

**TOWNSHIP OF WORCESTER  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE 15-254**

**AN ORDINANCE OF THE TOWNSHIP OF WORCESTER, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING THE CONSTRUCTION AND PROVIDING FOR THE ASSESSMENT OF THE COST OF THE CONSTRUCTION OF AN EXTENSION TO THE SANITARY SEWER COLLECTION SYSTEM SERVING PORTIONS OF THE TOWNSHIP IN THE AREA IDENTIFIED AS THE "HICKORY HILL AREA" BY THE IMPOSITION OF AN EQUAL ASSESSMENT ON ALL PROPERTIES ABUTTING UPON AND/OR BENEFITTING BY THE SEWER EXTENSION IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA SECOND CLASS TOWNSHIP CODE; PROVIDING FOR THE MANNER OF COLLECTION OF THE SEWER ASSESSMENT; PROVIDING FOR THE FILING OF LIENS; AND PROVIDING FOR MANDATORY CONNECTION OF CERTAIN TAX PARCELS TO THE TOWNSHIP SEWER SYSTEM.**

**WHEREAS**, the Board of Supervisors of the Worcester Township ("Township") has determined that it will be in the best interest of the residents of the Township to construct an extension to the sanitary sewage collection system serving the Township along certain portions of the Township to provide public sewer to the "Hickory Hill Area" comprised of the Tax Parcels identified on Exhibit A, attached hereto ("Properties"); and,

**WHEREAS**, the Worcester Township Consulting Engineer, CKS Engineers, Inc., ("Engineer") has prepared plans and specifications for the extension of the sewer lines which plans are dated September 23, 2013, with no revisions; and,

**WHEREAS**, the Township is in the process of having the sewer extension constructed following due advertisement and receipt of competitive bids in accordance with the law and public bidding requirements imposed upon Municipalities, and in accordance with the plans and specifications of the Engineer, with said extension hereinafter referred to as the "Project"; and,

**WHEREAS**, the cost of construction has been estimated by the Engineer at One Million Thirty Two Thousand, Ninety-Two Dollars and Thirty-Two Cents (\$1,032,092.32) for the public portions of the Project and an additional cost for the private construction which must be undertaken by the owners of the Properties; and,

**WHEREAS**, the Board of Supervisors has determined that the cost of the Project shall be assessed against the Properties by an equal assessment on all properties abutting, benefitted, improved and accommodated thereby in accordance with the provisions of the Pennsylvania Second Class Township Code, 53 P.S. Section 67508(2); and,

**WHEREAS**, the Township desires to approve the construction of the sewer extension and the assessment method set forth herein to provide for the payment of the cost of the Project in accordance with the terms of the Pennsylvania Second Class Township Code.

**NOW, THEREFORE**, the Board of Supervisors of Worcester Township, Montgomery County, Pennsylvania hereby ordains and enacts as follows:

1. The Township hereby approves and authorizes the construction of a sanitary sewer system extension in the "Hickory Hill Area" of the Township to provide public sewer to the Properties, in accordance with the plans, drawings and specifications prepared by the Engineer, which said plans are dated September 23, 2013, with no revisions, and approved by the Pennsylvania Department of Environmental Protection on June 12, 2014, on the land and in the highways, streets, roads and rights of way as therein set forth.
2. The Project cost shall be charged and assessed equally against all of the Properties abutting and benefited by the sanitary sewer extension in accordance with the provisions of the Pennsylvania Second Class Township Code at 53 P.S. Section 67508(2).
3. Assessments shall be made in the following manner:
  - a. When the construction of the sewer extension has been completed, the Engineer shall file with the Township a statement certifying that such sewer extension has been completed and approved by them for assessment purposes, stating the date of such completion and describing such sewer or sewers in reasonable detail.
  - b. Upon receipt by the Township of a certificate of the Engineer, as provided above, the Township shall examine the same and shall determine the property or properties abutting upon said sewer or sewers described in said certificate which are benefited, improved or accommodated thereby, shall determine the amount or amounts of the proposed assessment or assessments, computed in accordance with the provisions of this Ordinance and the Second Class Township Code, and shall determine the name or names of the owner or owners of such property or properties. A property shall be deemed to be benefited by the Project pursuant to this Ordinance if it either: (a) abuts the sanitary sewer collection system extension described in said certificate or (b) is improved by a principal building of which at least a part of is located within one hundred fifty feet (150') of the sanitary sewer collection system extension. Thereupon, the Engineer shall certify that such proposed assessment or assessments, together with all assessments heretofore made by the Township under the provisions hereof and the estimated amount of all assessments hereafter to be made under the provisions hereof, will not exceed the actual cost of the Project. After making such determination and receiving the certificate of the Engineer as provided for in this paragraph, the Township shall direct the preparation of a proper assessment bill for the amount charged against each property.
  - c. The assessment bills so prepared thereupon shall be collected from the owner or owners of each of the Properties against which such assessments are charged and assessed thereby.
  - d. Within thirty (30) days after the filing with the Township of any certificate provided for in Paragraphs (a) and (b) above, the assessment bills shall be served by the Township upon the owner or owners of the Properties by registered mail. If the owner or owners of such Properties cannot be served by registered mail, then the assessment bill shall be posted upon the premises or a copy thereof left with the occupant, if there be one, and shall further be mailed to the owner or owners or his, her or their agent or attorney at his, her or their last known address by first class mail.

