

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 51

Session of
2003

INTRODUCED BY HERMAN, PHILLIPS, DeWEESE, CORNELL, BEBKO-JONES,
BUXTON, CAPPELLI, CREIGHTON, DALLY, FAIRCHILD, GANNON, GEIST,
HARHAI, HARHART, HESS, LAUGHLIN, LEH, MANN, McNAUGHTON,
PRESTON, SATHER, SAYLOR, SCAVELLO, STEIL, STERN, TURZAI,
WOJNAROSKI, YOUNGBLOOD AND R. STEVENSON, JANUARY 29, 2003

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 29, 2003

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, further providing for powers and
3 duties of authorities.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5607(d)(24), (30), (32) and (33) of Title
7 53 of the Pennsylvania Consolidated Statutes are amended to
8 read:

9 § 5607. Purposes and powers.

10 * * *

11 (d) Powers.--Every authority may exercise all powers
12 necessary or convenient for the carrying out of the purposes set
13 forth in this section, including, but without limiting the
14 generality of the foregoing, the following rights and powers:

15 * * *

16 (24) To charge enumerated fees to property owners who
17 desire to or are required to connect to the authority's sewer

1 or water system. Fees shall be based upon the duly adopted
2 fee schedule which is in effect at the time of payment and
3 shall be payable at the time of application for connection or
4 at a time to which the property owner and the authority
5 agree. In the case of projects to serve existing development,
6 fees shall be payable at a time to be determined by the
7 authority. An authority may require that no capacity be
8 guaranteed for a property owner until the tapping fees have
9 been paid or secured by other financial security. The fees
10 shall be in addition to any charges assessed against the
11 property in the construction of a sewer or water main by the
12 authority under paragraphs (21) and (22) as well as any other
13 user charges imposed by the authority under paragraph (9) but
14 shall not include costs included in the calculation of [such]
15 any other fees[.], assessments, rates or other charges
16 imposed under this act.

17 (i) The fees may include any of the following [fee
18 components] if they are separately set forth in a
19 resolution adopted by the authority [to establish these
20 fees]:

21 (A) Connection fee. [It may] A connection fee
22 shall not exceed an amount based upon the actual cost
23 of the connection of the property extending from the
24 authority's main to the property line or curb stop of
25 the property connected. The authority may also base
26 the connection fee upon an average cost for
27 previously installed connections of similar type and
28 size. Such average cost may be trended to current
29 cost using published cost indexes. In lieu of payment
30 of the [fees] fee, an authority may require the

1 construction [and dedication] of those facilities by
2 the property owner who requested the connection.

3 (B) Customer facilities fee. [It may] A customer
4 facilities fee shall not exceed an amount based upon
5 the actual cost of facilities serving the connected
6 property from the property line or curb stop to the
7 proposed dwelling or building to be served. The fee
8 shall be chargeable only if the authority installs
9 the customer facilities. In lieu of payment of the
10 customer facilities fee, an authority may require the
11 construction of those facilities by the property
12 owner who requests customer facilities. In the case
13 of water service, the fee may include the cost of a
14 water meter and installation if the authority
15 provides or installs the water meter. If the property
16 connected or to be connected with the sewer system of
17 the authority is not equipped with a water meter, the
18 authority may install a meter at its own cost and
19 expense. If the property is supplied with water from
20 the facilities of a public water supply agency, the
21 authority shall not install a meter without the
22 consent and approval of the public water supply
23 agency.

24 (C) Tapping fee. [It may] A tapping fee shall
25 not exceed an amount based upon some or all of the
26 following [fee components if they are] parts which
27 shall be separately set forth in the resolution
28 adopted by the authority to establish these fees. In
29 lieu of payment of this fee, an authority may require
30 the construction and dedication of only such

1 capacity, distribution-collection or special purpose
2 facilities necessary to supply service to the
3 property owner or owners.

