

**ORDINANCE NO. \_\_\_\_\_**

**DOYLESTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA**

AN ORDINANCE OF DOYLESTOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, AUTHORIZING THE CONSTRUCTION OF AN EXTENSION TO THE SANITARY SEWAGE COLLECTION SYSTEM SERVING PORTIONS OF THE TOWNSHIP IN THE AREA IDENTIFIED AS THE PEBBLE RIDGE/WOODRIDGE AREA FRONTING ON PORTIONS OF BRISTOL ROAD, OLD NEW ROAD, LOWER STATE ROAD, ALMSHOUSE ROAD, PEBBLE RIDGE ROAD, WILLOW LANE, WOODRIDGE DRIVE, DOE RUN DRIVE, WESTAWAY LANE, BUCK ROAD, DAVID'S WAY, LINDA LANE, STONY LANE, STONY LANE CIRCLE, PEBBLE CREST DRIVE, SHADY BROOK CIRCLE, MILITIA HILL ROAD, FORGE ROAD, ANVIL LANE, AND SPRINGDALE ROAD, FOR THE PURPOSE OF PROVIDING PUBLIC SEWER TO THE TAX PARCEL NUMBERS IDENTIFIED IN SECTION 1; APPROVING PLANS AND SPECIFICATIONS OF THE CONSULTING ENGINEER, GILMORE AND ASSOCIATES, INC., FOR THE CONSTRUCTION OF SAID EXTENSION; APPROVING THE ESTIMATED COST OF THE CONSTRUCTION OF THE AFORESAID EXTENSION; PROVIDING FOR THE ASSESSMENT OF THE COST OF CONSTRUCTION OF THE EXTENSION BY AN EQUAL ASSESSMENT ON ALL PROPERTIES ABUTTING ON AND/OR BENEFITTING BY THE SEWER EXTENSION IN ACCORDANCE WITH THE PROVISIONS OF THE PENNSYLVANIA SECOND CLASS TOWNSHIP CODE; PROVIDING FOR THE MANNER OF COLLECTION; PROVIDING FOR THE FILING OF LIENS; AND PROVIDING FOR MANDATORY CONNECTION OF CERTAIN TAX PARCELS TO THE TOWNSHIP SEWER SYSTEM.

WHEREAS, the Board of Supervisors of the Doylestown Township (the "Township") has determined that it would be in the best interest of the residents of the Township to construct an extension to the sanitary sewage collection system serving the Township along certain portions of Bristol Road, Old New Road, Lower State Road, Almshouse Road, Pebble Ridge Road, Willow Lane, Woodridge Drive, Doe Run Drive, Westaway Lane, Buck Road, David's Way, Linda Lane, Stony Lane, Stony Lane Circle, Pebble Crest Drive, Shady Brook Circle, Militia Hill Road, Forge Road, Anvil Lane, and Springdale Road in the Township to provide public sewer to Tax Parcels 09-007-055, 09-007-058, 09-007-059, 09-007-063, 09-007-067, 09-007-071, 09-007-071-002, 09-007-077, 09-007-084, 09-007-084-001, 09-007-084-003, 09-007-085, 09-007-086, 09-007-086-001, 09-

007-087, 09-007-088, 09-007-088-001, 09-007-088-002, 09-007-088-003, 09-007-110, 09-007-110-001, 09-007-110-002, 09-007-110-004, 09-007-110-005, 09-007-110-007, 09-007-110-008, 09-014-001, 09-015-003 through 09-015-017, 09-015-022 through 09-015-041, 09-015-049 through 09-015-052, 09-016-001 through 09-016-005, 09-016-005-001, 09-016-005-002, 09-016-006, 09-016-007, 09-039-001 through 09-039-034, 09-040-001 through 09-040-012, 09-040-022 through 09-040-032, 09-040-037 through 09-040-040, 09-042-001 through 09-042-091, 09-042-093, 09-042-095 through 09-042-102, 09-042-104 through 09-042-114, 09-043-001 through 09-043-006 (said extension hereinafter being referred to as the "Project"); and

WHEREAS, the Consulting Engineer, Gilmore and Associates, Inc., has prepared plans and specifications for the extension of the sewer lines dated January 1, 2015, last revised June 3, 2016; and

WHEREAS, the Township, in accordance with law, intends to contract with the Bucks County Water and Sewer Authority to construct the sewer extension, in accordance with the plans and specifications of the Consulting Engineer, Gilmore and Associates, Inc.; and

