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A PROFESSIONAL CORPORATION

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October 9, 2015

Office of County Commissioners
Cumberland County Courthouse
One Courthouse Square
Carlisle, PA 17013

Re: Mechanicsburg Borough
(Sewer Ordinance Amendment and EDU Schedule)

Dear Sir or Madam:

Attached is a copy of the above-referenced proposed Ordinance which the Borough has advertised its Notice of Intent to enact at the October 20, 2015 regular meeting of Borough Council.

Please make this proposed ordinance available for public view.

Thank you for your assistance.

Very truly yours,

COYNE & COYNE, P.C.



Lisa Marie Coyne
Solicitor, Mechanicsburg Borough

LMC/cmc
Encls.

Cc: Mr. Patrick Dennis, Borough Manager

NOTICE

NOTICE IS HEREBY GIVEN by the Borough Council of the Borough of Mechanicsburg, Cumberland County, Pennsylvania, of its intention to consider for adoption, and to vote upon enactment of, an ordinance entitled and summarized hereafter, at its regularly scheduled meeting to be held on Tuesday, October 20, 2015, at 7:30 p.m., in the William L. Sunday Council Chambers, Borough Municipal Center, 36 West Allen Street, Mechanicsburg, Pennsylvania, or at another public meeting at said location not less than seven (7) nor more than sixty (60) days following publication of this notice.

The title of the proposed Ordinance and associated Table is:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF MECHANICSBURG, ADOPTED BY ORDINANCE 925 AND THEREAFTER AMENDED, WITH RESPECT TO CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, TO AMEND DEFINITIONS, BUILDING SEWERS AND CONNECTIONS REQUIREMENTS, DEFINE CAPITAL CHARGES, INCREASE THE TAPPING FEE FOR CONNECTION TO THE BOROUGH SEWER SYSTEM, INDUSTRIAL SURCHARGES, AND AMEND BILLING AND PAYMENT, DUE DAYS AND DELINQUENT SEWER RENTALS.

Upon enactment, this Ordinance and Table will, among other things, define capital charges and increase the tapping fee to \$5,337.00 per equivalent dwelling unit (EDU) for new connections to the Mechanicsburg sewer system and for the connection of additional connections or uses to existing connections of the Mechanicsburg sewer system. The Ordinance will also establish, per associated referenced Table, minimum tapping fees for the various use or establishment classifications which shall be the same as an equivalent dwelling unit (EDU) multiplied by the factor listed for that classification, plus any additional charges authorized under the Borough Code. The Ordinance and Table also provide that the Borough shall establish such fees and charges for non-residential users on a case by case basis using the associated Table as a minimum standard. The Borough may require water usage records as well as the installation of a wastewater meter to monitor flows and to calculate fees. Wastewater of high organic, inorganic, and/or nutrient strength may justify a higher EDU assessment.

The full text of the proposed ordinance and table may be examined at the Office of the Mechanicsburg Borough Manager, 36 West Allen Street, Mechanicsburg, Pennsylvania, during regular business hours. In addition, a copy of the proposed ordinance has been filed with the newspaper publishing this notice and at the office of the Cumberland County Commissioners, Courthouse, Carlisle, Pennsylvania.

Lisa Marie Coyne, Esq.
Solicitor, Mechanicsburg Borough

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF MECHANICSBURG, ADOPTED BY ORDINANCE 925 AND THEREAFTER AMENDED, WITH RESPECT TO CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, TO AMEND DEFINITIONS, BUILDING SEWERS AND CONNECTIONS REQUIREMENTS, DEFINE CAPITAL CHARGES, INCREASE THE TAPPING FEE FOR CONNECTION TO THE BOROUGH SEWER SYSTEM, INDUSTRIAL SURCHARGES, AND AMEND BILLING AND PAYMENT, DUE DAYS AND DELINQUENT SEWER RENTALS.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Mechanicsburg, Cumberland County, Pennsylvania, as follows:

SECTION 1: Section 18-101 [Definitions] of Part 1 [Sewer Connections and Uses] of Chapter 18 [Sewers and Sewage Disposal] of the Code of Ordinances of the Borough of Mechanicsburg is hereby amended to include the following additional definitions and to amend and revise prior definitions with these definitions to be added in alphabetical order as follows:

CAPITAL CHARGES – Connection Fees, Customer Facilities Fees and/or Tapping Fees imposed by the Borough to recover specific costs and equity in the system relative to new connections or existing connections with modifications resulting in additional capacity demand or additional costs incurred by the Borough for the connection of a property to the system.

