

BOROUGH OF PORTLAND  
NORTHAMPTON COUNTY, PENNSYLVANIA

**ORDINANCE NO. 2012-1**

AN ORDINANCE OF THE BOROUGH OF PORTLAND, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING BOROUGH ORDINANCE NO. 2008-9, WHICH ESTABLISHED RULES AND REGULATIONS FOR THE UTILIZATION AND OPERATION OF THE BOROUGH SEWER SYSTEM; AMENDING THE MANNER IN WHICH THE BOROUGH MAY ESTABLISH TAPPING FEES, SEWER RENTALS/USER RATES AND OTHER CHARGES IN CONNECTION WITH USE OR AVAILABILITY OF THE BOROUGH SEWER SYSTEM; AMENDING THE MANNER IN WHICH THE BOROUGH MAY ESTABLISH REQUIREMENTS AND RULES FOR TIME AND METHOD OF PAYMENT OF SUCH FEES AND CHARGES, AND CHARGES FOR LATE PAYMENT OR NON-PAYMENT; AND OTHER MISCELLANEOUS MATTERS

WHEREAS, on November 3, 2008, the Borough Council enacted Borough Ordinance No. 2008-9, providing rules and regulations for the utilization and operation of the Borough's Sewer System (the "Sewer Ordinance"); and

WHEREAS, several Articles of the Sewer Ordinance contain provisions concerning the establishment of fees, rates, and other charges (collectively, "Sewer Charges") and the time and method of payment of Sewer Charges; and

WHEREAS, the Borough Council finds that it is more cost effective, and efficient, for the Council to establish, and in the future modify, Sewer Charges, and time and payment of Sewer Charges, through Resolution adopted by the Borough Council; and

WHEREAS, the Borough Council finds it further desirable to amend the Sewer Ordinance for the purpose of correcting Article headings in the Sewer Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Portland, Northampton County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

1. ARTICLE II, DEFINITIONS, Section 2.01, "Equivalent Dwelling Unit", subpara(vi), of the Borough Sewer Ordinance is amended to state in its entirety:

"(vi) For non-residential establishments, as established by resolution of Borough Council."

2. ARTICLE IX, SEWER RENTALS, Section 9.02, of the Borough Sewer Ordinance is amended to state in its entirety:

"9.02. Sewer rentals and charges imposed on each such Improved Property shall be payable in accordance with the schedule adopted by resolution of Borough Council."

3. ARTICLE X, TAPPING FEES, Section 10.02, of the Borough Sewer Ordinance is amended to state in its entirety:

"10.02. Each Owner of Improved Property connecting to the Sewer System shall pay a Tapping Fee in accordance with the schedule adopted by resolution of Borough Council. In the event that the Owner fails to connect to the Sewer System when required, the Tapping Fee shall be due and owing as of the date the Owner was required to connect, but failed to do so."

4. ARTICLE XI, MISCELLANEOUS CHARGES, Section 11.01, of the Borough Sewer Ordinance is amended to state in its entirety:

"11.01 Surcharge for High Strength Wastes - Any person discharging into the Sewer System wastewater in violation of this Ordinance containing more than 250 mg/l of suspended solids, 250 mg/l of biochemical oxygen demand, 25 mg/l of chlorine demand (otherwise prohibited by Article IX), any excess of Pollutant limitations indicated and any Pollutant not included herein and deemed by the Borough to require special attention and surcharge, shall be charged for such service, in addition to the Sanitary Sewage charges set forth herein, an additional charge based on the weight of the excess concentrations in accordance with the then current schedule of rates adopted by resolution of Borough Council, or such other additional charge which is reasonably calculated to

compensate the Borough for the additional expense incurred by the Borough for treatment."

5. ARTICLE XII, TIME AND METHOD OF PAYMENT, Sections 12.01-12.3, of the Borough Sewer Ordinance are amended to state in their entirety:

"12.01. All billing and collection of sewer rentals and other charges shall be in accordance with the procedures adopted by resolution of Borough Council.

Owners of existing and/or new Improved properties benefiting from the existence and/or use of the Sewer System during any billing period shall pay a sewer rental and charge for service on the entire billing period. During a period in which the service is discontinued, the customer shall be liable for the payment of the minimum rate, in accordance with the Borough's then current rate schedule, as adopted by resolution of Borough Council.

12.02. All bills are due and payable in accordance with the procedures adopted by resolution of Borough Council. Council may further establish by resolution late charges and interest charges on sewer rentals and other charges not paid by their due date.

12.03. If a sewer bill is not paid when due, the Borough may terminate sewer service or water service in accordance with Article XIX, ENFORCEMENT."

6. Article heading "ARTICLE IX [sic], PROHIBITED DISCHARGES" of the Borough Sewer Ordinance is amended to state in its entirety, "ARTICLE XV, PROHIBITED DISCHARGES".

7. Article heading "ARTICLE XIV [sic], ENFORCMENT" of the Borough Sewer Ordinance is amended to state in its entirety, "ARTICLE XIX, ENFOCRMEN".

8. ARTICLE XXI, MISCELLANEOUS, Section 21.4, Sewer Certification, of the Borough Sewer Ordinance is amended to state in its entirety:

"21.4. Sewer Certification. There shall be a fee for furnishing and providing by mail or otherwise information pertaining to sewer rental data, including

but not limited to a certification of the status of payment of sewer rental charges for any single parcel within the Borough of Portland. The fee shall be set from time to time by resolution of Borough Council."

9. Attachments "A" and "B" to the Sewer Ordinance are deleted in their entirety.

10. Borough Council is authorized to set and modify by resolution all Sewer Charges established by the Sewer Ordinance, and the procedure for their billing and collection, including late charges and interest for their late or non-payment.

11. All Sewer Charges contained in the Sewer Ordinance, and the procedures for billing and collection contained therein, shall remain in effect until expressly adopted or modified by resolution of Borough Council.

12. The provisions of this Ordinance are intended as a continuation of the Borough Sewer Ordinance and not as a new ordinance. If any provision of this Ordinance is declared invalid, the applicable prior amended provision of the Sewer Ordinance shall continue in effect until amended or repealed. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of the Sewer Ordinance.

13. This ordinance shall be effective immediately.

14. If any section, subsection, clause, or portion of this Ordinance is declared invalid, pre-empted or suspended for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect and to this end, the provisions of this Ordinance are hereby declared to be severable.

15. All Ordinances or parts of Ordinance inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

DULY ENACTED AND ORDAINED, this 6th day of February, 2012, by Portland Borough Council in public session duly assembled.

ATTEST:

BOROUGH OF PORTLAND,  
NORTHAMPTON COUNTY

Carol A. Hummel  
Borough Secretary

Robert Cartwright  
Council President

APPROVED this 6th day of February, 2012

Mayor of Portland Borough: Bruce West  
Mayor

