

**SEWAGE TAP IN FEE ORDINANCE
FREEPORT BOROUGH,
ARMSTRONG COUNTY, PENNSYLVANIA
ORDINANCE NO. 366**

Freeport Borough, Armstrong County, Pennsylvania, hereinafter referred to in this ordinance as the "Borough", does hereby impose the following Tap in Fee for their sewage system pursuant to Act 57 of 2003 of the Municipality Authorities Act of 1945, ("the Act") as amended; and, Section 507-A of the Pennsylvania Municipalities Planning Code (53 P.S. 1057A), as amended.

ARTICLE 1: ENABLING LEGISLATION

A. Section 507-A of the Pennsylvania Municipalities Planning Code (53 P.S. 1057A), as amended, requires all municipalities to comply with the Pennsylvania Municipality Authorities Act, specifically Act 57, for purposes of calculating tapping fees; determining appropriate reimbursements; and , allowing a Developer to construct water and sewer facilities.

ARTICLE 2: DEFINITIONS

A. **CAPACITY** – The physical limits of a particular facility or system.

B. **CAPACITY RELATED FACILITIES** – Facilities such as wastewater treatment plants, sewage interceptors, and other similar components, the cost of which may be recovered through the capacity part of the tapping fee.

C. **COLLECTION FACILITIES** – Facilities that are used for the collection of wastewater, typically collectors sewer mains to which individual properties are connected by means of lateral sewers. The cost of these facilities is recovered as part of the distribution/collection part of the tapping fee.

D. **CONNECTION FEE** – A fee authorized under Act 57 to recover the Borough's cost for facilities installed between the sewer mains and the property line or curb stop of the property to be connected to the system.

E. **CUSTOMER FACILITIES FEE** – A fee authorized under Act 57 to allow the Borough to recover its actual cost for facilities installed between the property line or curb stop and the internal plumbing of the building being connected to the system.

F. **DESIGN CAPACITY** – The theoretical limit of the facility or system to perform its intended function in a safe and reliable fashion as determined by the design engineer.

2. The right to receive the Distribution Part shall be subject to the provision that the property owner who is entitled to the reimbursement shall have previously entered into a Developer's Agreement with the Borough.

ARTICLE 6: TIME OF PAYMENT – The time of payment for the Fees imposed by this Ordinance shall be due and payable as follows:

A. **NO PLANNING MODULES REQUIRED:** All Act 57 Fees shall be due and payable on or before the time of application for a sewer connection inspection.

B. **PLANNING MODULES REQUIRED:** All Act 57 Fees shall be due and payable for the entire planned development on or before the commencement of any construction of any of the sewer line extensions contemplated for the development by the property owner.

ARTICLE 7: OTHER FEES – The fees imposed herein shall be in addition to any charges assessed against the property of the property owner resulting from the construction of any sewer lines by the Borough in accordance with Section 4(r) and 4(s) of the Act as well as any user charges imposed by the Borough pursuant to Section 4(h) of the Act.

ARTICLE 8: EFFECTIVE DATE

A. **PUBLIC MEETING** – It is acknowledged that this Ordinance is being adopted at a public meeting of the Ordinance and the Effective Date for all fees shall be _____, 2010, the date and time at which the Borough voted by majority vote to impose all fees defined by this Ordinance.

B. **ENGINEERING CALCULATIONS** – It is acknowledged that this Ordinance is being adopted after review by the Borough of engineering calculations prepared by the Engineer concerning these matters as set forth by Act 57, and that said engineering calculations shall be made available for public inspection at any time hereafter while any of the fees imposed herein are in effect, and shall be attached and marked "A".

ARTICLE 9: PREVIOUS FEES SUPERCEDED – All connection fees, impact fees, tapping or other fees imposed upon connection to the Borough's Sewer System heretofore adopted by the Borough shall be superceded by the fees established herein.

ARTICLE 10: ENFORCEABILITY – Any fees due and payable under this Ordinance may be enforced by the Borough in accordance with the enforcement provisions otherwise granted to the Borough under applicable state law.

ARTICLE 4: MISCELLANEOUS MATTERS

A. MULTI-FAMILY DWELLINGS – The Tapping Fee Component shall be the sum of Two Thousand Seven Hundred Thirteen (\$2,713.00) Dollars per dwelling unit contained within each building plus the same sum for all other uses within the building other than dwelling units for each EDU.

B. MULTIPLE EDU'S IN ONE BUILDING – All determinations shall be based on a flow estimate prepared by the Engineer for the Borough. The Tapping Fee Component shall be the sum of Two Thousand Seven Hundred Thirteen (\$2,713.00) Dollars multiplied by the number of projected EDU's.

