

RESOLUTION NO. 6-2017

A RESOLUTION OF THE NEW BRIGHTON BOROUGH SANITARY AUTHORITY (NBBSA), BEAVER COUNTY, PENNSYLVANIA, ESTABLISHING RULES AND REGULATIONS FOR CONNECTION TO, DISCHARGE INTO, CONSTRUCTION AND EXTENSION OF THE EXISTING STORMWATER SEWER SYSTEM BY DEVELOPERS, AND PROVIDING FOR SURCHARGES AND PENALTIES ASSOCIATED THEREWITH.

WHEREAS, the NBBSA is desirous of regulating connections to, discharge into, and construction and extension of the existing stormwater sewer system by developers by establishing Stormwater System Rules and Regulations; and

WHEREAS, the NBBSA is desirous of providing for surcharges and penalties associated with violations of the Stormwater System Rules and Regulations.

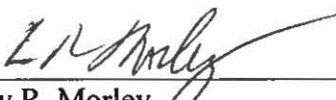
NOW, THEREFORE, BE IT RESOLVED and it is hereby resolved by the Board of the New Brighton Borough Sanitary Authority that the Rules and Regulations Governing Stormwater Service, dated November 2, 2017 are adopted as the official rules and regulations of the New Brighton Borough Sanitary Authority. Said rules and regulations are hereby incorporated by reference as "Attachment A".

APPROVED AND ADOPTED this 2nd day of November, 2017.

**NEW BRIGHTON BOROUGH SANITARY
AUTHORITY**


James Campbell
Chair

ATTEST:


Larry R. Morley
Assistant Secretary

**New Brighton Borough
Sanitary Authority
(NBBSA)**

**Rules & Regulations
Governing Stormwater Service**

**610 Third Avenue
New Brighton, Pennsylvania 15066
724-846-1870**

November 2, 2017

TABLE OF CONTENTS

SECTION ONE	PREAMBLE
SECTION TWO	DEFINITIONS
SECTION THREE	CONNECTION TO SYSTEM PROHIBITED
SECTION FOUR	CONDITIONS & PROCEDURES FOR DIRECT CONNECTION
SECTION FIVE	CONNECTION FEES
SECTION SIX	RIGHT OF INSPECTION
SECTION SEVEN	STORMWATER LATERALS
SECTION EIGHT	EXTENSIONS OF STORMWATER SYSTEM
SECTION NINE	MAINTENANCE AND REPAIR
SECTION TEN	UNLAWFUL USE OF SYSTEM
SECTION ELEVEN	PROHIBITED WASTES
SECTION TWELVE	LIABILITY FOR SERVICE
SECTION THIRTEEN	STORMWATER FEES
SECTION FOURTEEN	LATE PAYMENTS
SECTION FIFTEEN	CREDITS
SECTION SIXTEEN	GENERAL PROVISIONS
SECTION SEVENTEEN	PENALTIES
SECTION EIGHTEEN	REPEALER

1. SECTION ONE: PREAMBLE

1.1. The New Brighton Borough Sanitary Authority ("Authority") is the Owner of the New Brighton Stormwater Management System.

1.2. The Authority leases the entire Stormwater Management System to the Borough of New Brighton ("Borough").

1.3. The Authority is responsible for establishing rates and fees, capital improvements to the System, managing debt necessary for said improvements, obtaining construction permits, obtaining the NPDES permit for stormwater discharges from a MS4 system in the name of the Borough, and for adopting Rules & Regulations for the operation of the System.

1.4. The Borough is responsible for all aspects of the operation of the System; maintenance and repair of the System; billing, collection of stormwater rates and other charges, financial accounting, enforcement of these Rules & Regulations, enforcement of the Borough's Stormwater Ordinance; and implementing and enforcing the requirements of the NPDES permit for stormwater discharges from a MS4 system.

1.5. These Rules & Regulations are a part of the contract with every person, firm, corporation or municipality who is connected to the System; and by being so connected, each customer agrees to be bound hereby.

1.6. The Authority has the right, in its sole discretion and upon just cause shown, to waive or vary any provision of these Rules & Regulations that it deems to be in the best interests of the Authority and in the fair and efficient operation of the System.

