

SOUTH BEAVER TOWNSHIP
ORDINANCE NO. 49

AN ORDINANCE OF SOUTH BEAVER TOWNSHIP OF BEAVER COUNTY, PENNSYLVANIA, AUTHORIZING THE CHIPPEWA TOWNSHIP SANITARY AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A PUBLIC SANITARY SEWER SYSTEM WITHIN SOUTH BEAVER TOWNSHIP SEWER DISTRICT NO. 1, INCLUDING THE RIGHT, PRIVILEGE AND FRANCHISE TO ENTER, LAY, CONSTRUCT, INSTALL AND MAINTAIN SANITARY SEWER LINES WITHIN AND UNDER THE PUBLIC STREETS AND ROADS OF THE TOWNSHIP IN SAID SEWER DISTRICT NO. 1; REQUIRING AND COMPELLING PROPERTY OWNERS HAVING PRINCIPAL STRUCTURES WITHIN ONE HUNDRED FIFTY FEET OF SUCH SEWER SYSTEM, OR AS MAY OTHERWISE BE REQUIRED TO DO SO, ACCORDING TO THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, TO MAKE CONNECTION TO AND USE OF SUCH SEWER SYSTEM; REQUIRING SUCH PROPERTY OWNERS TO PAY UNTO THE CHIPPEWA TOWNSHIP SANITARY AUTHORITY ITS DULY ADOPTED FEES APPLICABLE TO CONNECTING TO AND USING SAID SEWER SYSTEM; PROVIDING FOR THE SETTING, ASSESSMENT, LEVY AND COLLECTION OF A TAX UPON PROPERTIES WITHIN SOUTH BEAVER TOWNSHIP SEWER DISTRICT NO. 1 IN THE EVENT SOUTH BEAVER TOWNSHIP MUST BUDGET AND/OR PAY, OR RECOUP FOR ITS GENERAL FUND, ANY FUNDS NECESSARY TO BE PAID BY SOUTH BEAVER TOWNSHIP PER THE CHIPPEWA TOWNSHIP SANITARY AUTHORITY - 1994 PENNVEST GUARANTY AGREEMENT; FOR THE PURPOSE OF RECOUPMENT OF GENERAL FUNDS OF SOUTH BEAVER TOWNSHIP EXPENDED OR TO BE EXPENDED FOR THE LIMITED BENEFIT OF PROPERTIES WITHIN SOUTH BEAVER TOWNSHIP SEWER DISTRICT NO. 1, PROVIDING FOR THE SETTING AND COLLECTION OF A CHARGE TO BE ASSESSED, LEVIED CHARGED AGAINST PROPERTIES, PROPERTY OWNERS AND/OR USERS OF THE SUCH SEWER SYSTEM WITHIN SAID SEWER DISTRICT NO. 1 TO REIMBURSE THE GENERAL FUNDS OF THE TOWNSHIP; INCLUDING GENERAL PROVISIONS AND PROVIDING FOR PENALTIES IN THE EVENT OF VIOLATION BY ANY PERSON OR ENTITY.

WHEREAS, pursuant to the direction, mandate and requirements of the Pennsylvania Department of Environmental Resources via its Bureau of Water Control Management, hereinafter referred to as "DER", the Chippewa Township Sanitary Authority of Beaver County, Pennsylvania, hereinafter referred to as "AUTHORITY", together with Chippewa Township (the incorporator of said AUTHORITY), Big Beaver Borough, and South Beaver Township, have cooperatively acted to comply with said DER mandate, resulting in the design of a public sanitary sewer system to be operated by the AUTHORITY in Chippewa Township and limited portions of Big Beaver Borough and South Beaver Township;

WHEREAS, with the DER having approved the design of said public sanitary sewer system commonly referred to as the "1994 Sewer System Improvement Project of the Chippewa Township Sanitary Authority", and also sometimes referred to as the "1994 Sewage Facilities Expansion Project", the Pennsylvania Infrastructure Investment Authority, hereinafter referred to as "PENNVEST", having in accordance to Commitment Letter bearing date of November 16, 1993 scheduled and completed loan closings on August 24, 1994, following approval of and by the Pennsylvania Department of Community Affairs on August 17, 1994 for Chippewa Township, Big Beaver Borough and South Beaver Township to execute as guarantors the CHIPPEWA TOWNSHIP SANITARY AUTHORITY - 1994 PENNVEST GUARANTY AGREEMENT with a reference purposes only date of August 1, 1994, the AUTHORITY did award

on August 15, 1994 subject to review and approval of its Engineers and Solicitor bid contracts to various contractors for the purpose of construction of said public sanitary sewer system; and

WHEREAS, to fulfill implementation of the DER mandated expansion of the AUTHORITY's public sanitary sewer system into a limited portion of South Beaver Township for the benefit of the health and welfare of citizens and properties within said portion of South Beaver Township, the fiscal and general obligations and duties of South Beaver Township, and the commitments made by South Beaver Township in compliance to said mandate of DER unto PENNVEST and the AUTHORITY, this Ordinance is enacted.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and its is hereby enacted and ordained, by the Board of Supervisors of South Beaver Township pursuant to the provisions and authority of the Second Class Township Code, the General Municipal Code, the Municipal Authorities Act and the Pennsylvania Sewage Facilities Act, the following:

ARTICLE I

AUTHORIZING THE CHIPPEWA TOWNSHIP SANITARY AUTHORITY TO EXPAND, CONSTRUCT, MAINTAIN AND OPERATE A PUBLIC SANITARY SEWER SYSTEM WITHIN SOUTH BEAVER TOWNSHIP SEWER DISTRICT NO. 1, INCLUDING THE RIGHT, PRIVILEGE AND FRANCHISE TO ENTER, LAY, CONSTRUCT, INSTALL AND MAINTAIN SANITARY SEWER LINES WITHIN AND UNDER THE PUBLIC STREETS AND ROADS OF THE TOWNSHIP IN SAID SEWER DISTRICT NO. 1.

