

BOROUGH OF NORTH APOLLO

ORDINANCE NO. 319 OF 2015

AN ORDINANCE AMENDING CHAPTER 18, SECTION 106 AND SUBSECTION B OF THE NORTH APOLLO BOROUGH CODE OF ORDINANCES AS ENACTED IN ORDINANCE NO. 144 OF 1994 AMENDING TAP-IN FEES CHARGED BY THE BOROUGH AND ADDING TO THE FEES AN ADDITIONAL SUM IMPOSED ON RESIDENTS BY THE KISKI VALLEY WATER POLLUTION CONTROL AUTHORITY PURSUANT TO ITS RESOLUTION 2015-6.

WHEREAS, within the Borough of North Apollo, all residents and commercial business owners are required to pay tapping connection fee for each property connected to any public sanitary sewer; and,

WHEREAS, the Borough of North Apollo is a member of the Kiski Valley Water Pollution Control Authority (hereinafter "KVVWPCA") by service agreement; and,

WHEREAS, pursuant to the Pennsylvania Sewage Facilities Act 57 and Resolution 2105-6, the KVVWPCA has imposed a \$510.00 tapping fee/capacity portion fee for each property which shall connect to a public sanitary sewer within a member municipality; and,

WHEREAS, the KVVWPCA is requiring that member municipalities collect the fee directly from residents and/or businesses within its municipality and pay directly to the Authority the \$510.00 fee; and,

WHEREAS, the Borough of North Apollo has its own fee schedule for tap-ins in the municipality which it reserves the right to update from time to time and which fees have been updated but are not reflected in Chapter 18, Section 106, Subparagraph B of the Code of Ordinances.

NOW, THEREFORE, the North Apollo Borough Council hereby enacts the following ordinance:

Section 1: Pursuant to instruction from the KVVWPCA, the Borough of North Apollo shall add to its tap-in fee schedule for public sewer connection the amount of Five Hundred Ten and 00/100 (\$510.00) Dollars which is to be remitted to the Kiski Valley Water Pollution Control Authority upon collection for any new tap within the Borough. This fee shall be set forth on any invoice or billing provided to a resident or owner of a commercial structure within the municipality as "the KVVWPCA tap-in/capacity portion fee."

- A.** Any amounts collected by the Borough for this purpose shall immediately be provided to the KVVWPCA.
- B.** The Borough recognizes that the Authority maintains the right to revisit the fee from time to time but the Borough shall have not change the fee of its own authority without

direction from the Kiski Valley Water Pollution Control Authority. This paragraph shall not serve to limit the Borough from amending its own tap-in fee, as deemed to be appropriate by the Borough.

- C. This capacity portion fee shall remain in effect until amended by the Authority, rescinded by the Authority or until any municipal services contract between the Borough and the Authority is either terminated or comes to its natural end.

Section 2: The tap-in/capacity portion fee imposed by the Authority shall take effect on January 1, 2016. All other facets of this Ordinance shall be effective upon enactment

Section 3: The Borough's fees for tap-ins within the Borough shall be as follows:

- A. \$750.00 for each residential structure; and
- B. \$1,500.00 for any commercial structure within the Borough.

These amounts are payable directly to the Borough as its fees for such tap-ins. The Borough retains the right to amend or change its fees with regard to tap-ins by resolution from time to time as it deems appropriate and fitting.

All other requirements for connection as identified in Chapter 18, Section 106 of the North Apollo Borough Code of Ordinances governing connections shall remain in full force and effect. To the extent that terms of this ordinance conflict or contradict any previously enacted ordinances, this ordinance shall supersede and have effect.

REPEALER

Any part or portion of any Ordinance enacted by the Borough of North Apollo in conflict with the provision of this Ordinance is hereby deemed repealed.

SEVERABILITY

The provision of this Ordinance are severable and if any sentence, clause and/or part of the provision thereof shall be held to be illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect or impair the remaining sections, ordinances, clauses or parts of this ordinance. It is hereby declared to be the intent of the Borough of North Apollo that this Ordinance would be enacted if such illegal, invalid or unconstitutional section, clause or part had not been included herein.

THIS ORDINANCE BEING ORDAINED AND ENACTED THIS 2nd DAY OF November, 2015.

BOROUGH OF NORTH APOLLO

BY: Debbie Stankus
DEBBIE STANKUS
COUNCIL PRESIDENT

ATTEST:

Edward J. Stitt
EDWARD STITT, SECRETARY

Examined and approved by me this 2nd
day of November, 2015.

Dennis McCain
DENNIS McCAIN, MAYOR