WHEREAS, the Consulting Engineer, Gilmore and Associates, Inc., has estimated the cost of the Project to be Eight Million, Six Hundred Thousand (\$8,600,000.00) Dollars for the public portions of the project, which said cost includes Township administrative expenses, easement acquisitions, and construction engineering expenses. Said costs are not expected to be exceeded unless unforeseen circumstances arise. Additional costs will be imposed for private construction, which will be based upon each individual property owner's separate arrangement; and

WHEREAS, the Township Board of Supervisors has determined that the cost of the Project shall be assessed against the properties by an equal assessment on all properties abutting, benefitted, improved, and accommodated thereby in accordance with the provisions of the Pennsylvania Second

Class Township Code, 53 P.S. Section 67508(2); and

WHEREAS, the Township desires to approve the construction of the sewer extension and the assessment method set forth herein and to provide for the payment of the cost of the Project in accordance with the terms of the Pennsylvania Second Class Township Code.

NOW, THEREFORE, the Board of Supervisors of Doylestown Township, Bucks County, Pennsylvania hereby ordains and enacts as follows:

**Section 1.** The Township hereby approves and authorizes the construction of a sanitary sewer system extension in the Pebble Ridge/Woodridge area to provide public sewer to Tax Parcels 09-007-055, 09-007-058, 09-007-059, 09-007-063, 09-007-067, 09-007-071, 09-007-071-002, 09-007-077, 09-007-084, 09-007-084-001, 09-007-084-003, 09-007-085, 09-007-086, 09-007-086-001, 09-007-087, 09-007-088, 09-007-088-001, 09-007-088-002, 09-007-088-003, 09-007-110, 09-007-110-001, 09-007-110-002, 09-007-110-004, 09-007-110-005, 09-007-110-007, 09-007-110-008, 09-014-001, 09-015-003 through 09-015-017, 09-015-022 through 09-015-041, 09-015-049 through 09-015-052, 09-016-001 through 09-016-005, 09-016-005-001, 09-016-005-002, 09-016-006, 09-016-007, 09-039-001 through 09-039-034, 09-040-001 through 09-040-012, 09-040-022 through 09-040-032, 09-040-037 through 09-040-040, 09-042-001 through 09-042-091, 09-042-093, 09-042-095 through 09-042-102, 09-042-104 through 09-042-114, 09-043-001 through 09-043-006, in accordance with the plans, drawings, and specifications prepared by the Consulting Engineer, Gilmore and Associates, Inc., dated January 1, 2015, and last revised June 3, 2016, and to be approved by the Pennsylvania Department of Environmental Protection, on the land and in the highways, streets, roads, and rights of way as therein set forth.

**Section 2.** The Project cost shall be charged and assessed equally against all of the properties abutting and benefitted by the sanitary sewer extension in accordance with the provisions

of the Pennsylvania Second Class Township Code at 53 P.S. Section 67508(2).

**Section 3.** Assessments shall be made in the following manner:

A. Whenever the construction of a sewer extension has been completed, the Consulting Engineer, Gilmore and Associates, Inc., shall file with the Township a statement certifying that such sewer extension has been completed and approved by them for assessment purposes, stating the date of such completion and describing such sewer or sewers in reasonable detail.

B. Upon receipt by the Township of any certificate of the Consulting Engineer, Gilmore and Associates, Inc., as provided above, the Township shall examine the same and shall determine the property or properties abutting upon said sewer or sewers described in said certificate which are benefitted, improved, or accommodated thereby, shall determine the amount or amounts of the proposed assessment or assessments, computed in accordance with the provisions of this Ordinance and the Second Class Township Code, and shall determine the name or names of the owner or owners of such property or properties. Thereupon, the Consulting Engineer, Gilmore and Associates, Inc., shall certify that such proposed assessment or assessments, together with all assessments theretofore made by the Township under the provisions hereof and together with the estimated amount of all assessments thereafter to be made under the provisions hereof will not exceed the actual cost of the Project. After making such determination and receiving the certificate of the Consulting Engineers, Gilmore and Associates, Inc., as provided for in this paragraph, the Township shall direct the preparation of a proper assessment bill for the amount charged against each property.

C. The assessment bills so prepared thereupon shall be collected from the owner or owners of each of the properties against which such assessments are charged and assessed thereby.

D. Within thirty (30) days after the filing with the Township of any certificate provided for in Paragraph A above, the assessment bills, so dated and executed, shall be served by the Township upon the owner or owners of such properties by registered mail. If the owner or owners of such properties cannot be served by registered mail, then the assessment bill shall be posted upon the premises or a copy thereof left with the occupant, if there be one, and shall further be mailed to the owner or owners or his, her, or their agent or attorney at his, her, or their last known address by first class mail.

