TOWNSHIP OF WORCESTER
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE 2016-260

AN ORDINANCE OF THE TOWNSHIP OF WORCESTER, MONTGOMERY COUNTY, PENNSYLVANIA AMENDING ORDINANCE 2015-254

WHEREAS, the Board of Supervisors of Worcester Township ("Board"), on December 16, 2015, did adopt Ordinance 2015-254, that, among other matters, established an assessment for sanitary sewer infrastructure ("Improvements") installed by the Township to serve certain properties that front Valley Forge Road, Hickory Hill Road, Crest Terrace, Green Briar Drive and Landis Road ("Properties") or ("Hickory Hill Sewer District"); and,

WHEREAS, Ordinance 2015-254 likewise set forth the manner by which the assessment shall be paid by the Owners of Record ("Owners" or "Owner") of the affected properties either by a one-time payment or over a five-year term upon execution of an agreement between an Owner and the Township; and,

WHEREAS, pursuant to Ordinance 2015-254, on March 1, 2016, Notices of Assessment were issued by the Township to the Owners in the Hickory Hill Sewer District, providing for an assessment in the amount of Fourteen Thousand Three Hundred Five Dollars ($14,305.00); and,

WHEREAS, subsequent to the adoption of Ordinance 2015-254, the Board of Supervisors, at the request of several Owners, did undertake a borrowing by way of a municipal bond issue, for the purpose of funding the Improvements, and including the debt service to be paid on the bond issue as a charge against the Properties in the Hickory Hill Sewer District in the event that an Owner in the District should desire to pay the assessment over a 25 year, 6 month term (306 months) rather than a one-time assessment; and,

WHEREAS, an amendment to Ordinance 2015-254 is required to delete the option to enter into a five-year agreement and to provide for the payment of the assessment over a 25 year, 6 month term (306 months) with interest at the rate of 2.98% in the event an Owner fails to make the one-time payment when due as provided for in the Notices of Assessment and by Ordinance 2015-254;

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

SECTION I:

1. Sections 4 and 5 of Ordinance 2015-254 are hereby deleted in their entirety and replaced with the following:

    4. (a) Pursuant to Section 3 of Ordinance 2015-254, all properties in the Hickory Hill Sewer District have been charged and assessed an equal assessment in the amount of Fourteen Thousand Three Hundred Five Dollars ($14,305.00), per Property, pursuant to §67508(2) of the Pennsylvania Second Class Township Code (53 P.S. §67508(2)) ("Hickory Hill Sewer District Assessment"). All such

assessments were required to be paid to the Township by April 29, 2016. In the event that an Owner has failed to pay the Hickory Hill Sewer District Assessment by April 29, 2016, the Township shall bill the Hickory Hill Sewer District Assessment, plus all borrowing costs incurred by the Township, to the Owner in equal quarterly charges over a 25 year, 6 month term (306 months).

(b) The Hickory Hill Sewer District Assessment shall be billed by the Township and paid by the Owner, whether or not the Property is connected to the sanitary sewer system, until such time as the $14,305.00 assessment, plus all borrowing costs incurred by the Township, with interest at the rate of 2.98% is paid to the Township in full.

(c) Commencing July 1, 2016, the Township shall issue quarterly bills to all Owners who have failed to pay the Hickory Hill Sewer District Assessment by April 29, 2016. The quarterly payment shall be $204.69, and this amount shall continue to be billed for a 25 year, 6 month term (306 months).

5. In the event an Owner shall refuse, fail or neglect to pay such quarterly assessment within sixty (60) days of the billing date of any quarterly bill, the Township may proceed to file a municipal claim or lien thereon, which shall include interest at the maximum legal rate per annum. 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.

SECTION II:

1. All other terms and provisions of Ordinance 2015-254 shall remain in full force and effect.

2. Nothing contained herein shall alter the responsibility of the Owners with respect to payment to the Township of the applicable sewer tapping fee or subsequent sewer usage rates in effect at that time upon connection to the public sewer system.

3. 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.

4. Township reserves the right to make any modifications, supplements or amendments to this Ordinance.

5. 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.

6. To the extent this Ordinance is inconsistent with other provisions of 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.

7. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED by the Supervisors of the Township of Worcester, Montgomery County, Pennsylvania on this 15th day of June, 2016.

FOR WORCESTER TOWNSHIP

By: _____
Susan G. Caughlan, Chair
Board of Supervisors

Attest: _____
Tommy Ryan, Secretary