

**HATFIELD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE #624**

AN ORDINANCE OF HATFIELD TOWNSHIP AMENDING CHAPTER 224, SEWERS AND SEWAGE DISPOSAL, OF THE TOWNSHIP CODE BY ESTABLISHING A SPECIAL SEWER DISTRICT IN HATFIELD TOWNSHIP.

WHEREAS, There are certain geographical areas located within Hatfield Township (“Hatfield”) whose contours make it preferable to provide public sanitary sewer service by gravitational flow into the Upper Gwynedd- Towamencin Municipal Authority (“UGTMA”) treatment plant.

WHEREAS, Hatfield, Hatfield Township Municipal Authority (“HTMA”), Towamencin Township (“Towamencin”) and the UGTMA entered into an agreement on or about January 16, 1979 whereby Hatfield and the HTMA, for gravitational flow purposes, assigned and released the sanitary sewer flows from a certain area then known as the “Towamencin Watershed District in Hatfield Township” to be treated in the UGTMA treatment plant.

WHEREAS, Around January, 2001, Hatfield, HTMA, Towamencin and the UGTMA entered into an agreement whereby Hatfield and the HTMA, for gravitational flow purposes, assigned and released the sanitary sewer flows from the Vernon Court Subdivision to be treated in the UGTMA treatment plant.

WHEREAS, Hatfield, HTMA, Towamencin and the UGTMA entered into an agreement on or about November 12, 2010 (“Derstine Agreement”), whereby Hatfield and the HTMA, for gravitational flow purposes, assigned and released the sanitary sewer flows from an area identified as the Derstine Watershed Area to be treated in the UGTMA treatment plant.

WHEREAS, pursuant to the Derstine Agreement, Hatfield, HTMA, Towamencin and the UGTMA agreed to certain maintenance, billing and future development obligations for those areas located in Hatfield Township which discharge sanitary sewer to the UGTM treatment plant . A copy of a plan detailing those areas is attached hereto and made a part hereof as Exhibit “A”. Those area detailed on Exhibit “A” shall hereinafter be collectively called the “Special Service Area”.

WHEREAS, pursuant to such obligations, Hatfield deems it necessary to establish a special rate district for the Special Service Area to detail those rates and charges applicable thereto.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, as follows:

§I. Amendment of the Code.

Chapter 224, Sewers and Sewage Disposal, is hereby amended by adding Article V, Special Sewer District, as follows:

Section 224-45. APPLICABILITY

From the effective date of this Ordinance, its provisions shall apply to all properties located in the Special Service District whose boundaries are detailed in the plan attached hereto and made a part hereof

as Exhibit “A”. The Special Service District consists of those properties located within Hatfield Township whose sanitary sewer flows are discharged into the Upper Gwynedd- Towamencin Municipal Authority treatment plant.

Section 224-46. SPECIAL RATE DISTRICT

Those properties located within the Special Sewer District and connected to the public sanitary sewer system shall at all times be customers of the Hatfield Township Municipal Authority. Those properties located within the Special Sewer District and connected to the public sanitary sewer system shall be billed in accordance with Towamencin Township’s duly adopted rate schedule, currently \$325.00 per year, as may be amended from time to time, plus a maintenance and administration fee imposed by Hatfield Township Municipal Authority. Such maintenance and administration fee, if charged, shall be detailed in Hatfield Township Municipal Authority’s duly adopted rate schedule, as may be amended from time to time. Those properties located within the Special Sewer District and connected to the public sewer system will also be responsible for paying any other charges imposed by Towamencin Township, including applicable garbage disposal fees and pump station fees, detailed on Towamencin’s duly adopted rate schedule.

Section 224-47. COMPLIANCE

Those properties located within the Special Sewer District are responsible for complying with all Hatfield Township codes and ordinances, including Chapter 224, Sewer and Sewage Disposal.

§II. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all ordinances and the Code of Ordinances for the Township of Hatfield such as are not otherwise specifically in conflict or inconsistent with this ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

§III. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions shall be separate, distinct and independent, and such holding shall not effect the validity of the remaining portions of this Ordinance.

§IV. Failure to Enforce not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

§V. Effective Date.

This ordinance shall take effect within five (5) days of passage.

§VI. Enactment.

Under the authority conferred by the Second Class Township Code and other relevant statutory law, the Commissioners of the Township of Hatfield in the County of Montgomery, Commonwealth of Pennsylvania do hereby enact and ordain this ordinance to the Code of Ordinances for the Township of Hatfield this 30TH day of March 2011.

**HATFIELD TOWNSHIP
BOARD OF COMMISSIONERS**

Attest: _____
Andrew S. Haines, Manager

By: _____
Thomas C. Zipfel, President