

ORDINANCE NO. \_\_\_\_\_ 1-2023 \_\_\_\_\_

AN ORDINANCE OF THE TOWNSHIP OF SALEM, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA AMENDING SALEM TOWNSHIP ORDINANCE NO. 64 TO CREATE PROVISIONS FOR THE REMOVAL OF FATS, OILS AND GREASE FROM THE TOWNSHIP'S SANITARY SEWER SYSTEM

WHEREAS, the Board of Supervisors of Salem Township (hereafter the "Township") is authorized by the Second Class Township Code to provide for the transportation and treatment of sanitary sewage within the geopolitical boundaries of the Township; and

WHEREAS, the Township has made provisions for the transportation and treatment of sanitary sewage through an Intergovernmental Cooperation Agreement or Agreements with the Franklin Township Municipal Sanitary Authority (hereafter the "FTMSA"); and

WHEREAS, as part of the agreements reached with the FTMSA, the Township enacted Ordinance No. 64:

REGULATING THE DISCHARGE OF INDUSTRIAL WASTES AND SANITARY SEWAGE; PROHIBITING CERTAIN DISCHARGES INTO THE SEWER SYSTEM; IMPOSING SERVICE CHARGES AND SURCHARGES; PROVIDING FOR BILLING, COLLECTION AND FILING OF LIENS; PROVIDING PENALTIES; PROVIDING FOR INVALID PROVISION; REPEALING ALL INCONSISTENT ORDINANCES; AND ESTABLISHING THE EFFECTIVE DATE

WHEREAS, the FTMSA has adopted a program to ensure the removal of Fats, Oils and Grease (hereafter the "FOG Program") from its sanitary sewage treatment facilities by requiring commercial kitchens to install and maintain grease traps; and

WHEREAS, the Board of Supervisors of Salem Township desires to amend portions of Ordinance 64 to require the installation and maintenance of grease traps in commercial kitchens within the Township consistent with the terms and requirements of the FOG Program; and

WHEREAS, the proposed amendments to Salem Township Ordinance No. 64 are reflected in the copy of Ordinance 64 attached hereto as Exhibit "A", with deleted provisions being struck through and new provisions to be added underlined.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM, COUNTY OF WESTMORELAND COMMONWEALTH OF PENNSYLVANIA, HEREBY ORDAINS AND ENACTS AS FOLLOWS:

1. THAT, those amendments to Salem Township Ordinance No. 64 reflected in the attached Exhibit "A" shall be and are hereby approved, ordained and enacted by this Ordinance.
2. THAT, the Township Secretary shall cause the amendments approved herein to be filed in the Township's Ordinance Book and sent to the Manager of the FTMSA forthwith upon the enactment of this Ordinance.

THIS ORDINANCE IS ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF SALEM TOWNSHIP AT AN ADVERTISED PUBLIC MEETING HELD THE 21<sup>ST</sup> DAY OF June, 2023 AND SHALL BE EFFECTIVE IN FIVE (5) DAYS.

ATTEST:

THE BOARD OF SUPERVISORS OF  
THE TOWNSHIP OF SALEM

Kelly Otto  
Kelly Otto, Secretary

By: Robert H. Zundel  
Robert Zundel, Chairman

Kenneth Trumbetta  
Kenneth Trumbetta, Vice-Chairman

Kerry Jobe  
Kerry Jobe, Supervisor

**EXHIBIT "A"**

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TOWNSHIP OF SALEM  
ORDINANCE NO. 64

REGULATING THE DISCHARGE OF INDUSTRIAL WASTES AND  
SANITARY SEWAGE; PROHIBITING CERTAIN DISCHARGES INTO THE  
SEWER SYSTEM; IMPOSING SERVICE CHARGES AND SURCHARGES;  
PROVIDING FOR BILLING, COLLECTION AND FILING OF LIENS;  
PROVIDING PENALTIES; PROVIDING FOR INVALID PROVISION;  
REPEALING ALL INCONSISTENT ORDINANCES; AND ESTABLISHING  
THE EFFECTIVE DATE.

