RESOLUTION 09-5

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

WHEREAS, Act 57 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 Sewer System.

NOW, THEREFORE, BE IT RESOLVED, that the Washington Township Municipal Authority (the "Authority") in accordance with the authority conferred on it by Act 57, establishes the following costs for commercial and industrial users to connect to the Authority's Sewer System, extend parts thereof, or increase permitted discharge:

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 sewer 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 sewer service from the Authority and/or a property owner who upon or after the effective date hereof is receiving or wishes to receive public sewer service from the Authority, all as defined herein. Customers shall be classified as Residential or Commercial/Industrial, as follows:

1. Residential customer: Services 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

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.

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 sewer service by the Authority.

F. Sewer System: The wastewater treatment plant, pumping stations, and other sewer collection 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 sewer facilities and all additions, extensions, and improvements which hereafter, from time to time, may be made.

G. Tapping Fee: The tapping fee is imposed to provide for the recovery of capital funds

invested by the Authority to construct the existing sewer treatment and collection 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 Act 57. This fee is calculated in accordance with guidelines provided in Pennsylvania Act 57 of 2003. Parts of the tapping fee are:

1. Capacity Fee: The capacity part of the tapping fee is designed to recover from new 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 sewer mains, sewage treatment plants and associated appurtenances.

3. EDU: Equivalent dwelling unit is defined as 228.6 gallons of sewage discharge per day. Each connection shall be assessed a minimum of one (1) EDU. An EDU is the sewage discharge per household as defined in Act 57 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 Act 57) 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 area as defined in Act 57.

SECTION 2. FEES

The fees for each property to be connected to the Sewer System shall be as follows:

A. Connection Fee: The Authority shall extend or cause to be extended sewer connections from the sewer 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 Facilities Fee: 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: $1,585.00/EDU

2. Distribution Part: $1,041.00/EDU

3. Special Purpose Part: The special purpose part shall be calculated under the provisions of Act 57 when applicable.

4. Reimbursement Part: The reimbursement part shall be calculated under the provisions of Act 57 when applicable.

SECTION 3. ADDITIONALUNITS

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 without constructing or adding new space, the additional EDU's created by the addition, construction, or expansion shall not be connected to the Sewer 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 4 ADDITIONAL DISCHARGE

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 discharged into the Sewer 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 discharge 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 Sewer System, the Authority will determine its sewage discharge by metering water usage. The Authority will rely on water usage to calculate the average daily sewer discharge based on the highest quarter of discharge from the property based on the previous one year of service, from the billings occurring between July 1 to June 30, by the commercial or industrial property. If the average daily discharge based on the highest quarter of discharge from the commercial or industrial property exceeds the expected average daily discharge 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 sewage being discharged into the Sewer 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 sewage discharge permitted by such property. Adjustments to the additional Tapping Fee may be made only by the Board of Directors of the

Authority and only upon good cause shown.

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

SECTION 5:

All commercial and industrial properties connected to the Authority's Sewer System shall install, at their own expense, water meters in accordance with the Authority's specifications and instructions, regardless of whether they are connected to the Authority's Water System. Said water meters shall be accessible to the Authority's personnel for regular readings.

SECTION 6:

All industrial and commercial sewer customers of the Authority are subject to the Authority's industrial waste water rules and regulations. Nothing in the within Resolution shall supersede or otherwise modify the provisions and requirements of the Authority's industrial waste water rules and regulations.

SECTION 7:

The terms, conditions and fees imposed herein shall not be waived 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 Act 57.

SECTION 8:

The Washington Township Municipal Authority's Sewer System Capital Charges Study pursuant to Act 57 of 2003 with amendments and Act 57 are hereby incorporated as part of this resolution.

SECTION 9:

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 08-6 and all other resolutions and regulations, or parts of resolutions and regulations inconsistent herewith, are expressly repealed.

SECTION 10:

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 11:

This Resolution No. 09-5 shall become effective and in force on 07-21-2009

Enacted and resolved this 21st day of July, 2009 in due and lawful assembly.

Washington Township Municipal Authority

Fred Eisenhart, Chairman

~~Lori Frantz~~, Secretary/Treasurer
Elaine A Gladhill, Assist