4. All such assessments shall be payable forthwith to the Township, unless the owner or owners shall have been granted the privilege of providing payments in installments and shall have entered into a stipulation and agreement with the Township providing for same and the entry of a municipal lien against the property affected for the purpose of securing said payments. In the absence of payment, the Township shall provide for the recovery of the assessment under the general law relating to the collection of municipal claims, including if so directed by the Township, the filing of a civil action for the purpose of collecting said payments.
5. If any owner or owners against which such an assessment shall have been made shall refuse or neglect to pay such assessment within sixty (60) days after service thereof shall have been made in the manner as set forth in Paragraph 3 hereof, or shall refuse or neglect, within said time frame, to enter into an agreement in a form acceptable to the Township for the installment payment of said assessment over a period of time not to exceed five (5) years at an interest rate of two percent (2%) per annum, the Township shall forthwith proceed to file a municipal claim or lien thereon, which shall include interest at the maximum legal rate per annum from the date of completion of the work. Thereafter, the Township Solicitor shall proceed to collect the same under the general law relating to the collection of municipal claims, including if so directed by the Township, the filing of a civil action.
6. (a) The owner of each improved Property as shown on Exhibit A hereto shall connect to public sewer within three (3) months from the date of the mailing of an assessment bill by the Township unless an abatement is granted by the Township as set forth below.

(b) If the owner of any improved Property demonstrates to the Township's satisfaction that the property is served by a satisfactorily functioning and operating "on-lot" sewage disposal system, as confirmed and agreed upon by the Township and Montgomery County Department of Health, that Property shall be granted an abatement from the requirements of paragraph (a) above, subject to the following requirements:

  - (i) Proof that the property is served by a satisfactorily operating "on lot" sewage disposal system shall be based on a biennial inspection and written certification by a licensed or certified contractor with experience in performing inspection of "on-lot" sewage disposal systems. The cost of such inspection and certification shall be paid by the property owner. The initial written certification shall be filed with the Township by the property owner within 60 days of receipt by the property owner of the assessment bill and notice to connect. The criteria to be applied in determining whether the property owner has met the requirements in this section shall be those set forth in the Field Manual for Pennsylvania Sewage Enforcement Officers published by the Pennsylvania Department of Environmental Protection, latest revision, as well as the provisions of the Pennsylvania Sewage Facilities Act and Chapters 71, 72 and 73 of the Pennsylvania Code. If after the required biennial inspection, the "on lot" sewage disposal system can be fully and completely repaired by the owner at a cost no greater than one thousand dollars (\$1,000.00) within the criteria set forth in the preceding sentence, then such system may be repaired within thirty (30) days and shall be re-inspected and may be certified to have an adequately functioning and operating system.
  - (ii) Property owners shall file a copy of the required biennial inspection and certification with the Township within 30 days of receipt. The Township will establish a list of those

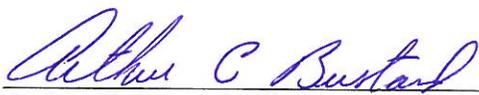
properties that have been certified to have adequately functioning and operating "on-lot" sewage disposal systems, and the date of each certification.

