

# JENNER AREA JOINT SEWER AUTHORITY SCHEDULE OF RATES AND CHARGES

EFFECTIVE SEPTEMBER 1, 2004  
REVISED AS OF JANUARY 1, 2011  
REVISED AS OF NOVEMBER 16, 2011  
REVISED AS OF JANUARY 1, 2014  
REVISED AS OF AUGUST 2014  
REVISED AS OF JANUARY 2016  
REVISED AS OF NOVEMBER 2016  
REVISED AS OF NOVEMBER 2017  
REVISED AS OF DECEMBER 2018  
REVISED AS OF JANUARY 2020  
REVISED AS OF JANUARY 2021  
REVISED AS OF December 13, 2021  
REVISED AS OF DECEMBER 12, 2022

## BACKGROUND

A. Jenner Area Joint Sewer Authority (JAJSA) owns and operates a public sanitary sewer collection and treatment system (the "System") which provides collection and treatment services in the municipalities of Jennerstown Borough, Boswell Borough and Jenner Township.

B. Because of various expansions and extensions of service of the System which have occurred at various times, JAJSA has established different rate schedules as appropriate throughout the System.

C. JAJSA has adopted various special rates for particular types of customers, including, but not limited to, businesses, commercial seasonal customers, industries and for other specific situations.

D. JAJSA has established by prior actions and resolutions initial service charges, monthly service charges and other fees for the above situation.

E. JAJSA wishes to consolidate and, where necessary, amend its rate resolutions.

## RESOLUTION

NOW, THEREFORE, be it resolved by the Jenner Area Joint Sewer Authority as follows:

### DEFINITIONS.

A. "Property Owner" shall be that individual or entity, partnership, company, association, society, trust, corporation or other group vested with ownership of real estate, legal or equitable, sole or partial. Such determination by JAJSA shall be based on public information, reasonably available, subject only to the right of a Property Owner to provide additional information or clarification.

B. "Initial service charge" shall be defined as an amount paid prior to initial connection to the System to reimburse and pay for the construction cost and expense of major capital elements of the System, including, but not limited to, the sanitary treatment plant, interception, and transmission lines, pump and lift stations and all other components of the System needed to provide service hereunder.

C. "Monthly service charge" shall be defined as the amounts paid for maintenance and operation of the System, administrative costs and expenses and loan or debt service requirements. Such charge shall be applicable if the property is occupied or unoccupied at any time during the calendar month regardless of water service of any kind being available or used at the property, except as provided under "Vacant Dwellings".

D. An "Equivalent Dwelling Unit" or "EDU" shall be defined as follows:

1. Residential — any room, group of rooms or enclosure, occupied or intended for occupancy as separate living quarters for a family or other group of persons living together or by persons living alone.
2. Commercial — any office, store, shop, motel, hotel, restaurant, club, tavern, barber or beauty shop, service station, funeral home or other similar commercial establishment or operation or any religious, fraternal or governmental office using water at or within such use which use shall be assessed as set forth below.
3. Industrial- Any organization involved in the manufacturing, fabricating, processing, cleaning, mining, burning, heating, cooling, etc. of any product or element including but not limited to metals, coal, petroleum products, non-metal mining products, chemicals, plastics, food, paper, or allied products using water at or within such use shall be assessed as set forth below. JAJSA reserves the right to establish separate assessments, rates and surcharges for industrial uses, including, but not limited to a system of industrial waste cost recovery charges.
4. Initial service charge assessments shall be made in whole numbers or one-half (1/2) of whole numbers, but not less than one (1).
5. Monthly service charges shall be made only in whole numbers or one-half (1/2) of whole numbers, but not less than one (1), except as provided under "Vacant Dwellings".
6. The property owner shall be responsible for all costs incurred for the installation, maintenance, and replacement of any and all metering equipment required by JAJSA.