Section 101. The Chippewa Township Sanitary Authority, being an Authority incorporated and created by the Township of Chippewa under and pursuant to the Municipal Authorities Act, hereinafter referred to as "AUTHORITY", is hereby authorized, empowered and granted the right to expand, construct, maintain and operate a public sanitary sewer system within South Beaver Township Sewer District No. 1, with full and complete powers as detailed and set forth in its charter and as provided and granted unto it pursuant to the Municipal Authorities Act, and further, the Agreement Authorizing, Empowering and Providing for the Chippewa Township Sanitary Authority to Build, Own and Operate a Public Sanitary Sewer System Within a Limited Area of South Beaver Township as executed by and between the AUTHORITY and South Beaver Township on

August 24, 1993 is affirmed and ratified, is hereto attached as Addendum No. I and incorporated herein with the provisions of same being made part hereof as though fully set forth herein verbatim.

Section 102. The limited portion of South Beaver Township to be served by said public sanitary sewer system pursuant to said DER mandate, including existing structures and development and future development, structures and construction, is hereby and has been designated as South Beaver Township Sewer District No. 1 via Resolution No. 4 of 1994 of South Beaver Township, which South Beaver Township Sewer District No. 1 includes the watershed area within the territorial boundaries of South Beaver Township as depicted and portrayed on Map 16 labeled "Conveyance System Design" of the June 1992 Chippewa Township Sewage Facilities Pre-Design Study booklet prepared by Killam Associates, which limited portion or area is so marked and shaded in "yellow" on the copy of said map hereto attached and made part hereof as Addendum No. II.

Section 103. In the expansion, construction, maintenance and operation of such sanitary sewer system within South Beaver Township Sewer District No. 1, in addition to all statutory powers granted unto the AUTHORITY pursuant to the Municipal Authorities Act, the AUTHORITY is hereby authorized, empowered and granted the rights and/or powers as follows:

A. The right, privilege and franchise to enter, lay, construct, install, maintain and operate, and/or cause to be entered upon, laid, constructed, installed, maintained and operated, sanitary sewer lines, pipe or conduit, and all necessary appurtenances thereof and connections thereto, within and under the right-of-way of any and all public roads or streets of South Beaver Township as now exist or as may hereafter exist within the South Beaver Township Sewer District No. 1, under and subject to the following conditions and requirements:

1. To the extent feasible and engineeringly practical, no sanitary sewer line, pipe or conduit or necessary appurtenances thereof and connections thereto will be placed under the paved or improved cartway portion

of any such public road or street of South Beaver Township, but same shall be located within the right-of-way area of such public road or street adjacent to or along the side of said paved or improved cartway whenever feasible and practical as aforesaid. All such sanitary sewer lines shall be laid and constructed at such depth beneath the surface of said street and roads and rights-of-ways thereof, and in such manner, as not to interfere with proper drainage and the occupancy of other utility facilities in said streets or roads or their rights-of-ways.

2. Prior to the disturbance of any public road or street of South Beaver Township by or at the direction of AUTHORITY pursuant to this right, privilege and franchise granted, the AUTHORITY shall, or the AUTHORITY shall require its contractors or its customers and/or their contractors, to obtain from South Beaver Township a Permit required by the then current Ordinance in effect of South Beaver Township providing for the regulation of construction, openings or cuts on or under Township Roads and Streets.

3. Upon the disturbance of any public road or street of South Beaver Township by or at the direction of the AUTHORITY pursuant to this right, privilege and franchise granted, the AUTHORITY shall, or the AUTHORITY shall require of its contractors, at the expense of the AUTHORITY or its contractors, in a manner and condition to be approved by South Beaver Township, the replacement and/or restoration of any such public road or street, its cartway and appurtenances, to as good a condition as before the work involving the disturbance was done.

4. During the course of the AUTHORITY exercising this right, privilege and franchise granted, the AUTHORITY shall itself, and the AUTHORITY shall required of its contractors, to:

a.) Employ all necessary, reasonable and ordinary care in the conducting of the activities of the AUTHORITY or its contractors for the preventing accidents or incidents which are likely to cause damage, injuries or nuisances to the general public and/or users of said public streets or roads of

South Beaver Township, including but not limited to providing and maintaining proper and adequate guards, barriers and warning lights and/or reflectors at anytime the AUTHORITY or its contractors are engaged in any construction and/or maintenance work within the public streets or roads of South Beaver Township. The AUTHORITY shall assume all risk and be liable for all damages according to law;

b.) Maintain and have in effect workers compensation coverage and benefits for the personnel of the AUTHORITY and its contractors pursuant to the requirements of the laws of the Commonwealth of Pennsylvania;

c.) Maintain and have in effect adequate insurance coverages as to motor vehicles pursuant to the requirements of the laws of the Commonwealth of Pennsylvania; and

d.) Maintain and have in effect adequate liability and casualty insurance for and as to events and incidents as to which the AUTHORITY and/or its contractors may be held liable to third parties pursuant to the laws of the Commonwealth of Pennsylvania.