DOMESTIC SEWAGE — The normal water-carried household and toilet waste not exceeding the average concentration discharge parameters, collected from residences, commercial establishments, institutions, industries, and other users of the sewer system:

| | |
|------------------------|----------|
| BOD | 238 mg/l |
| Total Suspended Solids | 240 mg/l |
| Total Phosphorus | 6 mg/l |
| Total Nitrogen | 42 mg/l |

EQUIVALENT DWELLING UNIT (EDU) — Is a unit of service equivalent to that provided to a single family home, room, group of rooms, house, trailer, building, accessory structure, or other enclosure occupied or intended for occupancy as separate living quarters by an individual, family or any group of persons, excluding institutional dormitories.

IMPROVED PROPERTY — Any property within the Borough 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 domestic sewage and/or industrial waste shall be discharged.

SECTION 2: Paragraph 7 of Section 18-103 [Private Sewage Disposal] of Part 1 [Sewer Connection and Uses] of Chapter 18 [Sewers and Sewage Disposal] of the Code of Ordinances of the Borough of Mechanicsburg is hereby amended to state in its entirety as follows:

7. When a public sanitary sewer becomes available, the building sewer shall be connected to said public sanitary sewer within sixty (60) days after notice to connect, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

SECTION 3: Paragraphs 1 thru 4 of Section 18-104 [Building Sewers and Connections.] of Part 1 [Sewer Connection and Uses] of Chapter 18 [Sewers and Sewage Disposal] of the Code of Ordinances of the Borough of Mechanicsburg are hereby amended to state in their entirety as follows:

1. No connection of plumbing fixtures shall be made to the sewer system and no unauthorized person shall uncover, open, use, alter, or disturb any public sanitary sewer or appurtenance thereof before the owner of the property in which the work is to be done, or the plumber who is to do the work as the owner's representative, shall have first obtained a connection permit from the Borough.

2. The owner or his agent shall make application for a sewer connection permit on a form furnished by the Borough. The application for a permit shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Borough. A tapping fee shall be paid to the Borough at the time the application is filed.

3. The owner or his agent shall construct the building sewer and the lateral in accordance with the provisions of this chapter and all other applicable Borough requirements.

In lieu of payment of a Connection Fee, all costs and expenses incident to the installation and connection of the building sewer and the lateral shall be the responsibility of the owner. The owner shall indemnify the Borough from any loss or damage that may result directly or indirectly from the installation of the building sewer or the lateral.

4. Separate buildings on one tract or lot of land under single ownership may be connected to the sewer system by one sewer lateral, provided that the following requirements are met:

A. All building sewers and other connections between buildings, and related infrastructure, must be constructed in accordance with all Borough specifications and must be inspected by the Borough prior to being covered and placed in use.

- B. The sewer lateral must be of sufficient size to accommodate the total sanitary sewer discharge from the curb to the sewer main. In the event a sewer lateral must be replaced to accommodate an increased flow, the total cost shall be borne by the property owner.
- C. A tapping fee shall be paid for each Equivalent Dwelling Unit (EDU) to be connected to and serviced by the sewer system.
- D. Each Equivalent Dwelling unit, in the case of residential usage, and each separate industrial or commercial establishment shall be considered a separate connection for purposes of computing and billing sewer rentals established in § 18-201, Sewer Rentals and Sewer Capital charges, of this chapter.
- E. The owner shall comply with all applicable provisions of this chapter.
- F. At such time as the lot or tract is subdivided for any purpose, or in the event ownership is severed for purposes of condominiums or otherwise, a separate and independent building sewer and lateral shall be provided for each and every building.

SECTION 4: Part 2 of Chapter 18 [Sewers and Sewage Disposal] of the Code of Ordinances of the Borough of Mechanicsburg is hereby amended and shall now be known as

PART 2: Sewer Capital Charges and Sewer Rentals.

SECTION 5: Paragraph 1 of Section 18-201 [Sewer Rentals and Sewer Capital Charges] of Part 2 [Sewer Capital Charges and Sewer Rentals] of Chapter 18 [Sewer and Sewage Disposal] of the Code of Ordinances of the Borough of Mechanicsburg is hereby amended as follows:

§18-201. Sewer Rentals and Sewer Capital Charges.