1.7. The Borough is vested by the Authority with any power and authority granted herein to the Authority, except those powers listed in Section 1.3 above, which the Authority reserves unto itself.

2. SECTION TWO: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms shall be as follows:

The Authority — The New Brighton Borough Sanitary Authority

The Borough — The Borough of New Brighton

NBBSA - The New Brighton Borough Sanitary Authority

Developed Parcel - A parcel altered from a natural state that contains impervious surface equal to or greater than 400 square feet. Excludes parcel adjoining a Single-Household Detached, owned by the same owner, on which the only development is an impervious surface(s) that is an appurtenant

residential use that would customarily have been created on the adjoining Single-Household Detached parcel had the adjoining lot not existed and been owned by the same owner; i.e. a garage, driveway, shed, pool, patio, etc. Also excludes cemeteries for human remains.

Equivalent Residential Unit (ERU) - The measure of impervious ground cover for a typical single-household detached residential property used in assessing the fees for each parcel of developed property, and which has been determined to be 1,200 square feet.

Impervious Surface - A surface that prevents or retards the infiltration of water into the ground in a manner that such water entered the ground under natural conditions preexistent to development. Impervious surface (or area) includes, but is not limited to: roofs, additional outdoor living spaces, patios, garages, storage sheds and similar structures, parking or driveway areas (including pavement, concrete, pavers, brick, compacted aggregate), and any private streets and sidewalks. Any travel areas proposed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

Non-Single Household Detached (NSHD) - Any developed parcel not fitting the definition of single-household detached. NSHD shall include, but not be limited to, attached single-family houses, multi-family houses, townhouses and condominiums, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.

DEP – Means the Pennsylvania Department of Environmental Protection

EPA – Means the United States Environmental Protection Agency

MS4 – Means a Municipal Separate Stormwater System as defined by the Pennsylvania DEP and the US EPA.

NPDES- Means the National Pollutant Discharge Elimination System

Operation and Maintenance - The associated costs of equipment and facilities, energy, manpower, materials, transportation and services required to collect, convey, detain, pump and transport stormwater; keep equipment, infrastructure, and facilities functioning satisfactorily and economically; administer the Stormwater Management System; and shall include sums paid to defray costs of the Borough of New Brighton's improvements to the Stormwater Management System.

Owner - Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society or group owning real property in the Borough of New Brighton.

User Fee - Sums assessed, imposed and to be collected from each developed lot, parcel, building or portion thereof which uses, benefits from or is serviced by the Stormwater Management System or

which discharges stormwater, directly or indirectly, into the public Stormwater Management System, for the use of and the service rendered and improvement of such system.

Replacement - The associated costs of obtaining and installing equipment, infrastructure, accessories or appurtenances which are necessary during the service life of the Stormwater Management System so as to maintain the capacity and performance for which said system was designed and constructed and shall include costs associated with improvements to the Stormwater Management System.

Rules and Regulations- Shall mean this document and any amendments or additions thereto, whether or not they are embodied in this or successor documents.

Service Charges- The stormwater management user fee imposed by the Authority under the Municipal Authorities Act, as amended.

Single-Household Detached (SHD) - Developed parcel containing one (1) structure which contains one (1) or more rooms with a bathroom and kitchen facilities designed for occupancy by one (1) family and shall include single family houses, single family units, manufactured homes, and mobile homes located on individual lots or parcels of lands. Developed parcels may be classified as 'single-household detached' despite the presence of incidental structures associated with residential uses such as garages, carports or small storage buildings. 'Single-household detached' shall not include developed land containing: structures used primarily for non-residential purposes; manufactured homes and mobile homes located within manufactured home or mobile home parks; or other multiple unit residential properties such as apartments, condominiums and town homes.

Stormwater Main- A principal pipe in the System, owned and maintained by the Authority, to collect and transport stormwater.

Stormwater Management System - The MS4 system of collection and conveyance, including underground pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, manholes, outfalls, flood control structures, stormwater best management practices, channels, detention ponds, public streets, curbs, drains and all devices, appliances, appurtenances and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, discharging and/or treating stormwater that serves the Borough of New Brighton. While considered a part of the Stormwater Management System, ownership of the streets and curbs has been retained by the Borough.

