

**HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE # 141-2017**

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 5 ENTITLED “INTERGOVERNMENTAL SEWER AGREEMENT FOR HAMMELL-O’DONNELL BUSINESS PARK”, AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE NORTHWESTERN CHESTER COUNTY MUNICIPAL AUTHORITY, THE TOWNSHIP OF WEST NANTMEAL, AND HAMMELL-O’DONNELL PROPERTIES, LLC, TO PROVIDE PUBLIC SEWER SERVICE TO THE HAMMELL-O’DONNELL BUSINESS PARK.

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 5, “Intergovernmental Sewer Agreement for Hammell-O’Donnell Business Park”, to read as follows:

PART 5

Intergovernmental Sewer Agreement for Hammell-O’Donnell Business Park

§501. 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.

§502. Agreement.

By enactment hereof, the Board of Supervisors of the Township of Honey Brook (the “Township”) hereby approves entering into the Intermunicipal Sewer 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.

§503. Duration of Agreement.

The initial term of the Agreement shall be for ten years, from the effective date of the Agreement, which shall be the date when the last municipal party approves the same.

§504. Purpose and Objectives.

The Hammell-O'Donnell Business Park is a proposed land development located in West Nantmeal Township. West Nantmeal Township does not own or operate a public sewer system. The Northwestern Chester County Municipal Authority does maintain a public sewer system which currently provides public sewer service to properties in Honey Brook Township and Honey Brook Borough. The property on which the Hammell-O'Donnell Business Park is located is included within the Township of Honey Brook's Official Sewage Facilities Plan, and the Northwestern Chester County Municipal Authority is willing to provide public sewer service to the property. The Agreement sets forth the terms and conditions upon which the parties shall collaborate to serve the Hammell-O'Donnell Business Park with public sewer service.

§505. Financing.

The Township shall have no direct financial obligations under the Agreement. The only costs incurred by the Township shall be its contribution of administrative resources necessary to administer the terms of the Agreement and other permitting processes required therein. All substantive financial obligations related to connecting the Hammell-O'Donnell Business Park to public sewer shall be borne by Hammell-O'Donnell Properties, LLC.

§506. Organizational Structure.

No collaborative entity with separate organizational structure is proposed. Each party to the Agreement shall act in its own individual capacity as provided for in the Agreement.

§507. Real and/or Personal Property.

No acquisition, management, or disposal of real property or real estate by the Township is authorized.

§508. 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.

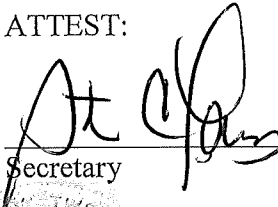
SECTION 3. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts 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.

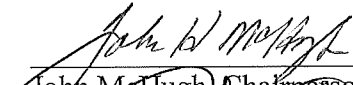
SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective five days after enactment as provided by law.


SO IT IS ENACTED AND ORDAINED this 11th day of October, 2017.


ATTEST:

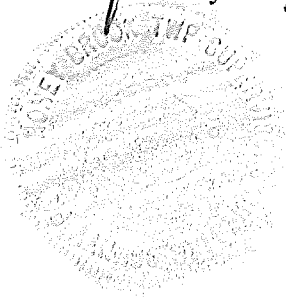

Secretary

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS


John McHugh, Chairperson


Tracy Olsen, Vice-Chairperson

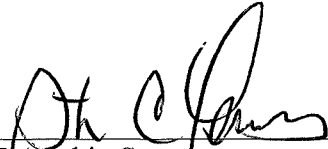

Travis Stacey, Member



CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 191-2017 enacted by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania at a regular meeting held on October 11, 2017, pursuant to notice as required by law.

Dated: 10/18/17



Township Secretary