

BOROUGH OF PORTLAND
NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA

RESOLUTION #2015-11

**RESOLUTION AMENDING BOROUGH COUNCIL RESOLUTION 2012-02,
INCREASING THE SEWER RENTAL/USER FEE TO \$80 PER EDU, OR PART
THEREOF, AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS**

WHEREAS, on November 3, 2008, the Borough Council (the "Council") of Portland Borough (the "Borough") adopted the Borough's current Sewer Rules and Regulations, Ordinance No. 2008-9 (the "General Sewer System Ordinance"), in regards to the Borough's new sewer system (the "Sewer System"), including fees, charges, billing procedures and schedule of equivalent dwelling units (EDU's) for properties for use or availability of the Sewer System; and

WHEREAS, Borough Ordinance # 2012-1, enacted February 6, 2012 (the "Sewer Fee Ordinance"), amended the General Sewer System Ordinance so as to, inter alia, authorize the Council to establish by resolution certain fees, charges, billing procedures and schedule of EDU calculations related to the Sewer System; and

WHEREAS, on February 6, 2012, the Council adopted Resolution 2012-02, titled "Resolution Establishing General Fees, Charges, Billing Procedures, and Schedule of Equivalent Dwelling Unit Calculations Related to the Borough Sewer System; and Other Miscellaneous Matters" (hereinafter "Sewer Resolution 2012-02");

WHEREAS, Sewer Resolution 2012-02 establish a monthly sewer rental/user fee of \$75 per EDU, or part thereof; and

WHEREAS, due to increases in the Sewer System's operating expenses, the Council finds that an increase in the monthly sewer rental/user fee to \$80 per EDU, or part thereof, is necessary.

NOW, THEREFORE, BE IT RESOLVED:

1. The Borough Council hereby increases the monthly sewer rental/user fee to \$80 (Eighty Dollars) per EDU, or part thereof, effective January 1, 2016. Exhibit "A", Section 1, of Sewer Resolution 2012-02, is hereby amended accordingly. The increased monthly sewer rental/user fee shall remain in effect until further amended by Borough Council. The monthly sewer

rental/user fee is imposed, and due and owing, based on the availability service, regardless of the actual use, or non-use, of the Sewer System. Any property that is required to be connected to the Sewer System, but has not been connected, shall be liable for the monthly sewer rental/user fee, based on the availability of service.

2. The remaining, unamended provisions of Sewer Resolution 2012-02 shall continue in effect.

3. The appropriate Borough officials are authorized to take such further incidental action in order to effectuate the purposes of this Resolution.

4. All Resolutions or parts of Resolutions inconsistent with this Resolution are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

5. If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason, held to be illegal or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

6. This Resolution shall be immediately effective.

RESOLVED this 7th day of December, 2015.

Carol A. Hummel

Secretary
Portland Borough

Stephanie Steele

President
Portland Borough Council

[Signature]
Mayor
Portland Borough

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