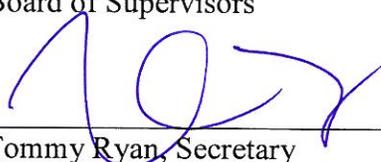
- (iii) Property owners shall have their system re-inspected and certified on a biennial basis, and shall file each such report with the Township within 30 days of receipt. If a system is determined to be failing, malfunctioning or not operating properly, the owner of the property shall connect to the public sewer system within three (3) months from the date of the inspection report showing the failing system.
7. The Township hereby ordains, directs and requires that the owners of all improved Properties shall be required to, notwithstanding any written agreement with the Township, connect each property identified on Exhibit A to the Township public sewer system prior to any sale or transfer of said tax parcel to any other person or entity (except a transfer into a trust created by the property owner). The Township further ordains, directs and requires that the owners of all unimproved Properties so identified on Exhibit A shall be required to connect each property to the Township public sewer system when each such property is improved with any improvement that requires, or is proposed to be serviced by, sewer service. The Township further ordains, directs and requires that the owners of all Properties be required to connect each property to the Township public sewer system when each such property changes its principal use, for example but not limited to the conversion of a residential use to a non-residential use, or establishes a new additional use at the property.
8. Nothing contained herein shall alter the responsibility of the owners of the Properties benefited and accommodated by this sewer extension with respect to payment of the applicable sewer tapping fee or subsequent sewer usage bills to the Township upon connection to the sewer system of the Township.
9. The proper officers of the Township are hereby authorized and directed to do all matters and things required to be done by the Acts of Assembly and by this Ordinance for the purpose of carrying out the purposes hereof.
10. Township reserves the right to make any modifications, supplements or amendments to this Ordinance.
11. Notwithstanding the provisions of Section 3 hereof, the Township may make settlements with property owners as to the amount of their assessments, and municipal claims or liens may be filed pursuant to such settlements or pursuant to stipulations entered into between the Township and the property owner or owners benefited by the aforesaid sewer extension.
12. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.
13. To the extent this Ordinance is inconsistent with the Code of Worcester Township, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

14. This Ordinance shall become effective immediately upon enactment.

**ENACTED AND ORDAINED** by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 16<sup>th</sup> day of December, 2015.

**FOR WORCESTER TOWNSHIP**

By:   
Arthur C. Bustard, Chairman  
Board of Supervisors

Attest:   
Tommy Ryan, Secretary

## EXHIBIT A

### HICKORY HILL SEWER PROJECT PROPERTIES

1. Block 18, Unit 43; 2956 Defford Road, Norristown, PA. 19403
2. Block 18, Unit 23; 1700 Valley Forge Road, Norristown, PA. 19403
3. Block 18, Unit 11; 1704 Valley Forge Road, Norristown, PA. 19403
4. Block 18, Unit 10; 1716 Valley Forge Road, Norristown, PA. 19403
5. Block 18, Unit 24; 1726 Valley Forge Road, Norristown, PA. 19403
6. Block 18, Unit 9; 1730 Valley Forge Road, Norristown, PA. 19403
7. Block 14, Unit 12; 1741 Valley Forge Road, Norristown, PA. 19403
8. Block 14, Unit 10; 1803 Valley Forge Road, Norristown, PA. 19490
9. Block 18, Unit 8; 1806 Valley Forge Road, Norristown, PA. 19403
10. Block 18, Unit 14; 1808 Valley Forge Road, Norristown, PA. 19403
11. Block 18, Unit 7; 1814 Valley Forge Road, Norristown, PA. 19446
12. Block 19A, Unit 11; 2857 Hickory Hill Drive, Norristown, PA. 19403
13. Block 19A, Unit 23; 2858 Hickory Hill Road, Norristown, PA. 19403
14. Block 19A, Unit 12; 2861 Hickory Hill Road, Norristown, PA. 19403
15. Block 19A, Unit 22; 2862 Hickory hill Road, Norristown, PA. 19403
16. Block 19A, Unit 13; 2867 Hickory Hill Road, Norristown, PA. 19403
17. Block 19A, Unit 21; 2868 Hickory Hill Road, Norristown, PA. 19403
18. Block 19A, Unit 14; 2871 Hickory Hill Drive, Norristown, PA. 19403
19. Block 19A, Unit 15; 2875 Hickory Hill Road, Norristown, PA. 19403
20. Block 19A, Unit 20; 2876 Hickory Hill Drive, Norristown, PA. 19403
21. Block 19A, Unit 17; 2879 Hickory Hill Road, Norristown, PA. 19403
22. Block 19A, Unit 31; 2882 Hickory Hill Road, Norristown, PA. 19403
23. Block 19A, Unit 18; 2887 Hickory Hill Road, Norristown, PA. 19403
24. Block 19A, Unit 33; 2888 Hickory Hill Drive, Norristown, PA. 19403
25. Block 19A, Unit 32; 2896 Hickory Hill Drive, Norristown, PA. 19403
26. Block 18, Unit 28; 2902 Hickory Hill Road, Norristown, PA. 19403
27. Block 18, Unit 31; 2909 Hickory Hill Road, Norristown, PA. 19403
28. Block 18, Unit 34; 2912 Hickory Hill Drive, Norristown, PA. 19403
29. Block 18, Unit 30; 2915 Hickory Hill Road, Norristown, PA. 19403
30. Block 18, Unit 38; 2918 Hickory Hill Road, Norristown, PA. 19403
31. Block 18, Unit 32; 2921 Hickory Hill Drive, Norristown, PA. 19403
32. Block 18, Unit 41; 2924 Hickory Hill Drive, Norristown, PA. 19403
33. Block 18, Unit 36; 2925 Hickory Hill Road, Norristown, PA. 19403
34. Block 18, Unit 27; 2928 Hickory Hill Road, Norristown, PA. 19403
35. Block 18, Unit 39; 2931 Hickory Hill Drive, Norristown, PA. 19403
36. Block 18, Unit 40; 2938 Hickory Hill Drive, Norristown, PA. 19403
37. Block 18, Unit 37; 2939 Hickory Hill Drive, Worcester, PA. 19403
38. Block 18, Unit 45 2947 Hickory Hill Drive, Norristown, PA. 19403
39. Block 18, Unit 47; Hickory Hill Drive, Worcester, PA. 19490 \*
40. Block 18, Unit 46 Hickory Hill Drive, Worcester, PA. 19490 \*
41. Block 18, Unit 48 Hickory Hill Drive, Worcester, PA. 19490 \*

