

Amended Bill No. 21, Ordinance No. 20 of 2019

ARTICLE 933
Sewer Rentals

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CROSS REFERENCES

Power to impose and collect sewer rentals - see 3rd Class §3211 et seq. (53 P.S. §38211 et seq.)
Industrial wastes - see 25 Pa. Code Ch. 97
Admission of industrial wastes - see S. U. & P. S. 931.03
Sewer connections outside City - see S. U. & P. S. 931.25

933.01 DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

- (a) "Authority" means the York City Sewer Authority.
- (b) "City" means the City of York.
- (c) "Council" means the group of elected officials acting as the governing body of the City.
- (d) "Commercial use" means a property which is intended to be used for the purpose of carrying on a trade, business or profession, or for social, religious, educational, charitable or public uses.
- (e) "Domestic use" means a property which is intended to be used for continuous or periodic habitation by human beings or animals.
- (f) "Industrial use" means a property which is intended to be used in whole or in part for the manufacture, conversion, processing, cleaning, laundering or assembly of any product, commodity or article.
- (g) "Industrial waste" means the liquid, gaseous or water borne wastes from industrial processes or commercial establishments as distinct from sanitary sewage.
- (h) "Sanitary sewage" means the normal water-carried household and toilet wastes from residences, business buildings, institutions, commercial and industrial establishments.

- (i) "Sewer system" means all facilities for collection, treating and disposing of industrial waste and sanitary sewage.
- (j) "Uncontaminated water" means clean water unmixed with and free of any foreign matter whatsoever.
- (k) "Water Company" means the York Water Company, its successors and assigns. (Ord. 7-1954 §1.)

933.02 IMPOSITION OF SEWER RENT.

There is hereby imposed upon the owner of each property located within the City limits, served by the sewer system and having the use thereof, an annual sewer rent, payable as hereinafter provided, for use, whether direct or indirect of the sewer system, based on the rates and in accordance with the classifications hereinafter set forth. (Ord. 7-1954 §2.)

933.03 ANNUAL SANITARY SEWER RATES.

Rates for Domestic and Commercial Metered Water Users. All persons owning property used for domestic or commercial purposes which property is connected to the sewer system and served with metered water service by the Water Company shall pay a monthly rental for sanitary sewage service based on quantity of water used as evidenced by meter readings of water meters installed and maintained by the Water Company for the purpose of measuring water purchased from such Water Company and such other meters as may be installed pursuant to the provisions of this article, and subject to the minimum charges hereinafter provided as follows:

- (a) Monthly Quantity Charge.
For each 1000 gallons per month: \$9.10
- (b) Minimum Charge. All domestic and commercial users shall pay a minimum charge of \$18.00 per month which shall entitle such users to 1,978 gallons per month sewer service. (Ord. 2-2017. Passed 1-17-17.)

933.04 INDUSTRIAL WASTE CHARGE.

(a) Sewer Rent or Charge for Industrial Wastes. The sewer rent or charge for the collection and treatment of industrial wastes discharged into the sewer system by industrial users, shall be a quarterly charge based upon the water consumption, adjusted for that portion determined to be sanitary sewage, of the property served and shall be computed at the following standard metered rates:

For each 1000 gallons per month: \$9.10
(Ord. 2-2017. Passed 1-17-17.)

(b) Sewer Rental Surcharge for Industrial Wastes. (EDITOR'S NOTE: This subsection was repealed by Ordinance 15-1987, passed May 5, 1987. See Section 931.10 for relevant provisions.)

(c) Methods of Measuring Volume of Industrial Wastes.

- (1) Whenever a person purchasing all water used from the Water Company discharges only industrial waste to the sewer system, the volume of water purchased shall be used as a measure of the quantity of industrial waste discharged.
- (2) Whenever a person purchasing all water used from the Water Company discharges combined sanitary sewage and industrial waste to the sewer system, the volume of water purchased chargeable as industrial waste shall be the total volume of water purchased less the volume of water determined to be sanitary sewage. The volume of water determined to be sanitary sewage shall be determined in either of the following ways:
 - A. Actual measured flows;
 - B. By multiplying the average number of employees in the establishment during the preceding billing period by 2,000 gallons per quarter.
- (3) Whenever a person purchasing water from the Water Company and discharging industrial waste to the sewer system also discharges uncontaminated water to either a separate storm sewer or other outlet, an allowance for the amount of water so discharged shall be made in computing the sewer charges. The person so discharging uncontaminated water shall at his own expense install a meter or meters, as required, to indicate accurately to the satisfaction of Council the amount of water claimed as a credit.
- (4) Whenever a person using a private water supply discharges industrial wastes to the sewer system, the charges for such discharge shall be in accordance with Section 933.04(a). Such person, however, shall install at his expense either a water meter or meters, as may be required, to measure the total volume of water used in the industrial plant; or shall install, at his expense, meters, as required, on the sewer line or lines leaving the plant so as to measure the entire flow of waste discharged to the sewer system. No meter for measurement either of the water or sewage shall be installed until a plan for such installation is submitted to Council or its designated representative, and approved as satisfactory. All meters or other measuring devices installed or required to be used under any provision of this article shall be under the control of Council, and may be tested, inspected or repaired by City employees whenever Council deems it necessary. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping and all repairs thereto shall be made at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the City, shall be due and payable at the same time, and collected in the same manner as are the bills for sewer services; such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed.
- (5) Council shall be responsible for the reading of water and/or sewage meters when installed in industrial establishments. Where in the opinion of Council it is not necessary to install a meter, measurements of the discharge to the sewer system shall be made quarterly by the City, and the measurements so made shall be used for determining the sewer rental or charge for that quarter. Any person dissatisfied with the sewer rate so determined may, at his own cost, install a meter or meters as provided in paragraph (4) of this subsection. (Ord. 15-1972 §4.)