WHEREAS, the Township of Salem, in order to promote the health, safety and welfare of the residents of the Township and of the Commonwealth of Pennsylvania, and the purity of its waters, has entered into an Agreement with the Franklin Township Municipal Sanitary Authority dated the 20<sup>th</sup> day of January, 1983, with respect to the transportation, treatment and disposal of acceptable sanitary sewage and/or industrial waste from the Users; and

WHEREAS, it is necessary and appropriate to regulate the use of said Sewer System and to impose sewer service charges for such service;

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

ARTICLE I

DEFINITIONS

SECTION 1.01 The following words and terms used in this Ordinance shall have the following meanings, unless the content clearly requires otherwise;

Abnormal industrial waste shall mean any industrial waste having a suspended solid content or B.O.D. appreciably in excess of that normally found in municipal sewage. For the purposes of this Ordinance, any industrial waste containing more than 320 parts per million (p.p.m.) of suspended solids, or a chlorine demand greater than 15 p.p.m. or having a B.O.D. in excess of 320 p.p.m. regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage, shall be considered to be normal industrial waste.

Agreement shall mean the aforementioned Agreement with the Franklin Township Municipal Sanitary Authority and the Township.

Authority shall mean Franklin Township Municipal Sanitary Authority.

B.O.D. shall designate the "Biochemical Oxygen Demand" and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter in sewage or industrial waste under standard laboratory procedure in five days at 20° C., expressed in p.p.m. by weight. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Association (hereinafter termed an "acceptable method").

Board shall mean the Board of Supervisors of the Township, and its successors and assigns.

Dwelling Unit shall mean any room, group of rooms, enclosures, etc., occupied or intended for occupancy as a separate living quarters by a family or other group of persons living together or by persons living alone. Each dwelling unit in a double house, in a row of connecting houses, or in an apartment shall be a separate entity for sewer service charges purposes.

Garbage shall mean solid wastes from food, food products and produce.

Industrial Wastes shall mean any liquids, gaseous or waterborne wastes from industrial manufacturing, commercial or business establishments or processes or from the development, recovery or processing of any natural resources, as distinguished from sanitary sewage.

Occupied Building shall mean any structure intended for occupancy by persons or animals, and from which structured sanitary sewage and/or industrial wastes are discharged.

Person includes natural persons, partnerships, associations, private and public corporations, clubs, societies, institutions and governments and governmental agencies and subdivisions thereof.

ph shall mean the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter, and shall be determined by an acceptable method.

Properly shredded garbage shall mean garbage that has been shredded so that it will be carried freely under normal flow conditions in the Township Sewer System, with no particle greater than 1/2" in any dimension.

Sanitary sewage shall mean the normal water-carried household and toilet wastes, from residences, business and other buildings, institutions, schools, churches, and industrial and commercial establishments, exclusive of store water runoff, surface or groundwater.

Sewage shall mean a combination of water-carried wastes from residences, business and other buildings, institutions, schools, churches, and industrial and commercial establishments, together with such ground water, surface water and storm water runoff as may be presented.

Sewage treatment works shall mean the sewage treatment plan and its appurtenances of the Franklin township Municipal Authority.

Sewer shall mean a sewer which carries sanitary sewage and/or industrial wastes.

Sewer System shall mean all sewers at any time constructed or acquired by the Township and/or any municipal authority it may create.

Suspended solids shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration. Quantitative determination of suspended solids shall be made by an acceptable method.

Total Sewer System shall mean the Sewer System and the sewage treatment works.

Township shall mean the Township of Salem and its successors and assigns.

Users shall mean, at any particular time and as defined in the Agreement, property owners and all persons in the Township (within the township Sewer System as defined in the Agreement) using the Township Sewer System, directly or indirectly, and their heirs, personal representatives, administrators, successors and assigns.

Unpolluted water shall mean any water or wastes not containing any of the following: free or emulsified grease or oil; acids or alkalis, phenols or other substances imparting taste and odor or color to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; or obnoxious or odorous gases. It shall not contain more than 10,000 p.p.m. by weight of dissolved solids, of which not more than 1,500 p.p.m. shall be as chloride and not more than 3,200 p.p.m. each of suspended solids and B.O.D. The color shall not exceed 50 p.p.m. Analysis for any of the above-mentioned substances shall be made by an acceptable method.

Volume of water used shall include, for sewer service charge and surcharge purposes, metered water purchased from the Water Utility and all water obtained from wells, springs, streams, etc. as determined by water meters or estimates or measurements made by the Water Utility, the Township, or the Franklin Township Municipal Authority, as the cases may be.

Water Utility shall mean any public corporation or utility supplying water within the Beaver Run area of the Township.