#### INITIAL SERVICE CHARGE

A. Initial service charges shall be charged for each Equivalent Dwelling Unit determined in accordance with the provisions of this Resolution and in accordance with the existing Sanitary Sewer System Rules and Regulations of JAJSA in the amount of Two Thousand and 00/100 (\$2,000.00) Dollars composed as follows:

1. Capacity part in the amount of One Thousand and 00/100 (\$1,000.00) Dollars.
2. Collection part in the amount of One Thousand and 00/100 (\$1,000.00) Dollars.
3. Special Component Part on the amount of Zero and 00/100 (\$0.00) Dollars

B. Unless prior written permission is obtained from JAJSA, separate, individual connections and separate initial service charges shall be required for each individual building designed for occupancy whether constructed as a detached unit or as one of a pair or row, but a single connection with payment of the initial service charge for the appropriate number of actual Equivalent Dwelling Units assessed shall be required to serve a school, factory, apartment house, trailer court or other permanent, multi-unit structure whose individual parts or units may not be subject to separate ownership; JAJSA does not, however, and will not assume any obligation or responsibility for damages caused by or resulting from any permitted single connection for multiple units as referred to herein.

C. Initial service charge payable hereunder shall be a one- time charge and shall not be refundable in the event of the discontinuance of the use.

D. All existing and previously paid for initial service charges, at whatever rate or whatever amount, shall remain in effect unless the same are changed in accordance with the terms hereof.

INITIAL SERVICE CHARGE — COMMERCIAL USE OR INDUSTRIAL USE

- A. Any Property Owner owning a property deemed for commercial or industrial use Shall be assessed an initial service charge for each Equivalent Dwelling Unit determined by JAJSA for all existing structures or buildings as of the date of such assessment as follows:
1. Initial service charge — the minimum assessment for industrial use shall be equal to one (1) Equivalent Dwelling Unit and shall be assessed by the greater amount of metered water consumption or discharge to the System up to the consumption or discharge of up to fifty thousand (50,000) gallons of water or discharge for each year. Where water usage or discharge exceeds the sum of fifty thousand (50,000) gallons per year, each additional twenty-five thousand (25,000) gallons, or portion thereof, for each calendar year shall constitute an additional assessment of one-half (1/2) Equivalent Dwelling Unit. JAJSA shall make an assessment by determining the amount of Equivalent Dwelling Units applicable to the property by determining the amount of water used or discharged by the property. JAJSA shall be entitled to, and customer shall submit, such information as may be reasonably required by JAJSA in making such determination.
  2. Water usage and/or discharge by property in question shall be

metered in a manner acceptable to JAJSA. JAJSA shall be entitled to make such inspection as necessary to determine the amount of water used or discharge by the property in question for the period beginning October 1 and ending September 30 (sometimes herein referred to as the "year") and the amount so determined shall be calculated to determine the total annual water usage and/or discharge. Assessments hereunder shall be subject to annual review and current water consumption figures and/or discharge amounts shall be used for determination of the assessment. A customer of JAJSA shall be entitled to submit such additional information as customer may wish to submit for determination by JAJSA.

- 3 All assessments made for initial service charges — commercial or industrial hereunder- shall be subject to review and increase or decrease to reflect additional water use and/or discharge as necessary based on actual water usage and/or discharge for the full twelve (12) calendar months following commencement of full, active use of the industrial property for the purpose intended.

#### MONTHLY SERVICE CHARGE.

A. Monthly service charges for residential, commercial, and industrial properties shall be paid based upon the Equivalent Dwelling Unit assessment made by JAJSA.

1. The monthly service charge with respect to the Special Pine Springs Service Area, Special Route 219 Extension Service Area, Special Black's Hill Service Area and Special Ferrellton Hill Service Area shall be Thirty-Seven and 00/100 (\$37.00) Dollars for each calendar month or part thereof with respect to each Equivalent Dwelling Unit assessed against the real estate.
2. The monthly service charge with respect to the Special Laurel Mountain Village Service Area and Special Sliding Rock Service Area shall be Forty-One and 00/100 (\$41.00) Dollars for each calendar month or part thereof with respect to each Equivalent Dwelling Unit assessed against the real estate.
3. The monthly service charge shall be Thirty-Seven and 00/100 (\$37.00) Dollars for each calendar month or part thereof with respect to each Equivalent Dwelling Unit assessed against the real estate not included in a special service area.

B. The Equivalent Dwelling Unit assessments made hereunder shall be subject to annual review and water consumption figures and/or discharge figures for the preceding twelve (12) month period from October 1 to September 30 shall be used for determination of the assessment for the following calendar year.