933.05 SEWAGE FROM OUTSIDE OF CITY.

No sanitary sewage or industrial wastes shall be received into the sewer system from sources outside the City limits except upon payments therefor as may be satisfactory to Council. (Ord. 7-1954 §5.)

933.06 ADDITIONAL CLASSIFICATIONS AND MODIFICATIONS.

Additional classifications and additional sewer rentals or modifications of the above schedules of sewer rentals may be established by the City from time to time. (Ord. 7-1954 § 6.)

933.07 TIME OF PAYMENT AND PENALTIES.

(a) The sewer rents under Sections 933.03 and 933.04 shall be a monthly rental for which bills will be rendered by the 25th day of each month. Bills to sewer users having water meters shall be billed monthly and be based upon the metered water consumed in the previous month.

(b) The following penalties, fees and costs shall be imposed:

(1) A penalty of one and one-half percent (1.5%) per month shall be added to each bill for each month during which a bill remains unpaid after thirty days from the billing date. In addition, all costs associated with the collection of delinquent accounts, including costs assessed by a collection agency for services rendered, shall be added to the account.

(c) Payments mailed as evidenced by the United States Post Office mark on or previous to the end of the period during which bills are payable will be deemed to be a payment within such period.

(d) All persons connected to the sewer system must give the City their correct address. Failure to receive sewer bills will not be considered an excuse for nonpayment nor permit an extension of the period during which sewer bills are payable.
(Ord. 15-1996. Passed 12-17-96.)

933.08 ADJUSTMENTS AND CREDITS.

(a) Upon proof provided by a property owner or the Water Company, the City shall provide a retroactive credit for periods where no water service and therefore no sewer service was provided to the property. At no time shall the credit reduce the billing to less than the minimum charge established for that period.
(Ord. 16-1990 §3. Passed 10-2-90.)

(b) If a property owner wishes to obtain a credit for water usage because some portion of the water used was not discharged into the sanitary sewer system, relief may be sought through the City. The applicant for relief will be required to furnish evidence satisfactory to the City that the water used did not enter the sanitary sewer system such as for leaks and swimming pools. The minimum credit that shall be processed is five dollars (\$5.00) per month.
(Ord. 15-1996. Passed 12-17-96.)

933.09 DELINQUENT SEWER RENTALS AND LIENS.

(A) All sewer rentals, together with all penalties and fees thereon, **that are past due for a period of 30 days not paid on or before the end of six months from the beginning of each billing period** shall be deemed delinquent for the purposes of this article. All delinquent sewer rentals and all penalties and fees thereon shall be a lien on the property served and shall be entered as a lien against such property in the Office of the Prothonotary of York County and shall be collected in the manner provided by law for the filing and collection of municipal claims. Any and all costs associated with recovering delinquent sewer rentals, whether those costs are incurred by the City, or by a Third Party, are recoverable by the City or a Third Party contracted with the City to recover delinquent sewer rentals. The City may also request water service termination in accordance with applicable State laws to provide for the collection of delinquent accounts.

(B) Permit Denials.

(a) Denial.

(1) The City may deny issuing to an applicant a municipal permit if the applicant owns real property for which there exists on the real property:

(i) A sewer or refuse collection delinquency, as defined in Article 939.09(A) and Article 951.14; or

(ii) A serious violation of State law or a code and the owner has taken no substantial steps to correct the violation within six months following notification of the violation and for which fines or other penalties or a

judgment to abate or correct were imposed by a magisterial district judge or municipal court, or a judgment at law or in equity was imposed by a court of common pleas. However, no denial shall be permitted on the basis of a property for which the judgment, order or decree is subject to a stay or supersedeas by an order of a court of competent jurisdiction or automatically allowed by statute or rule of court until the stay or supersedeas is lifted by the court or a higher court or the stay or supersedeas expires as otherwise provided by law. Where a stay or supersedeas is in effect, the property owner shall so advise the City.

