

RESOLUTION 09-4 (Amended)

A RESOLUTION OF THE WASHINGTON TOWNSHIP MUNICIPAL AUTHORITY ESTABLISHING COSTS FOR COMMERCIAL AND INDUSTRIAL USERS TO CONNECT TO THE AUTHORITY'S WATER SYSTEM, EXTEND PARTS THEREOF OR INCREASE PERMITTED USAGE IN WASHINGTON TOWNSHIP, FRANKLIN COUNTY, COMMONWEALTH OF PENNSYLVANIA

WHEREAS, Act 57 of 2003 of the Commonwealth of Pennsylvania amends the Municipality Authorities Act and the Act requires the Authority to separate its cost to connect to the Authority's Water System.

NOW, THEREFORE, BE IT RESOLVED, that the Washington Township Municipal Authority (the "Authority") in accordance with the authority conferred on it by the Municipality Authorities Act, as amended, establishes the following costs for commercial and industrial users to connect to the Authority's Water System, extend parts thereof, or increase permitted usage:

SECTION 1 - DEFINITIONS

- A. Authority: The Washington Township Municipal Authority, a Pennsylvania Municipal Authority.
- B. Connection Fee: The connection fee is based on the actual cost of the facilities installed between the water main and the property line of the property being connected.
- C. Customer: A property owner who prior to or after the effective date hereof has contracted or does contract for public water service from the Authority and/or a property owner who upon or after the effective date hereof is receiving or wishes to receive public water service from the Authority, all as defined herein. Customers shall be classified as Residential or Commercial/Industrial, as follows:
 - 1. Residential customer: Service provided to:
 - (a) A building or group of rooms under one roof and occupied by one family; or
 - (b) A group or combination of buildings on a tract or tracts of land described by one deed where the buildings are all occupied or utilized by one family; or
 - (c) Any structure intended to be occupied as a whole by one family, or an apartment intended to be occupied by one family, or any other one-family living unit containing kitchen and toilet fixtures; or
 - (d) Each trailer or mobile home occupied by one family; or
 - (e) Each church building, or
 - (f) Parks, playgrounds and recreation areas when owned and operated by Washington Township in Franklin County, PA

2. Commercial/Industrial Customer: Service provided to:
- (a) Any structure or portion thereof intended to be used in whole or in part for the manufacturing, fabricating, processing, cleaning, laundering and assembling of any product, commodity or article; or
 - (b) Any structure or portion thereof intended to be used in whole or in part for the purpose of carrying on a trade, business or profession or for social, amusement, charitable, educational or public uses; or
 - (c) Any structure, building, house, or any combination thereof, used or occupied by one or more business enterprises, as described in Section 1, part(C)(2)(a) or (b) herein, including any business enterprise operated as a part of a residence or within the same structure in common usage and metered commonly; or
 - (d) Any structure, building, or group of rooms used for living or dwelling for more than one family or single individual units operated as an apartment building or rooming house having more than one individual unit or family on a single water meter; or
 - (e) Any group of structures, buildings, trailers or mobile homes used for living or dwelling for more than one family, located on real property described by one deed; or
 - (f) Each school building.

D. Customer Facilities Fee: The customer facilities fee is based on the actual cost of the facility from the property line to the proposed or existing building. It includes the water meter and appurtenances.

E. Property Owner: Any individual, partnership, association, government body, political subdivision, municipality, municipal authority, or other group or entity, having legal and/or equitable title to the premises being provided with water service by the Authority.

F. Tapping Fee: The tapping fee is imposed to provide for the recovery of capital funds invested by the Authority to construct the water treatment and distribution system, to provide funds for facilities that serve a special purpose or specific area, and to provide for the reimbursement of tapping fee funds as provided for in the Municipality Authorities Act, as amended, 53 Pa.C.S.A. § 5607(d)(24). This fee is calculated in accordance with guidelines provided in the Municipality Authorities Act, as amended. Parts of the tapping fee are:

1. Capacity Fee: The capacity part of the tapping fee is designed to recover from customers their fair share of the costs of existing and planned capacity-related

facilities that will provide them with service and enable them to achieve the same standing as prior customers.

2. Distribution Fee: The distribution part of the tapping fee is designed to recover the cost of distribution facilities required to provide service, such as water mains, hydrants, booster stations, and associated appurtenances.
 3. EDU: Equivalent dwelling unit is defined at 165.1 gallons of water consumption per day. Each connection shall be assessed a minimum of one (1) EDU. An EDU is the average water use per household as defined in accordance with the Municipality Authorities Act, 53 Pa.C.S.A. § 5607(d)(24)(C)(V)(e), as amended, and based on the most recent census data available.
 4. Reimbursement Part: The reimbursement part is imposed, when necessary, to provide reimbursement to a property owner or owners who fund facilities that benefit new customers (as defined in the Municipality Authorities Act) beyond the limits of their own development interest.
 5. Special Purpose Fee: The special purpose part is limited to facilities applicable only to a particular group of customers, or serving a particular purpose or specific area as defined in the Municipality Authorities Act. Fire service (when applicable) is a special purpose fee.
 6. Waynesboro Borough Indirect Water Service Territory: The Waynesboro Borough Indirect Water Service Territory means the water distribution facilities of the Authority constituting that portion of the Authority's Water System located west of Pennsylvania Route 316 and acquired by the Authority from the Zullinger Water Association and other water system facilities acquired by the Authority which are governed by the Water Purchase Agreement signed on July 24, 2001 by the Washington Township Municipal Authority and the Waynesboro Borough Water Authority with amendments as approved by both parties. The special purpose fee shall include the Waynesboro Borough Water Authority's capacity and special purpose fees of water customers in the area defined in the agreement of July 24, 2001 and its amendments.
- G. Water System: The water sources, water treatment facilities, water storage facilities, booster stations and other water distribution system facilities, together with all appurtenant facilities which the Authority has or shall acquire, including all property, real, personal and mixed, which are owned, operated and maintained by the Authority, together with all appurtenant facilities which the Authority has or shall acquire, including all property, real, personal, and mixed rights, powers, licenses, easements., rights-of-way, privileges, franchises, and all other property or interest in property of any nature, for use in connection with constructing, operating and maintaining said water facilities and all additions, extensions, and improvements which hereafter, from time to time, may be made.