5. Nothing herein contained shall impose or be deemed to impose any liability upon South Beaver Township, for the violation of any provision hereof by the AUTHORITY or its contractors, or by any overt act or act of omission, lack of exercise of ordinary and prudent conduct or care by the AUTHORITY or its contractors, or otherwise.

B. The right, authority, privilege and power to operate said sanitary sewage system within South Beaver Township Sewer District No. 1, including but not limited to, serving and providing for the collection and treatment of sewage from properties and structures in said Sewer District No. 1, to charge fees for connection thereto, including but not limited to related capacity charges or fees in accordance to the Municipal Authorities Act as now existing or as hereafter amended, and user fees for the maintenance costs and debt amortization costs applicable to any loan or loans incurred therefore, and/or

the levying of assessment or benefit charges relative to the design and construction thereof, and to do any and all other things as are legal according to the laws of the Commonwealth of Pennsylvania, including but not limited to the Municipal Authorities Act, the Second Class Township Code, the General Municipal Code and the Pennsylvania Sewage Facilities Act.

ARTICLE II

REQUIRING AND COMPELLING PROPERTY OWNERS HAVING PRINCIPAL STRUCTURES WITHIN ONE HUNDRED FIFTY FEET OF THE SANITARY SEWER SYSTEM WITHIN SOUTH BEAVER TOWNSHIP SEWER DISTRICT NO. 1, OR AS MAY OTHERWISE BE REQUIRED TO DO SO, ACCORDING TO THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, TO MAKE CONNECTION TO AND USE OF SUCH SEWER SYSTEM.

Section 201. All owners of property assessable to and whose principal building is within one hundred fifty feet of such sanitary sewer system to be operated by the Chippewa Township Sanitary Authority of Beaver County, Pennsylvania, herein after referred to as "AUTHORITY", within the South Beaver Township Sewer District No. 1, or any property owner ordered and directed to do so by any agency of the Commonwealth of Pennsylvania including but not limited to the Pennsylvania Department of Environmental Resources, shall according to the provisions of applicable enabling laws of the Commonwealth of Pennsylvania make connection with and use said sanitary sewer system in accordance to the rules and regulations in effect of the AUTHORITY from time to time.

A. In the case or event any owner of property assessable to and whose principal building is within one hundred fifty feet from the AUTHORITY's said sanitary sewer system shall neglect or refuse to connect with said sanitary sewer system for a period of sixty days after notice to do so has been served upon such property owner by or on behalf of the Board of Supervisors of South Beaver Township, with such notice being served by either personal service or by register mail, the Board of Supervisors of South Beaver Township or their duly authorized agents, may enter upon the property of such owner and make such connection.

B. In the case or event any owner of property that is ordered and directed by any agency of the Commonwealth of Pennsylvania including but not limited to the Pennsylvania Department of Environmental Resources to connect and use the AUTHORITY's said sanitary sewer system shall neglect or refuse to connect with said sanitary sewer system for a period of sixty days after notice to do so has been served upon such property owner according to law by or on behalf of such agency of the Commonwealth of Pennsylvania, the Board of Supervisors of South Beaver Township or their duly authorized agents, or such agency of the Commonwealth of Pennsylvania or its duly authorized agents, may enter upon the property of such owner and make such connection.

C. For the purpose of the mandatory connection and use of said sanitary sewer system within South Beaver Township Sewer District No. 1 by any property owner assessable to and whose principal building is within one hundred fifty feet from the AUTHORITY's said sanitary sewer system, South Beaver Township shall not and does not have the power and authority to require any commercial or industrial business to connect to said sanitary sewer system when and so long as such commercial or industrial business is operating a sewage treatment plant under mandate and valid permit of any agency of the Federal government or any agency of the Commonwealth of Pennsylvania, and this statutory exemption from mandatory connection and use of said sanitary sewer system shall last as long as such sewage treatment plant continues to meet the specifications and standards mandated by such Federal or Commonwealth of Pennsylvania agency, and for forty-five days thereafter. However, in the event and if during the days immediately subsequent to the day a business' sewage treatment plant is determined to be below Federal or Commonwealth of Pennsylvania mandates, and repairs can not be made to bring such business' sewage treatment plant and/or system back up to satisfactory condition, such commercial or industrial business shall connect to and use said AUTHORITY's sanitary sewer system, and in such event the full costs of connection to, and any necessary refurbishing of the AUTHORITY's sanitary sewer system shall be borne by such business.

D. In the event it, the Board of Supervisors of Township of South Beaver or its duly authorized agents, or any agency of the Commonwealth of Pennsylvania or its duly authorized agent, elect to enter upon the property of an owner that refuses or fails to timely connect to and use the said AUTHORITY's sanitary sewer system as herein above provided, in such case upon the completion of the work of connection, an itemized bill of the cost of the construction and making of such connection shall be sent to owner of the property and be payable forthwith. In the case of neglect or refusal by the owner of such property to pay said bill, the Township of South Beaver or its duly authorized agent for such purpose, shall and/or may file a municipal lien for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

E. In addition to the foregoing, and nothing in the foregoing shall prevent the Township of South Beaver or its duly authorized agents, or the Commonwealth of Pennsylvania or any of its agencies, or the AUTHORITY, from and instituting any action at law or equity to require any property owner, person or entity to comply with this Ordinance and all applicable laws of the Commonwealth of Pennsylvania, to impose penalties pursuant to the provisions of this Ordinance and/or any applicable laws of the Commonwealth of Pennsylvania, and/or to collect any costs incurred in the making of a connection to said Authority's sanitary sewer system, and the Township of South Beaver or its duly authorized agents, the Commonwealth of Pennsylvania or any of its agencies, or the AUTHORITY, may institute any action at law or equity, or impose penalties as aforesaid, and/or to collect any costs so incurred.

