

**Township of Paint
Somerset County, Pennsylvania**

Ordinance No. 97-115

AN ORDINANCE OF THE TOWNSHIP OF PAINT, SOMERSET COUNTY, PENNSYLVANIA, AMENDING TOWNSHIP ORDINANCE NO. 80, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 86, AMENDING THE TOWNSHIP'S "SEWER SYSTEM RULES AND REGULATIONS" FOR THE TOWNSHIP SEWER SYSTEM BY, AMONG OTHER CHANGES, AMENDING SECTION 912 AND ADDING A NEW SECTION 913.1, AND AMENDING SECTION 12.1 OF TOWNSHIP ORDINANCE NO. 80, WHICH WAS ADDED BY TOWNSHIP ORDINANCE NO. 86, FIXING 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. The Sewer System Rules and Regulations of the Township dated July 23, 1990, adopted by Section 1 of Ordinance No. 86, amending Section 7 of Ordinance No. 80, are hereby amended in accordance with the "1997 Amendments to Sewer System Rules and Regulations" dated as of July 1, 1997, and reviewed by the Supervisors at the meeting at which this Ordinance is adopted. The signature of the Township Secretary to said 1997 Amendments to Sewer System Rules and Regulations shall be sufficient authentication that said 1997 Amendments to Sewer System Rules and Regulations are the 1997 Amendments to Sewer System Rules and Regulations adopted by this Ordinance.

SECTION 2. Section 12.1 of Ordinance No. 80, which was added by Ordinance No. 86, shall apply only to those persons who connected to the system (other than those connecting to Phase II, the portion being placed into service in mid-1997), or were required to connect to the system, prior to July 1, 1997. A new Section 12.2 is hereby adopted to read as set forth below. It shall apply to all connections made to the most recent addition to the system and to all connections made after July 1, 1997. The provisions of Section 12.2.B. and 12.2.C. shall also apply to all existing sewer system customers and, upon the effective date hereof, inconsistent provisions of Section 12.1 are repealed.

Section 12.2: Fees and Charges. There are hereby established and imposed the following sewer system fees and charges:

A. Connection Fees, Customer Facilities Fees and Tapping Fees

1. Connection Fee

A fee which shall not exceed an amount based upon the actual cost of the connection of the property extending from the Township's main to the property line or curb stop of the property so connected. The Township may also base such fee upon an average cost for previously installed connections of similar type and size. In lieu of payment of such fees, the Township may also require the construction and dedication of such facilities by the property owner or owners requesting a connection. The amount of the connection fee shall be the amount calculated by the Township's engineers pursuant to the applicable provisions of the law. Because of the use of grant money for the construction of the Township's sewage facilities to date, the Township is not imposing a connection fee for those who connect to the Township's system existing as of the date hereof. A connection fee may or may not be imposed with respect to later extensions of the system, depending upon any grants received and the calculations of the Township's engineers.

2. Customer Facilities Fee

This fee shall not exceed an amount based upon the actual cost of facilities serving the connected property from the property line or curb stop to the proposed dwelling or building to be served. This fee shall be chargeable only in the event that the Township and not the property owner or owners installs the the customer facilities. The Township hereby requires that the customer facilities be constructed by the property owner or owners in accordance with Township specifications. Therefore, this fee, to be in the amount of the actual cost incurred by the Township, shall be levied only in the unusual event that, for whatever reason, the Township shall have constructed facilities from the property line or curb stop to a dwelling or building to be served.

3. Tapping Fee

A tapping fee, as numerated and defined by clause (t) of subsection B of section IV of the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945," which the Township is permitted to levy by virtue of 53 P.S. § 67502(a). The amount of the tapping fee shall be determined by calculations made by the Township's engineers. Components of such fee shall be as set forth in the statutory provision just referred to and shall be separately set forth in an appropriate rate resolution of the Township

establishing the fee. No tapping fee is being imposed with respect to connections to that portion of the sewage facilities of Paint Township in existence at the time of the adoption of this Ordinance. Such fees may be imposed with respect to future extensions or additions by an appropriate rate resolution of the Township or by amendment of this Ordinance.