4 (I) Capacity part. The [fee may] capacity
5 part shall not exceed an amount that is based
6 upon the cost of capacity-related facilities,
7 including, but not limited to, source of supply,
8 treatment, pumping, transmission, trunk,
9 interceptor and outfall mains, storage, sludge
10 treatment or disposal, interconnection or other
11 general system facilities. [Facilities] Except as
12 specifically provided in this paragraph, such
13 facilities may include only those that provide
14 existing service [or will provide future
15 service]. The cost of [existing] capacity-related
16 facilities, excluding facilities contributed to
17 the authority by any person, government or
18 agency, or portions of facilities paid for with
19 contributions or grants other than tapping fees,
20 shall be based upon their [replacement cost or
21 upon] historical cost trended to current cost
22 using published cost indexes or upon the
23 historical cost plus interest and other financing
24 fees paid on [bonds] debt financing such
25 facilities. [In the case of existing facilities,
26 outstanding] To the extent that historical cost
27 is not ascertainable, tapping fees may be based
28 upon an engineer's reasonable written estimate of
29 current replacement cost. Such written estimate
30 shall be based upon and include an itemized

1 listing of those components of the actual
2 facilities for which historical cost is not
3 ascertainable. Outstanding debt related to the
4 facilities shall be subtracted from the cost,
5 [but debt may not be subtracted which is
6 attributable] except when calculating the initial
7 tapping fee imposed for connection to facilities
8 exclusively serving new customers. [Under all
9 cost approaches, the cost of capacity-related
10 facilities shall be reduced by the amount of
11 grants or capital contributions which have
12 financed them. The capacity part of the tapping
13 fee per unit of capacity required by the new
14 customer may not exceed the cost of the
15 facilities divided by the design capacity.] The
16 outstanding debt shall be subtracted for all
17 subsequent revisions of the tapping fee, except
18 as specifically provided herein. For tapping fees
19 imposed for connection to facilities exclusively
20 serving new customers, an authority may, no more
21 frequently than annually and without updating the
22 historical cost of or subtracting the outstanding
23 debt related to such facilities, increase the
24 tapping fee by an amount calculated by
25 multiplying such tapping fee by the weighted
26 average interest rate on the debt related to such
27 facilities applicable since the last increase of
28 the tapping fee for such facilities. The capacity
29 part of the tapping fee per unit of design
30 capacity of said facilities required by the new

customer shall not exceed the total cost of the facilities as described herein divided by the system design capacity of all such facilities. Where the cost of facilities to be constructed or acquired in the future are included in the calculation of the capacity part as permitted herein, the total cost of the facilities shall be divided by the system design capacity plus the additional capacity to be provided by the facilities to be constructed or acquired in the future. An authority may allocate its capacity-related facilities to different sections or districts of its system and may impose additional capacity-related tapping fees on specific groups of existing customers such as commercial and industrial customers in conjunction with additional capacity requirements of those customers. [In the case of] The cost of facilities to be constructed or acquired[, the] in the future that will increase the system design capacity may be included in the calculation of the capacity part, subject to the provisions of clause (VI). The cost of such facilities shall not exceed their reasonable estimated cost set forth in a duly adopted annual budget or a five-year capital improvement plan[, and the authority in furtherance of the facilities must take any action as follows:]. The authority shall have taken at least two of the following actions toward construction of the

1 facilities:

2 (a) [obtain] obtained financing for the
3 facilities;

4 (b) [enter] entered into a contract
5 obligating the authority to construct or pay
6 for the cost of construction of the
7 facilities or its portion thereof in the
8 event that multiple parties are constructing
9 the facilities;

10 (c) [obtain] obtained a permit for the
11 facilities;

12 (d) [spend substantial sums or resources
13 in furtherance of the facilities;] obtained
14 title to or condemned additional real estate
15 upon which the facilities will be
16 constructed;

17 (e) [enter] entered into a contract
18 obligating the authority to purchase or
19 acquire facilities owned by another;

20 (f) [prepare] prepared an engineering
21 feasibility study specifically related to the
22 facilities, which study recommends the
23 construction of the facilities within a five-
24 year period; [or]

25 (g) [enter] entered into a contract for
26 the design or construction of the
27 facilities[.] or adopted a budget which
28 includes the use of in-house resources for
29 the design or construction of the facilities.