## ARTICLE II

### ADMISSION OF INDUSTRIAL WASTES AND SANITARY SEWAGE TO THE SEWER SYSTEM

Section 2.01 Any and all industrial wastes and sanitary sewage may be discharged into the Sewer System except those which are deemed harmful to the total Sewer System, the operation thereof, or are specifically prohibited by this Ordinance or the Franklin Township Municipal Authority, however, acceptable, but abnormal industrial wastes, adds to the costs of operating and maintaining the total Sewer System; and such additional cost should be borne by the person adding such abnormal industrial wastes.

Section 2.02. The Board reserves the right to refuse connection to the Sewer System for discharge of deleterious industrial wastes, or to compel users of the Sewer System to discontinue the use of the Sewer System for such wastes, or to require pretreatment thereof in order to prevent harmful or adverse effect upon the total Sewer System. The design, construction, and operation of any such pretreatment facilities shall be subject to the approval of the Board; and the standards used by the Board in the enforcement of this Ordinance shall be at least comparable to those used by the Franklin Township Municipal Authority.

Section 2.03. The Board may require industries having large variations in the rate of discharge of industrial wastes to install regulating devices, approved by the Board, for equalizing flows of industrial wastes.

Section 2.04. Industrial wastes or sanitary sewage will be considered harmful to the total Sewer System if it may cause any of the following damaging effects: (a) chemical reaction or mechanical action which may damage the construction materials of the total Sewer System; (b) restriction of the hydraulic capacity, normal inspection or maintenance of such sewer structures; (c) danger to public health and safety; or (d) obnoxious condition inimical to public interest.

Section 2.05. The Board may require any person discharging industrial wastes to install and maintain, at his expense, a manhole, suitable to the board, on his connection sewer to facilitate observation, sampling and measurement of the flow of wastes from the premises by the Board.

Section 2.06. To effectuate the provisions hereof, the Board shall have access at all reasonable times to dwelling units and other buildings of users, and to any meters for measuring water consumption, water excluded from the total Sewer System, and sewage and/or industrial wastes discharged into the total Sewer System.

### ARTICLE III PART A

#### PROHIBITED WASTES AND SANITARY SEWAGE

Section 3.01. The discharge of excessive amounts of unpolluted water into the Total Sewer system is prohibited. The Board reserves the right to define, from time to time, the amount which shall be excessive in each particular instance and to determine the adequacy of the capacity of a sewer.

Section 3.02. The discharge of garbage to the Sewer System is prohibited except properly shredded garbage from a single family unit, and the Board may disapprove a type of mechanical garbage grinder.

Section 3.03. No person shall discharge or permit the discharge or infiltration into the Total Sewer System wastes or sanitary sewage containing any of the following substances:

- A. Ashes, cinders, sand, mud, grease, lime or acetylene sludges, straw, shaving, metal, glass, rags, feathers, tar, plastic, wood, sawdust, paunch manure, cotton, chemical or paint residue, wool, plastic or other fibers, hair, hides, dead animals, spent mash and grain, pulp from food processing, water or wastes containing grease, fat or oil in excess of 100 p.p.m. or any other liquids, gases, solids or viscous substances which by reason of their quality, quantity or characteristics may cause fire, explosion, obstruction to the flow in the Total Sewer System, or in any other way interfere with or be deleterious to persons, the structures or the operation of the Total Sewer System;
- B. A temperature in excess of 120° F. or less than 32° F;
- C. A ph lower than 5.5 or higher than 9.0 or having any corrosive property capable **or** causing damage or being a hazard to structures, equipment or personal of the Total Sewer System; and the Board may require any person discharging wastes or sanitary sewage to Total Sewer System to install and maintain, at his own expense, a devise (approved by the Board) to continuously measure and record the ph of such wastes or sanitary sewage;
- D. Mineral acids, waste acid, pickling or plating liquors from the pickling or plating of iron, steel, brass, copper or chromium, or any other dissolved or solid substance which will endanger health or safety, interfere with the flow in, or attach or corrode, or otherwise interfere with or be detrimental to, the Total Sewer System;
- E. Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification; and any of the following substances in concentration exceeding those shown in the following tables:

<u>Substance</u>	<u>Maximum Permissible Concentration</u>
Phenolic compounds as C <sub>6</sub> H <sub>5</sub> OH	1 p.p.m.
Cyanides as CN	1 p.p.m.
Cyanates as CNO	10 p.p.m.
Iron as FE	15 p.p.m.
Trivalent Chromium as Cr	3 p.p.m.
Hexavalent Chromium as CR	0.5 p.p.m.
Nickel as Ni	3 p.p.m.
Copper as CU	2 p.p.m.
Lead as Pb	2 p.p.m.
Tin as Sn	2 p.p.m.
Zinc as Zn	2 p.p.m.