F. Each day a property owner or business entity fails to timely connect to and commence use of the AUTHORITY's sanitary sewer system as required by this Ordinance shall constitute a separate violation and separate offense under this Article II and for the penalty provisions of this Ordinance.

G. The failure of a property owner or business entity to timely connect to and commence use of the AUTHORITY's sanitary sewer system as required by this Ordinance shall constitute the creation of a public nuisance deemed detrimental to the health and welfare of the citizens of the Commonwealth of Pennsylvania and South Beaver Township via providing for the possible discharge of sewage contrary to the mandate of the Pennsylvania Department of Environmental Resources pursuant to the Pennsylvania Sewage Facilities Act, its provisions and regulations adopted thereunder.

Section 202. The construction of any connection of any structure or building to the AUTHORITY's sanitary sewer system shall be accomplished in accordance to the specification and requirements of the AUTHORITY; shall be subject to inspection, examination, testing and approval by the AUTHORITY prior to same being covered and placed into operation and/or use; and shall comply with all regulations and requirements of the AUTHORITY and agencies of the Commonwealth of Pennsylvania including but not limited to the Pennsylvania Department of Environmental Resources as to construction, use and maintenance; and be designed, constructed and maintained by the property owner so as not to allow or permit infiltration by, or leakage into, the ground, surface or storm waters of and within South Beaver Township Sewer District No. 1 or otherwise within the Commonwealth of Pennsylvania.

Section 203. Prior to making an connection with the AUTHORITY's sanitary sewer system within South Beaver Township Sewer District No. 1, all property owners, persons, firms or corporations (with exception of a connection thereto made by South Beaver Township or the Commonwealth of Pennsylvania, or either of their duly authorized agents, in accordance with and pursuant to Subparagraphs A and B of Section 201 of Article II of this Ordinance), shall:

A. Make application to the AUTHORITY for a permit upon Application for Permit form provided by the AUTHORITY, completing and providing full and complete information as required/requested on said form, including but not limited to the character and use of each structure or building located on the subject property for which the permit is being sought;

B. Make payment unto the AUTHORITY its required fee or fees set relative to and in existence at the time of the making of a connection to said sanitary sewer system, and no work or construction is to be commenced by such property owner, persons, firms or corporations until said fee or fees have been paid unto the AUTHORITY and the AUTHORITY has issued a permit therefor;

C. Make provision and arrangements with the AUTHORITY to inspect and approve the construction and work of the connection, including but not limited to the private sewer line leading from the AUTHORITY's sanitary sewer line, and all drainage facilities of the buildings and lands of the property for which the permit was issued by the AUTHORITY, and therefore:

1. The property owner, person, firm or corporation shall provide the AUTHORITY or its duly designated inspector for such purpose, a minimum of twenty-four (24) hours notice (holidays and weekends excluded) as to when the connection, private sewer line and related drainage facilities are ready for inspection;

2. The property owner, person, firm or corporation shall permit and provide the AUTHORITY or its duly designated inspector full and complete access to all necessary portions of the subject property, structure and appurtenances thereof necessary for the conducting of such inspection; and

3. The property owner, person, firm or corporation shall not cover and/or in any manner conceal any part thereof, such connection, private sewer line and related drainage facilities or connections until such inspection has been completed and until such time as the AUTHORITY or its duly authorized inspector signifies approval of the connection and its related facilities, with such approval being duly endorsed upon the Permit issued by the AUTHORITY for the subject connection and related property.

ARTICLE III

REQUIRING PROPERTY OWNERS MANDATORILY REQUIRED TO CONNECT TO THE CHIPPEWA TOWNSHIP SANITARY AUTHORITY'S SANITARY SEWER SYSTEM OR THAT MAY VOLUNTARILY CONNECT TO SAID SEWER SYSTEM WITHIN SOUTH BEAVER TOWNSHIP SEWER DISTRICT NO. 1, TO PAY UNTO THE CHIPPEWA TOWNSHIP SANITARY AUTHORITY ITS DULY ADOPTED FEES APPLICABLE TO CONNECTING TO AND USING SAID AUTHORITY'S SANITARY SEWER SYSTEM.

Section 301. Each property owner, person, entity or business operator required by Article II of this Ordinance to connect and use the sanitary sewer system of the Chippewa Township Sanitary Authority of Beaver County, Pennsylvania, herein after referred to as the "AUTHORITY", within South Beaver Township Sewer District No. 1, or any property owner that may voluntarily connect to and use said sanitary sewer system, shall pay at the time such connection is made, the duly adopted fee or fees as set by and/or required to be paid by the said AUTHORITY, relative to any property being connected to said sanitary sewer system and use thereof thereafter.

Section 302. In the case of neglect or refusal by the property owner, person entity or business operator to pay the duly adopted fee or fees due and payable at the time of connection to said AUTHORITY's sanitary sewer system, the AUTHORITY and/or Township of South Beaver or its or their duly authorized agent for such purpose, shall and/or may file a municipal lien for said fee or fees due and payable at time connection within six months of the date of the completion of the construction of said connection by the Township of South Beaver or its duly authorized agents in the event a property owner fails to voluntarily comply with Section 201 of Article II of this Ordinance, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens, or in the alternative, file an action at law or in equity, in personam against the property owner, person, entity or business operator liable to pay said connection fee set by the AUTHORITY and/or in rem against the property connected to said sanitary sewer system as to which such connection fee or fees are delinquent and unpaid. No action in bankruptcy or sale of the subject property for delinquent realty taxes, judgment execution by any other creditor, or upon mortgage foreclosure, shall bar or defeat liability

for or lien of the amount of said connection fee, and interest allowable thereon, as to the property benefitted by being connected to said AUTHORITY's sanitary sewer system, except as may be specifically ordered and directed by a Court of competent jurisdiction.

