ORDINANCE NO. 477

EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF EAST NORRITON TOWNSHIP REQUIRING THE MANDATORY CONNECTION OF THE PROPERTIES LOCATED IN THE RAHWAY AVENUE AREA TO THE EXISTING AND/OR SOON TO BE CONSTRUCTED WATER DISTRIBUTION SYSTEM; AND ALSO REQUIRING THE CAPPING OF ALL WELLS IN THE RAHWAY AVENUE AREA.

WHEREAS, through a series of well tests conducted in the area of Rahway Avenue, performed by the Montgomery County Health Department ("MCHD") and the Pennsylvania Department of Environmental Protection ("DEP"), it has been determined that the Rahway Avenue area is contaminated by Perchloroethylene ("PCE");

WHEREAS, all of the private wells tested in the Rahway Avenue area, which consists of the entire length of Rahway Avenue and its side streets known as Connor Street, Bristol Avenue, Shamokin Avenue, Hazelton Street, Warsaw Street, Central Avenue and Rome Avenue (the "Area"), as depicted more fully in the map attached hereto and made a part hereof as Exhibit "A", were contaminated with PCE, and a majority of the private wells contained PCE levels which classified the water as unfit for human consumption;

WHEREAS, the United States Environmental Protection Agency ("EPA") has been providing bottled water to those residents whose private wells have tested at unsafe levels;

WHEREAS, Pennsylvania American Water ("PAW") has an existing water line located within the Area and capable of serving a majority of the 67 residences in the Area;

WHEREAS, 16 residences are currently served by the water line;

WHEREAS, the Township, EPA, DEP and MCHD, in the interest of the health, safety and welfare of those residents located in the Area, have reached a consensus that the only viable, cost effective solution to the PCE contamination problem is to provide public water to the residences located in the area through PAW's water line;

WHEREAS, the EPA's determination has been detailed in its Action Memorandum dated March 31, 2005;

WHEREAS, PAW has agreed to construct a water main extension, and other appurtenances thereto ("Improvements"), in order to service all 67 residences located within the Area;

WHEREAS, PAW has agreed to provide a credit for each new customer serviced by the Improvements with said credit covering the cost of construction of the Improvements;

WHEREAS, the EPA intends to pay for the cost of plumbing work necessary to connect each of the residences to the Improvements;

WHEREAS, the EPA intends to pay for the cost of capping the private wells located in the Area;

WHEREAS, the individual property owners in the Area will not be responsible for any costs associated with the construction of the Improvements, the connection to the Improvements or existing water line or the capping of their private wells if said property owners connect to the existing water line within sixty (60) days of the enactment of this ordinance or connect to the Improvements within sixty (60) days of the completion of the construction of the Improvements;

WHEREAS, the individual property owners who refuse to connect to the Improvements or existing water line within the requisite timeframe shall be solely responsible for paying all costs associated with capping their wells and connecting to the existing water line or Improvements; and

WHEREAS, the Board of Supervisors of East Norriton Township after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of East Norriton township, and particularly the residents located within the Area, will be served by requiring the mandatory connection of the residences located within the Area to the PAW existing water line or the Improvements and requiring the capping of all private wells locate in the Area.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of East Norriton and it is hereby ordained and enacted by the authority of the same, to wit:

Section 1. Mandatory Connection.

All of the properties located within the Area upon which existing habitable dwellings have already been constructed shall be required to immediately connect to PAW's water line. Those properties which shall be served by the Improvements shall be required to immediately connect to the Improvements upon the completion of construction. Prior to a Use and Occupancy permit being issued for those properties located within the Area upon which a condemned or uninhabitable dwelling or a vacant lot exists, the property must connect to the existing water line or the Improvements. Upon the transfer or sale of any property in the Area which is not hooked up to the existing water line or the Improvements, said property must be immediately connect to the available public water. A resale Use and Occupancy permit will not be issued for any property transferred or sold until such time as the property is connected to the available public water. A lien in the amount of the credit provided by PAW shall be recorded against every property in the Area capable of being served by the Improvements which is not immediately connected to the Improvements upon their completion.

Section 2. Mandatory Capping of Wells.

Upon connection to the existing water line or Improvements, a property's private well must be capped and removed from service.

Section 3. Costs.

The individual property owners in the Area shall not be required to pay any costs associated with the construction of the Improvements, the connection to the Improvements or existing water

line or the capping of their private wells provided that they connect to the public water within sixty (60) days of either the passage of this ordinance for those properties which can connect to the existing water line or sixty (60) days from the date of completion of the Improvements for those Properties which will hook up to the Improvements. Those property owners who do not hook up to the available public water within the applicable sixty (60) day timeframe shall be solely responsible for paying all costs associated with the capping of their wells and plumbing work required to connect to the public water.

Section 4. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, it being understood and intended that all ordinances and the Code of Ordinances for East Norriton Township, such as are not otherwise specifically in conflict or inconsistent with this ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

Section 5. Severability.

If any sentence, clause, section, term, phrase 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, terms, provisions, or parts of this ordinance. It is hereby declared the intent of the Board of Supervisors of East Norriton Township that this ordinance would have been adopted had such an unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not had been included herein.

Section 6. Effective Date.

This ordinance shall be effective five (5) days after the date of passage of this ordinance.

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania this 21st day of April, 2005.

BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP

BY: Francis E. Denner
Francis E. Denner, Chairman

ATTEST:

Helmuth J. H. Baerwald, Secretary

TOWNSHIP OF EAST NORRITON MONTGOMERY COUNTY PA INCORPORATE MARCH 9, 1909 PENNSYLVANIA