42. Block 18, Unit 22; 1715 Landis Road, Norristown, PA. 19403
43. Block 19, Unit 24; 1716 Landis Road, Norristown, PA. 19403
44. Block 19, Unit 34; 1720 Landis Road, Norristown, PA. 19403
45. Block 18, Unit 29; 1721 Landis Road, Norristown, PA. 19403
46. Block 18, Unit 33; 1803 Landis Road, Norristown, PA. 19403
47. Block 19A, Unit 19; 1804 Landis Road, Norristown, PA. 19403
48. Block 18, Unit 35; 1809 Landis Road, Norristown, PA. 19403
49. Block 19A, Unit 16; 1812 Landis Road, Worcester, PA. 19490
50. Block 19A, Unit 1; 2836 Crest Terrace, Norristown, PA. 19403
51. Block 19A, Unit 42; 2858 Crest Terrace, Norristown, PA. 19403
52. Block 19A, Unit 26; 2859 Crest Terrace, Norristown, PA. 19403
53. Block 19A, Unit 41; 2862 Crest Terrace, Norristown, PA. 19403
54. Block 19A, Unit 27; 2863 Crest Terrace, Worcester, PA. 19490
55. Block 19A, Unit 40; 2868 Crest Terrace, Norristown, PA. 19403
56. Block 19A, Unit 28; 2869 Crest Terrace, Norristown, PA. 19403
57. Block 19A, Unit 39; 2874 Crest Terrace, Eagleville, PA. 19403
58. Block 19A, Unit 29; 2875 Crest Terrace, Norristown, PA. 19403
59. Block 19A, Unit 37; 2880 Crest Terrace, Norristown, PA. 19403
60. Block 19A, Unit 36; 2884 Crest Terrace, Norristown, PA. 19403
61. Block 19A, Unit 30; 2885 Crest Terrace, Norristown, PA. 19403
62. Block 19A, Unit 35; 2888 Crest Terrace, Norristown, PA. 19403
63. Block 19A, Unit 34; 2892 Crest Terrace, Worcester, PA. 19490
64. Block 19A, Unit 2; 1740 Green Briar Drive, Norristown, PA. 19403
65. Block 19, Unit 40; 1743 Green Briar Drive, Norristown, PA. 19403
66. Block 19A, Unit 43; 1745 Green Briar Drive, Norristown, PA. 19403
67. Block 19A, Unit 3; 1746 Green Briar Drive, Norristown, PA. 19403
68. Block 19A, Unit 25; 1751 Green Briar Drive, Norristown, PA. 19403
69. Block 19A, Unit 4; 1752 Green Briar Drive, Norristown, PA. 19403
70. Block 19A, Unit 5; 1758 Green Briar Drive, Norristown, PA. 19403
71. Block 19A, Unit 6; 1804 Green Briar Drive, Norristown, PA. 19403
72. Block 19A, Unit 24; 1805 Green Briar Drive, Norristown, PA. 19403
73. Block 19A, Unit 7; 1812 Green Briar Drive, Norristown, PA. 19403

*\* unimproved property as of 12/16/15*