REIMBURSEMENT FEE component is charged to an Owner of an Improved Property whose connection to the Sanitary Sewer is made directly to a Collection Sewer or other conveyance facility constructed by a Person when reimbursement is required to be made to the Person at whose expense the Collection Sewer or Conveyance Facility was constructed. The amount of the Reimbursement shall be determined by the Authority and shall be included in the Sewer Extension Agreement. The Authority, for an administrative charge, will retain 5% of the collected amount. A Reimbursement Fee will only be in effect for a period of ten (10) years commencing with construction said Collection Sewer or other Conveyance Facilities, or until such time as the total cost for the constructed facilities has been reimbursed to the Person at whose expense the facilities were constructed.
- D. A SPECIAL PURPOSE FEE component may be charged to a specific group of user facilities constructed to serve said group of users in place of the Collection Component Tapping fee. The amount of the Special Purposes Fee will be determined by the Authority in accordance with Section 5607(d)(24)(i)(C) of the Municipality Authorities Act.

### **SECTION 4.2 DETERMINATION OF THE TAPPING FEE AMOUNT FOR A DOMESTIC ESTABLISHMENT**

The tapping fee amount for a Domestic Establishment shall be calculated based on the unit tapping fee cost per gallon of capacity and the gallons per day per EDU established in accordance with the requirements of the Municipality Authorities Act. No tapping fee amount for a typical

Domestic Establishment shall be less than that determined for one (1) EDU. Each Domestic Establishment shall pay a tapping fee.

**SECTION 4.3 DETERMINATION OF THE TAPPING FEE AMOUNT FOR NON-DOMESTIC AND MULTI-USE ESTABLISHMENTS**

The tapping fee amount for Non-Domestic and Multi-Use Establishments shall be based on the unit tapping fee cost per gallon of capacity and the estimated usage capacity determined in accordance with Section 4.4. The tapping fee amount per individual business shall not be less than the minimum tapping fee amount determined for a typical Domestic Establishment.

**SECTION 4.4 DETERMINATION OF THE USAGE CAPACITY FOR NON-DOMESTIC AND MULTI-USE ESTABLISHMENTS**

The Usage Capacity for a Non-Domestic or Multi-Use Establishment may be determined based on estimated usage from Table 3-1. In lieu of the values in Table 3-1, or for classifications of Establishments not included in Table 3-1, the determination may be based upon the estimate by the Authority after consultation with the Person responsible for the Non-Domestic or Multi-Use Establishment and review of pertinent information. Historical water consumption or wastewater flow data obtained from similar establishments may be used to estimate the usage value for such Non-Domestic or Multi-Use Establishments when such data is deemed by the Authority to be a reliable indicator of the prospective usage for such establishments, The Usage Capacity shall be representative of the maximum month volume of discharge anticipated for the user.

**SECTION 4.5 CONNECTION FEE**

The Authority hereby does charge a Connection Fee against each appropriate Owner of property hereafter connected or hereafter required to be connected to the Sewer System in an amount per connection as adopted by the Authority from time to time by separate Resolution. Said Connection Fee shall be due and payable at the time application is made for a permit to connect such property or, when applicable, at the time said property is required by law to be connected, whichever is earlier.

**SECTION 4.6 CUSTOMER FACILITIES FEE**

The Authority does hereby charge a Customer Facilities Fee against each appropriate Owner of property hereafter connected or hereafter required to be connected to the Sewer System in an amount per connection as adopted by the Authority from time to time by Separate Resolution. Said Customer Facilities Fee shall be due and payable at the time application is made for a permit to connect such property or, when applicable, at the time said property is required by law to be connected, whichever is earlier.

**SECTION 4.7 FEES PAYABLE TO AUTHORITY TREASURER OR AUTHORIZED REPRESENTATIVE**

Tapping fees, Connection Fees, and Customer Facilities Fees charged by the Authority pursuant to this Resolution shall be payable to the Treasurer of the Authority or to such other officer or representative of the Authority as shall be authorized, from time to time, by resolution of the Authority, to accept payment thereof.

**SECTION 4.8 PAYMENT WILL BE ENFORCED BY AUTHORITY**

Payment of all Tapping Fees, Connection Fees, and Customer Facilities Fees charged by the Authority pursuant to this Resolution shall be enforced by the Authority as permitted by law.

**SECTION 4.9 ADDITIONAL TAPPING FEES ASSESSED**

Additional Tapping Fee charges may be assessed by the Authority if the maximum month metered usage over a two (2) year period exceeds the assigned Tapping Fee Usage Capacity value by 180 gpd, or if the Usage Capacity determined in accordance with Sections 3.2 or 3.3 is expanded. Changing the Tapping Fee capacity value will require approval from the Authority Board.

