

HONEY BROOK TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

RESOLUTION NO. 2017- 13

A RESOLUTION OF THE BOARD OF SUPERVISORS OF HONEY BROOK TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, DIRECTING STAFF AND THIRD PARTY CONTRACTORS TO DENY PERMITS TO OWNERS OF PROPERTY WITH LIENS OR JUDGEMENTS AGAINST THEIR PROPERTY FOR TAX, WATER, OR SEWER DELINQUENT ACCOUNTS AND SERIOUS CODE VIOLATIONS

WHEREAS, the Township of Honey Brook is a municipal corporation, organized and existing under the laws of the Commonwealth of Pennsylvania, and specifically the Second Class Township Code; and

WHEREAS, the Second Class Township Code vests the Township of Honey Brook with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Township's finances, the maintenance of peace, good government, safety and welfare of the Township, its trade, commerce and manufacturers; and

WHEREAS, a portion of the Township of Honey Brook receives sewer service from the Northwestern Chester County Municipal Authority; and

WHEREAS, a portion of the Township of Honey Brook receives water service from the Honey Brook Borough Authority; and

WHEREAS, by Act 90 of 2010, the legislature of the Commonwealth of Pennsylvania enacted the Neighborhood Blight Reclamation and Revitalization Act ("Act"); and

WHEREAS, Section 6131 of the Neighborhood Blight Reclamation and Revitalization Act, 53 Pa. C.S. §6131, authorizes a municipality to deny an applicant a municipal permit if the applicant owns real property in a municipality for which there exists on the property a final and unappealable tax, water, sewer or refuse collection delinquency on account of the actions of the owner; and

WHEREAS, the Board of Supervisors of the Township of Honey Brook desires to exercise the authority granted the Township as a municipality under Section 6131 of the Act and direct its staff and third party contractors to deny a municipal permit to owners of real property for which there exists a lien or judgment for delinquent tax, water, or sewer accounts, as applicable, with the Township of Honey Brook, Northwestern Chester County Municipal Authority, or Honey Brook Borough Authority.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the Township of Honey Brook that the staff and third party contractors for the Township of Honey Brook are directed to deny municipal permits to owners of real property for which there exists a lien or judgment for delinquent sewer accounts with the Northwestern Chester County Municipal Authority, delinquent water accounts with the Honey Brook Borough Authority and delinquent tax accounts with the Township.

FURTHER RESOLVED, by the Board of Supervisors of the Township of Honey Brook, that a municipal permit may be denied for a serious violation of State law or a code, as defined in the Act, and the owner has taken no substantial steps, as defined in the Act, to correct the violation within six (6) months following notification of the violation and for which fines or other penalties or a judgment to abate were imposed by a magisterial district judge or for which a judgement at law or in equity has been imposed by the Chester County Court of Common Pleas.

FURTHER RESOLVED, by the Board of Supervisors of the Township of Honey Brook, that a municipal permit may be denied to an applicant other an owner if the applicant is acting under the direction or with the permission of an owner and the owner owns real property for which there exists a lien or judgment for delinquent sewer accounts with the Northwestern Chester County Municipal Authority, delinquent water accounts with the Honey Brook Borough Authority and delinquent tax accounts with the Township.

FURTHER RESOLVED, by the Board of Supervisors of the Township of Honey Brook, for the purposes of this resolution, municipal permits shall be defined as privileges relating to real property granted by a municipality, including, but not limited to, building permits, permits and approvals under the zoning ordinance, and occupancy permits, including approvals pursuant to land use ordinances other than decisions on the substantive validity of a zoning ordinance or map or the acceptance of a curative amendment.

FURTHER RESOLVED, by the Board of Supervisors of the Township of Honey Brook that in denying municipal permits to owners of real property the staff and third party contractors for the Township shall indicate in the denial the street address and name of the Authority or the Township with which the account is delinquent, and the court and docket number for each parcel, where applicable, and that the applicant may request a letter of compliance from such municipal corporation advising that the delinquency is satisfied and submit to the Township to obtain the permit.

FURTHER RESOLVED, by the Board of Supervisors of the Township of Honey Brook that municipal permits may not be denied if the permit is necessary to correct a violation of State law or a code as defined in the Neighborhood Blight Reclamation and Revitalization Act.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Board of Supervisors of Honey Brook Township that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

FURTHER RESOLVED, that this Resolution shall take effect immediately, or as soon as legally permissible thereafter.

RESOLVED, by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania this 13th day of September, 2017.

BOARD OF SUPERVISORS OF
HONEY BROOK TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA

John H. Meloye
Chairman

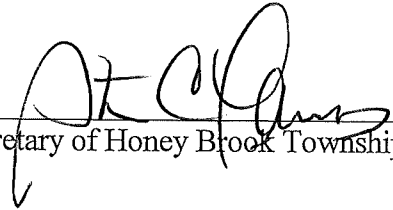
Vice Chairman

J M S
Member

Attest: *John A. Jones*
Secretary

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a Resolution of the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 13th day of September, 2017.


Secretary of Honey Brook Township

Dated: 9/13, 2017