30 (II) Distribution or collection part. The

[fee] distribution or collection part may not exceed an amount based upon the cost of distribution or collection facilities required to provide service, such as mains, hydrants and pumping stations. Facilities may only include those that provide existing service [or those that will provide future service]. The cost of [existing] distribution or collections facilities, excluding facilities contributed to the authority by any person, government or agency, or portions of facilities paid for with contributions or grants other than tapping fees, shall be based upon [their replacement cost or upon] historical cost trended to current cost using published cost indexes or upon the historical cost plus interest and other financing fees paid on [bonds] debt financing such facilities. To the extent that historical cost is not ascertainable, tapping fees may be based upon an engineer's reasonable written estimate of replacement cost. Such written estimate shall be based upon and include an itemized listing of those components of the actual facilities for which historical cost is not ascertainable. [In the case of existing facilities, outstanding] Outstanding debt related to the facilities shall be subtracted from the cost, [but debt may not be subtracted which is attributable] except when calculating the initial tapping fee imposed for connection to facilities exclusively serving new

1 customers. [In the case of facilities to be
2 constructed or acquired, the cost shall not
3 exceed their reasonable estimated cost. Under all
4 cost approaches, the cost of distribution or
5 collection facilities shall be reduced by the
6 amount of grants or capital contributions which
7 have financed them.] The outstanding debt shall
8 be subtracted for all subsequent revisions of the
9 tapping fee except as specifically provided
10 herein. For tapping fee imposed for connection to
11 facilities exclusively serving new customers, an
12 authority may, no more frequently than annually,
13 and without updating the historical cost of or
14 subtracting the outstanding debt related to such
15 facilities, increase such tapping fee by an
16 amount calculated by multiplying the tapping fee
17 by the weighted average interest rate on the debt
18 related to such facilities applicable since the
19 last increase of the tapping fee for such
20 facilities. The distribution or collection part
21 of the tapping fee per unit of design capacity of
22 said facilities required by the new customer
23 [may] shall not exceed the cost of the facilities
24 divided by the design capacity. An authority may
25 allocate its distribution-related or collection-
26 related facilities to different sections or
27 districts of its system and may impose additional
28 distribution-related or collection-related
29 tapping fees on specific groups of existing
30 customers such as commercial and industrial

1 customers in conjunction with additional capacity
2 requirements of those customers.

3 (III) Special purpose part. [Fees] A part
4 for special purpose facilities shall be
5 applicable only to a particular group of
6 customers or for serving a particular purpose or
7 a specific area based upon the cost of the
8 facilities, including, but not limited to,
9 booster pump stations, fire service facilities
10 and industrial wastewater treatment facilities.
11 [Facilities] Such facilities may include only
12 those that provide existing service [or those
13 that will provide future service]. The cost of
14 [existing] special purpose facilities, excluding
15 facilities contributed to the authority by any
16 person, government or agency, or portions of
17 facilities paid for with contributions or grants
18 other than tapping fees, shall be based upon
19 [their replacement cost or upon] historical cost
20 trended to current cost using published cost
21 indexes or upon the historical cost plus interest
22 and other financing fees paid on [bonds] debt
23 financing such facilities. [In the case of
24 existing facilities, outstanding] To the extent
25 that historical cost is not ascertainable,
26 tapping fees may be based upon an engineer's
27 reasonable written estimate of current
28 replacement cost. Such written estimate shall be
29 based upon and include an itemized listing of
30 those components of the actual facilities for