(2) The City shall not deny a municipal permit to an applicant if the municipal permit is necessary to correct a violation of State law or a code.

(3) The municipal permit denial shall not apply to an applicant's delinquency on sewer or refuse collection charges that are under appeal or otherwise contested through a court or administrative process.

(4) In issuing a denial of a permit based on an applicant's delinquency in municipal charges or for failure to abate a serious violation of State law or a code on real property that the applicant owns in this Commonwealth, the City shall indicate the street address, municipal corporation and county in which the property is located and the court and docket number for each parcel cited as a basis for the denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate State agency, municipality or school district, in a form specified by such entity as provided in this section.

(b) Proof of compliance.

(1) All municipal permits denied in accordance with this subsection may be withheld until an applicant obtains a letter from the appropriate State agency or the City indicating the following:

(i) The property in question has no final and unappealable sewer or refuse delinquencies;

(ii) The property in question is now in State law and code compliance; or

(iii) The owner of the property has presented and the appropriate State agency or the City has accepted a plan to begin remediation of a serious violation of State law or a code. Acceptance of the plan may be contingent on:

(A) Beginning the remediation plan within no fewer than 30 days following acceptance of the plan or sooner, if mutually agreeable to both the property owner and the City.

(B) Completing the remediation plan within no fewer than 90 days following commencement of the plan or sooner, if mutually agreeable to both the property owner and the City.

(2) In the event that the appropriate State agency or the City fails to issue a letter indicating sewer, refuse, State law or code compliance or noncompliance, as the case may be, within 45 days of the request, the property in question shall be deemed to be in compliance for the purpose of this section. The appropriate State agency or the City shall specify the form in which the request for a compliance letter shall be made.

(3) Letters required under this section shall be verified by the appropriate municipal officials before issuing to the applicant a municipal permit.

(4) Municipal permits.

(i) Municipal permits may be denied by a board in accordance with the requirements of

this section to the extent that approval of the municipal permit is within the jurisdiction of the board. For purposes of this section,

"board" shall mean a zoning hearing board or other body granted jurisdiction to render decisions in accordance with the act of July 31, 1968 (P.L. 805, No. 247), known as the Pennsylvania Municipalities Planning Code, or a similar board in municipalities not subject to that act.

(ii) In any proceeding before a board other than the governing body of the City, the City may appear to present evidence that the applicant is subject to a denial by the board in accordance with this section.

(iii) For purposes of this subsection, a municipal permit may only be denied to an applicant other than an owner if:

(A) The applicant is acting under the direction or with the permission of an owner; and

(B) The owner owns real property satisfying the conditions of subsection (a).

(c) Applicability of other law. A denial of a permit shall be subject to the provisions of 2 Pa.C.S. Chs. 5 Subch. B2 (relating to practice and procedure of local agencies) and 7 Subch. B3 (relating to judicial review of local agency action) or the Pennsylvania Municipalities Planning Code, for denials subject to the act. (Ord. 4-2017. Passed 2-21-17.)

933.10 RULES AND REGULATIONS.

Council reserves the right to adopt, revise and amend, such rules and regulations as it deems necessary and proper for the use and operation of the sewer system, which rules and regulations shall be and become a part of this article. (Ord. 7-1954 §10.)

933.11 AMENDMENTS.

This article and the rules and regulations hereunder shall become effective immediately as to all sewer services rendered after December 1, 1953. The City reserves the right to make such changes as in its opinion may be desirable or beneficial, and to amend this article or to change the rates or charges in such manner and at such times as in its opinion may be advisable. (Ord. 7-1954. §11.)

933.12 SEWER RENTAL FUND CREATED.

There is hereby created and established, a fund distinct and separate from all other funds of the City, to be known as the "Sewer Rental Fund". There shall be placed in this fund such moneys and revenues as are enumerated in the lease agreement between the City and the York City Sewer Authority, dated as of March 1, 1977. There shall be paid from this Fund all such expenditures as are provided for in the lease agreement. (Ord. 8-1954 §1.)

933.13 ADMINISTRATIVE SUPPORT.

The City shall receive as a loan from the York City Sewer Authority, such office machinery and equipment as the Authority may furnish and shall use the same in the Sewer Rental Bureau in the carrying out of the Bureau's functions. The City shall have the Authority such evidence of the loan of such office machinery and equipment as the Authority may require. (Ord. 8-1954 §4.)

933.14 RECORDS.

The City shall keep accurate records of the revenues which it receives from the sewer system, and of the expenses of the operation and maintenance thereof. (Ord. 8-1954 §5.)