1. Effective January 1, 2012, all owners of property connected with the sewers, sewerage system and sewage treatment works of the Borough of Mechanicsburg, Pennsylvania, and all the owners of property who may thereafter connect and have the use of said sewerage system, shall pay capital charges, tapping fees and rentals or charges, payable quarterly, as hereinafter provided, for the use, whether directly or

indirectly, of such sewage facilities, based on the following schedule of rates and in accordance with the following classifications:

| Rate per 1,000 gallons | Beginning Usage | Ending Usage |
|-----------------------------------|------------------------|---------------------|
| Base rate: \$85 per unit or use | 0 gallons | 6,000 gallons |
| \$5 per 1,000 gallons or pro rata | 6,001 gallons | No limit portion |

All discharges into the sewers, sewerage system and sewage treatment works occurring prior to January 1, 2012, shall be charged at the rates theretofore in effect.

SECTION 6: Paragraphs 3 thru 5 of Section 18-201[Sewer Rentals and Sewer Capital Charges] of Part 2 [Sewer Capital Charges and Sewer Rentals] of Chapter 18 [Sewer and Sewage Disposal] of the Code of Ordinances of the Borough of Mechanicsburg is hereby amended in its entirety as follows:

3. Surcharge Schedule.

A. The owner of an establishment discharging wastes to the sewer system having an average five-day BOD greater than the Domestic Sewage concentration of 238 milligrams per liter, and/or a suspended solids content greater than 240 milligrams per liter, and/or a total phosphorus content greater than 6 milligrams per liter, and/or a total nitrogen content greater than 42 milligrams per liter shall pay a quarterly strength-of-waste surcharge in addition to applicable volume charges, equal to in accordance with the following strength-of-waste surcharge equation:

$$\text{Quarterly surcharge} = (\text{OMP}) (M/4) [(\text{discharge conc.} - \text{domestic concentration.}) \\ 8.34 Q/B] + (\text{CCP})(ACF/4) [(\text{discharge concentration.} - \text{surcharge concentration.}) \\ 8.34 Q/B]$$

Where:

- OMP = Operation and maintenance cost percentage, taken as the percentage of total facility O&M costs attributed to the treatment of the specific pollutant of concern.
- M = Annual Mechanicsburg sewerage operation facilities operation and maintenance budget.
- Q = Average daily flow, expressed in million gallons per day, of the wastewater discharge which is subject to the payment of a surcharge

B = Average loading of the specific pollutant of concern to the Mechanicsburg WWTP over a calendar quarter, expressed in pounds per day.

CCP = Capital cost percentage, taken as the percentage of the total facility capital costs attributed to the treatment of the specific pollutant of concern.

ACF = Total facility amortized cost.

B. Surcharges shall be applicable to all sewer rental billings. The strength of industrial wastes to be used for establishing the amount of surcharges shall be determined at least once quarterly either: (1) by suitable sampling and analysis of the industrial waste for three consecutive days during a period of normal plant operation; or (2) from estimates made by the Borough; or (3) from known relationships of products produced to strengths of wastes for those customers where such factors have been established. In establishing waste strengths for surcharge purposes by analysis, analyses shall be made in accordance with procedures established by the EPA pursuant to § 304(g) of the Clean Water Act and contained in 40 CFR, Part 136, as amended. Owners of establishments discharging sewage and/or extra strength waste to the sewer system shall furnish the Borough, upon request, all information deemed essential by the Borough for the determination of applicable sewer rental surcharges for excess-strength wastes. The cost of obtaining such information shall be borne by the owner of the establishment.

C. Each user of the sewerage system operated by this Borough who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the sewage treatment plant operated by this Borough shall pay for such increased costs, which payment shall be in addition to all other sewer rentals or charges imposed for use of said sewerage system.

4. Schedule of connection charges.

All owners of property connecting with the sewers, sewerage system and sewage treatment works of the Borough of Mechanicsburg, Pennsylvania, shall pay an additional connection charge to the Borough of Mechanicsburg in an amount equal to the Borough's actual cost related to facilities installed between the sewer main and property line to connect a property to the Borough's system including installing the lateral for said connection; provided, however, that this additional connection charge shall not be paid to the Borough by the owner of a land subdivision or a developer who has been required to install sewers and laterals as a condition to the approval of the subdivision or development plan or where the facilities are constructed and dedicated by the property owner who requested the connection.