Stormwater - Water from a rain or snowfall event that flows across the land and eventually into rivers, creeks, ditches and canals resulting in debris, sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious surfaces washing into gutters, through storm drains, and eventually flowing into creeks and rivers.

Stormwater Ordinance – Ordinance Number 1187 of the Borough of New Brighton, as amended, known as the “New Brighton Stormwater Management Ordinance”.

The System – Means the Stormwater Management System.

Undeveloped Parcel - A parcel that does not meet the definition of developed parcel. Includes cemeteries for human remains.

User - Any person, firm, corporation, individual, partnership, company, association, government agency, society or group using, benefiting from or being served by the public Stormwater Management System.

All Other Terms: Unless the context specifically indicates otherwise, the meaning of terms not defined above shall be as defined in Title 25 Pa. Code, Environmental Protection, Chapters 92, 93, 102, 105 and 111.

3. SECTION THREE: CONNECTION TO STORMWATER MANAGEMENT SYSTEM PROHIBITED

3.1. It shall be unlawful for any owner of property within the Borough to establish a physical connection to the Stormwater Management System, except as provided for in Section Four below.

3.2. Properties that are physically connected to the System as of November 2, 2017 may be permitted to remain connected to the System, until such time that any improvement is made to that particular stormwater main serving that particular property, at which time the connection may be abandoned, at the sole discretion of the Authority.

4. SECTION FOUR: CONDITIONS AND PROCEDURES FOR DIRECT CONNECTION

4.1. It is recognized that a circumstance may exist wherein no means of controlling stormwater is available to a particular property except by direct connection to the System. No Person shall make or cause to be made any connection with the Stormwater Management System until they have fulfilled all of the following conditions and procedures:

4.1.1. Any Owner desiring to connect to the Stormwater Management System of the Authority must first make a written application for a permit at least two (2) weeks before the service is required. No work of any nature shall commence before the issuance of said permit.

4.1.2. The application will state the address, the name of the Owner, the reason for which the connection is necessary, the proposed use of the property, conveyance criteria calculating anticipated stormwater flow, and the size of pipe, basins and any proposed appurtenances.

4.1.3. The application must be signed by the Owner or his duly authorized agent. The application together with the Rules and Regulations of the Authority and all other local Ordinances shall regulate and control the provision of stormwater service to the property.

4.1.4. The application must be accompanied by any required service charges and any other fees established by the Authority.

4.1.5. The application must contain a proposed date when the connection will be ready for inspection.

4.2. When an application has been made for a stormwater connection or change in an existing service, it is assumed that all plumbing, piping and fixtures which will be serviced are in order to receive the service. The Authority shall not be liable in any case for any accident, breaks, or leakage arising in any way in connection with the acceptance of stormwater flow or failure to accept stormwater flow, or the freezing of pipes or fixtures, nor for any damage to the building or property which may result from the usage or non-usage of stormwater service provided to the property.

4.3. At the time of the inspection of the stormwater connection, the Owner shall permit the inspector full and complete access to all pipes and appurtenances in each Building and in and about all parts of the property. No portion of the work shall be covered over, or in any manner concealed, until after it is inspected and approved by the Inspector.

4.4. No stormwater lateral shall be laid in the same trench with a water, sewer or gas pipe or with any facility of a public service company, or within three feet of any excavation or vault; without written approval of the Authority.

4.5. Notwithstanding any other provisions to the contrary, the Authority shall at all times reserve the right to withhold the issuance of any permit for connection to the Stormwater Management System until the Owner provides collateral or security as the Authority in its sole and absolute discretion deems adequate. Such security is to provide a fund from which all costs and expenses can be paid for the construction of any necessary connection from the existing stormwater main to the property of the Owner; in the event the Owner or any successor fails to complete the construction.

5. SECTION FIVE: CONNECTION FEES

5.1. The property Owner who is approved for connection to the System shall be responsible for all direct and indirect costs associated with providing said connection including the cost of excavating the main, making the actual connection and surface restoration.