Section 303. In the case of neglect or refusal by the property owner, person entity or business operator occupying any property or structure connected to the AUTHORITY's said sanitary sewer system within South Beaver Township Sewer District No. 1 to pay the duly adopted and set current users fee for use of said AUTHORITY's sanitary sewer system, the AUTHORITY pursuant and in addition to the provisions of the Municipal Authorities Act and/or the Township of South Beaver or its or their duly authorized agent for such purpose, shall and/or may file a municipal lien for said unpaid user fee amounts and any accompanying changes pursuant to and in all respects to the general law provided for the filing and recovery of municipal liens, or in the alternative, file an action at law, in personam against the property owner, person, entity or business operator occupant liable to pay said delinquent and unpaid user fee or fees, and/or in rem against the property connected to said sanitary sewer system as to which such user fees are delinquent and unpaid. No action in bankruptcy or sale of the subject property for delinquent realty taxes, judgment execution by any other creditor, or upon mortgage foreclosure, shall bar or defeat liability for or lien of the amount of said delinquent user fee or fees, and interest allowable thereon, as to the property benefitted by being connected to and using said AUTHORITY's sanitary sewer system, except as may be specifically ordered and directed by a Court of competent jurisdiction.

ARTICLE IV

PROVIDING FOR THE SETTING, ASSESSMENT, LEVY AND COLLECTION OF A TAX UPON PROPERTIES WITHIN SOUTH BEAVER TOWNSHIP SEWER DISTRICT NO. 1 IN THE EVENT SOUTH BEAVER TOWNSHIP MUST BUDGET AND/OR PAY, OR RECOUP FOR ITS GENERAL FUND, ANY FUNDS NECESSARY TO BE PAID BY SOUTH BEAVER TOWNSHIP PER THE CHIPPEWA TOWNSHIP SANITARY AUTHORITY - 1994 PENNVEST GUARANTY AGREEMENT.

Section 401. In addition to the authority granted by any other enabling law, the Board of Supervisors of South Beaver Township may by Resolution pursuant to Section 905(A)(7) of the Second Class Township Code, and this Ordinance, levy, assess and collect an annual tax upon the assessed value of all real properties situate within South Beaver Township Sewer District No. 1, which properties are benefitted or reasonably deemed benefitted by the construction, existence and expansion of the sanitary sewer system of the Chippewa Township Sanitary Authority, herein after referred to as "AUTHORITY", in said South Beaver Township Sewer District No. 1, with said annual tax being set in an millage rate and amount sufficient to pay interest and principal of any indebtedness incurred, paid or to be paid, by South Beaver Township per the CHIPPEWA TOWNSHIP SANITARY AUTHORITY - 1994 PENNVEST GUARANTY AGREEMENT, which obligation to pay as Guarantor was made and executed by South Beaver Township pursuant to the act of July 12, 1972 (P.L. 781, No. 185), known as the "Local Government Unit Debt Act". Such annual tax if levied, assess and collected shall be deposited to, held and remitted from a special tax fund account and paid unto the Pennsylvania Infrastructure Investment Authority, herein after referred to as "PENNVEST" pursuant to the terms and provisions of said CHIPPEWA TOWNSHIP SANITARY AUTHORITY - 1994 PENNVEST GUARANTY AGREEMENT, or transferred to the General Fund account of South Beaver Township to reimburse the General Fund account if funds therefrom obtained from all properties or persons within South Beaver Township are required to be expended/disbursed by South Beaver Township to fulfill its commitment under and pursuant to said CHIPPEWA TOWNSHIP SANITARY AUTHORITY - 1994 PENNVEST GUARANTY AGREEMENT unto PENNVEST for the resultant limited benefit of the properties and persons situate in the area of the South Beaver Township Sewer District No. 1 due to the existence of the AUTHORITY's sanitary sewer system in said Sewer District No. 1.

Section 402. For the purpose of identifying which properties are benefitted or reasonably deemed benefitted by the construction, existence and expansion of the sanitary sewer system of the AUTHORITY in said South Beaver Township Sewer District No. 1, any properties within one hundred fifty feet of such sanitary sewer system, or any property owner ordered and directed to connect and use said sanitary sewer authority by any agency of the Commonwealth of Pennsylvania

including but not limited to the Pennsylvania Department of Environmental Resources, are benefitted or shall be reasonable deemed to be benefitted by the construction and/or existence of said sanitary sewer system within the South Beaver Township Sewer District No. 1. Such real properties, or applicable portions thereof per standard rules and regulations included in such Resolution or Resolutions enacted each year by the Board of Supervisors of South Beaver Township, may be exempted from the levy, assessment and collection of such special annual tax to pay, or reimburse the General Fund account, as to said interest and principal debt obligation, if the property owners, persons or entities responsible therefor have connected to said sanitary sewer system and paid the connection fee as required by Article III of this Ordinance.

