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**TOWNSHIP OF PAINT
SOMERSET COUNTY, PENNSYLVANIA**

ORDINANCE NO. 86

AN ORDINANCE AMENDING ORDINANCE NO. 80 OF THE TOWNSHIP OF PAINT, ADOPTING "SEWER SYSTEM RULES AND REGULATIONS" FOR THE TOWNSHIP SEWER SYSTEM, AMENDING AND MODIFYING RULES AND REGULATIONS PREVIOUSLY ADOPTED BY SECTION 7 OF THE AFOREMENTIONED ORDINANCE, AND ADDING A NEW SECTION 12.1 ESTABLISHING FEES AND CHARGES AND PROVIDING FOR THE COLLECTION THEREOF

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Paint, Somerset County, Pennsylvania, and it is hereby ordained and enacted by authority of the same as follows:

SECTION 1. Section 7 of Ordinance No. 80 is amended to read as follows:

SECTION 7. The Sewer System Rules and Regulations dated July 23, 1990, and reviewed by the Supervisors at the meeting at which this Ordinance is adopted, are hereby adopted as the Sewer System Rules and Regulations for the Township's sewer system. The signature of the Township Secretary to said Sewer System Rules and Regulations shall be sufficient authentication that said Sewer System Rules and Regulations are the Sewer System Rules and Regulations adopted by this Ordinance.

The Township sewers run into sewage collection, transportation and treatment facilities operated by the Windber Area Authority. Therefore, the Sewer System Rules and Regulations of the Windber Area Authority, by whatever named called or referred to, as the same may be from time to time published and amended, shall also apply and govern the sewers in this Township to the extent applicable. In any case where both these Sewer System Rules and Regulations and the Sewer System Rules and Regulations of the Authority are applicable, and if they are inconsistent, the more stringent rule shall apply. The construction and number and size of all building sewer lines or house service sewers shall be done in accordance with the specifications, plans and procedures established by the Township in said Sewer System Rules and Regulations or, where applicable, as established by the Authority in its Sewer System Rules and Regulations, in each case, by whatever named called or referred to, and as the same may respectively be from time to time modified or amended.

SECTION 2. There is hereby added to Ordinance No. 80 a new section, entitled "Section 12.1," as follows:

SECTION 12.1: Fees and Charges. In order to cover the costs of providing sewage service to those properties served by the Sewer System of the Township, there are hereby established and imposed the following sewer service charges for the use of the facilities of the Sewer System:

1. **Initial Service Charge**
 - (a) There shall be a one-time initial annual service charge (in addition to the monthly or periodic charges hereafter provided for) (hereinafter referred to as "Initial Service Charge") of \$2500 for each customer connection to the Sewer System, payable in advance as set forth herein.
 - (b) As to initial connections of existing buildings to the newly constructed Sewer System, and in consideration of the fact that existing building owners will have to change or modify existing plumbing and sewage systems, if the Initial Service Charge is paid prior to or within 60 days of the mailing of the notice to connect above provided for, there shall be allowed a discount, deduction or credit of \$1500. This discount, deduction or credit is allowed only for buildings which were existing and occupied at the time construction of the Sewer System began. If any permits have been granted by the Township conditioned upon or contingent upon connection to the Sewer System as completed, no discount, deduction or credit shall be allowed for such connection of new facilities.
 - (c) In connection with the construction of the present sewers, construction of which has been substantially completed at the time of adoption of this Ordinance, or will shortly be completed, the Township received a grant based upon income levels of certain persons to be served by such System. One of the terms of the grant was that no tap-in fees be assessed or charged to those persons meeting the income levels involved in qualifying for the grant. While no tap-in or connection fee is being imposed and instead the Township is levying an Initial Service Charge, in recognition of the spirit of the grant and the desire to make public sewage service available to these low income families at reasonable cost, a deduction, discount or credit is hereby allowed in the amount of \$2500 for each connection as to which the owner is at the low income level or category which qualified the Township for the grant.
 - (d) Said Initial Service Charge shall be paid to the Township prior to connection being made to the Township's sewers.

2. Authority Sewer Charges

There is hereby imposed upon all persons provided with sewage service through the Township's Sewer System a monthly sewer service charge and other fees and charges in accordance with the Sewage Rate Resolution, regulations, fees and charges of the Windber Area Authority as the same now exist and as the same may hereafter be amended or modified. Said monthly sewer service charge as imposed by the Authority's Rules and Regulations and rate schedules shall be collected by the Authority.

