

MIFFLINBURG BOROUGH  
UNION COUNTY, PENNSYLVANIA  
RESOLUTION NO. 2022-16

A RESOLUTION OF THE BOROUGH OF MIFFLINBURG, UNION COUNTY, PENNSYLVANIA, ESTABLISHING AND ADOPTING A POLICY FOR THE DISTRIBUTION OF CONNECTION PERMITS UNDER STATE, FEDERAL, OR OTHER REGULATORY LIMITATIONS.

WHEREAS, the Council of Mifflinburg Borough, Union County, Pennsylvania, pursuant to Chapter 20 of the Mifflinburg Borough Code of Ordinances, as amended, is authorized to establish procedures pertaining to connection to the Sewer System.

NOW, THEREFORE, upon motion properly made, seconded, and carried, the Council of Mifflinburg Borough declares and resolves:

The Council of Mifflinburg Borough hereby establishes and adopts the following policy for the distribution of connection permits under state, federal or regulatory limitations consistent with Borough Sewer System Ordinance and this Resolution:

**A. Defined Terms:**

The terms defined below wherever used or referred to in this document shall have the following respective meanings unless the context clearly and specifically indicates otherwise:

- VI. Applicable Tapping and Connection Fee: Shall mean the fee as set by Borough Resolution which establishes the amount paid per EDU and per Connection. This fee shall not apply to any "Existing Connection" or existing EDU(s) as defined herein.
- VII. Applicant, Non-Residential: Shall mean a landowner and/or developer submitting an application for a project, the principal use of which is not designed and intended for full-time residential purposes and occupancy, including but not limited to commercial, industrial, and/or institutional uses.
- VIII. Applicant, Residential: Shall mean a landowner and/or developer submitting an application for a project, the principal use of which is designed and intended for full-time residential purposes and occupancy, including but not limited to single/multiple family dwellings, housing developments, planned residential developments or other similar structures and uses.
- IX. Connection: Shall mean a connection between or within a structure(s), property or developed building lot(s) and the sanitary sewer system. For purposes of this resolution only, the term "connection" shall be synonymous with the term "EDU".
- X. EDU: Shall mean Equivalent Dwelling Unit defined as a unit of sewer service capacity provided to sanitary sewer system users for purposes of calculating tapping fees as enumerated in the current adopted Tapping Fee resolution of the Borough of Mifflinburg. For purposes of this resolution only "EDU" shall be synonymous with the term "Connection". Any change in use, reconfiguration, or redevelopment of a parcel that increases the amount of wastewater generated, increasing the required EDU capacity of said existing connection shall be deemed a new connection(s) or EDU(s).

- XI. Existing Connection: Shall mean an approved physical connection or existing EDU capacity which has been previously allocated, purchased or otherwise permitted by the Borough and by Pa Department of Environmental Protection (PaDEP) per the terms of the instituted sewer connection ban as established by a letter from PaDEP dated February 23, 2018. Said connection (EDU) shall be between a structure(s) or property or developed building lot(s) and the Borough of Mifflinburg sanitary sewer system prior to the date of the PaDEP sewer connection ban March 2, 2018 and which generates, has the ability to generate, or has generated industrial or sewerage waste. A connection which has been permanently abandoned, removed, demolished or discontinued shall not be considered an existing connection. Any increase in the EDU capacity of said existing connection shall be deemed a new connection or EDU.
- XII. Sanitary Sewer System: Shall mean all facilities, as of any particular time, for collecting, transporting, pumping, treating and disposing of sanitary or industrial sewage waste in or outside of the Borough of Mifflinburg. The term shall also include similar facilities owned and operated by any parties outside of the Borough and connected to Mifflinburg’s sewage system.

**B. Conditions for Making Sewer Connections During a Moratorium**

- I. In the event the Borough of Mifflinburg is limited or disallowed to permit additional connections (EDUs) by a State or Federal Regulatory Agency, or other condition bound by public laws or order (“Moratorium”), the Borough shall implement a limited connection plan to regulate and allocate proposed sewer connections.
- II. As connection (EDU) permits become available through the actions of the Borough or other agencies, the Borough shall advertise in a newspaper of local distribution that connections are available and interested parties shall apply in writing within 30 days of the date of publication.
- III. The Borough of Mifflinburg will establish a list of all applicants who have submitted applications for the distribution of available connection permits pursuant to the public notification. Applications shall be ranked using the following scale and EDUs will be awarded to highest ranked applications.

