

**HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE #189-2017**

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE CODE OF ORDINANCES OF HONEY BROOK TOWNSHIP, CHAPTER 1 ENTITLED "ADMINISTRATION AND GOVERNMENT", TO ESTABLISH A PART 4 ENTITLED "INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE UPPER WEST BRANCH BRANDYWINE CREEK WATERSHED", AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL COST-SHARING AND COOPERATION AGREEMENT WITH HONEY BROOK BOROUGH FOR ADMINISTERING THE MS4 PERMIT REQUIREMENTS FOR THE UPPER WEST BRANCH BRANDYWINE CREEK WATERSHED.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. AMENDMENT.

The Code of the Township of Honey Brook, Chapter 1 entitled "Administration and Government" is amended and supplemented to add a new Part 4, "Intergovernmental Cooperation Agreement for the Upper West Branch Brandywine Creek Watershed", to read as follows:

PART 4

Intergovernmental Cooperation Agreement for MS4 Compliance in the Upper West Branch Brandywine Creek Watershed

§401. Grant of Power.

This Ordinance is enacted pursuant to authority granted in the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (53 Pa.C.S.A. §2301 et seq.), as amended.

§402. Agreement.

By enactment hereof, the Board of Supervisors of the Township of Honey Brook hereby approves entering into the Upper West Branch Brandywine Creek Watershed Cost-Sharing and Cooperation Agreement ("Agreement"), in substantially the form attached to

this Ordinance, and authorizes and directs the Chairman of the Board of Supervisors to execute, and the Secretary of the Township to attest, such Agreement.

§403. Duration of Agreement.

The initial term of the Agreement shall be for the MS4 permitting period running from approximately March 10, 2018 through March 9, 2023, and shall only continue for additional permitting periods thereafter if agreed to in writing by both Municipalities.

§404. Purpose and Objectives.

The Township of Honey Brook and the Borough of Honey Brook (the “Municipalities”), as municipalities within the Upper West Branch Brandywine Creek Watershed, have negotiated an Agreement whereby and whereunder the Municipalities desire to coordinate and cost share the implementation requirements of the Christina Basin TMDL, per the MS4 permitting regulations of Pennsylvania Department of Environmental Protection on behalf of the United States Environmental Protection Agency, within the Upper West Branch Brandywine Creek Watershed.

§405. Financing.

The Township shall contribute twenty percent (20%) of the cost of all cooperative activities undertaken pursuant to the Agreement, in accordance with the provisions of the Agreement.

§406. Organizational Structure.

Each Municipality shall appoint its municipal engineer and one other member to serve on a steering committee which shall make recommendations to the governing bodies of the Municipalities. Additional terms on the organizational structure for the steering committee are set forth in Paragraphs 5 through 10 of the Agreement.

§407. Real and/or Personal Property.

All property shall be acquired, managed or disposed of directly by the Municipalities, in accordance with the terms of the Agreement. No acquisition of real property or real estate is authorized.

§408. Employees.

No new entity has been created by the Agreement, and therefore no employees are required. The utilization of municipal consultants to be compensated directly by their respective Municipalities is contemplated in the Agreement.

SECTION 2. FULL FORCE AND EFFECT. All other articles, sections, parts and provisions of the Ordinances of the Township of Honey Brook shall remain in full force and effect as previously enacted and amended.

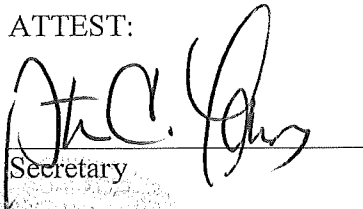
SECTION 3. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

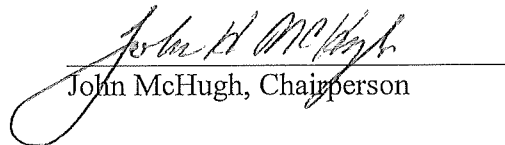
SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective five days after enactment as provided by law.

SO IT IS ENACTED AND ORDAINED this 13th day of September, 2017.

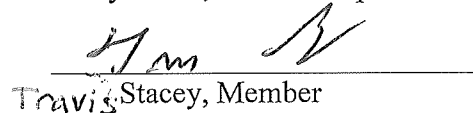
ATTEST:


Secretary

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS


John McHugh, Chairperson

Tracy Olsen, Vice-Chairperson



Travis Stacey, Member



CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 189-2017 enacted by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania at a regular meeting held on September 13, 2017, pursuant to notice as required by law.

Dated: 9/21/17



Township Secretary