1. ESTIMATED EDU'S TOO HIGH OR TOO LOW: On or after two years of the imposition of the estimated tapping fees, the Borough may make an actual average calculation of the EDU's. If higher, additional Tapping Fees shall be paid to the Borough, if lower, Tapping Fees will be reimbursed by the Borough. Any further re-evaluation may be made only at the request and determination by the Borough.

2. CHANGE IN OCCUPANCY USE – If the occupancy of a building that was previously connected to the Borough's sanitary sewer changes, a tapping fee will be redetermined in accordance with this Article and from which will be deducted the amount of any tapping fee previously paid for the same building if higher than the previous use. If the EDU's are less, there shall be no reimbursement by the Borough for the change in use.

ARTICLE 5: REIMBURSEMENT OF DISTRIBUTION PART

A. MANDATORY REIMBURSEMENT – When a property owner constructs or causes to be constructed at his expense any extension of the sanitary sewer system which thereafter is dedicated to the Borough, or is under agreement to be dedicated to the Borough, that property owner shall be entitled to be reimbursed a sum equal to the Distribution Part of each Tapping Fee Component collected when the owner of another property not in the development for which the extension was originally constructed connects a service line DIRECTLY to the extension within ten (10) years of the date of the dedication of said extension to the Borough, provided that there shall be deducted from such reimbursement a sum equal to 5% of the Distribution Part, which shall be deemed to represent the appropriate Borough charge for administrative expenses and services rendered in calculating, collecting, monitoring, and disbursing the reimbursement payment to the property owner, and subject to the following:

1. No reimbursement of the Distribution Part shall be permitted for any sewer line or lines which have been paid for by the Borough.

G. EQUIVALENT DWELLING UNIT – (“EDU”) – This term shall refer to the design capacity for a new residential customer, as defined in the Act.

H. SINGLE FAMILY DWELLING – This is equivalent to one dwelling unit and includes one mobile home or one house trailer whether or not it is situated in a mobile home park.

I. TAPPING FEE - A four part fee authorized under Act 57 whose total charge is determined by the summation of the component parts known as (1) the Capacity Part; (2) the Distribution/Collection Part; (3) the Special Purposes Part; and (4) the Reimbursement Component.

ARTICLE 3: IMPOSITION OF FEES

A. CUSTOMER FACILITIES FEE – The Borough shall impose a fee any time the Borough installs any portion of a property owner's sewer line and facilities that run from the property line or curb stop of the property owner to the proposed dwelling or building to be served. This fee will be the amount equal to the ACTUAL COST to the Borough by constructing any line or facility. This fee is chargeable only in the event that the Borough, and not the property owner, installs the customer facilities.

B. CONNECTION FEE – There is hereby imposed a fee equal to the ACTUAL COST to the Borough to construct that portion of the lateral leading from the Borough's main, interceptor, or collector sewage line, to the property line or curb stop of the property to be connected.

C. TAPPING FEE – There is hereby imposed a total Tapping Fee of Two Thousand Seven Hundred Thirteen (\$2,713.00) Dollars for each Equivalent Dwelling Unit (“EDU”) based on the summation of the following component parts:

1. CAPACITY PART AND DISTRIBUTION/COLLECTION PART: These fees are imposed for capacity related facilities and the cost of distribution and collection facilities. This fee is Two Thousand Seven Hundred Thirteen (\$2,713.00) Dollars per EDU. The Capacity Part is _____ Thousand _____ Hundred _____ (\$_____ .00) Dollars per EDU and the Distribution/ Collection Part is _____ (\$_____ .00) Dollars per EDU.

2. SPECIAL PURPOSES PART: This is not applicable to this report.

3. REIMBURSEMENT PART: This is not applicable to this report.

ARTICLE 11: SEVERABILITY - In the event that any portion of this Ordinance is rendered invalid by any Court of Law, the remainder of the Ordinance shall remain in effect and undisturbed.

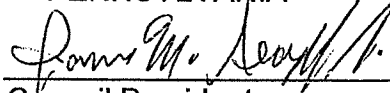
ORDAINED AND ENACTED INTO LAW THIS 6th DAY OF DECEMBER, 2010.

ATTEST:

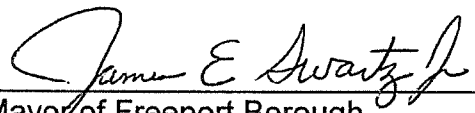
BOROUGH OF FREEPORT,
ARMSTRONG COUNTY,
PENNSYLVANIA


Secretary

(seal)


Council President

Approved and accepted this 6th day of DECEMBER, 2010.


Mayor of Freeport Borough