**Section 4.** All such assessments shall be payable forthwith to the Doylestown Township, unless the owner or owners shall have been granted the privilege of providing payments in installments and shall have entered into a stipulation and agreement with the Authority providing for same and the entry of a municipal lien against the properties affected for the purpose of securing said

payments.

**Section 5.** If any owner or owners against which such an assessment shall have been made, refuse or neglect to pay such assessment within ninety (90) days after service thereof shall have been made in the manner as set forth in Section 3 hereof or, have not, within said time frame, entered into an agreement in a form acceptable to the Township or the Bucks County Water and Sewer Authority for the installment payment of said assessment, the Township shall forthwith proceed to file a municipal claim or lien thereon, which shall include interest at the maximum legal rate per annum from the date of completion of the work. Thereafter, the Solicitor shall proceed to collect the same under the general law relating to the collection of municipal claims, including if so directed by the Township, the filing of suits in assumpsit.

**Section 6.** The Township hereby ordains, directs and requires that the owners of Tax Parcels 09-007-055, 09-007-058, 09-007-059, 09-007-063, 09-007-067, 09-007-071, 09-007-071-002, 09-007-077, 09-007-084, 09-007-084-001, 09-007-084-003, 09-007-085, 09-007-086, 09-007-086-001, 09-007-087, 09-007-088, 09-007-088-001, 09-007-088-002, 09-007-088-003, 09-007-110, 09-007-110-001, 09-007-110-002, 09-007-110-004, 09-007-110-005, 09-007-110-007, 09-007-110-008, 09-014-001, 09-015-003 through 09-015-017, 09-015-022 through 09-015-041, 09-015-049 through 09-015-052, 09-016-001 through 09-016-005, 09-016-005-001, 09-016-005-002, 09-016-006, 09-016-007, 09-039-001 through 09-039-034, 09-040-001 through 09-040-012, 09-040-022 through 09-040-032, 09-040-037 through 09-040-040, 09-042-001 through 09-042-091, 09-042-093, 09-042-095 through 09-042-102, 09-042-104 through 09-042-114, 09-043-001 through 09-043-006 to connect, if, after the completion of the construction of the public sewer system abutting the above-mentioned parcels, the Bucks County Department of Health, upon identifying a documented regulatory malfunctioning on-lot disposal system, shall order the property in question to connect to

the public sewer system.

**Section 7.** The Township hereby ordains, directs, and requires that the owners of all of the tax parcels benefitted and accommodated by the sewer extension authorized herein, which have homes erected thereon, shall be required to have said homes connected to the Township public sewer system prior to any sale or transfer of said homes to any other person or entity, unless the owner provides a written statement and/or certification from the Bucks County Department of Health, or a certification from a third party, whose certification is accepted by the Bucks County Department of Health, that the sanitary sewer system located on the tax parcel is not a failing or marginal on-site sewage disposal system. The responsibility of the Township, as set forth in this section, shall be assigned to the Bucks County Water and Sewer Authority, unless the owner provides a certification from a third party, which said certification is accepted by the Township and/or the Bucks County Water and Sewer Authority, that the sanitary sewer system located on the parcel is not failing, or a marginal on-site sewage disposal system. If, however, the Bucks County Department of Health recognizes a regulatory malfunctioning on-lot septic consisting of sewage surfacing on the ground (determined by conducting a dye test) or backing up into the house, the property owner shall be required to connect the home to the public sewer system.

**Section 8.** Nothing contained herein shall alter the responsibility of the owners of the properties benefitted and accommodated by this sewer extension with respect to payment of the applicable sewer tapping fee to the Bucks County Water & Sewer Authority upon said owners' connection to the sewer system of the Bucks County Water and Sewer Authority.

**Section 9.** The proper officers of the Township are hereby authorized and directed to do all matters and things required to be done by the Acts of Assembly and by this Ordinance for the purpose of carrying out the purposes hereof.

**Section 10.** Township reserves the right to make any modifications, supplements, or amendments to this Ordinance.

**Section 11.** Notwithstanding the provisions of Section 3 hereof, the Township may make settlements with property owners as to the amount of their assessments, and municipal claims or liens may be filed pursuant to such settlements or pursuant to stipulations entered into between the Township and the property owner or owners benefitted by the aforesaid sewer extension.

This Ordinance was duly ORDAINED and ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**DOYLESTOWN TOWNSHIP BOARD OF SUPERVISORS**

By: \_\_\_\_\_  
Barbara N. Lyons, Chairman

By: \_\_\_\_\_  
Richard F. Colello, Vice-Chairman

By: \_\_\_\_\_  
Ryan Manion, Member

By: \_\_\_\_\_  
Shawn Touhill, Member

By: \_\_\_\_\_  
Ken Snyder, Member