C All monthly service charges shall remain in full force and effect until changed or modified by further action of JAJSA.

RESIDENTIAL/COMMERCIAL — COMBINED USE.

A. Any use which is primarily and predominately residential in nature (as defined above), but which has a subsidiary commercial use which commercial use uses nominal or minimal additional water for such commercial use, may apply for treatment as a residential/commercial — combined use. Such application shall set forth in sufficient detail the proposed subsidiary commercial use, the nature thereof and an estimate of the water use and/or discharge into the System projected for such commercial use.

B Upon approval in writing by JAJSA for such residential/commercial — combined use, and as a condition of such approval, such use shall arrange for appropriate metering or measuring of water use and/or discharge to the System for such combined use. In the event that water supplied to shall not be provided by an entity supplying water, such use shall be metered on site by a secure means or method reasonably satisfactory to JAJSA.

C Upon approval of application for treatment as a residential/commercial — combined use hereunder, such use shall be treated as a residential use for purposes of the initial service charge assessment and shall pay one (1) residential assessment and one-half (1/2) assessment additional monthly service charge hereunder for the commercial use.

COMMERCIAL USE — SEASONAL/PARTIAL YEAR.

A. Any Property Owner owning a commercial property which is actively in use or operation for six (6) months or less whether consecutive or cumulative during each calendar year may make application in writing to JAJSA for treatment as a seasonal or part year commercial use. Such applications shall identify the owner of the property, the location and address of the property and a brief and concise statement of the use to which the property is placed as well as a statement given under the penalties of perjury as to the time during which each calendar year that the property is used and occupied. JAJSA shall, after inspection, make a written determination that such property qualifies as a seasonal commercial use as well as the appropriate assessment of such property in accordance with this Resolution. Any commercial property which is actively in use or operation for over six (6) months shall not be eligible for treatment as a seasonal commercial use hereunder.

B. Any property owner applying for seasonal/partial year status must conduct and document on the first of every month, on a chart provided by the Authority, monthly water meter readings. The monthly readings must then be sent to the Authority's business office on quarterly basis for determination of seasonal/partial use status. Failure to send the required readings will nullify the seasonal/partial rate status of the property and the property will be charged the full monthly rate from the date partial/seasonal rate became applicable. The Authority has the right to verify the water meter readings at any time.

C. Upon written approval by JAJSA in accordance with the terms hereof of a property for treatment as a seasonal commercial use and assessment of such property, such Property

Owner shall pay charges as follows:

1. Initial services charges if not previously paid shall be paid equal to the then applicable initial service charge for each Equivalent Dwelling Unit as assessed by JAJSA.
2. For each month within which the commercial use is in effect, each Equivalent Dwelling Unit, as assessed by JAJSA shall be subject to the payment of the full amount of the then applicable charges for sanitary sewer service.
3. For each month within which the commercial use is not in effect, each Equivalent Dwelling Unit shall be subject to the payment of one-half (1/2) of the applicable charges for sanitary sewer service.
4. For each month the property is found to be using water over the six-month limit as determined in Section A of this Commercial Use-Seasonal/Partial Year provision, the full monthly rate will be charged for all months in which the property was subject to the fee of one-half (1/2) of the then applicable charges for sanitary sewer, plus late charges and a penalty of Two Hundred and 00/100 (\$200.00) Dollars.

#### VACANT DWELLINGS.

A. A Property Owner desiring partial abatement from sanitary sewage charges due to an unoccupied vacant dwelling or a vacant lot may make a written request to JAJSA on a form provided by JAJSA. JAJSA may, in its sole discretion, partially abate sewer rentals and other applicable charges in certain limited circumstances, but not to begin until after a building shall be vacant for a period of three (3) full calendar months from the date JAJSA receives the written statement of vacancy. The reduced rate will begin on the first (1<sup>st</sup>) day of the month after the three (3) full calendar month period with the abatement fee being Five and 00/100 (\$5.00) Dollars per Equivalent Dwelling Unit per month.

