

**BOROUGH OF NORTH APOLLO
ORDINANCE 324 of 2017**

AN ORDINANCE OF THE BOROUGH OF NORTH APOLLO, COUNTY OF ARMSTRONG AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 319 OF 2015 TO PROVIDE FOR AN ENHANCED TAP FEE AS A RESULT OF AN INCREASE IN THE TAPPING FEE-CAPACITY PORTION AS ASSESSED BY THE KISKI VALLEY WATER POLLUTION CONTROL AUTHORITY EFFECTIVE JANUARY 2, 2017.

WHEREAS, the Borough of North Apollo requires all residents, commercial businesses, business owners to pay a tapping connection fee for each property at the time of connection to the public sanitary sewer; and

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

WHEREAS, the Tapping Fee – Capacity Portion Fee established by the Board of Directors of Kiski Valley Water Pollution Control Authority on the 19th day of August, 2015, was established at \$510.00 per tap; and

WHEREAS, the Borough of North Apollo enacted Ordinance 319 of 2015, which established the Kiski Valley Water Pollution Control Authority Tapping Fee – Capacity Portion at \$510.00; and

WHEREAS, the Tapping Fee – Capacity Portion Fee has been amended by the Kiski Valley Water Pollution Control Authority by Resolution dated October 19, 2016, and established at \$625.00 per tap; and

WHEREAS, the Borough enacts this Ordinance pursuant to the powers granted by the Borough Code of the Commonwealth of Pennsylvania, 8 Pa.C.S. § 101, et seq.

NOW THEREFORE, intending to be legally bound, the Council of the Borough of North Apollo does hereby ORDAIN AND ENACT the following:

The provisions of Section 1 of Ordinance 319 of 2015 is hereby repealed and replaced with the following section:

Section 1: Pursuant to requirements of the KISKI VALLEY WATER POLLUTION CONTROL AUTHORITY, the Borough of North Apollo shall require a tapping fee for public sewer connection the amount of \$625.00 which shall 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 KISKI VALLEY WATER POLLUTION CONTROL AUTHORITY Tapping Fee – Capacity Portion Fee.”

A. Any amounts collected by the Borough for this purpose shall be provided to the KISKI VALLEY WATER POLLUTION CONTROL AUTHORITY.

B. The Borough recognized that the Authority maintains the right to revisit the fee from time to time but the Borough shall 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 tapping 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: This Ordinance shall be effective upon enactment.

Section 3: The Borough fees for the Tapping Fee 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 tapping. No tap permit shall be issued until receipt of payment of the tap and capacity fee, application and approval of the application by the Borough Engineer.

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 this Ordinance enacted by the Borough of North Apollo in conflict with the provision of this Ordinance is hereby deemed repealed.

SEVERABILITY

The provisions 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.

EFFECTIVE DATE

This Ordinance shall be effective upon adoption.

ORDAINED AND ENACTED BY THE BOROUGH OF NORTH APOLLO THIS 9TH DAY OF JANUARY, 2017.

BOROUGH OF NORTH APOLLO

BY: *Dana Baustert*
DANA BAUSTERT
Vice President

ATTEST:

Edward L. Stitt, Jr. (SEAL)
EDWARD L. STITT, JR.
Borough Secretary

APPROVED:

John Durandetto
JOHN DURANDETTO
Mayor