

**TOWNSHIP OF HAMILTON  
Monroe County, Pennsylvania**

**RESOLUTION NO. 2013-11-221**

**OF THE BOARD OF SUPERVISORS OF HAMILTON  
TOWNSHIP, MONROE COUNTY, PENNSYLVANIA,  
AMENDING SECTION 2.2.C.2. OF RESOLUTION  
NO. 2013-07-231**

**WHEREAS**, the Board of Supervisors of Hamilton Township desires to revise Township of Hamilton Resolution No. ~~2013-07-231~~, adopted on ~~July 23~~, 2013, to establish a procedure for property owners to request a re-determination of the EDUs attributed to their property pursuant to Section 2.2.C.2. thereof.

**NOW, THEREFORE, BE IT RESOLVED:**

1. Section 2.2.C.2. of Resolution No. ~~2013-07-231~~, is hereby replaced in its entirety with the following:

"Commercial, Educational, Industrial, multi-residential, mixed use (commercial/residential) and Institutional properties served by a metered water supply shall be attributed the number of EDUs determined from their maximum monthly average (i.e. highest month of the year) metered water usage, based upon water meter data for (i) the year 2011 for a Developed Property, and (ii) the twelve (12) month period preceding the date of connection for all other Improved Properties. The foregoing notwithstanding, if prior to the time of initial connection to the Sewer System the Owner of any Commercial, Industrial, multi-residential, mixed use (commercial/residential), Educational, Institutional or public (non-residential) Developed Property whose EDU attribution was based upon the maximum monthly average (i.e. highest month of the year) BCRA metered water usage data for the year 2011, or other Improved Property whose EDU attribution was based upon maximum monthly average (i.e. highest month of the year) metered water usage, based upon water meter data for the immediately preceding twelve (12) month period, believes that due to a water leak, or some other extraordinary occurrence or condition, such data inaccurately portrays what the maximum monthly average metered water usage would have been had the water leak or other extraordinary occurrence or condition not occurred, the Owner may make a written request to the Board of Supervisors of Pocono Township for a recalculation of the EDU attribution for that Improved Property and present such evidence to the Board of Supervisors of Pocono Township in support of that request at a meeting of the Board of Supervisors of Pocono Township for which consideration of such request has been scheduled. If the Board of Supervisors of Pocono Township, in its sole discretion, determines that the Owner has presented sufficient evidence of (1) the occurrence of a water leak or other extraordinary occurrence or condition and (2) a reasonable alternative method of calculating what the maximum monthly average metered water usage would have been had the water leak or other extraordinary occurrence or condition not occurred, the Board of Supervisors of Pocono Township may recalculate the number of EDUs to be attributed to such Improved Property for purposes of the initial connection. Any future increase in the number of EDUs attributed to such Improved Property as a result of future water usage meter data, or as otherwise provided in the Resolution or the Connection Ordinance, shall result in the imposition of additional Tapping Fees and User Charges at the then current rates."

2. If any sentence, clause, section or part of this Resolution is for any reason finally determined by a court of competent jurisdiction to be unconstitutional, illegal or invalid, such

unconstitutionality, illegality or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this Resolution, and this Resolution shall be construed and enforced as if such unconstitutional, illegal or invalid provision had not been contained herein. as it is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.

3. This Resolution shall be effective immediately.

4. Except as amended hereby, all remaining provision of Resolution No. <sup>2013-07-23r1</sup>, adopted on July 23, 2013, shall remain in full force and effect.

DULY ADOPTED, by the Board of Supervisors of the Township of Hamilton, Monroe County, Pennsylvania, in lawful session duly assembled, this 22<sup>nd</sup> day of November, 2013.

TOWNSHIP OF HAMILTON,  
Monroe County, Pennsylvania

By:   
Chairman of the Board of Supervisors

ATTEST:

(Asst) Secretary of the Township

(Township Seal)