5. Schedule of Tapping fees.

A. For New Connections to the Borough's System

- (1) Residential properties: The calculation of residential EDU's shall be as outlined in Exhibit 1. For the first dwelling unit or EDU connected to the system the fee is \$5,337.00:

| | |
|-----------------|------------|
| Capacity Part | \$2,982.00 |
| Collection Part | \$2,355.00 |

The fee for each additional dwelling unit or EDU is \$5,337.00.

- (2) Commercial properties: The amount of the tapping fee will be based on the amount of capacity required by the connection as measured by the higher of actual or estimated sewage flow or water usage computed at the rate of \$25.06 per gallon.

| | |
|-----------------|--------------------------|
| Capacity Part | \$14.00 per daily gallon |
| Collection Part | \$11.06 per daily gallon |

There is a minimum tapping fee of \$5,337.00. Where a commercial property is comprised of multiple individual units, a tapping fee will be determined for each unit based on its intended use and computed using the higher of actual or estimated sewage flow or water usage. Multiple minimum fees may be charged.

For properties in which flow is unknown, the schedule included in Exhibit 1 will be used. The fee may be adjusted up, if necessary, based upon a future evaluation of twelve months water consumption of said property.

- (3) Industrial / Institutional properties: The amount of the tapping fee will be based on the amount of capacity required by the connection as measured by the higher of actual or estimated sewage flow or water usage computed at the rate of \$25.06 per gallon.

| | |
|-----------------|--------------------------|
| Capacity Part | \$14.00 per daily gallon |
| Collection Part | \$11.06 per daily gallon |

Where an industrial property is comprised of multiple individual units, a tapping fee will be determined for each unit based on its intended use and computed using the higher of actual or estimated sewage flow or water usage computed at the rate of \$25.06 per gallon.

For properties in which flow is unknown, the schedule included in Exhibit 1 will be used. The fee may be adjusted up, if necessary, based upon a future evaluation of twelve months water consumption of said property.

B. For Modification of Existing Connections:

Where any property connected to said sewer line shall be converted, enlarged or remodeled or additional building shall be constructed on a property and connected directly or indirectly to said collection line through an existing lateral, the property owner is responsible for providing detailed information to the Borough regarding the improvements to be made to the property. The Borough will calculate the appropriate tapping fee charge based upon the information provided by the property owner documenting the additional capacity needs. Said calculation will be based upon the additional estimated flow to be discharged from a nonresidential establishment. For residential establishments, or those for which additional flow is unknown, the schedule included as Exhibit 1 will be used. This additional tapping fee shall be payable to the Borough by the owner of said property. The fee may be adjusted up, if necessary, based upon a future evaluation of twelve months water consumption following modification of said property.

SECTION 7: Section 18-202 [Billing and Payment; Due Dates; Delinquent Sewer Rental] of Part 2 [Sewer Capital Charges and Sewer Rentals] of Chapter 18 [Sewer and Sewage Disposal] of the Code of Ordinances of the Borough of Mechanicsburg is hereby amended in its entirety as follows:

§18-202. Billing and Payment; Due Dates; Delinquent Sewer Rentals.

The above capital charges shall be payable upon application for permit to make such connection. The above rental charges shall be paid quarterly, in advance, and quarterly billings for sewage service shall be made as of the first days of January, April, July and October of each year. The above surcharge payments shall be applied to the then current quarterly rentals and to all subsequent quarterly rentals until the BOD, and/or suspended solids, and/or phosphorus, and/or total nitrogen concentrations no longer exceed the limits set forth in this Part 2. The first bills will be sent out for the first quarterly period or portion thereof during which the sewage system operates. The owners of properties connecting during any such quarterly period shall pay a pro-rata charge for service for the balance of said period. Quarterly charges for sewage service shall be subject to a 10% penalty if not paid within thirty (30) days of the first day of each quarter. The Borough shall have the right to cut off sewage service from the delinquent premises and not to restore the same until all delinquent bills against the same and the cost of cutting off and restoring service shall have been paid.

SECTION 8: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 9: In all other respects, Chapter 18, Sewers and Sewage Disposal, of the Code of Ordinances of the Borough of Mechanicsburg shall remain as heretofore enacted, ordained and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

SECTION 10: The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as if such unconstitutional, illegal or invalid provisions had not been included therein.

SECTION 11: Amendments to Ordinance are effective upon enactment.

ENACTED AND ORDAINED this ____ day of _____, 2015.

ATTEST:

BOROUGH OF MECHANICSBURG

Patrick E. Dennis, Secretary

By: _____
Rodney L. Whitcomb, President

APPROVED this ____ day of _____, 2015.

