

Attachment

TUS Data Request 1, No. A-15-1

THE SEWER AUTHORITY OF THE CITY OF SCRANTON

RESOLUTION NO. 2-2005

TAPPING FEE RESOLUTION

A RESOLUTION OF THE BOARD OF THE SEWER AUTHORITY OF THE CITY OF SCRANTON, PENNSYLVANIA, ADOPTING A CONNECTION FEE AND IMPOSING A TAPPING FEE PURSUANT TO ACT 57 OF 2003.

WHEREAS, The Sewer Authority of the City of Scranton, Pennsylvania (the "AUTHORITY") is a municipal authority existing under and governed by the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented ("MAA"), situated in the City of Scranton ("CITY"), Lackawanna County, Pennsylvania; and

WHEREAS, the AUTHORITY owns a certain wastewater collection, transportation, treatment, and disposal system and all related and other necessary facilities (the "SEWER SYSTEM") and operates said system under the October 24, 1990 Agreement with the CITY of Scranton as amended; and

Whereas, Ordinance No. 13-1968 of the CITY requires any property accessible to the SEWER SYSTEM upon which a building is erected to connect to the SEWER SYSTEM at the OWNER'S expense and establishes a fee for such connection; and

WHEREAS, the AUTHORITY has the power and authority under the MAA, as amended by Act 57 of 2003, to charge a tapping fee and connection fee whenever the OWNER of any property connects such property with the SEWER SYSTEM; and

WHEREAS, the MAA was amended by the Act of December 30, 2003, P.L. 308, No. 57, § 1, 53 P.S. § 5607, in order to *inter alia*, prescribe the method for calculating a tapping fee and a connection fee where such fee is authorized by municipal resolution; and

WHEREAS, it is the decision of the AUTHORITY that provision for payment of part of the costs of existing facilities and the cost of additional facilities should be made the responsibility of the PERSONS or entities that benefit from the use of existing facilities and contribute to the necessity for such additional facilities the amount of which shall not exceed the costs of the following fee components as more fully set forth herein:

1. The capacity fee for capacity related general system facilities including but not limited to pumping, transmission, trunk sewers, interceptor mains, and wastewater treatment facilities to provide existing service and future capacity related facilities to provide future services as restricted therein.

2. The distribution or collection part for distribution and collection related facilities such as mains required to provide existing services and those that will provide future services.
3. Special purpose part for special purpose facilities applicable only to a particular group of customers, serving a particular purpose, or serving a specific area, and such facilities may include those that provide existing services and those that will provide future services.
4. Reimbursement component being an amount necessary to recapture the allocable portions of the facilities in order to reimburse the property OWNER at whose expense such facilities were constructed.

NOW THEREFORE, BE IT RESOLVED, by the Board of the Sewer Authority of The City of Scranton as follows:

SECTION 1. Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Resolution shall be as follows:

- A. "AUTHORITY" means the Sewer Authority of the City of Scranton, Pennsylvania, a Pennsylvania municipal authority.
- B. "CITY" means City of Scranton, Lackawanna County, Pennsylvania, a municipality.
- C. "COMMERCIAL" means any room, group of rooms, building or enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service or use or intended for use for any social, amusement, religious, education, charitable or public purpose and containing plumbing facilities for kitchens, toilet or washing facilities.
- D. "EQUIVALENT DWELLING UNIT (EDU)," with regard to individual OWNER is any group of rooms, house trailer, mobile home, enclosure, etc., occupied or intended for occupancy as separate living quarters for a family or other group of PERSONS living together or by PERSONS living alone. Wastewater flow from RESIDENTIAL CUSTOMERS is assumed to be 214 gallons per day ("gpd") pursuant to the guidelines set forth in Act 57 for calculating residential flow contributions for the purpose of assessing tapping fees for use of the SEWER SYSTEM.
- E. "IMPROVED PROPERTY" shall mean any property upon which there is a structure erected for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sewage shall or may be discharged.
- F. "INDUSTRIAL" means any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling from which any waste, as distinct from sanitary sewage, shall be discharged.

- G. "OWNER" means any individual, partnership, company, association, society, trust, corporation, or other group or entity owning or otherwise responsible for ownership of a property.
- H. "PERSON" means any individual, partnership, company, association, society, trust, corporation or other group or entity. The singular shall include the plural, and the masculine shall include the feminine and the neuter.
- I. "RESIDENTIAL CUSTOMER" means any PERSON owning or occupying a residential property which is connected to or entitled to connect to the sanitary SEWER SYSTEM of the AUTHORITY and shall also include those PERSONS developing property for residential dwellings that require multiple tapping fee permits.
- J. "SEWER SYSTEM" means wastewater collection, transportation, treatment, and disposal system and all other facilities owned and operated by the AUTHORITY.

SECTION 2. 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 AUTHORITY.

