

COUNCIL BILL NO. 1916

INTRODUCED BY: DIANE BERNARDO

ORDINANCE NO. 1817

AN ORDINANCE

AMENDING ORDINANCE NO. 1812 TO REPEAL PARAGRAPH 3 OF SECTION 403 OF CHAPTER 18, PART IV OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS RETROACTIVE TO THE EFFECTIVE DATE OF ORDINANCE NO. 1812 AND OTHERWISE REAFFIRMING AND RE-RATIFYING ALL OTHER PROVISIONS OF ORDINANCE NO. 1812 WHICH MODIFIED THE SEWER RATES ORGINALLY ADOPTED BY ORDINANCE NO. 1675 RETROACTIVE TO THE ORIGINAL EFFECTIVE DATE OF ORDINANCE NO. 1812.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of DuBois, in Council assembled, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1. That Paragraphs 1 and 2 of Section 403 of Chapter 18, Part IV are hereby amended as follows:

Section 403. Rates for Treatment of Sanitary Sewage

1. All persons owning property within the boundary lines of the City of DuBois and connecting to the sewer system shall pay the City a monthly rental for sanitary sewage service based on the quantity of water used as evidenced by meter readings of water meters installed for the purpose of measuring water purchased from and furnished by the Water Works and such other meters as may be installed pursuant to any provisions of the Code of Ordinances of the City of DuBois. The amount of such rental shall be the sum of \$9.00 per 1,000 gallons of water per month of portion thereof.
2. All municipalities having sewer lines or systems that connect to the DuBois Collection System shall pay to the City a monthly rental for sanitary sewage service based on sewage flow as evidenced by readings of sewer meters installed for the purposes of measuring sewer flows. The amount of such rental shall be the sum of \$9.00 per 1,000 gallons of sewage per month or portion thereof.

SECTION 2. That the provisions of Paragraph 3 of Section 403 of Chapter 18, Part IV, as adopted by Ordinance No. 1675 are hereby repealed in their entirety and Paragraph 3 is hereby left blank and reserved for future use.

SECTION 3. That the provisions of Paragraph 4 of Section 403 of Chapter 18, Part IV, amended by Ordinance No. 1812 are hereby reaffirmed and re-ratified as follows:

Section 403. Rates for Treatment of Sanitary Sewage

4. The foregoing language of Section 403 notwithstanding, the rate charged to all Industries and manufacturing companies located within the corporate boundaries of the City of DuBois shall be billed on a monthly basis at the following rates:

<u>Monthly Usage</u>	<u>Rate Per 1,000 Gallons</u>
1 to 400,000 gallons	\$ 9.00
400,000 to 800,000 gallons	\$ 5.90

City's Sewer System to allow recovery of the principal and interest payments owing on the loans secured to complete the construction projects for the repair or replacement of main sewer transmission lines.

SECTION 5. Nothing herein shall alter, change, amend or otherwise affect any other sections of Chapter 18 of the Code of Ordinances, and all other provisions of Chapter 18, not in conflict herewith, are hereby reaffirmed and re-ratified as if set forth at length herein.

SECTION 6. All ordinances or parts of ordinances or resolutions in conflict herewith be and the same are herewith repealed.

SECTION 7. It is hereby declared to be the intention of City Council that the parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance.

SECTION 8. The provisions of Paragraph 3 of Section 403 contained in Chapter 18, Part IV that were enacted by Ordinance No. 1675 authorizing the City to impose an additional rental of \$3.00 per 1,000 gallons of water per quarter against all water flow deemed to be excessive infiltration and inflow from municipal sewage systems connecting to the DuBois Collection System were never implemented by the City after Ordinance No. 1675 was adopted and the City never issued a bill to any municipality for such additional rental.

It was the intention of Ordinance No. 1812 to repeal Paragraph 3 of Section 403 and to amend the rates for treatment of sanitary sewage, but specific language repealing Paragraph 3 was not contained therein. This Ordinance is enacted to remedy any ambiguity created by the failure in Ordinance No. 1812 to specifically mention that the provisions of Section 403, Paragraph 3 of Ordinance No. 1675 were intended to be repealed by the enactment of the provisions of Ordinance No. 1812.


The provisions of Section 2 of this Ordinance repealing Paragraph 3 of Section 403 in its entirety are intended to be retroactive to the original effective date of Ordinance No. 1812 such that the repeal of Paragraph 3 of Ordinance No. 1675 as well as all other provisions of this Ordinance are intended to be retroactive to the original effective date of Ordinance No. 1812.

The intent to make this Ordinance retroactive is specifically set forth herein in accordance with the requirements of 1 Pa. C.S.A. §1926 for the purposes set forth herein.

ATTEST:

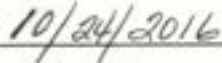


 City Manager

By 

 Gary D. Gilbert
 Mayor and President of Council

PASSED BY COUNCIL



 10/24/2016

APPROVED: 