4. The fees imposed under this Section 12.2.A. shall be in addition to the fees and charges imposed elsewhere in this section.

B. Monthly Sewer Service Charge

In addition to the Authority sewer service charges, there is hereby imposed a monthly sewer service charge or rental fee or charge. The monthly sewer service charge, which is in addition to the Authority charges, shall be collected by the Authority with the Authority charges and shall be paid over to the Township, less any reasonable administrative fees agreed to by the Township. The \$2.00 per month rate heretofore charged shall apply for all billings prior to September 1, 1997. Effective September 1, 1997, the Township hereby imposes a Township sewer service charge equal to the sewer service charge of the Windber Area Authority pursuant to the Authority's sewer rates in effect at the time of billing. The current rates are set forth on Exhibit A hereto. The amount of the monthly sewer service charge or rental fee or charge may be changed by the Township Supervisors from time to time by resolution. An increase in the Authority's rates shall automatically result in a corresponding increase in the Township's rates unless the Township, by resolution, provides otherwise.

C. Other Fees, Charges and Provisions Concerning Same

1. 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, including but not limited to any applicable connection fees, customer facilities fees and tapping fees, 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 and other fees and charges imposed by the Authority shall be collected by the Authority. The Township may require evidence of payment of some or all Authority fees before allowing a connection to be made.

2. 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 Monthly Service Charges and other fees and charges for which a specific penalty or interest charge is not stated in these or the Authority's Rules and Regulations, rate schedules and rate resolutions of the Authority or Township, 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.

3. Inspection Fee

An inspection fee to cover the costs of inspection payable at the time of application for connection, in such amount, if any, as the Township shall fix from time to time by resolution.

4. 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, or by amendment of the Sewer System Rules and Regulations.

5. Equivalent Domestic Use

- (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, and multiple other fees and charges, 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 charges imposed

in such situations by the Authority, whether on the basis of equivalent domestic units or otherwise, separate monthly service charges by the Township provided for herein or by separate resolution shall also apply.

SECTION 3. Except as hereby amended, Ordinance No. 80, and all of its provisions, as previously amended by Ordinance No. 86, 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 4th day of August, 1997.

**TOWNSHIP OF PAINT
By its Board of Supervisors**

David Bly Chairman
Thomas J. Shuster Vice Chairman
Richard W. Seese Secretary/Treasurer

(Township Seal)

WINDBER AREA AUTHORITY SEWER RATES

SEWER RATES

Monthly Consumption	Monthly Rate Per Thousand	Amount	Total
0 - 2,000		MINIMUM	3.50
2,000 - 33,333	1.40	46.67	50.17
33,333 - 66,667	1.00	33.33	83.50
66,667 - 100,000	.80	26.67	110.17
100,000 - 133,333	.65	21.67	131.84
Over 133,333	.32		

Effective Date of Rate Schedule: June 1996 Billing


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 4th day of August, 1997, 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, 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 OF THE TOWNSHIP OF PAINT, SOMERSET COUNTY, PENNSYLVANIA, AMENDING TOWNSHIP ORDINANCE NO. 80, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 86, AMENDING THE TOWNSHIP'S "SEWER SYSTEM RULES AND REGULATIONS" FOR THE TOWNSHIP SEWER SYSTEM BY, AMONG OTHER CHANGES, AMENDING SECTION 912 AND ADDING A NEW SECTION 913.1, AND AMENDING SECTION 12.1 OF TOWNSHIP ORDINANCE NO. 80, WHICH WAS ADDED BY TOWNSHIP ORDINANCE NO. 86, FIXING FEES AND CHARGES AND PROVIDING FOR THE COLLECTION THEREOF

Witness my hand and the seal of the Township this 4th day of August 1997,
1997.


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