And other chemicals or other matter detrimental to the operation of, or causing erosion, corrosion or deterioration in, the Total Sewer System;

- F. More than 10 p.p.m. or any of the following gases: Hydrogen sulfide, sulfur dioxide, nitrous oxide, or any of the halogens;
- G. A toxic or poisonous substance (including those containing cyanide, chromium and/or copper ions) in quantities sufficient to inure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the operation of the Total Sewer System;
- H. Toxic substances in quantities sufficient to interfere with the biochemical processes of the sewage treatment works or that will pass through such works and exceed the State requirements in respect thereof;
- I. Any toxic radioactive isotopes, without a special permit;
- J. Fats, entrails and the like from meat processing plants, rendering plants and similar industries and establishments;
- K. Sludge or other material from septic tanks, other similar facilities, sewage, or industrial waste treatment plant, or water treatment plants;
- L. Any noxious or malodorous gas or substance which either singly or by interaction with sewage or other wastes is likely, in the Board's opinion, to create a public nuisance, or a hazard to life or to the operation, repair or maintenance of the Total Sewer System;
- M. Gases or vapors, either free or occluded, in concentrations toxic or deleterious to humans or animals;
- N. Insoluble, non-flocculent substances having a specific gravity in excess of 2.65; and
- O. Soluble substance in such concentration as to cause the specific gravity of the waste or sanitary sewage to be greater than 1.1.; and
- O.P. Grease, fats and oils as set forth in Article III – Part B hereafter.

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Section 3.04. The Board may from time to time adopt other or additional rules and regulations; deemed necessary or appropriate for the efficient operation, maintenance and preservation of the Total Sewer aver System.

### **ARTICLE III – PART B**

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#### **GREASE TRAPS**

**Section 3.05. Purpose.** The provisions of this section are enacted to require the installation of grease traps to prevent the discharge of certain waste in excess of those otherwise permitted standards into the Township’s sanitary sewer system for treatment at the Franklin Township Municipal Sanitary Authority’s (FTMSA’s) sewage treatment plant. The following are enacted in response to actions taken by the FTMSA to monitor the use of grease traps throughout its service area through a “Fats, Oil & Grease” (FOG”) program. That Program requires all non-residential customers who cook, prepare and/or serve food in the FTMSA Service Area to install grease traps. This program is intended to eliminate fats, oils and grease from entering the sanitary sewer system and reduce hydraulic overloading, surcharging and potential sanitary sewer overflows.

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**Section 3.06 Grease Traps Required.** All non-residential customers, including, but not limited to any restaurant, church, school, private club or other establishment which cooks, prepares and/or serves food or any establishment which has a commercial kitchen installed on the premises, and which is connected either directly or indirectly into the Borough’s sanitary sewer system, shall install a grease trap or grease traps as may be deemed necessary by the FTMSA to eliminate Fats, Oils & Grease.

**Section 3.07 Authority Approval, Inspection and Authorization.** The determination of whether a grease trap is necessary to be installed shall be vested in the Township. Any individual, person, business entity, partnership or corporation required to install a grease trap or grease traps shall contact the Township to determine whether a grease trap or grease traps are necessary and, if so, to determine the size and location of the grease trap or grease traps to be installed. The Township shall approve the location, size, and installation of any grease trap or grease traps required.

**Section 3.07 Grease Trap Maintenance.** It shall be the responsibility of the owner and /or occupants of the premises upon which the grease trap is located to repair, keep up and maintain any grease trap or grease traps in order to prevent a discharge in excess of those standards required by the Township and FTMSA for the transmission of waste into its system. It shall also be the duty of the Owner and/or occupants to comply with any program implemented by the FTMSA to monitor the installation, upkeep, repair and maintenance of any grease trap, including, but not limited to, the “F.O.G. Program” referenced above.