B. An affidavit under oath must be by the Property Owner and state that the dwelling/lot is vacant and will remain vacant until the Property Owner notifies JAJSA in writing prior to the dwelling/lot being occupied. The reduced rate will begin on the first (1<sup>st</sup>) day of the month after the three (3) month period of vacancy. The Property Owner agrees that if the dwelling/lot is found to be occupied prior to JAJSA receiving written notification of occupancy, the full monthly charge will be made for each and every month in addition to the amount already paid from beginning of the reduced monthly fee, plus late charges and a Two Hundred and 00/100 (\$200.00) Dollar penalty. JAJSA shall have the right to inspect all such properties at any reasonable time to verify vacancy.

C. If the property is connected to a public water system, the Property Owner will also sign an affidavit under oath requesting the termination of water service to the appropriate Water Authority and also request that water service not be restored to the dwelling/lot without a written request from JAJSA. The Property Owner is responsible for all charges and costs incurred for the termination and restoration of the water service. The full applicable monthly charge will resume anytime the dwelling/lot is occupied during the month. Properties with private water systems must provide a sworn statement the dwelling/lot has no water service of any kind.

D. Multi-family dwellings with only one water meter DO NOT qualify for the reduced rate unless the water service is terminated.

TERMINATION OF USE.

A. Any Property Owner may be relieved from charges for sanitary sewer service only by the physical severance and capping of the sanitary sewer line between the trap and inspection port and physical separation and capping of the water line to the property in question and customer shall be charged a termination inspection fee at the then applicable rate. JAJSA shall have the right to inspect all properties at any reasonable time to verify compliance with the Termination of Use provision herein. If a property is found to be reconnected to the System without JAJSA approval, the full monthly charge will be made for each and every month the property was accepted and approved under this Termination of Use provision, plus late charges, and a Five Hundred and 00/100 (\$500.00) Dollar penalty will be immediately due and payable. The Property Owner shall, further, be required to comply with JAJSA's Schedule of Rates and Charges, as amended, in all other respects, including the requirement to pay the then-applicable initial service charge.

B. In the event such termination of service in accordance with the terms hereof shall be made, Property Owner shall be relieved of future monthly service charges as of the first (1<sup>st</sup>) day of the month following severance in accordance with the provisions hereof.

C. JAJSA shall not refund the amount of any initial service charge previously paid and, in the event that Property Owner (or any future property owner of the premises) shall thereafter notify JAJSA that a reconnection of sanitary sewer service is requested, Property Owner shall be charged the then applicable re-inspection and reconnection fee provided that such request for reconnection is made within a period of five (5) calendar years following termination and severance in accordance with the terms of this section. Such five (5) year period shall be applicable for reconnections occurring after January 1, 2011. Upon expiration of such five (5) year period, such capacity reservation and right to make reconnection shall automatically terminate and any subsequent application for sanitary sewer service shall require payment of the full initial service charge then applicable unless Property Owner shall pay an amount equal to the full applicable monthly service charge with respect to the Equivalent Dwelling Units. Such payments shall commence the month immediately following the expiration of the five (5) year period and upon payment of the full applicable monthly service charge, the capacity reservation and right to make connection shall remain valid for so long as Property Owner shall make such full payment of applicable monthly service charges thereafter. Such reservation of capacity and right to make connection shall automatically terminate in the event that Property Owner shall fail to make the required payments hereunder for three (3) months cumulative at any time. Such automatic termination hereunder shall not require JAJSA to give written or oral notice to the applicant.

PLANNING.

A. All planning requests (excluding requests for planning module exemption), including, but not limited to, planning modules of the Pennsylvania Department of Environmental Protection for five (5) Equivalent Dwelling Units (as estimated by JAJSA) or less shall include a payment of One Hundred and 00/100 (\$100.00) Dollars for each lot or unit. For planning modules above five (5) Equivalent Dwelling Units (as estimated by JAJSA) the charge shall be as agreed upon between JAJSA and owner or developer; provided that the submission contains complete

information for review within sixty (60) days after initial filing. Any planning request not having complete information within sixty (60) days after initial filing shall require the payment of an additional fee upon subsequent submission.

GENERAL.

A. All monthly service charges are due on the first (1<sup>st</sup>) of each month. Late fees in the amount of four and 00/100 (\$4.00) Dollars per EDU will be assessed on any unpaid balance after the twentieth day of the month.