Section 403. The purpose of such special levy, assess and collect an annual tax per this Article IV upon the assessed value of real properties situate within South Beaver Township Sewer District No. 1 if imposed, is to assure that property or citizens of South Beaver Township not directly benefitted by the construction, operation and existence of the AUTHORITY's sanitary sewer system within the South Beaver Township Sewer District No. 1, are not required to pay for a benefit not received by the expenditure/disbursement of General Funds received by South Beaver Township from all properties/citizens of the Township for general uses and purposes of South Beaver Township.

ARTICLE V

FOR THE PURPOSE OF RECOUPMENT OF GENERAL FUNDS OF SOUTH BEAVER TOWNSHIP EXPENDED OR TO BE EXPENDED FOR THE LIMITED BENEFIT OF PROPERTIES WITHIN SOUTH BEAVER TOWNSHIP SEWER DISTRICT NO. 1 RELATIVE TO EXPENSES INCURRED IN COMPLIANCE TO THE MANDATE OF THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES FOR THE STUDY, DESIGN AND IMPLEMENTATION OF THE EXPANSION OF A PUBLIC SANITARY SEWER SYSTEM INTO SOUTH BEAVER TOWNSHIP SEWER DISTRICT NO. 1, PROVIDING FOR THE SETTING AND COLLECTION OF A CHARGE TO BE ASSESSED, LEVIED CHARGED AGAINST PROPERTIES, PROPERTY OWNERS AND/OR USERS OF THE SUCH SEWER SYSTEM WITHIN SAID SEWER DISTRICT NO. 1 TO REIMBURSE THE GENERAL FUNDS OF THE TOWNSHIP.

Section 501. For the purpose of recoupment of General Funds of South Beaver Township expended or to be expended for the study, design and implementation of compliance with the mandate of the Pennsylvania Department of Environmental Resources and the resultant limited benefit of and for properties within the South Beaver Township Sewer District No. 1, the Board of Supervisors of South Beaver Township may by Resolution adopted pursuant to this Article V of this Ordinance, for the providing, setting and collection of a charge to be assessed, levied and charged against properties, property owners and/or users of such sanitary sewer system, to recoup said General Funds expended for the limited benefit of properties within said Sewer District No. 1. Such charge and collection rate shall be set in such amount, and payable in such manner or installments, as deemed reasonable and just at the sole discretion and decision of the Board of Supervisors to amortize the collection of such amount for reimbursement of its General Fund account expended for the limited benefit of properties within said South Beaver Township Sewer District No. 1.

Section 502. Such charge may be added to or included with the user fee billed monthly by the Chippewa Township Sanitary Authority, herein after referred to as "AUTHORITY", and collected by said AUTHORITY and thereafter remitted unto South Beaver Township not less than quarter annually or such other periodic payment as separately agreed upon by South Beaver Township and the AUTHORITY, or may be assessed, levied and collected against said properties within the South Beaver Township Sewer District No. 1 pursuant to any other enabling law or legal requirements of the case law of the Commonwealth of Pennsylvania.

Section 503. The purpose of such special charge per this Article V is to assure that property or citizens of South Beaver Township not directly benefitted by the construction, operation and existence of the AUTHORITY's sanitary sewer system within the South Beaver Township Sewer District No. 1, are not caused to pay for a benefit not received by the expenditure or disbursement of General Funds received by South Beaver Township from all properties/citizens of the Township for general uses and purposes of South Beaver Township, provided however, the aggregate total of such special charge

collected shall not exceed the total amount of General Fund account moneys expended for the limited benefit of properties within said South Beaver Township Sewer District No. 1.

ARTICLE VI

GENERAL PROVISIONS AND PROVIDING FOR PENALTIES IN THE EVENT OF VIOLATION BY ANY PERSON OR ENTITY.

Section 601. If any section, paragraph, sentence or phrase of this Ordinance, or any Resolution or part thereof as adopted by the Board of Supervisors of South Beaver Township pursuant to the provisions of this Ordinance, should be declared invalid for any reason, such decision by a court of competent jurisdiction or decision of any regulatory agency of the Commonwealth of Pennsylvania or the Federal government of the United States of America shall not affect the remaining portions or provisions of this Ordinance, which portions and provisions shall remain in full force and effect; for the purpose of the provisions of this Ordinance, and any Resolutions adopted pursuant to the provisions hereof, the sections, clauses, terms, and/or words of same are declared to be severable. This Ordinance supplements South Beaver Township's Ordinances relative to issuance of on-lot-septic system permits, building permits and land development controls.

Section 602. In addition to being subject to citation for summary offense violation of this Ordinance, the Board of Supervisors of South Beaver Township, or the Chippewa Township Sanitary Authority, may direct the instituting of a suit in equity to civilly compel compliance with this Ordinance, or to enjoin or restrain any violation of this Ordinance and/or to abate a public nuisance as herein declared as to the conduct or lack of conduct of any person, property owner or entity. In addition to an injunction or restraining order, the Court may impose penalties as authorized in Section 603 hereof in such civil proceeding.

Section 603. Any violation of this Ordinance shall be deemed a summary offense and upon conviction thereof in a summary proceedings, a person or persons as convicted in a proceeding before a district magistrate or court of competent jurisdiction, shall be sentenced to a fine of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars as to each violation of Article II of this Ordinance, and a fine of not less then One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00 for each violation of any other Article of this Ordinance, together with costs, and in default of payment thereof or any part of said fine and costs, to undergo imprisonment of not more than thirty (30) days. Each day a violation is continued, or each violation of a provision of this Ordinance occurring, shall be deemed a separate offense and be subject to a separate fine and imprisonment for each offense. All fines shall be collectible in accordance with the Second Class Township Code, and fines collected shall be paid to the Township of South Beaver.