SECTION 3. There is hereby fixed and imposed a tapping fee upon the OWNER of each residential, INDUSTRIAL or COMMERCIAL property (other than such OWNER who is subject to contractual or special agreements providing for payment of certain sums in lieu of a tapping fee) making any connection to the SEWER SYSTEM, regardless of whether such connection is direct or indirect, including changing the type of use of property previously connected or connecting one or more new uses of the types hereinafter referred to through an existing connection, and regardless of whether such property is connected separately or through one or more existing or new lateral or sewer connection or such collection line is owned by the AUTHORITY or owned by any OWNER other than the AUTHORITY. Such fee is based upon the fee schedule duly adopted herewith. The fee shall be in addition to any charges assessed against the OWNER in the construction of a sewer main, as well as any other user charge imposed.

SECTION 4. With respect to the capacity part of the SEWER SYSTEM, the tapping fee is hereby fixed at the sum of \$1,450.00 per residential EDU and \$6.77 per gallon per day for a nonresidential connection. A detailed itemization of all calculations, showing the maximum fee allowable for the capacity part of the tapping fee and the manner in which the fee was determined, is attached hereto as Schedule "A" and hereby made part of this Resolution.

SECTION 5. Each EDU shall be charged separately even though two or more domestic units are or will be connected to either new or old collection lines through a single connection (a service lateral or a manhole). For non-residential OWNERS (COMMERCIAL or INDUSTRIAL) the number of gallons per day to be assigned to each OWNER for the purpose of tapping fees shall be determined from the nature of the establishment and estimated based on

wastewater loads which may be or are discharged into said collection lines. Whenever actual loads exceed estimates an additional tapping fee shall be charged for the difference between actual and estimated.

SECTION 6. Where any IMPROVED PROPERTY connected to said collection line shall be converted, enlarged or remodeled or additional buildings shall be constructed on a property and connected indirectly to said collection line through an existing service lateral or manhole, so as to create or establish additional uses as classified in Section 5 hereof, an additional tapping fee determined in accordance with Section 5 hereof for each such additional use shall be payable to the AUTHORITY by the OWNER of said property.

SECTION 7. With respect to a connection fee to the SEWER SYSTEM, the connection fee is hereby fixed at the sum of \$50.00 per connection. A detailed itemization of all calculations, showing the connection fee and the manner in which the fee was determined, is attached hereto as Schedule "B" and hereby made part of this Resolution.

SECTION 8. If requested, the AUTHORITY may install the service lateral from the sewer main up to the IMPROVED PROPERTY. The AUTHORITY shall give the OWNER at least 15 days written notice of the time when the AUTHORITY proposes to make the connection and install the lateral. The OWNER shall reimburse the AUTHORITY the actual cost of constructing and connecting such service lateral plus the \$50.00 base connection fee. The fee shall be paid to the AUTHORITY within 15 days of receipt of the AUTHORITY'S notice and prior to the connection being made to the sewer main.

SECTION 9. The tapping fee and connection fee imposed hereunder shall be in addition to:

- A. Any customer facilities fee imposed by the AUTHORITY or the CITY~ and
- B. Any sewer service or other charges fixed, charged or imposed by the AUTHORITY or CITY by reason of the use, or availability of use, of the SEWER SYSTEM by such property.

SECTION 10. The tapping fee and connection fee shall be due and payable at the time application is made to the AUTHORITY to make any such connection to the SEWER SYSTEM. as provided in Section 2. or upon the date when the AUTHORITY 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 by the AUTHORITY pursuant to the provisions of the ordinance then in effect requiring such connection.

SECTION 11. All tapping fees and connection fees shall be payable to the Sewer Authority of the City of Scranton.

SECTION 12. Payment of tapping fees charged by the AUTHORITY pursuant to this Resolution shall be enforced by the AUTHORITY in any manner appropriate under laws at the time in effect.

SECTION 13. The AUTHORITY reserves the right, from time to time, to adopt modifications of, supplements to, or amendments of this Resolution, and to reverse and substitute, from time to time, Schedules "A" and "B", which shall be available for public inspection, to reflect appropriate amendments to the cost components, design capacity, or other elements of the required calculations of the tapping fee and connection fee.

SECTION 14. This Resolution shall become effective immediately.

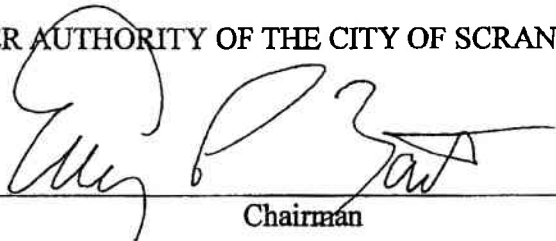
SECTION 15. The provisions of this Resolution shall be severable and if any provision or provisions shall be held to be unconstitutional, invalid or void, such provision or provisions shall not affect the validity of any of the remaining provisions of this Resolution. It is hereby declared that this Resolution would have been adopted if such unconstitutional, invalid or void provision or provisions had not been included herein.

SECTION 16. All resolutions or parts of resolution inconsistent herewith expressly are repealed.

SECTION 17. This Resolution was duly adopted by a motion of the AUTHORITY on

JUNE 22, _____, 2005.

SEWER AUTHORITY OF THE CITY OF SCRANTON



Chairman

ATTEST:



Secretary