**SECTION 5 LIENS**

Sewer rates and other charges imposed by this Resolution shall be a lien on the Improved Property connected to and served by the Sewer System; and any sewer rates and other charges which are delinquent shall be filed as a lien against the Improved Property connected to and served by the Sewer System, which lien shall be filed and collected in the manner provided by law for the filing and collecting of municipal claims and by any other legal method available to the Authority.

**SECTION 6 PROHIBITED WASTES**

**SECTION 6.1 UNLAWFUL TO DISCHARGE PROHIBITED WASTE**

No Person shall discharge or cause to be discharged any storm water, surface water, spring water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections, uncontaminated cooling water or unpolluted process waters into any Sewer.

**SECTION 6.2 RIGHT TO REFUSE CONNECTION, DISCONTINUE USE, OR REQUIRE PRETREATMENT**

The Authority reserves the right to refuse permission to connect to the Sewer System, to compel discontinuance of use of the Sewer System, or to compel pretreatment of Industrial Wastes by a

Non-Domestic or Multi-Use Establishment, in order to prevent discharges deemed harmful or to have a deleterious effect upon any Sewer or the Sewer System.

**SECTION 6.3 PROHIBITED WASTES**

No Sanitary Sewage or Industrial Wastes which exhibit one or more of the following characteristics shall be discharged to the Sewer System:

- A. Having a temperature higher than 120 °F.
- B. Containing more than 100 parts per million (ppm) by weight of fats, oils, and greases.
- C. Containing any gasoline, benzene, naphtha, fuel oil, or other inflammable or explosive liquids, solids, or gases.
- D. Containing any garbage that has not been ground by household type or other suitable garbage grinders.
- E. Containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solids or viscous substances capable of causing obstruction or other interferences with proper operation of any part of the Sewer System.
- F. Having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazards to structures, equipment, or personnel of any part of the Sewer System.
- G. Containing toxic or poisonous substances in sufficient quantity to injure or interfere with any wastewater treatment process, or constitute hazards to humans or animals, or to create any hazards in waters which receive treated effluent from the wastewater treatment plant. Toxic wastes shall include, but not by way of limitation, wastes containing cyanide, chromium, copper, and nickel ions.
- H. Containing noxious or malodorous gases or substances capable of creating a public nuisance, unless otherwise permitted, authorized, or approved by the Authority and the Commonwealth of Pennsylvania or any duly constituted board, commission, or department of the Commonwealth of Pennsylvania.
- I. Containing total solids of such character and quantity that special or unusual attention or expense is required for their handling.
- J. Otherwise prohibited by the Authority or the Township by subsequently adopted or enacted resolution or ordinance, as applicable.

**SECTION 6.4 APPROVAL OF PRETREATMENT PLANS**

Where necessary, all Owners shall install suitable pretreatment facilities in order to comply with Section 6.3. Plans, specifications, and any other pertinent information relating to proposed facilities for preliminary treatment and handling of wastes shall be submitted for approval of the Authority, and no construction of any such facility shall be commenced until approval thereof first shall have been obtained, in writing, from the Authority, and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction.

**SECTION 6.5 MAINTENANCE AND OPERATION OF PRETREATMENT FACILITIES**

Whenever facilities for preliminary treatment and handling of wastes shall have been provided by any Owner, such facilities continuously shall be maintained, at the expense of such Owner, in satisfactory operating condition; and the Authority shall have access to such facilities at reasonable times for purposes of inspection and testing.

**SECTION 6.6 SPECIAL AGREEMENTS FOR ADMITTING INDUSTRIAL WASTES INTO THE SEWER SYSTEM**

Nothing contained in this Section 6 shall be construed as prohibiting any special agreement or arrangement between the Authority and any Person whereby Industrial Wastes of unusual strength or character may be admitted into the Sewer System by the Authority, either before or after preliminary treatment.

**SECTION 7 INDUSTRIAL WASTES**

**SECTION 7.1 PERMIT REQUIRED TO DISCHARGE INDUSTRIAL WASTE**

No person shall discharge or cause to be discharged into the Sewer System any Industrial Wastes except upon application to the Authority and upon receipt of a written permit therefore from the Authority and subject to such conditions, charges, and surcharges, if applicable, as may be prescribed by the Authority.