6. SECTION SIX: RIGHT OF INSPECTION

6.1. The Authority and its duly authorized representatives and employees, bearing proper credentials and identification, shall be permitted to enter upon all property for the purpose of inspection, observation, testing and retesting of the Stormwater Management System, and to verify the installation and ongoing maintenance of best management practices.

7. SECTION SEVEN: STORMWATER LATERALS

7.1. The Owner, or his designee or contractor, must complete the actual connection to the System, including all appurtenances, from the property. The installation of all pipe and appurtenances must be in conformance with the Authority's Rules and Regulations. The cost for such installation is the exclusive responsibility of the Owner.

7.2. All fittings and/or adapters required by the Owner, along with the actual watertight physical connection thereof to the Authority's stormwater main, shall be the exclusive responsibility of the Owner.

7.3. The stormwater lateral shall be and shall remain the exclusive property of the Owner; and any maintenance, replacement, repair, upgrading, etc. shall be the exclusive responsibility of the Owner.

7.4. No stormwater lateral shall be within three feet of any open excavation or vault, unless such installation plan shall have been previously authorized and approved by the Authority, as evidenced by its written permission.

7.5. Stormwater laterals are not permitted to be installed across the property of a third party in order to access an Authority-owned stormwater main. The Authority may waive this requirement on a case by case basis in extenuating circumstances. In such cases, a right-of-way shall be obtained from the third party, and recorded with the Recorder of Deeds.

7.6. All stormwater laterals and connection pipe shall be placed on a three (3) inch deep PaDOT type 2B aggregate base; and backfilled with PaDOT type 2B aggregate to at least six (6) inches above the top of the pipe. Where rock is encountered on the trench bottom, overexcavate six inches and backfill with PaDOT type 2B aggregate. All pipe shall have at least twenty-four (24) inches of cover mechanically tamped in layers not to exceed twelve (12) inches. All pipe is to be laid in a straight alignment and grade; avoiding summits and depressions which could collect air and sediment.

7.7. All stormwater laterals, connections and installations shall conform to ASTM standards. All joints shall be soil tight gasketed joints.

7.8. Specifications and standards for all stormwater laterals and connections shall be as described herein, or at a minimum, as prescribed by the Uniform Construction Code.

8. SECTION EIGHT: EXTENSIONS OF STORMWATER MANAGEMENT SYSTEM

8.1. Service is available only to prospective Owners who own property abutting an existing Authority-owned stormwater main, which is sufficient in size and capacity to provide the level of service requested by the Owner. It shall be the Authority's sole decision as to whether an existing stormwater main is capable of providing the intended service. If a property does not abut any such Authority-owned stormwater main, the Owner requesting service must pay the cost for extending the Authority's System as provided for herein.

8.2. In determining the length of any extension, the beginning and terminal points of such extension shall, in all cases, be at the locations as determined by the Authority.

8.3. No extension to the System will be made unless and until the applicant or applicants for such extension have entered into a written contract, which must be approved by the Authority. Such written contract may allow for the Owner(s) to install the required line extension, or may provide for the installation of said line extension by the Authority, with the costs borne by the Owner(s).

8.4. The Developer shall secure appropriate planning approval from the New Brighton Borough Planning Commission for the proposed project. The Developer is cautioned that approvals are required from agencies other than the Authority.

8.5. The Developer shall submit two (2) copies of plans for any proposed extension of the Stormwater Management System to the Authority for review, comments, recommendations and approval. Plans shall be on 24" x 36" sheets; showing plan views to a scale of 1" = 50' and profiles to a scale of 1" = 5' or 10' vertically and 1" = 50' horizontally, a north point, a suitable title block, date and the name of the Developers' engineer and imprint of his registration seal.

8.6. Prior to acceptance of any System extension by the Authority, the Developer shall furnish to the Authority "Record Drawings" showing the location of all manholes, and connections relative to permanent landmarks such as buildings, trees, utility poles, or property corners. The "Record Drawings" shall note the as-built distance between manholes, the top and invert elevation of each manhole, and the location of all connections relative to the nearest manhole both upstream and downstream.