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**Section 3.08 Incorporation of Authority Discharge Limits.** All grease traps shall be installed and maintained consistent with the requirements of the Township and FTMSA for same. The Township incorporates herein by reference thereto the limitations, standards and requirements imposed by the FTMSA for grease trap discharges. To the extent these requirements may be amended by the Authority or by subsequent agreement between the Borough and the Authority, such amendments shall be automatically incorporated into and become a part of those discharge limits set forth herein.

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**Section 3.09 Penalties for Violation.** Any person, corporation, entity or firm who fails to comply with the provisions of this section shall be deemed to be in violation hereof and be subject to those enforcement procedures and penalties set forth in Article VII hereafter.

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### ARTICLE IV



SEWER SERVICE CHARGE – SCHEDULE OF RATES

Section 4.01. There is hereby imposed upon the owners of, and the users of water in or on, all properties situate within the Township and served by the Total Sewer system, a sewer service charge for the collection, transportation, treatment, and disposal of industrial wastes and sanitary sewage, payable as and in the amounts hereinafter provided. Said owners and users shall be jointly and severally liable for the payment of the sewer service charge and any penalty thereon. The sewer service charge shall begin to accrue on the earlier of, (a) when the owners and users connect to the Sewer System or (b) on a date sixty (60) days after the Township notice to connect to the Sewer System is given.

Section 4.02. The sewer service charge shall be based on the volume of water used in or on said properties as follows:

1. Metered Water Users: The following schedule of rates shall be applicable to each user of metered water and the sewer service charge shall be based upon the quantity of water delivered to each such water user as measured by the most recent available water meter reading:

Minimum sewer service charges based upon gallons of water used as follows:

<u>Gallons of Water Used Per Quarter Year</u>	<u>Minimum Quarterly Sewer Sewer Service Charge</u>
Up to 9,000 Gal/Qu.	\$41.70
<u>Water used per Quarter Year over the minimum</u>	<u>Sewer Service Charge</u>
For next 10,000 Gallons Over minimum .....	\$3.32 per 1,000 gallons
For everything in excess of 19,000 Gallons .....	\$3.00 per 1,000 gallons

2. Non-Metered Water Users: All owners of, or users of water in or on, all residential properties having an unmetered Water Utility or private water supply shall pay a flat rate sewer service charge aggregating \$61.20 per quarter, or its adjusted equivalent for sewer service periods of less than one year. All owners of, or the users of water in or on all non-residential properties having an unmetered Water Utility or private water supply shall pay a flat sewer service charge as fixed by the Board from time to time based upon estimated water consumption, industrial wastes and sanitary sewage volumes discharged into the Sewer System, the schedule of rates set forth in subsection (1) above, and rates adopted by and Township and the Franklin Township Municipal Authority in such instance.
3. Garbage grinders: \$1.10 per quarter year per grinder.

Section 4.03. Owners and users shall be billed quarterly.

Said bill being based on actual water usage shown by the Water Utility's most recent available water meter reading or upon the appropriate minimum sewer service charge, as the case may be. All bills for sewer service charges shall be due when rendered and, if not paid within twenty (20) days from the date the bill is rendered, shall be subject to a

penalty of five per cent (5%) and interest of one per cent (1%) per month or part thereof upon 150° of the sewer charge beginning on the sixtieth (60<sup>th</sup>) day after the due date of the bill.

Section 4.04. The measurements by two or more meters of the quantity of water used in or on one property by one owner or user may be combined and the sewer service charge billed to said owner or user as though the quantity of water was measured by one meter, if the Board so elects.

Section 4.05. Where two or more families or dwelling units receive water through one water meter, at least multiple minimum sewer service charges shall be billed.

Section 4.06. In the event the owner or water user of any industrial or commercial property obtains part of the water used on such property from sources other than the Water Utility, such owner or user shall, at his expense and on request of the Board, install and maintain a Board approved water meter, to measure all non-water utility water used, and the sewer service charge shall be based on the sum of all metered water.

Section 4.07. If a portion of the water used on any property does not enter the total Sewer System and the total water used on said property exceeds 400,000 gallons per quarter, the Board may determine, in such manner and by such method as it deems practical, the percentage of the water entering the Total Sewer System, or the Board may permit the installation of additional meters to determine either the quantity of water excluded from the Total Sewer System or the quantity of water, sewage and industrial wastes actually entering the Total Sewer System; and such quantity of water estimated, measured or computed by the Board to be actually entering the Total Sewer System shall determine the sewer service charge, subject to the minimum charges.