B. No Equivalent Dwelling Unit shall be reserved or deemed available for use until payment of the initial service charge as assessed by JAJSA shall have been paid in good funds to JAJSA. No statement of capacity or availability, estimated assessment or other statement, written or oral, given by JAJSA or agents of JAJSA shall be valid to reserve capacity or actual usage until payment of the initial service charge hereunder.

C. Upon payment of the initial service charge, capacity in the System shall be reserved for the designated property, together with the right to make connection to the System for a period of five (5) years from the date of the payment of the initial service charge. Upon expiration of such five (5) year period, such capacity reservation and right to make connection shall automatically terminate and any subsequent application for sanitary sewer service shall require payment of the full initial service charge then applicable unless Property Owner shall pay an amount equal to the full applicable monthly service charge with respect to the Equivalent Dwelling Units. Such payments shall commence the month immediately following the expiration of the five (5) year period and upon payment of the full applicable monthly service charge, the capacity reservation and right to make connection shall remain valid for so long as Property Owner shall make such full payment of applicable monthly service charges. Such reservation of capacity and right to make connection shall automatically terminate in the event that applicant shall fail to make the required payments hereunder for three (3) months cumulative at any time. Such automatic termination hereunder shall not require JAJSA to give written or oral notice to the applicant.

D. No capacity reservation or right to make connections in accordance herewith shall be assignable, conveyable or transferable by the applicant to any other property without the prior approval of JAJSA. Such capacity reservation and right to make connections shall be and remain applicable only to the property for which capacity reservation and right to make connection was approved.

E. Failure of any Property Owner to receive a written bill shall not relieve the customer from the obligation to pay for services hereunder.

F. Bills for services (including, but not limited to, initial service charges and monthly service charges) shall be rendered to the Property Owner and the Property Owner shall be and remain responsible for payment for sanitary sewer service hereunder by any occupant, tenant or user of the property.

- G. Past due accounts are subject to the following collection procedures:
- Customer receives written notice of non-payment if delinquent for two (2) months.



- After three (3) months or \$100.00 delinquent amount, what shut-off will be requested regardless of time of year.
- Customer late by five (5) months will receive written notice that a lien will be filed with additional costs listed on the notice
- Complaints will be filed with the District Judge on all accounts over one thousand dollars (\$1000.00) Judgment obtained will be filed against customer.

H. Failure of any Property Owner to pay bills for services (including, but not limited to initial service charges and monthly service charges) shall be subject to the filing of a municipal lien and the payment of additional fees after appropriate written notice as follows:

Certified mail service	\$ 17.50
Additional mailing	\$ 6.50
Filing of lien	\$ 17.50
Satisfaction of lien	\$ 13.00
Preparation of lien	<u>\$125.00</u>
Total	\$179.50

I. Any payment made by check which is returned for insufficient funds shall, in addition to other remedies at law, be subject to an additional payment of the higher of the applicable bank charge to JAJSA, plus Twenty-Five and 00/100 (\$25.00) Dollars.

J. Termination inspection fee shall be Fifty and 00/100 (\$50.00) Dollars.

K. A Posting Fee of \$20.00 will be rendered if payment is not received by the Authority within ten (10) days of the date of the Water Shut Off Notice. The posting shall advise the resident of the date the water services will be terminated.

L. Water shut off fee (in addition to any and all other charges or late fees) shall be One Hundred and 00/100 (\$100.00) Dollars. If the entire outstanding bill is paid after JAJSA personnel arrive at the Property Owner's property, the charge shall be Fifty and 00/100 (\$50.00) Dollars.

M. Reconnection fee shall be Fifty and 00/100 (\$50.00) Dollars.

N. All charges and assessments shall be made subject to and in accordance with the Sanitary Sewer System Rules and Regulations of JAJSA then in effect and as the same may be hereinafter amended and modified.

O. All resolutions or parts of resolutions of JAJSA not in accordance with this Resolution are hereby repealed insofar as they affect this Resolution.

APPROVED: December 12, 2022

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Chairman

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Secretary

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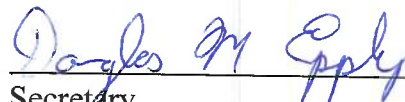
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 Secretary