8.7. Easements for stormwater mains to be constructed outside of dedicated street rights-of-way shall be recorded in the name of the Authority. Highway occupancy permits for stormwater mains constructed within dedicated street rights-of-way shall be obtained in the name of the Authority.

8.8. All pipe, basins, manholes and other appurtenances shall be of a type and specification as approved by the Authority for use at that specific property or development.

8.9. All stormwater mains shall be placed on a three (3) inch deep PaDOT type 2B aggregate base; and backfilled with PaDOT type 2B aggregate to at least six (6) inches above the top of the pipe. Where rock is encountered on the trench bottom, overexcavate six inches and backfill with PaDOT type 2B aggregate. All pipe shall have at least twenty-four (24) inches of cover mechanically tamped in layers not to exceed twelve (12) inches. All pipe is to be laid on a straight alignment and grade. Where stormwater mains or laterals are installed in traveled portions of roadways, including shoulders, berms, median strips, etc., the pipe shall be backfilled with PaDOT type 2B aggregate to the surface.

8.10. Manholes shall be precast reinforced concrete manholes conforming to ASTM C-478. Manhole inside diameter shall be forty eight (48) inch standard. Custom pre-form opening in manhole base to accommodate stormwater pipe at time of manufacture. Manhole bases shall have flanged bottom with a diameter which is twelve (12) inches larger than the outside of the manhole. Manhole opening shall be twenty seven (27) or thirty (30) inches in diameter. Manholes shall have exterior waterproof coating. Seal all manhole lift holes with non-shrink grout.

8.11. The manhole frame shall have a twenty seven (27) inch diameter opening; and be Allegheny Foundry Company pattern no. 109 or equal. The manhole cover shall be Allegheny Foundry Company pattern no. 110 or equal. Material shall be cast iron, conforming to ASTM A-48, class 30. The words "STORMWATER" shall be embossed on the cover. A watertight frame (Allegheny Foundry Company pattern no. 109W) and cover shall be required where the top of a manhole is within the 100 year flood plain.

8.12. Manhole steps shall be M.A. Industries, Inc. Type PS4, or equal. Material shall be polypropylene. Steps shall be grouted in place three (3") to four (4") inches into the manhole wall during manufacture. Steps shall be twelve (12") inches in width and placed on twelve (12") inch centers vertically.

8.13. Flexible gasket type sealant shall be placed between all manhole sections, the eccentric cone or flat top section, any grade rings (if required) and the manhole frame. Flexible gasket-type sealant shall be RUB' R NEK butyl rubber sealant, or equal, and shall conform to Federal Specification SS-S-210A. Sealant shall be one inch size. Use two sealant strips between each manhole section, each grade adjustment ring and the cover frame.

8.14. Pipe gaskets shall be installed in openings accommodating stormwater mains. Gaskets are to be Dura-Seal III by Dura Tech, Inc., or equal; or a cast type that has a boot and is banded to the pipe providing a seal.

8.15. The manhole frame shall be fastened to the eccentric cone or flat top section of the manhole with two (2) three quarter (3/4) inch high strength, low alloy, steel all threads. A three quarter (3/4) inch lead corker shall be used with each all thread. All threads shall penetrate any and all grade rings used.

8.16. Ready mixed concrete for flow lines shall be 3,300 psi, equivalent to PaDOT Class A cement concrete.

8.17. Depending on the layout of the existing System and / or the potential for future development beyond the area in question, the size of a stormwater main extension could vary, based upon review and recommendations of the Engineer.

8.18. The Authority will supervise the connection of the Stormwater main extension to the System. The Developer shall furnish the necessary fittings and / or manhole to make the connection.

8.19. The stormwater mains and all appurtenances shall be subject to full time inspection by the Authority's Inspector; at the sole cost of the Developer. If the installation of the stormwater mains or appurtenances has been properly made, written approval will be furnished to the Developer or his designated representative. If the work is not satisfactory, the Inspector shall advise what must be done to meet the Authority requirements.

8.20. No stormwater main extension constructed by a Developer will be approved for use and acceptance by the Authority until: the scope of the stormwater main project is formally approved by the Authority, all connection and inspection fees have been paid, the Authority has been reimbursed in full for all inspection costs incurred by the Inspector during construction, testing and approval, and the stormwater main extension has been dedicated to the Authority.