Section 4.08. Any person desiring to apply for a Section 4.07 reduction of sewer service charges shall make written application therefor as the Board may require at that time. If permission is granted, then the cost of furnishing, installing and maintaining any such meters, satisfactorily to the Board and the Water Utility, shall be borne by the applicant.

Section 4.09. The Board may require the exclusion from the total Sewer system of waters used for cooling purposes.

Section 4.10. Nothing herein contained in this Article IV shall preclude the Board from entering into contracts with neighboring municipalities for the treatment of acceptable sewage and/or industrial wastes at sewer service charges different from those herein set forth.

## ARTICLE V

### SURCHARGE FOR CERTAIN INDUSTRIAL WASTES

Section 5.01. There is hereby imposed a surcharge or additional sewer service charge upon the owners of, and the users of water in or on, all properties discharging or permitting to be discharged or infiltrated into the Total Sewer System abnormal industrial wastes, to cover the additional cost of handling such abnormal industrial wastes.

Section 5.02. The strength of any abnormal industrial wastes, from which surcharge shall be established, shall be determined at least monthly by such reasonable method and means as the Board, in its sole discretion, shall fix, using an analysis in accordance with the latest edition of Standard Method for the Examination of Water and Sewage as published by the American Public Health Association.

Section 5.03. If the B.O.D. in any industrial wastes is in excess of 320 p.p.m., the owners of and the users of water in or on, the property from which such wastes are discharged shall be surcharged an amount equal to the product of (a) the actual volume of wastes in thousand gallons per billing period discharged to the Total Sewer System and (b) the "B.O.D. surcharge rate" shall be determined by the following formula:

$$R_c - 0.00834 P (C - 320)$$

Where

RC- the B.O.D. surcharge rate in cents per 1,000 gallons of water discharged.

P – the average annual fixed, operating and maintenance cost of treatment processes per pound of B.O.D. received at the sewage treatment works *including chlorination*. (Prior to completion of the first year of operation the value of "P" shall be deemed to be four (4) cents.)

C – the average B.O.D. of the industrial waste expressed in p.p.m. as determined in accordance with Section 5.02 hereof.

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The figure 320 appearing in the above formula corresponds to the maximum B.O.D. permissible without surcharge. The figure 0.000834 is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a B.O.D. less than 320 p.p.m.

Section 5.04. If the average suspended solid concentrations in any industrial waste is in excess of 320 p.p.m. the owners of, and the users of water in or on, the property from which such wastes are discharged shall be surcharged an amount equal to the product of (a) the actual volume of wastes in thousand gallons per billing period discharged to the Total Sewer System and (b) the "suspended solids surcharge rate". The "suspended solids surcharge rate" shall be determined by the following formula:

$$R_s - 0.00834 \times B (S - 320)$$

Rs- the suspended solids surcharge rate in cents per 1,000 gallons of waste discharged

B – the average annual fixed, operating and maintenance cost of the sludge Digestion, sludge drying and sludge disposal operations per pound of Suspended solids received at the sewage treatment works. (Prior to Completion of the first year of operation, the value of "B" shall Be deemed to be four (4) cents.

S – the average suspended solids concentration of the abnormal industrial Wastes expressed in p.p.m. as determined in accordance with Section 5.02 hereof.

The figure 320 appearing in the above formula corresponds to the maximum suspended solids concentration permissible without surcharge. The figure 0.00834 is the factor to convert parts per million to pounds per 1,000 gallons. No discount will be permitted for sewage or industrial wastes having a suspended solids concentration less than 320 p.p.m.

Section 5.05. The surcharge will be added to the sewer service charges set forth in Article IV, and will be billed, will be due at the same time and will be subject to the same penalties, all as set forth in Section 4.03 hereof.

## ARTICLE VI

### BILLING AND COLLECTION

Section 6.01. The sewer service charge and the surcharge (where applicable) shall be payable in quarterly installments as provided in Section 4.03 hereof.

Section 6.02. The Board, either directly or through any person whom it may by resolution appoint or with whom it may contract, will render such sewer service charge and surcharge bills and will make collections thereof in accordance herewith and any agreement (including the Agreement) with neighboring municipalities or the Water Utility.

