

**TOWNSHIP OF WILLISTOWN  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 7 OF 2017**

**AN ORDINANCE ESTABLISHING THE SUGARTOWN ROAD SEWER DISTRICT AND IMPOSING A SPECIAL PURPOSE PART TAPPING FEE IN ADDITION TO OTHER TAPPING FEES FOR PROPERTIES WITHIN THE DISTRICT.**

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Willistown, Pennsylvania ("Township") as follows:

**Section 1.** Chapter 105 of the Willistown Township Code, pertaining to sewers, is hereby amended by adding a new Article XII establishing the Sugartown Road Sewer District, to read as follows:

**Article XII. Sugartown Road Sewer District**

**§ 105-128. Establishment of district.**

The Board of Supervisors hereby establishes the Sugartown Road Sewer District comprising the territory including School Lane (T-661) and Sugartown Road (SR2022), as more specifically detailed in the plan for the Sugartown Road Sewer Extension Project prepared by NePo Associates, Inc., dated April 6, 2017. The district shall include those residential properties on both sides of Sugartown Road from its intersection with School Lane south to the terminus of the sewer extension as depicted on the above plan.

**§ 105-129. Sewer tapping fees.**

- A. In addition to any other connection, customer facilities or tapping fees fixed and imposed under this chapter, there is hereby fixed and imposed upon the owner of each property situated within the Sugartown Road District a special purpose tapping fee (collection part) of \$4,596.89 per equivalent dwelling unit (EDU) of capacity required for connection.
- B. Capacity allocations for the purpose of determining the tapping fee shall be determined on the basis of a total wastewater flow (including water use and an average infiltration/inflow allowance) of 229.5 gallons per day per EDU. Each private dwelling unit or living unit (including each house, townhouse, condominium or apartment unit) shall have an EDU value of one EDU per unit. The EDU value of any other uses shall be determined by the Township.
- C. Where two or more buildings are connected to the sewer system through a single service connection or where two or more uses are made of the same improved property, the tapping fee determination shall be computed as though such building and each type of use were separate improved properties or uses with separate sewer connections.

- D. Where any building connected to the sewer system shall be converted, enlarged or remodeled or additional buildings shall be constructed on a property and connected directly to the sewer system through an existing lateral or connected directly through a new lateral so as to create or establish more extensive use or additional uses as classified in Subsection B above, an additional tapping fee in accordance with Subsection A above, for each such additional use, shall be payable to the Township by the owner of the property so improved,
- E. The fees imposed hereunder shall be in addition to any rental or other charges fixed, charged or imposed by the Township by reason of the use, or availability for use, of the sewer system by such property.

**§ 105-130. Time and methods of payment.**

The tapping fees established herein and all other connection, customer facilities or tapping fees fixed and imposed under this chapter shall be due and payable at the time of application for connection.

**§ 105-131. Penalties for delinquent tapping fees; liens.**

- A. Sewer tapping fees shall be subject to a penalty of 5% if not paid on or before the 30th day after the billing date. These penalties shall be concurrent with all other remedies, legal and equitable, available to the Township for collection of said fees, including but not limited to municipal lien and assumpsit remedies.
- B. All sewer tapping fees, together with all penalties and additional fees thereon, not paid on or before the 30th day after the billing date shall be deemed to be delinquent. It shall be the duty of the Township to proceed to collect such delinquent fees, together with penalties, additional fees and costs accrued thereon, including attorneys' fees, either by action at law or by filing a lien or liens for the same in the office of the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania, and such liens, together with penalty, costs, and interest accrued thereon, including attorneys' fees, shall be filed and collected in accordance with the law. Interest in the amount of 10% per annum shall begin to accrue on the date of the filing of a lien.

**§ 105-132. Connection to Sugartown Road Sewer System.**

Connection to the Sugartown Road Sewer System shall be required as provided in § 105-2 of this chapter.

**§ 105-133. Connections to comply with requirements.**

No connection shall be made to the Sugartown Road Sewer System except in compliance with this chapter and with the ordinances and resolutions, as well as such rules and regulations which may, from time to time, be enacted, adopted, approved or promulgated by the Township.

**§ 105-134. Right of entry and inspections.**

The Township and its agents and employees shall have the right of access to and may enter any building, property, lands, premises or place as may be necessary to carry out the provisions of this

article and the rules and regulations promulgated hereunder. In connection with such inspection or investigation, samples may be taken of any solid, semisolid, liquid or contained gaseous material for analysis,

**§ 105-135. Violations and penalties.**

The provisions of this article are declared to be for the health, safety and welfare of the citizens of the Township, and persons violating any provisions of this article, upon conviction before any District Justice, shall be fined not more than \$1,000 and costs of prosecution and collection activities or by imprisonment in the county jail for a term not to exceed 30 days, or both such fine and imprisonment. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for such separate offense.

**§ 105-136. Remedies.**

In addition to the penalties provided in § 105-135, the Township is authorized to file appropriate actions at law or in equity in the Court of Common Pleas in and for Chester County or before any other body having jurisdiction over the persons and activities herein regulated to abate any violations and remove any septic disposal system owned, operated or maintained in violation of the provisions of this article. Violations of this article are declared to be public nuisances, abatable as such.

**§ 105-137. Adoption of rules and regulations.**

The Township reserves the right to and may, from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the connection of properties to the Sugartown Road Sewer System and for the use, maintenance and operation of the Sugartown Road Sewer System, and all such rules and regulations shall be and become a part of this article.

**§ 105-138. More stringent provisions to apply.**

For all ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, the more stringent ordinance or resolution shall apply.

**§105-139. When effective.**

This article and any rules and regulations hereunder shall become effective immediately and shall be applicable to all properties within the Sugartown Road Sewer District, The Township reserves the right to make such changes from time to time as, in its opinion, may be desirable or beneficial and to amend this article or to change the fees in such manner and at such times as, in its opinion, may be advisable.

**§105-140. Severability.**

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

that, as the intent of the Board of Supervisors of Willistown Township, this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**Section 2.** This ordinance shall be effective five days from enactment.

**ORDAINED AND ENACTED, this 25<sup>th</sup> day of September, 2017.**

**BOARD OF SUPERVISORS  
WILLISTOWN TOWNSHIP**

  
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**William R. Shoemaker, Chairman**

  
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**George J. McHugh IV, Vice Chairman**

  
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**Robert T. Lange, Supervisor**

**ATTEST:**

  
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**David R. Burman, Secretary**