**SECTION 7.2 APPLICATION TO DISCHARGE INDUSTRIAL WASTES**

Any Person desiring to make or use a connection to the Sewer System through which Industrial Wastes shall be discharged into the Sewer System shall file with the Authority an "Industrial Wastes Questionnaire" to be furnished by the Authority, which supplies to the Authority pertinent data including estimated quantity of flow, characteristics and constituent, with respect to Industrial

Wastes proposed to be discharged into the Sewer System. The cost of obtaining all such data shall be borne by the Person desiring to make or use a connection to the Sewer System.



**SECTION 7.3 REQUIREMENT TO CONSTRUCT AND MAINTAIN MONITORING FACILITIES**

Any Person who shall discharge Industrial Waste into the Sewer System, when required by the Authority, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole and other devices as may be approved by the Authority to facilitate observation, measurement, and sampling by the Authority of Industrial Wastes discharged to the Sewer System.

**SECTION 7.4 REQUIREMENT TO NOTIFY AUTHORITY OF CHANGE IN PRODUCTION OR DISCHARGE CHARACTERISTICS**

The Owner of any Non-Domestic or Multi-Use Establishment discharging Sanitary Sewage and/or Industrial Wastes into the Sewer System and contemplating a change in the method of operation which will alter the characteristics and/or volume of wastes at the time being discharged into the Sewer System shall notify the Authority, in writing, at least 90 days prior to consummation of such change. The Authority may require the Establishment to prepare and submit a revised Industrial Wastes Questionnaire describing in detail the nature of the change in wastewater characteristics. The Establishment shall not discharge wastewater from the modified facilities until approval of the modified discharge is granted by the Authority, whose approval will not be unreasonably withheld.

**SECTION 7.5 REQUIREMENT TO PROVIDE GREASE, OIL, AND SAND INTERCEPTORS**

Grease, oil, and sand interceptors shall be provided by the Owner of any Non-Domestic or Multi-Use Establishment, when required by the Authority, for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable waste, sand, or other harmful ingredients. Any interceptor, when required by the Authority, shall be of a type and capacity approved by the Authority and constructed or installed at an accessible, safe, suitable, and satisfactory location in accordance with plans approved by the Authority prior to installation or commencement of construction.

**SECTION 7.6 MAINTENANCE OF GREASE, OIL, AND SAND INTERCEPTORS**

A Non-Domestic or Multi-Use Establishment required by the Authority to provide grease, oil, or sand interceptors shall clean and maintain the interceptors as recommended by the manufacturer of the interceptor. Accumulated grease, oil, and sand shall be removed from the interceptors as often as required to maintain the performance efficiency of the interceptor. Proof of such maintenance shall be submitted to the Authority.

## **SECTION 7.7 REQUIREMENT FOR FLOW EQUALIZATION**

The Authority reserves the right to require Non-Domestic or Multi-Use Establishments having large variations in rates of waste discharge to install suitable regulation devices for equalizing waste flows to the Sewer System.

## **SECTION 8 ACCESS**

The Authority shall have the right of access at reasonable times to any part of any Improved Property served by the Sewer System and any meters used for purposes of inspection, measurement, sampling, and testing and for performance of other functions relating to service rendered by the Authority in connection with the Sewer System.

## **SECTION 9 ENFORCEMENT**

### **SECTION 9.1 COMPLIANCE NOTICE**

When the Authority finds that a Person has violated, or continues to violate any provision of Sections 6 or 7 of this Resolution, a Wastewater Discharge Permit, or any other Pretreatment Standard or Requirement, or that the discharge from the Person causes the Authority's wastewater treatment facility to violate any condition of its National Pollutant Discharge Elimination System (NPDES) discharge permit, or that the Person's past violations are likely to recur, the Authority may issue a Compliance Notice to the Person.

- A. Through the Compliance Notice, the Authority may direct the Person to take any or all of the following actions:
  - 1) Cease and desist all such violations.
  - 2) Comply with this Resolution, a Wastewater Discharge Permit or any applicable Pretreatment Standard or Requirement within the period of time specified in the Compliance Notice:
    - a. Provide a written explanation for the violation.
    - b. Submit a specific plan for the satisfactory correction and prevention of the violation.
    - c. Take appropriate remedial or preventive action as deemed necessary to properly address a continuing or threatening violation including, but not limited to, halting operations and/or terminating the discharge, additional self-monitoring, and implementation of management practices designed to minimize the number of pollutants discharged to the sewer system.
- B. If the Person does not come into compliance within the period of time specified in the Compliance Notice, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated by the Person.

