

RESOLUTION NO. 2020-23

A RESOLUTION OF THE BOARD OF SUPERVISORS OF AMITY TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TAPPING FEE CHARGED AGAINST THE OWNER OF EACH IMPROVED PROPERTY THAT CONNECTS TO THE TOWNSHIP'S SEWER SYSTEM IN ACCORDANCE WITH ACT 57 OF 2003; PROVIDING THE MANNER OF PAYMENT OF SUCH TAPPING FEE; AND PROVIDING FOR ENFORCEMENT OF PAYMENT OF SUCH TAPPING FEE.

WHEREAS, Act 57 of 2003, amended the Pennsylvania Municipalities Authorities Act of 1945, requires all municipal sewer system tapping fees to be calculated pursuant to the calculations set forth in the Act; and

WHEREAS, the Township of Amity has enacted Ordinance No. 96-154 (the "Connection Ordinance") requiring all owners of improved property that lawfully may be required to connect with the sewer system, to make such connection of improved property with the sewer system; and

WHEREAS, the Township has power and authority under §5607(d)(24) of the Authorities Act to charge certain enumerated fees to owners of improved property in the area served by the sewer system who desires to or are required by the Connection Ordinance to make connection.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors, as follows:

Section 1. No person shall connect any improved property with any part of the sewer system without first making application for and securing a Permit, in writing, from the Township, as provided for in the Connection Ordinance. Such application shall be made on a form to be provided by the Township.

Section 2. The Township hereby does impose a "Tapping Fee" in an amount set forth in Section 3 against the owner of any improved property in the area served by the sewer system which is required to be connected pursuant to the Connection Ordinance then in effect requiring such connection, or which otherwise is connected to the sewer system.

Section 3. The Tapping Fee payable by the owner of an improved property described in Section 2 shall be the product of **Four Thousand Dollars (\$4,000.00)** times the number "Equivalent Dwelling Units" constituting such improved property. The said sum of Four Thousand Dollars (\$4,000.00) has been calculated and itemized in accordance with Act 57 of 2003, amending the Pennsylvania Municipalities Authorities Act of 1945, 53 Pa.C.S. §5607(d)(24), as set forth on Exhibit "A" attached hereto and made a part hereof.

Property "Equivalent Dwelling Units" shall mean the unit of measure by which the Tapping Fee shall be imposed upon each improved property served by the sewer system, as determined in the ordinance or ordinances of the Township establishing periodic user charges against users of the sewer system, or in any subsequent rate resolutions that are adopted from time to time.

The minimum tapping fee applicable to any improved property served by the Township's system shall be the applicable amount times one Equivalent Dwelling Unit. To this minimum tapping fee shall be added the applicable charge for each additional Equivalent Dwelling Unit that is determined to be applicable to such improved property.

Section 4. The Tapping Fee shall be due and payable the earlier of: (1) The time application is made to the Township to make any such connection to the Sewer System, as provided in Section 1, or, is applicable, the date when the Township shall connect any such improved property to the sewer system at the cost and expense of the owner, when such owner shall have failed to make such connection as required pursuant to the provisions of the Connection Ordinance then in effect requiring such connection; or (2) in the case of properties initially to be connected to the completed sewer system, the date which is sixty (60) days after the date of issuance by the Township, of the notice to connect.

Section 5. All Tapping Fees shall be payable to the Treasurer of the Township or to such other officer or representative of the Township as shall be authorized, from time to time, by Resolution of the Resolution, to accept payment thereof.

Section 6. Payment of the Tapping Fees imposed by the Township pursuant to this Resolution shall be enforced by the Township in any manner appropriate under the laws at the time in effect.

Section 7. The Township may, from to time, adopt modifications of, supplements to, or amendments of this Resolution.

Section 8. This Resolution shall become effective November 1, 2020.

Section 9. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any

remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

Section 10. All Resolutions or parts of Resolutions inconsistent herewith expressly are repealed.

DULY ADOPTED this 15th day of July 2020, by the Board of Supervisors of Amity Township, in lawful session duly assembled.

AMITY TOWNSHIP BOARD OF SUPERVISORS

By: Kim McGrath
Chairman

Attest: Pamela L Kesil
Secretary