3. Monthly Sewer Service Charge

In addition to the Authority sewer service charges imposed above, there is hereby imposed a monthly sewer service charge. In consideration of the Initial Service Charge made, said monthly sewer service charge is hereby fixed initially at \$2.00 per month, which is in addition to the Authority sewer service charges referred to above. Said \$2.00 per month shall be on a per customer basis for each customer connected to the Sewer System and shall be collected by the Authority with the Authority sewer service charges indicated above and shall be paid over to the Township.

4. Penalty and Interest

Any penalty and interest provided for in the Rules and Regulations, rate schedules and rate resolutions of the Authority shall be applicable to all charges imposed herein and, with respect to the Initial Service Charge and any other situation not covered by the Rules and Regulations, rate schedules and rate resolutions of the Authority, interest shall be imposed on the amount overdue at the rate of 6% per annum plus costs. All remedies provided by law shall be applicable to collect delinquent charges, including the "shut-off" or discontinuance of water service.

5. Additional Charges

Those additional fees and charges set forth in the Sewer System Rules and Regulations shall also be applicable and are hereby imposed, including such additional charges or surcharges for commercial or industrial customers as may be imposed by the Authority pursuant to its Rules and Regulations and its rate schedules and resolutions. The Township may also impose additional or different rates or charges upon commercial or industrial customers by amendment of this Ordinance at a later time.

6. Equivalent Domestic Units

- (a) Where applicable under the Rules and Regulations, rate schedules and resolutions of the Authority or Township, equivalent domestic units shall be

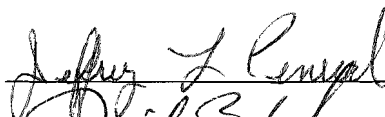
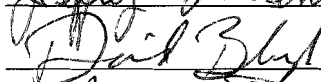

calculated in accordance with the standard measures therefor used by the Pennsylvania Department of Environmental Resources and such calculations shall be applied in accordance with the Rules and Regulations and rate resolutions of the Authority or, to the extent applicable, the Sewer System Rules and Regulations of the Township.

- (b) The Township and/or the Authority may permit, as provided for in this Ordinance, a single connection to serve a school, factory, apartment house, or other permanent multiple-unit structure whose individual apartments or units may not be subject to separate ownership, and, in such case, multiple service charges, both initial and periodic, shall be imposed for separate units in a manner consistent with the Authority's imposition of multiple service charges under such circumstances, whether on the basis of equivalent domestic units or otherwise. Where there are multiple service charges imposed in such situations by the Authority, whether on the basis of equivalent domestic units or otherwise, separate \$2.00 monthly service charges by the Township provided for herein shall also apply.

SECTION 3. Except as hereby amended, Ordinance No. 80, and all of its provisions, is hereby ratified and confirmed, and all of the general provisions thereof, including Section 14 dealing with severability, shall be applicable to this Amendment.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Paint in lawful session assembled this 6th day of August, 1990.

TOWNSHIP OF PAINT
By its Board of Supervisors

	_____	Chairman
	_____	Vice Chairman
	_____	Secretary/Treasurer

(TOWNSHIP SEAL)

SECRETARY'S CERTIFICATE

I, the undersigned, hereby certify that I am the Secretary of the Board of Supervisors of Paint Township, Somerset County, Pennsylvania, and that the foregoing or attached Ordinance is a true and correct copy of said Ordinance, duly enacted and adopted by the affirmative vote duly recorded of a majority of the members of the Board of Supervisors of said Township at a meeting of the Board of Supervisors duly called, posted and advertised, which meeting was held on the 6th day of August, 1990, at which a quorum was present, and I do further certify that the foregoing or attached Ordinance is duly spread upon or attached to the minutes of said meeting and that, as of the date hereof, said Ordinance has not been amended, modified or rescinded and is still in full force and effect. I further certify that said Ordinance or a summary thereof was duly published prior to adoption as required by law, and after adoption if required by law, and that if required, the same was duly filed in the office of the Recorder of Deeds of Somerset County, Pennsylvania.

The Ordinance referred to in this Certificate is titled:

AN ORDINANCE AMENDING ORDINANCE NO. 80 OF THE TOWNSHIP OF PAINT, ADOPTING "SEWER SYSTEM RULES AND REGULATIONS" FOR THE TOWNSHIP SEWER SYSTEM, AMENDING AND MODIFYING RULES AND REGULATIONS PREVIOUSLY ADOPTED BY SECTION 7 OF THE AFOREMENTIONED ORDINANCE, AND ADDING A NEW SECTION 12.1 ESTABLISHING FEES AND CHARGES AND PROVIDING FOR THE COLLECTION THEREOF

Witness my hand and the seal of the Township this 6th day of August, 1990.


Secretary, Board of Supervisors
Paint Township, Somerset County,
Pennsylvania

(Township Seal)