9. SECTION NINE: MAINTENANCE AND REPAIR

9.1. The Authority shall have the ultimate responsibility for the use, operation, maintenance, and repair of the stormwater main.

9.2. All stormwater laterals, whether on or off the property of the Owner, are the responsibility of the Owner; and shall be maintained and repaired by the Owner at his own cost. The Owner is responsible for any required repairs or maintenance to all segments of the stormwater lateral.

9.3. The Authority reserves the sole right to excavate or allow excavation of any System component.

9.4. The Authority shall in no event be responsible for maintenance, or damage done by stormwater escaping from the stormwater lateral or any other pipe or fixture on the upstream side of the stormwater main.

9.5. The Owner shall keep the stormwater lateral from the property in proper condition at all times under penalty of discontinuance of service by the Authority. However, should a serious break or other accident occur on the Owner's property which would threaten the Authority's Stormwater

Management System or its capacity, the Authority reserves the right to discontinue service without notice until such a time as the condition is corrected; or take action necessary to correct the situation.

9.6. In the case of blockage or leakage (either in or out) of the stormwater lateral, the location of which is not readily apparent, the Authority will upon request of the Owner, excavate in and about the stormwater main for the purpose of determining the responsibility for the problem. The Authority shall assume the cost of the work if it is found that the problem is located in the stormwater main. If the problem is determined to be in the stormwater lateral between the stormwater main and the property, the Owner shall reimburse the Authority for the actual costs of the work required to determine responsibility.

10. SECTION TEN: UNLAWFUL USE OF STORMWATER MANAGEMENT SYSTEM

10.1. No Person shall discharge or cause to be discharged into the System any element or property of sewage, agricultural, industrial or commercial waste, leachate, heated effluent, or other matter whether originating at a point or nonpoint source.

10.2. No Person shall connect, cause to be connected, or allow any other person to connect any building and/or property or other source of water to the System in any way other than that for which the permit is or has been issued.

10.3. No Person shall make, or cause to be made, any cross connection between any pipe, fixture, or other appurtenance connected in any way to the System and any public or private component of any potable water system or wastewater source; whereby, in the opinion of the Authority, the potential exists for vacuum or back siphonage which could permit the co-mingling of sanitary wastes, stormwater and/or potable water.

11. SECTION ELEVEN: PROHIBITED WASTES

11.1. The discharge of stormwater to the Stormwater Management System from any building or property other than those for which a permit has been issued in accordance with these rules and regulations is expressly prohibited.

11.2. The discharge of excessive amounts of stormwater to the System is expressly prohibited. The Authority reserves the right to define the amount it deems excessive.

11.3. The discharge of garbage or any form of waste to the System is expressly prohibited.

11.4. The Borough of New Brighton has adopted ordinances regulating stormwater management, fees, and land development relative to the Stormwater Management System. Customers

using the Authority's Stormwater Management System are advised that they are likewise subject to all the Ordinances of the Borough of New Brighton governing stormwater, whether or not specifically set forth herein.

11.5. Where there is a conflict between these Rules and Regulations and the Rules and Regulations of the Borough's Ordinances, the more stringent regulation or requirement shall apply and control.

12. SECTION TWELVE: LIABILITY FOR SERVICE

12.1. It shall be expressly understood and agreed, by and between the Owner receiving service and the Authority, that the Authority does not assume any liability as insurers of property or persons; and that the agreement does not contemplate any special services, capacity, or facility, other than the ordinary or the changing conditions of the Stormwater Management System of the Authority, as the same exists from day to day. The Authority hereby declares that, by acceptance of service, the Owner agrees that the Authority shall be free and exempt from any and all claims for injury or damage to persons or property on the Owner's premises or to any person or property, by reason of System failure or malfunction.

12.2. The Stormwater Management System is subject to blockage and/or stoppage, with or without notice, resulting from acts of God, or acts or occurrences beyond the control of the Authority. The provision of stormwater management services is subject to the Political Subdivision Tort Claims Act, as amended.