- C. Compliance with the demands set forth in the Compliance Notice shall not relieve the Person of liability for any violation occurring before or after receipt of the Compliance Notice. This will include any continuing violation. Nothing in this Section shall limit the ability of the Authority to take any action, including emergency actions or other enforcement actions, without first issuing a compliance notice.
- D. A Compliance Notice shall not extend the deadline for compliance established for a Pretreatment Standard or Requirement Issuance of a Compliance Notice shall not bar against, or be a prerequisite for, taking any other actions against the Person.

## **SECTION 9.2 PENALTIES**

When the Authority finds that a Person has violated, or continues to violate, any provision of Sections 6 or 7 of this Resolution, a Wastewater Discharge Permit, or any other Pretreatment Standard or Requirement, the Authority may assess a fine to the Person in accordance with the law. The fine shall be a minimum of Two Hundred Fifty Dollars (\$250.00) per violation and shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00) per violation, per day.

- A. Each violation for each separate day shall constitute a separate and distinct offense. In the case of a monthly or other long-term average discharge limit, fines shall accrue for each day during the period of violation.
- B. The Person shall pay the full amount of the fine within thirty (30) days from the date on which the Person is notified that a fine has been assessed. This notification may be given by service of a citation, complaint or any other written notice.
- C. If the Person elects to contest the charges or the amount of the fine that has been assessed, the person may file an appeal in accordance with appropriate law.

## **SECTION 9.3 CIVIL REMEDIES**

When the Authority finds that a Person has violated, or continues to violate, any provision of Sections 6 or 7 of this Resolution, a Wastewater Discharge Permit, or any other Pretreatment Standard or Requirement, the Authority may recover costs for reestablishing the operation of the Authority's Sewer System, reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Authority. In addition, the Authority may petition the appropriate court through the Authority Solicitor for the issuance of a temporary or permanent injunction which restrains or compels the specific performance of the Wastewater Discharge Permit or other requirement imposed by this Resolution, on the activities of the Person.

#### **SECTION 9.4      TERMINATION OF SEWER SERVICE**

The Authority may immediately suspend a person's discharge, after notice to the Person, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, The Authority may also immediately suspend, after notice and opportunity to respond, a Person's discharge that threatens to interfere with the operation of the Authority's Sewer System, or which presents, or may present, an endangerment to the environment.

- A. Any Person notified of a suspension of its discharge shall immediately stop or eliminate the discharge to the Authority's Sewer System. In the event of a Person's failure to immediately comply voluntarily with the termination order, the Authority shall take steps, as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Authority's Sewer System, waters of the Commonwealth, or endangerment to any persons. The Authority shall allow the Person to recommence its discharge when the Person has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings set forth in this Resolution are initiated against the Person.
- B. A Person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the Authority within five (5) days of the date of occurrence, a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence.
- C. Nothing in the subsection shall be interpreted as requiring a hearing prior to any Termination of Sewer Service under the subsection.

#### **SECTION 9.5      DISCONNECTION**

The Authority may close-up or disconnect from the Sewer System any service lateral or grinder pump system which conveys rain water, ground water or other hazardous or objectionable matter to the Sewer System.

### **SECTION 10 ADOPTION OF ADDITIONAL RULES AND REGULATIONS**

The Authority reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the Sewer System, which rules and regulations shall be, shall become, and shall be construed as part of this Resolution.

**SECTION 11 EFFECTIVE DATE**

This Resolution shall become effective immediately.

**SECTION 12 CONSTRUCTION AND SEVERABILITY**

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

**SECTION 13 REPEALER**

All other resolutions or parts or resolutions inconsistent herewith expressly are repealed.

(Remainder of this page left blank intentionally.)



CERTIFICATE

I, the undersigned, Secretary of the Board of West Hanover Township Water and Sewer Authority (the "Authority"), certify that the foregoing is a true and correct copy of a Resolution which was duly adopted by affirmative vote of a majority of all members of the Board of the Authority at a meeting duly held on \_\_\_\_\_ at which meeting a quorum was present, after due notice to the members of the Board of the Authority and to the public and which was at all times open to the public; that said Resolution has been duly recorded in the minute book of the Authority; and that said Resolution is in full force and effect, without amendment, alteration, or repeal, as of the date of this certificate.

I further certify that the Authority met the public notice requirements of Act No. 84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, by advertising the place, date, and time of said meeting in a newspaper of general circulation, and by posting a notice of the place, date, and time of said meeting at the meeting place of the Board of the Authority, and by giving notice to parties upon request as required under Section 9 of said Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Authority, this 20<sup>th</sup> day of September 2022.

WEST HANOVER TOWNSHIP  
WATER AND SEWER AUTHORITY

BY:   
Chairman

ATTEST   
Secretary

