

TOWNSHIP OF HONEY BROOK

Chester County, Pennsylvania

ORDINANCE NO. 90

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HONEY BROOK, CHESTER COUNTY, PENNSYLVANIA, GRANTING TO THE CAERNARVON TOWNSHIP AUTHORITY CERTAIN RIGHTS AND PRIVILEGES IN, ALONG, OVER AND UNDER CERTAIN STREETS, ROADS, LANES, COURTS, PUBLIC SQUARES, ALLEYS, HIGHWAYS AND OTHER PROPERTIES OF THIS TOWNSHIP FOR USE IN CONNECTION WITH THE WATER SYSTEM OWNED BY SAID AUTHORITY; AND PROVIDING FOR REGULATING THE MANNER IN WHICH SUCH RIGHTS AND PRIVILEGES SHALL BE EXERCISED; AND REQUIRING CERTAIN OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND ABUTTING ON THE WATER SYSTEM OWNED BY THE CAERNARVON TOWNSHIP AUTHORITY TO CONNECT THERETO; REGULATING THE MANNER OF MAKING CONNECTIONS; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS.

The Board of Supervisors of the Township of Honey Brook, Chester County, Pennsylvania, enacts and ordains as follows:

ARTICLE I

DEFINITIONS

SECTION 1.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(a) Township. The Township of Honey Brook, Chester County, Pennsylvania, a duly organized second class Township under the laws of the Commonwealth of Pennsylvania.

(b) Authority. The Caernarvon Township Authority, a municipal authority established by the Supervisors of Caernarvon Township, Berks County, Pennsylvania and duly organized as a municipal authority under the laws of the Commonwealth of Pennsylvania.

(c) Improved Property. Any property located within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and which property utilizes or shall utilize water service.

(d) Owner. Any Person vested with ownership, vested with ownership, legal or equitable, sole or partial of any Improved Property.

(e) Person. Any individual, partnership, company, association, society, corporation or other group or entity.

(f) Water System. The municipal water system owned by the Authority, now existing or hereafter constructed, as well as all water system improvements hereafter dedicated to the Authority, including mains, valves, hydrants and all associated equipment and appurtenances.

ARTICLE II

PROVISION FOR WATER SERVICE BY AUTHORITY

SECTION 2.01. The Township agrees and ordains that the Authority shall have the right to distribute and serve water within certain limited parts of the geographic area of the

Township, specifically those lands owned by Wooldridge Construction of PA, Inc., its successors and assigns, known as Pennwood Farms, Phase V, insofar as those lands lie within the Township and as more particularly described as follows:

ALL THAT CERTAIN parcel of land situate in the Township of Honey Brook, County of Chester, Commonwealth of Pennsylvania, as shown on a Final Title Plan of Minor Subdivision of Pennwood Farms, dated December 6, 1999 and last revised December 30, 1999, prepared by Edward B. Walsh and Associates, Inc., Civil Engineers and Land Surveyors, Downingtown, PA., and being More fully described as follows:

BEGINNING at a point marking the intersection of the dividing line between Caernarvon Township, Berks County, to the northwest and Honey Brook Township, Chester County, to the southeast and the west line of Morgantown Industrial Park, which point is measured along said County dividing line, 6,829.13 feet, South 49 degrees 48 minutes 09 seconds West of a County line monument found on the southwest side of Route 401; thence from the point of beginning, along the west line of Morgantown Industrial Park, South 07 degrees 31 minutes 40 seconds East 379.69 feet to a corner of lands now or late of Paul and Leanna Beiler; thence partly along said lands and partly along lands now or late of Thomas McCartan and Peter Stanish, respectively, South 68 degrees 28 minutes 20 seconds West 998.46 feet to a point, the aforesaid County dividing line; thence along said line and through various lots of Pennwood Farms Subdivision, as shown on said Plan, North 49 degrees 48 minutes 09 seconds East 1150.87 feet to the point of BEGINNING.

CONTAINING: 4.189 acres of land, be the same, more or less.

SECTION 2.02. It is further resolved and agreed that with the area described at Section 2.01, the Authority shall have the right and power to establish rates and assessments, connection fees and other charges permitted by law, and to impose and enforce the same directly against users of water supplied by the

Authority. Further, the Authority shall be permitted to establish Rules and Regulations from time to time pursuant to law governing the terms and conditions applicable to service by the Authority to its customers, including those customers situate in Honey Brook Township, Chester County, PA.

ARTICLE III
USE OF PUBLIC WATER SYSTEM REQUIRED

SECTION 3.01. The Owner of any Improved Property abutting the Water System, other than industries and farms which have their own supply of water for uses other than human consumption, shall connect such Improved Property to the Water System in such manner as the Township and the Authority may require, within forty-five (45) days after notice to such Owner from the Authority to make such connection.

SECTION 3.02. The notice by the Authority to make a connection to the Water System, referred to in Section 3.01, shall consist of a copy of this Ordinance or a summary of each Section thereof, including any amendments and/or supplements at the time in effect, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within forty-five (45) days from the date such notice is given. Such notice may be given at any time after a water main is in

place which can supply water to the particular Improved Property. Such notice shall be served upon the Owner by regular U.S. mail, postage prepaid.

ARTICLE IV

CONNECTIONS

SECTION 4.01. No Person shall construct any connection to, uncover, connect with, make any opening into or use, alter or disturb, in any manner, any water main constituting a part of the Water System, without first making application for and securing a permit, in writing, from the Authority. Such application shall be made on a form to be provided by the Authority.

SECTION 4.02. All connections to the water mains and the installation of any service line to an Improved Property shall be accomplished in conformance with the rules and regulations of the Authority.

SECTION 4.03. Only Persons property authorized by the Authority shall be permitted to make service line and service connection installations.

ARTICLE V

GRANT OF EASEMENT

SECTION 5.01. The Township grants to the Authority, its successors and assigns, all easements, rights of way and other rights and privileges necessary and desirable in, along, over

and under streets, roads, lanes, courts, public squares, alleys, highways, and other properties of this Township, together with free ingress, egress and regress therein and thereto, along with other persons having interests, rights or privileges therein, for use in connection with constructing, expanding, improving, replacing, repairing, altering, maintaining and operating the Water System, as the same shall exist, from time to time.

SECTION 5.02. The rights and privileges granted to the Authority under Section 5.01 shall be exercised by the Authority under and subject to such reasonable rules, regulations and conditions as shall be adopted and specify, from time to time, such reasonable rules, regulations and conditions in connection with exercise by the Authority of such rights and privileges.

ARTICLE VI

ENFORCEMENT

SECTION 6.01. Any Person who shall violate this Ordinance shall be liable, upon summary convicted for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall

be punishable as such. Additionally, the Authority is granted the right and power to separately enforce its rules and regulations with respect to any owner of an Improved Property, or any other Person, who shall violate this Ordinance to the detriment of the Authority.

SECTION 6.02. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner as provided by applicable law at the time of such enforcement.

ARTICLE VII

EFFECTIVE DATE

SECTION 7.01. This Ordinance shall become effective five (5) days after enactment, as provided by law.

ARTICLE VIII

SEVERABILITY

SECTION 8.01. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

ARTICLE IX

DECLARATION OF PURPOSE

SECTION 9.01. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

ARTICLE X

REPEALER

SECTION 10.01. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED this 12th day of July, 2000, by the Board of Supervisors of the Township of Honey Brook, Chester County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF HONEY BROOK
Chester County,
Pennsylvania

By: Michael A. Jany
Chairman
Board of Supervisors

Attest: Randy M. Gitzman
Secretary

(SEAL)