Factors to determine project readiness	Points
EDU request is for redevelopment of existing property or building **	5
EDU request is for new construction	3
EDU request has active building permit at the CK COG	5
EDU request has been designed but does not have an active building permit on file at the CK COG	3
EDU request is for a project that has not been designed or permitted	1
EDU request can be connected within 45 days	5
EDU request can be connected within 120 days	3
EDU request can be connected within 180 days	1
EDU request is located within the Borough Corporate boundaries	5
EDU request is located in the Existing Sanitary Sewer Service Area	3
EDU request is located outside of the Existing Sanitary Sewer Service Area	1
EDU request is being re-submitted because they did not receive an EDU with their application during a previous round of EDU distributions	5 (for each re-submission)

\*\*This shall include the redevelopment or replacement of mobile homes on previously occupied manufactured housing sites (pads) within the Borough and requests for parcels previously approved under Planning modules and/or Land Development Plans.


- IV. If an applicant, at the time of application, has previously allocated EDUs that have not been placed into service, the applicant shall receive a score of "1" for their application. If there is more than one (1) applicant that receives a score of "1" under this provision and all higher scoring applicants have been awarded EDUs and additional EDUs remain available, the applicants receiving scores of "1" under this section shall be considered/scored under the above factors in subparagraph B. III solely for the purposes of comparing these applicants to each other.
- V. After receipt of all applications pursuant to Paragraph B. III, the Borough will establish a distribution list, ranking applications based on the score achieved using the scale above, with the highest score indicating project readiness. Distribution will be made to the projects with the highest scores first. Any projects with the same score will be distributed by using the dates of the building permit application with the earliest dates being distributed first.
- VI. Available connection permits will be offered to Applicants in writing by the Borough of Mifflinburg. Applicants will have 30 days to accept the connection permit, and attached conditions, or the connection permit will be offered to the next Applicant in the order determined under Paragraph B. V.
- VII. The conditions for acceptance of a connection permit shall consist of the following minimum standards:
- a. Payment of applicable Tapping and Connection Fees within 15 days of acceptance of a connection permit.
  - b. Payment of applicable sewer rentals upon occupancy of the structure. If the structure is not occupied within one year of the date of connection permit issuance, the property owner shall pay any applicable reservation of capacity charges as established by Resolution of the Mifflinburg Borough Council.
  - c. If construction has not been started within 180 days of the date of connection permit issuance, then the EDU shall be revoked and the Borough shall return 80% of the Tapping Fee paid by the applicant.
  - d. The Applicant may apply to Borough Council for one (1) ninety (90) day extension of the construction deadline in subparagraph B. VII (c). The ninety (90) day extension will be granted if the Applicant can demonstrate that the construction will be started within the ninety (90) day period.
  - e. Borough Council may consider one (1) additional ninety (90) day extension request on a case by case basis based on the conditions presented by the applicant, or if there is a PA Declaration of Emergency in place at the time of the request.
  - f. If construction is not started within the extension period, the EDU shall be revoked and the Borough shall return seventy percent (70%) of the Tapping Fee paid by the Applicant.
  - g. If the building permit is revoked due to inactivity at the construction site, the EDU shall be revoked and the Borough shall return seventy percent (70%) of the Tapping Fee paid by the Applicant.
- VIII. Non-residential Applicants that have requested connection permits that require multiple EDUs shall only be extended a written offer if sufficient EDUs are available to fulfill the full project request. If insufficient EDUs exist to fulfill a Non-Residential Applicant's request, EDUs will be offered to the Applicant with the next-highest application score, as determined under Paragraph B. V.
- IX. Upon issuance of all available EDUs under the policy herein, the Borough of Mifflinburg will retain all applications that were not fulfilled in previous lottery solicitations and their score will be re-evaluated under Section III.

- X. If any EDUs remain available after the initial distribution in accordance with Paragraphs B. I – IV above, the remaining EDUs shall be distributed on a first come, first serve basis until all available EDUs are distributed.

This Resolution shall become effective immediately. This Resolution shall replace all previous resolutions regarding the distribution of EDU(s) under regulatory limitations.

ADOPTED AND RESOLVED, this 19<sup>th</sup> day of April 2022 by the Council of Mifflinburg Borough, Union County, Pennsylvania, at its regular meeting.

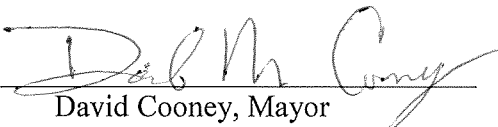
ATTEST:

  
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Margaret A. Metzger, Secretary

BOROUGH OF MIFFLINBURG:

By   
\_\_\_\_\_  
Richard J. Fry, President

Approved this 19th day of April 2022.

  
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David Cooney, Mayor