933.15 CITY CREDIT NOT PLEDGED.

Neither the credit nor the taxing power of the City is pledged for any payments required to be made by the City under the terms of its lease with the York City Sewer Authority hereinbefore mentioned, but nothing in such lease shall prevent the City from making any additional payments thereunder from any funds which may properly and legally be made

available for that purpose. (Ord. 8-1954 §6.)

933.16 REBATES FOR LOW INCOME ELDERLY CITIZENS AND LOW INCOME PERMANENTLY DISABLED CITIZENS.

(a) All bona fide residents of the City who are sixty-five years of age or over or permanently disabled shall be entitled to rebates from the certain sewer rental charge paid for their homesteads, in accordance with the schedule hereinafter set forth. Only one rebate shall be paid for each homestead; and in the case of co-ownership, a single rebate shall be paid to the co-owners jointly so long as any one of them is sixty-five years of age or over or permanently disabled, provided that all co-owners are otherwise eligible for the rebate.

(b) Definitions for the purpose of determining rebates:

(1) "Income" means all income from whatever source derived, including but not limited to salaries, wages, bonuses, commissions, income from self-employment, alimony, support money, cash, public assistance and relief, the gross amount of any pensions or annuities including railroad retirement benefits, all benefits received under the Federal Social Security Act, except Medicare benefits but including supplemental Social Security payments, all benefits received under State unemployment insurance laws and Veteran's Disability payments, all interest received from the Federal or any State government, or any instrumentality or political subdivision thereof, realized capital gains, rentals, Workmen's Compensation and the gross amount of loss of time insurance benefits, life insurance benefits and proceeds, except the first five thousand dollars (\$5,000) of the total death benefit payments, and gifts of cash or property other than transfers by gift between members of a household in excess of a total value of three hundred dollars (\$300.00), but shall not include surplus food or other relief in kind supplied by a governmental agency or those rebates offered by State and local government for services supplied.

(2) "Household income" means the aggregate of all income received by the homestead owner, or owners, in case of co-ownership, and his or her spouse if a resident of the same household during a calendar year in which sewer rental charges are due and payable.

(3) "Homestead" means a dwelling and so much of the land surrounding it as is reasonably necessary for use of the dwelling as a home, which is owned and occupied by a claimant. An owner includes a person in possession under a contract of sale, deed of trust, life estate, joint tenancy or tenancy in common.

(4) "Sewer rental charge" means the charge, per quarter, as defined in Section 933.03.

(5) "Permanently disabled" means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to continue indefinitely. The City may require that a claimant be examined by a physician designated by the City to determine permanent disability.

(Ord. 29-1981 §1. Passed 12-15-81; Ord. 6-1982 §1. Passed 5-17-82.)

(c) The amount of rebates for the sewer rental charge paid during calendar year 1989 and thereafter shall be determined in accordance with the following schedule:

<u>Household Income</u>		<u>Percentage of Sewer Rental Charge to be Rebated</u>
\$0	5,999	100
6,000	6,499	90
6,500	6,999	80
7,000	7,499	70
7,500	7,999	60
8,000	8,999	50
9,000	9,999	40
10,000	10,999	35
11,000	12,999	25
13,000	14,999	20
15,000	16,999	15
17,000	20,000	10
20,000	or over	No Rebate

(Ord. 13-2013. Passed 9-3-13.)

(d) A claim for rebate shall be filed with the Sewer Rental Bureau of the City between May 1 and June 30 of each year commencing with the calendar year 1983. The rebate shall apply to the charges for the fiscal year, January 1 through December 31 immediately preceding the claim filing period. Such claims shall be submitted on forms provided by the City. The Sewer Rental Bureau may require such additional evidence as it deems necessary or appropriate in processing the claim and reserves the right to deny any claim that does not meet the requirements for rebate. The rebate shall be limited to the service charges paid for the applicable calendar year, and may be apportioned for the part of the year during which the claimant was sixty-five years of age or older or permanently disabled. The Sewer Rental Bureau shall review each claim and shall verify and confirm the amount of rebate to the extent that the claim is valid and proper.

(e) Any information gained by the Business Administrator or any other official, agent or employee of the City, as a result of any claims, investigations or hearings required or authorized by this article, shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this article or as otherwise provided by law.

(Ord. 29-1981 §1. Passed 12-15-81; Ord. 6-1982 §1. Passed 5-17-82.)

(f) Any person who willfully makes any false or untrue statement on any claim for rebate under this article shall upon conviction before any District Justice of York County, be fined not more than one thousand dollars (\$1,000) for each offense and, in default of payment of fine or costs, shall be imprisoned for not more than ninety days (90 days) for each offense.

(Ord. 1-2009. Passed 1-6-09.)