1 which historical cost is not ascertainable.
2 Outstanding debt related to the facilities shall
3 be subtracted from the cost, [but debt may not be
4 subtracted which is attributable] except when
5 calculating the initial tapping fee imposed for
6 connection to facilities exclusively serving new
7 customers. [In the case of facilities to be
8 constructed or acquired, the cost shall not
9 exceed their reasonable estimated cost. Under all
10 cost approaches, the cost of special purpose
11 facilities shall be reduced by the amount of
12 grants or capital contributions which have
13 financed such facilities.] The outstanding debt
14 shall be subtracted for all subsequent revisions
15 of the tapping fee except as specifically
16 provided herein. For tapping fees imposed for
17 connection to facilities exclusively serving new
18 customers, an authority may, no more frequently
19 than annually, and without updating the
20 historical cost of or subtracting the outstanding
21 debt related to such facilities, increase the
22 tapping fee by an amount calculated by
23 multiplying such tapping fee by the weighted
24 average interest rate on the debt related to such
25 facilities applicable since the last increase of
26 the tapping fee for such facilities. The special
27 purpose part of the tapping fee per unit of
28 design capacity of such special purpose
29 facilities required by the new customer [may]
30 shall not exceed the cost of the facilities as

1 described herein divided by the design capacity
2 of the facilities. An authority may allocate its
3 special purpose facilities to different sections
4 or districts of its system and may impose
5 additional special purpose tapping fees on
6 specific groups of existing customers such as
7 commercial and industrial customers in
8 conjunction with additional capacity requirements
9 of those customers.

10 (IV) Reimbursement [component. An amount
11 necessary to recapture the allocable portion of
12 facilities in order to reimburse the property
13 owner or owners] part. The reimbursement part
14 shall only be applicable to the users of certain
15 specific facilities when a fee required to be
16 collected from such users will be reimbursed to
17 the person at whose expense the facilities were
18 constructed as set forth in [paragraphs (31) and
19 (32).] a written agreement between the authority
20 and such person at whose expense such facilities
21 were constructed.

22 (V) Calculation of tapping fee [components].

23 (a) In arriving at the cost to be
24 included in the tapping fee [components], the
25 same cost [may] shall not be included in more
26 than one part of the tapping fee.

27 (b) No tapping fee may be based upon or
28 include the cost of expanding, replacing,
29 updating or upgrading facilities serving only
30 existing customers in order to meet stricter

1 efficiency, environmental, regulatory or
2 safety standards or to provide better service
3 to or meet the needs of existing customers.

4 (c) The cost used in calculating tapping
5 fees shall not include maintenance and
6 operation expenses.

7 (d) As used in this subclause,
8 "maintenance and operation expenses" are
9 those expenditures made during the useful
10 life of a sewer or water system for labor,
11 materials, utilities, equipment accessories,
12 appurtenances and other items which are
13 necessary to manage and maintain the system
14 capacity and performance and to provide the
15 service for which the system was constructed.
16 Costs or expenses to reduce or eliminate
17 groundwater infiltration or inflow may not be
18 included in the cost of facilities used to
19 calculate tapping fees unless these costs or
20 expenses result in an increase in system
21 design capacity.

22 (e) The design capacity required by a
23 new residential customer used in calculating
24 sewer or water tapping fees shall not exceed
25 an amount established by multiplying 65
26 gallons per capita per day times the average
27 number of persons per household as
28 established by the most recent census data
29 provided by the United States Census Bureau.
30 If an authority service area is entirely

1 within a municipal boundary for which there
2 is corresponding census data specifying the
3 average number of persons per household,
4 issued by the United States Census Bureau,
5 the average shall be used. If an authority
6 service area is not entirely within a
7 municipal boundary but is entirely within a
8 county or other geographic area within
9 Pennsylvania for which the United States
10 Census Bureau has provided the average number
11 of persons per household, then that average
12 for the county or geographic area shall be
13 used. If an authority service area is not
14 entirely within a municipal, county or other
15 geographic area within Pennsylvania for which
16 the United States Census Bureau has
17 calculated an average number of persons per
18 household, then the Pennsylvania average
19 number of persons per household shall be used
20 as published by the United States Census
21 Bureau. Alternatively, the design capacity
22 required for a new residential customer shall
23 be determined by a study, but shall not
24 exceed:

25 (i) for water capacity, the average
26 residential water consumption per
27 residential customer or for sewage
28 capacity, the average residential water
29 consumption per residential customer plus
30 ten percent. The average residential

1 water consumption shall be determined by
2 dividing the total water consumption for
3 all metered residential customers in the
4 authority's service area over at least a
5 twelve-consecutive-month period within
6 the most recent five years by the average
7 number of customers during the period; or

