

## ARTICLE X

### EXTENSIONS AND ADDITIONS TO THE SEWER SYSTEM

10.01 Extensions and Additions made by the Authority and at the Expenses of the Authority:

Whenever any person, firm, or corporation desires the extension of the facilities of the Authority sewer system to service new areas not theretofore connected to said sewer system, such person, firm or corporation may present a petition to the Authority requesting said extension, which petition must be signed by the owners of not less than fifty-one percent (51%) in footage fronting on the proposed extension, and said petition shall set forth the total number of feet of sewer extension required under said request, the total number of potential customers located along the proposed extension, setting forth whether said customers are residential, commercial, or industrial and the increase of customers, if any, which may be immediately anticipated. Upon receipt of such petition, the Authority may undertake the extension of its facilities if such extension is beneficial and feasible in the opinion of the Authority. Should the Authority, upon receipt of such petition and consideration thereof, and in the exercise of its discretion, determine that such extension shall not be made, notice of such determination shall be given to the person or person submitting the petition.

10.02 Extension or Addition for the Accommodation of Developers, Builders and Other Persons:

Wherever extensions or additions to the sewer system are desired and are not made under Section 10.01 of this Article, the same may be made as follows:

- A. **Extensions made by the Authority:** Upon application of any person, firm or corporation, and where possible, the Authority may, at the cost of the applicant, extend its lines to service whatever areas may be required for the accommodation of such applicant, provided that the applicant shall pay the total cost to the Authority of such extension or extensions, including the cost of design of the extension by the Authority Engineer, the cost of all permits which may be required, the cost of inspection during construction, and the cost of construction itself. The total cost of extension or addition as estimated by the Consulting Engineer for the Authority shall be deposited with the Authority in a special account and held by the Authority for only the purpose of paying the costs involved in the extension or addition under this subsection (A), the costs of

said extension shall be adjusted, and upon adjustment, any excess remaining in the special fund shall be returned to the applicant and the extent, if any, that the total cost shall have exceeded the estimate, the applicant shall make up the deficiency. No sewer service will be rendered by the Authority through such extension or addition until the total cost thereof shall have been paid.

- B. Extension not designed and installed by the Authority:** Plans and specifications for extensions and additions to the sewer system may be prepared by qualified persons provided that the plans and specifications so prepared shall be submitted for approval to the Authority and provided further that no construction shall be undertaken until such plans and specifications are approved and until a permit is issued by the Pennsylvania Department of Environmental Resources Water and Quality Management Board for the proposed extension, if required.

The reasonable estimated cost of reviewing and approving plans and specifications to be imposed upon the Authority or by its Consulting Engineer shall be paid by the applicant before final approval.

Extensions to the sewer system may be constructed by any applicant or his contractor in accordance with plans and specifications approved as herein before required, provided however, that such construction shall be inspected by the Authority or such other person as the Authority may designate, the cost of which shall be paid by the applicant. After approval of plans and specifications and before construction; has commenced, the applicant shall post a bond or cash deposit representing the estimated costs with the Authority and/or Township in an amount to be set by the Authority to insure the payment of all obligations relating to the proposed installation including the estimated construction costs, and the estimated amount to be due to the Authority for the cost of inspecting and the cost of replacing or repairing any part of the system which has not been constructed in a manner satisfactory to the Authority. If a bond or cash deposit is not requested by the Authority, monthly invoices will be made to the applicant/developer.

Whenever sewers are installed by person, firms or corporations other than the Authority, the installation and materials shall be made and furnished in accordance with the Authority's standard construction specifications and in accordance with the

Rules and Regulations of the Authority. In the event that the person, firm or corporation installing a sewer extension fails to comply with the requirements of the Authority, the Authority shall give notice in writing of such non-compliance and in the event that the person, firm or corporation so installing the extension shall fail to replace or repair the installation with respect to which notice of non-compliance has been received, the Authority may take whatever measures necessary to conform the installation to the requirements of the Authority and charge the costs thereof against the bond or cash deposit made by the applicant.

As a condition to the approval of plans and specifications for extensions to the Sewer System, to be built by builders, developers or other agencies, and prior to the commencement of construction of said extension, the builders, developers or other agencies shall execute a Sewer Extension Agreement with the Authority under which the owner agrees upon completion of the extension to offer to the Authority a Letter of Dedication to the collection system to be installed, which letter shall convey all right, title and interest in the collection lines to the Authority free and clear of all encumbrances and charges. The agreement to be signed in this connection shall specifically provide that in the event a Letter of Dedication is not offered to the Authority, the Authority shall be entitled to specific performance of the agreement and the costs of enforcing the agreement, including reasonable attorney's fees, which shall be paid by the defaulting party and shall be made a part of the Order of the Court in granting specific performance.

Applicants under subsections (A) or (B) of this Section 10.02 shall in all cases pay the cost of securing a permit, if required, from the Department of Environmental Resources of the Commonwealth of Pennsylvania, including the cost of preparing the necessary reports required to obtain such permit, and no service shall be rendered on any additions or extensions until such costs shall have been paid.