

LAW LIBRARY OF
MONTGOMERY COUNTY

MAY 12 2023

CALL # _____

TOWAMENCIN TOWNSHIP

ORDINANCE NO. 23-04

AN ORDINANCE (1) REPEALING ANY PORTION OF ANY TOWNSHIP ORDINANCE; AND (2) STRIKING AND VOIDING ANY PORTION OF ANY RESOLUTION OR AGREEMENT INCONSISTENT WITH RESOLUTION 22-43 [2023 ANNUAL ESTABLISHMENT OF SEWER RENTAL CHARGE] THEREBY ENSURING UNIFORMITY AMONGST TOWNSHIP AND EXTRA-TERRITORIAL RESIDENTIAL SEWER CUSTOMERS ALIKE AS TO THE TOWNSHIP'S ANNUAL RESIDENTIAL SEWER RENTAL CHARGE

ENACTED: May 10, 2023

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WHEREAS, pursuant to Pennsylvania Second Class Township Code, Section 2511, this Board is empowered to annually establish the charge for sewer rental to its customers; and

WHEREAS, under the Township Code 127-33, this Board sets the annual sewer rental for each EDU by resolution; and

WHEREAS, on December 28, 2022, under Resolution 22-43, the Board set the annual sewer rental charge for each EDU at \$450.00; and

WHEREAS, the Township provides wastewater services to certain customers in Worcester and Lower Salford Townships; and

WHEREAS, a majority of these customers receive such wastewater services as a result of a 1987 Montgomery Court of Common Pleas Court Order requiring the Township to provide such extra-territorial services to all of the residential lots in a certain Worcester residential development; and

WHEREAS, in connection with the Sewer Sale, the Township reviewed its existing rate arrangements with its Worcester and Lower Salford Township residential customers in conjunction with the Township's Annual Resolution and it was determined that an ordinance should be adopted by this Board making provision for and ensuring rate uniformity amongst all its residential customers, including Worcester and Lower Salford Township residential customers; and

WHEREAS, under such an ordinance, the Township will continue to provide service to all its existing residential customers, within the Township or extra-territorial, including Worcester and Lower Salford Township residential customers at the annual sewer rental charge and subject to the

same terms and conditions as required by the Pennsylvania Public Utility Code and certain regulations of the Pennsylvania Utility Commission.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by this Board:

SECTION 1. RESIDENTIAL SEWER RATE UNIFORMITY ORDINANCE

Any portion of any Township ordinance; resolution; or agreement inconsistent with Township Resolution 22-43 [2023 Annual Establishment of Sewer Rental Charge] (“Resolution 22-43”) are expressly repealed and struck and/or voided, respectively, to ensure rate uniformity amongst all Township residential sewer customers—Township and extra-territorial residential sewer customers alike—in accord with the Township Resolution 22-43.

SECTION 2. SEVERABILITY

This ordinance’s provisions are intended to be severable. If any section, sentence, clause, part, or provision of this ordinance is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such determination shall not affect or impair this Ordinance’s remaining sections, sentences, clauses, parts, or provisions.

Furthermore, it is hereby declared to be this Board’s express intent that this ordinance still be adopted even if such an illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect five days from this Board’s approval of it as required by the Pennsylvania law.

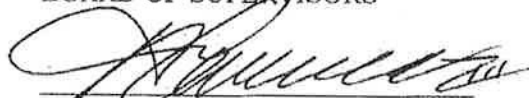
SECTION 4. REPEALER

All other ordinances and resolutions or parts thereof as they are inconsistent with this ordinance are hereby repealed.

[Signatures on Next Page]

ORDAINED and **ENACTED** at the Township's May 10, 2023 Meeting.

TOWAMENCIN TOWNSHIP
BOARD OF SUPERVISORS



H. Charles Wilson III, *Chairman*

Attest:



Laura C. Smith, *Secretary*