13. SECTION THIRTEEN: STORMWATER FEES

13.1. The Owner of each property within the Borough is responsible for the payment of all stormwater fees. An Owner may not elect to have billings sent directly to a tenant.

13.2. Bills and notices relating to stormwater fees will be mailed or delivered to the most recent address specified in writing by the Owner. Failure to receive a bill shall not exempt the Owner from his responsibility to make prompt payment. The presentation of a bill to the Owner is only a matter of accommodation.

13.3. Billings will be rendered on a quarterly basis for all property owners by the Borough on behalf of the Authority. Billings may be combined with the existing billings for solid waste and wastewater service as provided by the Borough.

13.4. For the use of, benefit by and the services rendered by the Stormwater Management System, including its operation, maintenance, repair, replacement and improvement of said system and all other expenses, user fees are imposed upon each and every developed lot, parcel of land, building or

portion thereof that is connected with, uses, is serviced by or is benefited by the Stormwater Management System, either directly or indirectly, and upon the owner(s) of such developed lots, parcels of land or buildings. Such user fees shall be payable by and collected from the owners of such developed lots, parcels of land or buildings as hereinafter provided, and shall be determined as set forth below.

13.5 Effective October 5, 2017, the service charge per ERU shall be set at \$6.50 per month/\$19.50 per quarter. Thereafter, the service charge per ERU may be adjusted from time to time as determined by the Authority by resolution.

13.6 Single-household detached residential dwellings shall be charged for one (1) ERU for each individual dwelling unit.

13.7 The service charge for all other developed non-single household detached parcels within the Borough of New Brighton shall be two (2) ERU for each parcel over one (1) acre in size.

13.8 Notwithstanding the foregoing, public streets, considered a part of the Stormwater Management System, shall be exempt from user fees.

13.9 A service fee will be imposed for each check returned unpaid for any reason.

14. SECTION FOURTEEN: LATE PAYMENTS

14.1. Bills as rendered for any three-month period will show the proper charge, as determined by the applicable rate schedule, the amount of any abatement or deduction allowed, any fee or additional charge due and any payment under the Rules and Regulations. Bills shall be considered as duly rendered when delivered at, or mailed to, the recorded address of the property owner as provided by him for that purpose; or, otherwise, to the premises serviced. Non-receipt of a bill shall never constitute a waiver thereof. The Authority will, upon request, issue a statement to property owners with lost or misplaced bills; but no claim for exemption from assessment charge for delayed payment will be entertained or allowed for any reason whatsoever. Bills are prepared and mailed at approximately the same time each billing period. Any property owner who fails to receive a bill during any billing period, or who misplaces or loses said bill is required to contact the Authority office to ascertain the amount of that bill. Payment of all bills must be received at the Authority office on or before the date specified. Those received later will be subject to the appropriate late charges, which will be applied with the following period's billing.

14.2. A Due Date is specified on each bill. Payment is due on or before that Due Date. Payments mailed, as evidenced by the United States Postal Service, on or prior to the Due Date will be deemed to be a payment within the time period. Payments for which no documentation of delivery exists (i.e. "lost in the mail") will receive no credit.

14.3. The stormwater charges as stated on billings shall be paid not later than the due date. If not paid on or before said Due Date, in addition to the charges, the property owner shall pay as a penalty or surcharge, a sum of money equal to ten percent (10%) of the total balance due the Authority on account of stormwater service charge then outstanding and unpaid, plus previously imposed penalties or surcharges, if any, thereon. If not paid within forty-five (45) days after the billing date to the Owner, the bills shall be deemed to be delinquent and the billing shall include interest of one-half (1/2) percent per month or part thereof until paid.

14.4. All delinquent stormwater charges, surcharges and penalties shall also be subject to a lien against the property in the office of the Prothonotary of Beaver County and may be collected in a manner provided by law.

15. SECTION FIFTEEN: CREDITS

15.1. The Authority has established a separate Stormwater Program and User Fee Credit Policy. That policy describes the credits that are available toward the stormwater fees, and prescribes the process for applying for said credits. Regardless of any credits granted, the minimum service charge is one (1) ERU per parcel.