8 (ii) for sewer capacity, the average
9 sewage flow per residential customer
10 determined by a measured sewage flow
11 study. Such study shall be completed in
12 accordance with sound engineering
13 practices within the most recent five
14 years for the lesser of three or all
15 residential subdivisions of more than ten
16 lots which have collection systems in
17 good repair and which connected to the
18 authority's facilities within the most
19 recent five years. The study shall
20 calculate the average sewage flow per
21 residential customer in such developments
22 by measuring actual sewage flows over at
23 least twelve consecutive months at the
24 points where such developments connected
25 to the authority's sewer main.

26 (iii) All data and other information
27 considered or obtained by an authority in
28 connection with determining capacity
29 under this subsection shall be made
30 available to the public upon request.

1 (iv) If any person required to pay a
2 tapping fee submits to the authority an
3 opinion from a professional engineer that
4 challenges the validity of the results of
5 the calculation of design capacity
6 required to serve new residential
7 customers prepared under subparagraph (i)
8 or (ii), the authority shall within 30
9 days obtain a written certification from
10 another professional engineer, who is not
11 an employee of the authority, verifying
12 that the results and the calculations,
13 methodology and measurement were
14 performed in accordance with this act and
15 generally accepted engineering practices.
16 If an authority does not obtain a
17 certification required under this
18 subsection within 30 days of receiving
19 such challenge, the authority may not
20 impose or collect tapping fees based on
21 any such challenged calculations or study
22 until such engineering certification is
23 obtained.

24 (f) An authority may use lower design
25 capacity requirements and impose lower
26 tapping fees for multifamily residential
27 dwelling than imposed on other types of
28 residential customers.

29 (VI) Separate accounting for future facility
30 costs. Any portion of tapping fees collected

1 which, based on facilities to be constructed or
2 acquired in the future in accordance with this
3 section, shall be separately accounted for and
4 shall be expended only for that particular
5 facility, or a substitute facility accomplishing
6 the same purpose which is commenced within the
7 same period. Such accounting shall include, but
8 not be limited to, the total fees collected as a
9 result of including facilities to be constructed
10 in the future, the source of the fees collected
11 and the amount of fees expended on specific
12 facilities. The proportionate share of tapping
13 fees based upon facilities to be constructed or
14 acquired in the future under this section shall
15 be refunded to the payor of such fees within 90
16 days of the occurrence of the following:

17 (a) the authority abandons its plan or a
18 part thereof to construct or acquire a
19 facility or facilities which are the basis
20 for such fee; or

21 (b) the facilities have not been placed
22 into service within seven years after
23 adoption of a resolution which imposes
24 tapping fees which are based upon facilities
25 to be constructed or acquired in the future.

26 (VII) Definitions. As used in this clause,
27 the following words and phrases shall have the
28 meanings given to them in this subclause:

29 "BOD5." The five-day biochemical-oxygen
30 demand.

1 "Design capacity." For residential
2 customers, the permitted or rated capacity of
3 facilities expressed in million gallons per day.
4 For nonresidential customers, design capacity may
5 also be expressed in pounds of BOD5 per day,
6 pounds of suspended solids per day or any other
7 capacity defining parameter that is separately
8 and specifically set forth in the permit
9 governing the operation of the system, and based
10 upon its original design as modified by those
11 regulatory agencies having jurisdiction over
12 these facilities. Additionally, for separate fire
13 service customers, the permitted or rated
14 capacity of fire service facilities may be
15 expressed in peak flows. The units of measurement
16 used to express design capacity shall be the same
17 units of measurement used to express the system
18 design capacity. Design capacity may not be
19 expressed in terms of equivalent dwelling units.

20 "Outstanding debt." The principal amount
21 outstanding of any bonds, notes, loans or other
22 form of indebtedness used to finance or refinance
23 facilities included in the tapping fee.

24 "Service line." A water or sewer line that
25 directly connects a single building or structure
26 to a distribution or collection facility.

