

**TULPEHOCKEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2014- 4**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, FURTHER AMENDING RESOLUTION 2006-4 THE TOWNSHIP'S WASTEWATER RULES AND REGULATIONS BY RENUMBERING SECTION 9 CREATED BY RESOLUTION 2009-6 TO SECTION 9.1 AND TO ADD A NEW SECTION 9.2 TO ALLOW THE TOWNSHIP TO CHARGE THE DEBT SERVICE PORTION OF SEWER USER FEES UPON ANY RESIDENTIAL DEVELOPMENT REQUIRING THREE OR MORE EQUIVALENT DWELLING UNITS TO CONNECT TO THE PUBLIC SEWER SYSTEM WITHIN THE TOWNSHIP UPON THE RESERVATION OF EQUIVALENT DWELLING UNIT SEWER CAPACITY.**

WHEREAS, the Pennsylvania Second Class Township Code, Article VI, Section 1506, charges supervisors with the governance of the township necessary for the proper maintenance, care and control of the township and the maintenance of peace, good government, health and welfare of the township and its citizens, trade, commerce and manufacturers; and

WHEREAS, the Board of Supervisors of Tulpehocken Township ("Board") adopted Resolution Number 2006-4 which adopted Rules and Regulations ("Rules and Regulations") for direct and indirect contributors into the wastewater collection and treatment systems of Tulpehocken Township to enable it to comply with all applicable state and federal laws; and

WHEREAS, by Resolution 2009-6 the Board amended the Rules and Regulations to provide for a new Section 9 of the Rules and Regulations to allow the Township to begin to charge sewer user fees to a property owner upon the issuance of a use and occupancy permit for any newly constructed residential dwelling connected to the public sewer system within the Township; and

WHEREAS, to allow for an amendment to Section 9 of the Rules and Regulations, the language added as Section 9 by Resolution 2009-6 requires renumbering to Section 9.1; and

WHEREAS, the Board intends to further amend Resolution Number 2006-4, as amended by Resolution 2009-6, to allow the Township to begin to charge the amount of the debt service portion of sewer user fees to a property owner of any residential development approved for connection to the public sewer system within the Township requiring three (3) or more Equivalent Dwelling Units ("EDUs") upon reservation of the EDUs and execution of a Sewer Capacity Agreement.

NOW, THEREFORE, BE IT RESOLVED, that Section 9 of Resolution Number 2006-4, as amended by Resolution 2009-6, of the Rules and Regulations providing for charging of sewer user fees on a property owner upon issuance of a use and occupancy permit for the residential dwelling connected to the public sewer system within the Township is hereby renumbered as Section 9.1.

FURTHER RESOLVED, that Section 9 of Resolution Number 2006-4, as amended by Resolution 2009-6, is hereby further amended to add a new Section 9.2 to the Rules and Regulations to allow the Township, in addition to the sewer user charge provided for in Section 9.1, to begin to charge the amount of the debt service portion of sewer user fees to a property owner of a residential development connected to the public sewer system within the Township requiring three (3) or more EDUs upon reservation of the EDUs and execution of a Sewer Capacity Agreement.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Board of Supervisors of Tulpehocken Township that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

IN WITNESS WHEREOF, the Board of Supervisors of Tulpehocken Township has adopted this Resolution in lawful session this 6<sup>th</sup> day of January, 2014.

BOARD OF SUPERVISORS OF  
TULPEHOCKEN TOWNSHIP, BERKS COUNTY,  
PENNSYLVANIA

By: Mary A. Dech  
Chairman

Richard R Kramer  
Member

Robert A. Trick  
Member

Attest: Wally Boef  
Secretary