SECTION 2 - FEES

The Fees for each water service to be connected to the Water System shall be as follows:

- A. Connection Fee: The Authority shall extend or cause to be extended water connections from the water main to the property line. This cost to be assessed the customer shall be the actual cost, including administrative expenses and inspection fees, for each connection. When multiple connections are constructed under one contract, an average fee per connection shall be determined and all connections shall be assessed equally.
- B. Customer Facility Fees: The customer is responsible for installing service laterals from the property line to the property building(s). In the event the Authority is required to make this installation, all costs, including administrative expenses and inspection fees, shall be assessed the property owner.
- C. Tapping Fee:
 - 1. Capacity Part: \$1,940.00/EDU
 - 2. Distribution Part: \$2,136.00/ EDU
 - 3. Special Purpose Part: The special purpose part shall be calculated under the provisions of the Municipality Authorities Act, 53 Pa.C.S.A. § 5607(d)(24)(C)(III), as amended, when applicable and shall include the Waynesboro Borough water Authority's tapping fees when appropriate.
 - 4. Reimbursement Part: The reimbursement part shall be calculated under the provisions of the Municipality Authorities Act, 53, Pa.C.S.A. § 5607(d)(24)(C)(IV), as amended, when applicable.

SECTION 3 - SERVICE LINE SIZE

Water service lines shall be three-quarters of an inch (3/4") unless the property owner requests a larger water service. The Authority has the right to approve or reject such requests in its sole discretion.

SECTION 4 - ADDITIONAL UNITS

In the event a commercial or industrial property owner desires to add or construct additional space to an improved property, or to expand its operations, or to expand its operations without constructing or adding new space, the additional EDU's created by the addition, construction, or expansion shall not be connected to the water system until the property owner:

- A. Secures a permit from the authority for connection; and
- B. Pays the authority the appropriate Tapping Fee; and

- C. Pays the Authority the appropriate Connection Fee imposed by the authority's then-current rules and regulations.

SECTION 5 – ADDITIONAL USAGE

Effective July 1, 2006, in accordance with prior Resolution 06-6, all applications for connection permits submitted by owners of commercial properties and industrial properties shall include an estimate of the annual water use, by gallons per month, expected to be drawn from the Water System. Said estimate shall be prepared by a certified professional engineer at the property owner's expense. The Tapping Fee payable with respect to such applications shall be calculated on the basis of the estimated usage set forth in the permit application and such estimate shall be included on the permit issued by the Authority.

After a commercial or industrial property has been connected to the Water System, the Authority will, on an annual basis, monitor its water usage and calculate the average daily usage based on the highest quarter of use by the property based on the previous one year of usage, from the billings occurring between July 1 to June 30, by the commercial or industrial property. If the average daily usage based on the highest quarter of usage by the commercial or industrial property exceeds the expected average daily usage set forth on the connection permit, the property owner shall, on November 1, be billed a Tapping Fee based on the additional EDU's of water being drawn from the Water System. The property owner shall have thirty (30) days from the date of such bill to pay the Authority the additional Tapping Fee, which shall be calculated at the then-prevailing rate. Upon receipt of said Tapping Fee, the Authority shall modify the connection permit for such commercial or industrial property to reflect the increased water usage permitted by such property.

For all industrial and commercial properties that connected to the Authority's Water System prior to October 31, 2006, the Authority shall review the property's water usage from the billings that occurred between July 1, 2003 to June 30, 2006, and shall determine the average daily usage based on the highest quarterly use for that property. If the original permitted use exceeds the aforementioned calculation, no adjustment will be made. If the actual usage exceeds the permitted usage, the connection permits of the properties shall be modified, as necessary, to reflect the average daily usage during the highest quarter of usage between July 1, 2003 and June 30, 2006. No additional Tapping Fee shall be charged for this one-time modification. Beginning July 1, 2006, and continuing thereafter, any increase in usage shall be subject to the provisions of this section.

SECTION 6

The terms, conditions and fees imposed herein shall not be waived or modified except upon a showing by the property owner that extraordinary circumstances exist. In no event shall a waiver be granted that would result in a violation of the Tapping Fee restrictions imposed by the Municipality Authorities Act.

SECTION 7

The Washington Township Municipal Authority's Water System Capital Charges Study pursuant to Act 57 of 2003, codified within the Pennsylvania Municipality Authorities Act, as amended, are hereby incorporated as part of this resolution.

SECTION 8

All resolutions and regulations, or parts of resolutions and regulations in effect on the date of the adoption of this resolution and not inconsistent herewith, shall continue in full force and effect. Resolution 09-4 and all other resolutions and regulations, or parts of resolutions and regulations inconsistent herewith, are expressly repealed.

SECTION 9

In the event a section or part of this resolution is found to be in violation of a federal, commonwealth, county, or township law, regulation or ordinance, that section shall be voided without impact to those sections not in violation of said law, regulation or ordinance

SECTION 10

This Resolution No. 09-4 (Amended) shall become effective and in force on September 15, 2009

Enacted and resolved this 15th day of September, 2009 in due and lawful assembly.

Washington Township Municipal Authority

Fred Eisenhart, Chairman

Lori Frantz, Secretary/Treasurer