Jack C. Ritter, Mayor

EXHIBIT 1 - EDU CLASSIFICATION FOR TAPPING FEE CHARGES

The minimum tapping fee for the various classifications listed below shall be the same as an equivalent dwelling unit (EDU) multiplied by the factor listed for that classification, plus any additional charges authorized under the Borough Code. The Borough shall establish such fees and charges for non-residential users on a case by case basis using the following table as a minimum standard. The Borough may require water usage records as well as the installation of a wastewater meter to monitor flows and to calculate fees. Wastewater of high organic, inorganic, and/or nutrient strength may justify a higher EDU assessment.

| TYPE OF ESTABLISHMENT | MINIMUM MULTIPLYING FACTOR |
|---|--|
| 1. Residential Establishments: | |
| <input type="checkbox"/> Single family dwelling | 1.0 |
| <input type="checkbox"/> Apartment per unit | 1.0 |
| <input type="checkbox"/> Modification of existing dwelling | 0.5 minimum addl. charge for each dwelling unit added (up to one additional bathroom), + 0.5 for every two addl. bathrooms added |
| <input type="checkbox"/> Conversion of existing accessory structure (shed, garage, other) in to a separate dwelling unit | 1.0 |
| 2. Commercial Establishments: | |
| <input type="checkbox"/> Each commercial establishment not set forth hereinafter | 1.5 |
| <input type="checkbox"/> Each business or professional office: | |
| i. Five or less employees | 1.5 |
| ii. Each additional five employees or fraction thereof | 0.5 |
| <input type="checkbox"/> Each improved property having a commercial (1/2 horsepower or greater) garbage grinder. For each such grinder, this charge shall be in addition to any charge for any other classification applicable to such improved property as set forth herein. | 1.0 |
| <input type="checkbox"/> Each hotel, motel or tourist home (in addition to any charge for restaurant facilities located therein) per rental room | 0.5 |
| <input type="checkbox"/> Each restaurant, club, or tavern (whether a separate Improved Property or located within an improved property): | |

| | | |
|------|---|-----|
| i. | per ten seats or fraction thereof | 1.5 |
| ii. | per five employees or fraction thereof | 0.5 |
| iii. | each seat over ten | 0.1 |
| □ | Each day care facility: | |
| i. | Ten people or less enrolled and or employed at the facility | 1.5 |
| ii. | Each additional person enrolled and or employed at the facility | 0.1 |
| □ | Each dependent care facility: | |
| i. | Ten people or less enrolled and or employed at the facility | 1.5 |
| ii. | Each additional person enrolled and or employed at the facility | 0.1 |
| □ | Each Post Office | 1.5 |
| □ | Each church, fire hall, or community building | 1.0 |
| □ | Each service station or automobile repair garage: | |
| i. | Three bays or less (without car wash facilities) | 1.5 |
| ii. | Three bays or less (with car wash facilities) | 2.0 |
| iii. | Each additional bay over three | 0.5 |
| □ | Each Laundromat, per washing machine | 1.0 |
| □ | Each separate car washing establishment (without a service station or automobile repair garage): | |
| i. | Three bays or less | 2.0 |
| ii. | Each additional bay | 0.5 |
| □ | Each bowling alley (in addition to any charge associated with restaurant facilities as described previously) per five lanes or fraction thereof | 1.0 |
| □ | Each barber shop | |
| i. | Two chairs or less | 1.5 |
| ii. | Each additional chair | 0.5 |

- Each beauty shop
 - i. One chair 1.5
 - ii. Each additional chair 0.5
- Each municipal building 1.0

3. Institutional Establishments:

- Each public or private day school per pupil, based upon the number of pupils enrolled when the school was in session during the immediately preceding full school term. Teachers and employees shall be classified and treated as pupils for purposes of this Schedule. 1 per 10 pupils
- Each public or private resident school per pupil, based upon the number of pupils enrolled on days when the school was in session during the immediately preceding full school term. Teachers and employees shall be classified and treated as pupils for purposes of this Schedule. 1 per 10 pupils

4. Industrial Establishments

- Industrial Establishments not providing showers for employees:
 - i. Five or less employees 1.5
 - ii. Each additional five employees over ten or fraction thereof 0.5
- Industrial Establishments providing showers for employees:
 - i. Five or less employees 2.0
 - ii. Each additional five employees or fraction thereof 1.0