27 "System design capacity." The design
28 capacity of the system for which the tapping fee
29 is being calculated which represents the total
30 design capacity of the treatment facility or

1 water sources.

2 (ii) Every authority charging a tapping, customer
3 facilities or connection fee shall do so only pursuant to
4 a resolution adopted at a public meeting of the
5 authority. The authority shall have available for public
6 inspection a detailed itemization of all calculations,
7 clearly showing the maximum fees allowable for each part
8 of the tapping fee and the manner in which the fees were
9 determined[.], which shall be made a part of any
10 resolution imposing such fees. A [revised] tapping,
11 customer facilities or connection fee may be revised and
12 imposed upon those who subsequently connect to the
13 system[.], subject to the provisions and limitations of
14 the act.

15 (iii) No authority [may] shall have the power to
16 impose a connection fee, customer facilities fee, tapping
17 fee or similar fee except as provided specifically under
18 this section.

19 (iv) A municipality or municipal authority with
20 available excess sewage capacity, wishing to sell a
21 portion of that capacity to another municipality or
22 municipal authority, may not charge a higher cost for the
23 capacity portion of the tapping fee as the selling entity
24 charges to its customers for the capacity portion of the
25 tapping fee. In turn, the municipality or municipal
26 authority buying this excess capacity may not charge a
27 higher cost for the capacity portion of the tapping fee
28 to its residential customers than that charged to them by
29 the selling entity.

30 (v) As used in this paragraph, the term "residential

customer" shall also include those developing property for residential dwellings that require multiple tapping fee permits. This paragraph shall not be applicable to intermunicipal or interauthority agreements relative to the purchase of excess capacity by an authority or municipality in effect prior to February 20, 2001.

* * *

(30) Where a sewer or water system of an authority is to be extended at the expense of the owner of properties or where the authority otherwise would construct customer facilities referred to in paragraph (24), other than water meter installation, [to allow] a property owner shall have the right to construct the extension or install the customer facilities himself or through a subcontractor approved by the authority, which approval shall not be unreasonably withheld. The authority [may] shall have the right, at its option, to perform the construction itself only if the authority provides the extension or customer facilities at a lower cost and within the same timetable specified or proposed by the property owner or his approved subcontractor. Construction by the property owner shall be in accordance with an agreement for the extension of the authority's system and plans and specifications approved by the authority and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the authority applicable to such construction. Construction shall be subject to inspection by an inspector authorized to approve similar construction and employed by the authority during construction. When a main is to be extended at the expense of the owner of properties, the property owner may be required

1 to deposit with the authority, in advance of construction,
2 the authority's estimated reasonable and necessary cost of
3 reviewing plans, construction inspections, administrative,
4 legal and engineering services. The authority may require
5 that construction shall not commence until the property owner
6 has posted appropriate financial security in accordance with
7 paragraph (23). The authority may require the property owner
8 to reimburse it for reasonable and necessary expenses it
9 incurred as a result of the extension. If an independent firm
10 is employed for engineering review of the plans and the
11 inspection of improvements, reimbursement for its services
12 shall be reasonable and in accordance with the ordinary and
13 customary fees charged by the independent firm for work
14 performed for similar services in the community. The fees
15 [may] shall not exceed the rate or cost charged by the
16 independent firm to the authority when fees are not
17 reimbursed or otherwise imposed on applicants. Upon
18 completion of construction, the property owner shall dedicate
19 and the authority shall accept the extension of the
20 authority's system if dedication of facilities and the
21 installation complies with the plans, specifications,
22 regulations of the authority and the agreement. An authority
23 may provide in its regulations those facilities which, having
24 been constructed at the expense of the owner of properties,
25 the authority will require to be dedicated and which facility
26 or facilities the authority will accept as a part of its
27 system.

28 (i) In the event the property owner disputes the
29 amount of any billing in connection with the review of
30 plans, construction inspections, administrative, legal

1 and engineering services, the property owner shall,
2 within 20 working days of the date of billing, notify the
3 authority that the billing is disputed as excessive,
4 unreasonable or unnecessary, in which case the authority
5 shall not delay or disapprove any application or any
6 approval or permit related to the extension or facilities
7 due to the property owner's dispute over the disputed
8 billings, unless the property owner has failed to make
9 payment in accordance with the decision rendered under
10 clause (iii) within 30 days after the mailing date of
11 such decision.

