

**BEFORE THE BOROUGH COUNCIL OF THE BOROUGH OF EMMAUS,  
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1197**

**AN ORDINANCE AMENDING CHAPTER 18, SEWER AND SEWERAGE  
DISPOSAL RATES OF THE CODE OF ORDINANCES OF THE BOROUGH OF  
EMMAUS, PENNSYLVANIA FOR THE FISCAL YEAR 2020**

**WHEREAS**, it is the duty of Borough Council to set sewer and sewer disposal rates each year based on the expected costs of sewage disposal for the Borough of Emmaus; and

**WHEREAS**, Borough Council may be required to pay for upgrades to the WWTP and sewer lines by virtue of agreements with the City of Allentown (now being operated by the Lehigh County Authority as a concessionaire); and

**WHEREAS**, the Borough of Emmaus must upgrade and make repairs to the sewer lines located within the Borough and the interceptor; and

**WHEREAS**, the United States Environmental Protection Agency established a Consent Order, Docket No. CWA-03-2009-0313DN Order of September 28, 2009 mandating that all municipalities in the Allentown Sewer Collection System separate all stormwater and groundwater from entering into the sewerage collection system, later relinquishing the mandate to PA DEP to enforce; and

**WHEREAS**, to meet the requirements of the Order and mandates, municipalities are being forced to spend millions of dollars in repairing infrastructure within each municipality as well as within the Allentown City Sewer Collection and Processing System, including but not limited to the sewer plant at Klines Island; and

**WHEREAS**, it is the desire of Emmaus Borough Council to properly prepare for the significant costs that may be incurred as a result of the Administrative Order, deficiencies in the collection system, and repair any and all significant issues within the system.

**NOW THEREFORE BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Emmaus by virtue of existing Resolution 2019 - 45 adopted the budget for the 2020 fiscal year, and hereby ordains as follows:

**SECTION I.** Chapter 18, Part 2, Section 203. **Computation of Sewer Rentals and Charges** is hereby amended to read as follows:

Section 203. Computation of Sewer Rentals and Charges.

1. Effective with the first billing as of January 1, 2020, the sewer rental charge shall be as follows:

|                        | <u>Per Quarter</u> |
|------------------------|--------------------|
| Per connection         | \$25.00            |
| Per each 1,000 gallons | \$2.80             |

2. Effective with the first billing as of January 1, 2017, the Borough of Emmaus established a “Reserve Fund” for purposes of potential future significant structural repairs to the sewer collection and processing system, including but not limited to, potentially the Allentown WWTP, the Emmaus Interceptor, as well as significant structural repairs to Borough of Emmaus sewer lines and manholes.

- A. The Reserve Fund shall be used exclusively for the purposes of significant structural repairs of the sewer collection and processing system and shall not be utilized to balance the Sewer Fund Budget. This provision may only be changed by a superseding Ordinance. It is the intention of Council that this fund shall remain restricted to the above-mentioned uses only and funds may not be borrowed or shifted from said fund even on a temporary basis except by a superseding Ordinance.

- B. The Reserve Fund shall be shown as a separate line item on quarterly sewer bills to all customers and shall be labeled in such a way that it is clearly identified.

- C. The Reserve Fund Rate for 2020 shall be calculated based on the size of the water meter at each address as follows and shall be billed with quarterly bills:

| <u>Water Meter Size:</u> | <u>Per Quarter:</u> |
|--------------------------|---------------------|
| 5/8"                     | \$15.00             |
| 1"                       | \$20.02             |
| 1 1/2"                   | \$27.97             |
| 2"                       | \$38.14             |
| 3"                       | \$53.39             |
| 4"                       | \$68.64             |

3. Any future rate increases may be passed by Resolution or Ordinance of Borough Council.

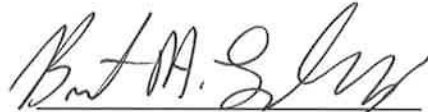
4. Nothing herein shall be construed as an admission of future responsibility for charges to the Allentown WWTP as the same are governed by a 1959 Agreement (and subsequent agreements) with Allentown.

**SECTION II.** All prior or existing Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

**DULY ENACTED AND ORDAINED** this 16<sup>th</sup> day of December, 2019, by the Council of the Borough of Emmaus, Lehigh County, Pennsylvania, in lawful session duly assembled.

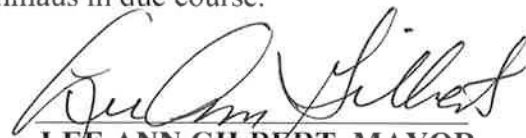


**SHANE M. PEPE**  
Borough Manager



**BRENT A. LABENBERG**  
Borough Council President

**AND NOW**, this 16<sup>th</sup> day of December, 2019, the above **ORDINANCE** is hereby **APPROVED** by the Mayor of the Borough of Emmaus in due course.



**LEE ANN GILBERT, MAYOR**  
Borough of Emmaus