16. SECTION SIXTEEN: GENERAL PROVISIONS

16.1. If any section, paragraph, subsection, clause or provision of these Rules and Regulations is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Rules and Regulations as a whole or any other part hereof.

16.2. No agent or employee of the Authority shall have the right or authority to bind the Authority by any promise, agreement or representation contrary to the letter or intent of these Rules and Regulations.

16.3. The Authority reserves the right to change or amend from time to time these Rules and Regulations, and rates for the Stormwater Management System, in a manner provided by law.

17. SECTION SEVENTEEN: PENALTIES

17.1. Any violation of these Rules and Regulations is hereby declared to be a summary offense in accordance with Section 5607 (d) 17 of the Pennsylvania Municipality Authorities Act, as amended, and shall be punishable by a fine of up to Six Hundred (\$600.00) Dollars for each offense. Each and every day that a violation of these Rules and Regulations exists shall constitute a separate and distinct offense.

17.2. These Rules and Regulations may also be enforced by the Authority in an action in equity brought in the Court of Common Pleas of Beaver County, Pennsylvania.

17.3. The Borough of New Brighton is authorized to interpret these Rules and Regulations, enforce same, and impose any fees and penalties provided for herein on behalf of the Authority, including the filing of liens and any and all legal remedies.

17.4 Any violation of these Rules and Regulations is also considered a violation of the Borough's Stormwater Ordinance.

18. SECTION EIGHTEEN: REPEALER

18.1. All prior ordinances, parts of ordinances, or rules and regulations inconsistent herewith, shall not be applicable after the effective date of these rules and regulations.

THE AUTHORITY RESERVES THE RIGHT TO CHANGE OR AMEND THESE RULES AND REGULATIONS, ALONG WITH ANY AND ALL FEES AND RATES, AT ANY TIME AND WITHOUT PRIOR NOTICE.

THIS LANGUAGE RESERVED FOR FUTURE USE

Note: Once a study has been completed the following language could be used to revise part 13.0

13.0 SECTION THIRTEEN: STORMWATER FEES

13.1. The Owner of each property within the Borough is responsible for the payment of all stormwater fees. An Owner may not elect to have billings sent directly to a tenant.

13.2. Bills and notices relating to stormwater fees will be mailed or delivered to the most recent address specified in writing by the Owner. Failure to receive a bill shall not exempt the Owner from his responsibility to make prompt payment. The presentation of a bill to the Owner is only a matter of accommodation.

13.3. Billings will be rendered on a quarterly basis for all property owners. Billings may be combined with existing billings for solid waste and wastewater service as provided by the Borough.

13.4. For the use of, benefit by and the services rendered by the Stormwater Management System, including its operation, maintenance, repair, replacement and improvement of said system and all other expenses, user fees are imposed upon each and every developed lot, parcel of land, building or portion thereof that is connected with, uses, is serviced by or is benefited by the Stormwater Management System, either directly or indirectly, and upon the owner(s) of such developed lots, parcels of land or buildings. Such user fees shall be payable by and collected from the owners of such developed lots, parcels of land or buildings as hereinafter provided, and shall be determined as set forth below.

13.5 Effective _____, 2017, the service charge per ERU shall be set at \$___ per month (\$___ annual basis). Thereafter, the service charge per ERU may be adjusted from time to time as determined by the Authority.

13.6 Single-household detached residential dwellings shall be charged for one (1) ERU for each individual dwelling unit.

13.7 The service charge for all other developed non-single household detached parcels within the Borough of New Brighton shall be based upon the number of square feet of measured impervious surface, as determined through aerial photography and/or surface feature evaluation processes, expressed in whole ERUs by rounding to the next highest half ERU. The service charge for said properties shall be computed by multiplying the number of ERUs for a given parcel by the unit rate established by the Authority. In no event shall any such parcel be charged less than one ERU, nor shall any such parcel be charged more than thirty (30) ERUs. Properties that are owned by the same owner, are contiguous to

each other (even if separated by a street), and share the same purpose shall be considered the same parcel for purposes of this section.

13.8 Notwithstanding the foregoing, public streets, considered a part of the Stormwater Management System, shall be exempt from user fees.

13.9 A service fee will be imposed for each check returned unpaid for any reason.