Section 604. This Ordinance shall become effective five (5) days after enactment and adoption by the Board of Supervisors of South Beaver Township.

ENACTED AND ADOPTED this 13th day of September, 1994.

ATTEST:

SOUTH BEAVER TOWNSHIP

Carol Miller
Secretary

Charles W. Bufford
Supervisor

David J. Shaver
Supervisor

Robert S. Long
Supervisor

AGREEMENT AUTHORIZING, EMPOWERING AND PROVIDING FOR
 THE CHIPPEWA TOWNSHIP SANITARY AUTHORITY
 TO BUILD, OWN AND OPERATE
 A PUBLIC SANITARY SEWER SYSTEM WITHIN A LIMITED AREA OF
 SOUTH BEAVER TOWNSHIP

THIS AGREEMENT is made by and between the TOWNSHIP OF SOUTH BEAVER, a Second Class Township,

A
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the CHIPPEWA TOWNSHIP SANITARY AUTHORITY, a municipal authority created by Chippewa Township.

WHEREAS, the Pennsylvania Department of Environmental Resources, hereinafter referred to as "DER", directed a Special Act 537 Study as to the existing and future sewage needs within Chippewa Township, South Beaver Township, Big Beaver Borough, Patterson Township and White Township;

WHEREAS, for and in compliance with said DER directive, as proffered to South Beaver Township by the Chippewa Township Sanitary Authority, hereinafter referred to as "Authority", South Beaver Township and the Authority entered into a Sewage/537 Special Study Municipal Cooperation Agreement on February 18, 1991 and Supplemental Municipal Cooperation Agreement on July 15, 1991;

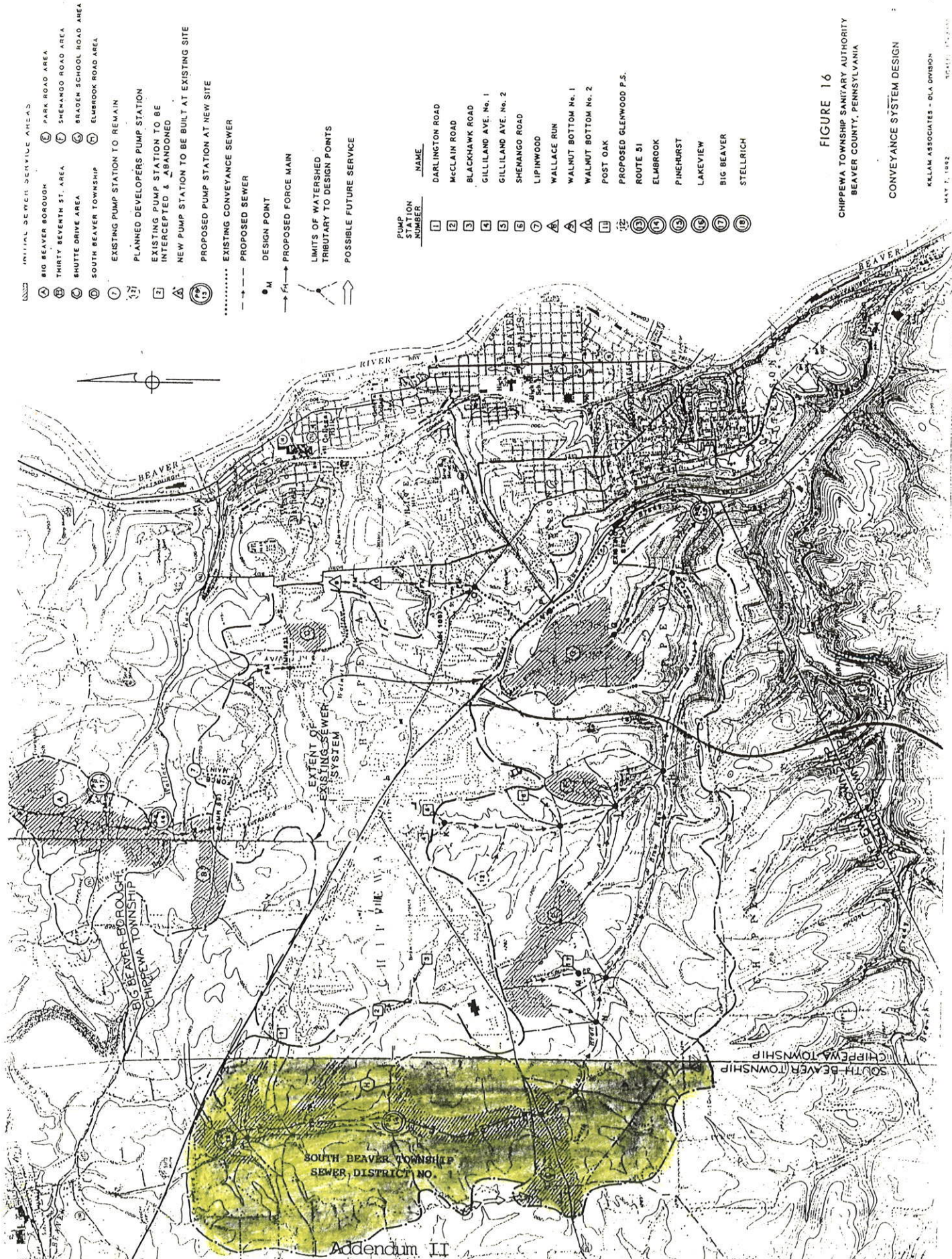
WHEREAS, in due course Killam Associates, DLA Division, developed and prepared the Chippewa Township 537 Sewage Facilities Plan Update - Special Study of July 1991, as revised September 1991, including the recommended Alternate 1-D Sewage Facilities Project, all as approved by the DER as of March 20, 1992 with the directive that the DER will hold Chippewa Township, Big Beaver Borough and South Beaver Township jointly responsible for the implementation of the Sewage Facilities Project as described and approved in said Plan;