12 (ii) If, within 30 days from the date of billing,
13 the authority and the property owner cannot agree on the
14 amount of billings which are reasonable and necessary,
15 the property owner and authority shall, by mutual
16 agreement, appoint a professional of the same profession
17 or discipline licensed in Pennsylvania to review the
18 billings and make a determination as to the amount of
19 billings which is reasonable and necessary.

20 (iii) The professional appointed under clause (ii)
21 shall hear evidence and review the documentation as the
22 professional in his or her sole opinion deems necessary
23 and shall render a decision within 60 days of the billing
24 date. The property owner shall be required to pay the
25 entire amount determined in the decision immediately.

26 (iv) In the event that the authority and property
27 owner cannot agree upon the professional to be appointed
28 within 30 days of the billing date, the president judge
29 of the court of common pleas of the judicial district in
30 which the municipality is located or if, at the time

1 there is no president judge, the senior active judge then
2 sitting upon application of either party shall appoint a
3 professional, who shall be neither the authority engineer
4 nor any professional who has been retained by or
5 performed services for the authority or the property
6 owner within the preceding five years.

7 (v) The fee of the appointed professional for
8 determining the reasonable and necessary expenses shall
9 be paid by the applicant if the amount of payment
10 required in the decision is equal to or greater than the
11 original bill. If the amount of payment required in the
12 decision is less than the original bill by \$2,500 or
13 more, the authority shall pay the fee of the
14 professional. If the amount of the payment required in
15 the decision is less than the original bill by \$2,499 or
16 less, the authority and the property owner shall each pay
17 one-half of the fee of the appointed professional.

18 * * *

19 [(32) If a sewer system or water system or any part or
20 extension owned by an authority has been constructed at the
21 expense of a private person or corporation, the authority may
22 charge a tapping fee. The authority shall refund the tapping
23 fee or any part of the fee to the person or corporation who
24 paid for the construction of the sewer or water system or any
25 part or extension of it.]

26 (33) Provisions of paragraphs (30)[,] and (31) [and
27 (32)] shall apply to residential customers in a municipality
28 where the sewer service is being purchased by the
29 municipality or sewer authority from another municipality or
30 sewer authority having excess sewage capacity.

1 Section 2. Notwithstanding section 5(1) and (2) of this act,
2 this act shall apply immediately to any connection, customer
3 facilities, tapping or similar fees which are increased or
4 initially imposed subsequent to the effective date of this
5 section.

6 Section 3. Notwithstanding section 5(1) and (2) of this act,
7 the mandatory refund provisions of 53 Pa.C.S. §
8 5607(d)(24)(i)(C)(VI) applicable to tapping fees based upon
9 facilities to be constructed or acquired in the future shall
10 apply to tapping fees collected subsequent to the effective date
11 of this section, regardless of when the resolution adopting such
12 tapping fees was adopted.

13 Section 4. The provisions of 53 Pa.C.S. §
14 5607(d)(24)(i)(c)(V)(e) shall not be applicable to a municipal
15 authority which adopts a resolution not later than 90 days after
16 the effective date set forth in section 5(1) of this act,
17 directing the performance of a residential sewage flow study
18 pursuant to 53 Pa.C.s. § 5607(d)(24)(i)(c)(V)(e)(ii) until the
19 first occurrence of one of the following:

20 (1) 90 days after the completion of the sewage flow
21 study.

22 (2) 90 days after the abandonment of the study.

23 (3) 15 months after the effective date specified in
24 section 5(2) of this act.

25 Section 5. This act shall take effect as follows:

26 (1) The amendment of 53 Pa.C.S. § 5607(d)(24), (30),
27 (32) and (33) shall take effect in 180 days.

28 (2) Section 4 of this act shall take effect in 180 days.

29 (3) The remainder of this act shall take effect
30 immediately.