Section 6.03. Bills and notices relating to the sewer service charges and surcharges will be mailed or delivered to the property owner's and/or the water user's last address as shown on the books of the Board. All bills for sewer services shall be rendered to the owner, or, after proper arrangements, to the tenant, of the premises to which the sewer service is furnished, nevertheless the owner of the premises shall in all cases be liable for the payment of such bills.

Section 6.04. The Board shall have the power and authority at any time and from time to time, by resolution duly adopted, to make such other rules and resolutions or to change the foregoing provisions with respect to the manner and procedure of billing and collections as said Board, in its sole discretion, may determine.

## ARTICLE VII

### DELINQUENCIES, VIOLATIONS AND REMEDIES

Section 7.01. Each sewer service charge, surcharge, penalty and interest imposed by this Ordinance shall be a debt due the Township and shall be a lien on the property served, and if not paid within thirty (30) days after the date rendered shall be delinquent. In such event, the Township may proceed to file a lien in the office of the Prothonotary of Westmoreland County, Pennsylvania, and collect the same in the manner provided by law for the filing and collection of municipal claims; or the Township may proceed to collect such delinquent sewer service charge, surcharge, penalty and interest by an action n assumpsit, or by distress of personal property on the premises, or by any other legal or equitable remedy then available to the Township. In the event of failure to pay the sewer service charge, surcharge, penalty and interest after they become delinquent as herein provided, the Township shall be authorized, in addition to any other remedies authorized by law, and to the extent authorized by law, to shutoff, or cause to be shutoff, the water to be delivered to such property, and/or to remove or close the sanitary sewer connection, and shall have the right to enter upon the property served for such purposes and to take such steps as may be necessary to accomplish the same; and any expenses with respect thereto, as well as the expense of restoring any such water and/or sewer service or connection, shall likewise be a debt due the Township and a lien on the property served and may be filed and collected as hereinabove provided, and such water and/or sanitary sewer connection may not again be turned on or restored for the same owner or user until all sewer service charges, surcharges, penalties and interest, including the expense of removal, closing and restoration, shall have been paid.

Section 7.02. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof before any ~~Magisterial District Judge Justice of the Peace~~, be sentenced to pay a fine of not ~~less more~~ than Three Hundred Dollars (\$300.00) ~~nor more than Six Hundred Dollars (\$600.00)~~ for each and every offense, and costs, and, in default of payment of said fine and costs, to be imprisoned in the Westmoreland County Jail for a period not exceeding thirty (30) days until such fine and costs are paid. Whenever such

person shall have been notified in writing by the Board that he is violating this Ordinance, each day that he shall continue such violation after receipt of such notification, shall constitute a separate offense punishable by a like fine upon conviction thereof. In addition to any fines and costs, the Township shall be entitled to recover all legal and/or attorney's fees incurred in the prosecution of any violation.

Section 7.03. Change of ownership of occupancy of any property served by the Total Sewer System with respect to which a service charge, surcharge, penalty or interest imposed by this Ordinance is delinquent, as provided in Section 7.01 hereof, shall not be a cause for reducing or eliminating the rights and remedies of the Township as set forth in this Article VII.

Section 7.04. All remedies available to the Township are cumulative. Nothing in this Section shall be deemed or construed to limit or otherwise interfere with the rights of the Township to pursue any other remedy available to it, either through an action at law or in equity, to enforce the terms of this Ordinance. In addition to any other relief obtained, the Township shall be entitled to recover all counsel fees, costs and expenses it incurs in the enforcement process.

#### ARTICLE VIII

#### MISCELLANEOUS

Section 8.01. The Board may delegate, transfer, set over, or assign to any person any or all administrative duties obligations and rights of the Board hereunder.

Section 8.02. The proper officers of the Township are hereby authorized and directed to do, make, execute, perform and deliver any and every act, deed or thing necessary or convenient to fully perform and carry out the obligations and purposes of the Township herein set forth.

Section 8.03. The terms and provisions of this Ordinance are severable. The invalidity of any part of this Ordinance shall not affect the validity of any other part of this Ordinance.

Section 8.04 All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8.05. This Ordinance shall become effective five (5) days after the date of the enactment hereof.

ORDAINED AND ENACTED INTO an Ordinance and passed by the Board of Township Supervisors of the Township of Salem this 18<sup>th</sup> day of May, 1984.

THE TOWNSHIP OF SALEM

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

ATTEST:

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Secretary