WHEREAS, thereafter Killam Associates, DLA Division, developed and prepared the Chippewa Township Sewage Facilities Pre-Design Study of June 1992 and commenced and/or completed construction design specifications, completion schedules and cost estimates for said Alternate 1-D Sewage Facilities Project, and the Authority has, in conjunction with submission of said construction design specifications to the DER for review and approval, submitted a Part II Water Quality Management Permit Application to DER therefor as of May 5, 1993; and

WHEREAS, the financial feasibility of said Alternate 1-D Sewage Facilities Project becoming a constructed and operating public sewage facilities system is dependent upon the Authority applying for, processing and receiving a loan and/or grant of not less than \$19,800,000.00 from the Pennsylvania Infrastructure Investment Authority, hereinafter referred to as "PENNVEST", and receiving applicable grant funds from the Environmental Protection Agency, hereinafter referred to as "EPA".

NOW THEREFORE, the parties hereto agree as follows:

1. The recitals set forth above and the aforesaid Chippewa Township 537 Sewage Facilities Plan Update - Special Study and Chippewa Township Sewage Facilities Pre-Design Study are here incorporated by reference.
2. Upon DER approving the construction design and issuing the necessary Part II Water Quality Manage Permit to the Authority for said Alternate 1-D Sewage Facilities Project, and the Authority receiving the necessary PENNVEST and EPA funding as aforesaid, the Authority is hereby authorized and empowered by South Beaver Township, and the Authority agrees to build, own and operate the sewer lines and sewage pump stations of said Alternate 1-D Sewage Facilities Project within the limited portion or area of South Beaver Township depicted within the delineated watershed area detailed on Figure 16 of the said Chippewa Township Sewage Facilities Pre-Design Study, a copy of which Figure 16 with said watershed area within South Beaver Township shaded in "yellow" is



- INITIAL SEWER SERVICE AREAS
- ⊖ BIG BEAVER BOROUGH
- ⊖ THIRTY SEVENTH ST. AREA
- ⊖ SHUTE DRIVE AREA
- ⊖ SOUTH BEAVER TOWNSHIP
- ⊖ PARK ROAD AREA
- ⊖ SHENANGO ROAD AREA
- ⊖ BRADEN SCHOOL ROAD AREA
- ⊖ ELMBROOK ROAD AREA
- ⊖ EXISTING PUMP STATION TO REMAIN
- ⊖ PLANNED DEVELOPERS PUMP STATION
- ⊖ EXISTING PUMP STATION TO BE INTERCEPTED & ABANDONED
- ⊖ NEW PUMP STATION TO BE BUILT AT EXISTING SITE
- ⊖ PROPOSED PUMP STATION AT NEW SITE
- ⋯ EXISTING CONVEYANCE SEWER
- - - PROPOSED SEWER
- M DESIGN POINT
- F1 → PROPOSED FORCE MAIN
- △ LIMITS OF WATERSHED TRIBUTARY TO DESIGN POINTS
- ⇨ POSSIBLE FUTURE SERVICE

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PUMP STATION NUMBER	NAME
1	DARLINGTON ROAD
2	McCLAIN ROAD
3	BLACKHAWK ROAD
4	GILLILAND AVE. No. 1
5	GILLILAND AVE. No. 2
6	SHENANGO ROAD
7	LIPINWOOD
8	WALLACE RUN
9	WALNUT BOTTOM No. 1
10	WALNUT BOTTOM No. 2
11	POST OAK
12	PROPOSED GLENWOOD P.S.
13	ROUTE 31
14	ELMBROOK
15	PINEHURST
16	LAKEVIEW
17	BIG BEAVER
18	STELLERICH

FIGURE 16
 CHIPPEWA TOWNSHIP SANITARY AUTHORITY
 BEAVER COUNTY, PENNSYLVANIA
 CONVEYANCE SYSTEM DESIGN

KELAM ASSOCIATES - OLA DIVISION
 MAY 7, 1982

attached hereto and made part hereof as Exhibit "A", and in conjunction therewith, the Authority is hereby authorized and empowered with the right, and agrees to:

(a) serve properties within such area of South Beaver Township with such public sewage collection facilities for treatment of sewage effluent as part of the "Southern System" as detailed and provided for in said Chippewa Township Sewage Facilities Pre-Design Study;

(b) pursuant to the laws of the Commonwealth of Pennsylvania, to set, assess and collect, including the filing of liens therefore if necessary, front foot assessments, tap in fees and/or other appropriate charges from and/or against each property to be served and benefitted by the construction and operation of said public sewage system within said area of South Beaver Township;

(c) pursuant to the laws of the Commonwealth of Pennsylvania, to set, assess and collect, including the filing of liens therefore if necessary, a monthly rate user service charge from property owners/occupiers for maintenance, operation and administration of the community sanitary sewage system, retirement of debt service and/or other special assessment charges required, including but not limited to any special assessment charge specified by South Beaver Township for the purpose of necessary recoupment of general funds of South Beaver Township expended/dispursed for costs and/or expenses related to implementing said Sewage Facilities Project for said limited area or portion of South Beaver Township; and

(d) pursuant to the laws of the Commonwealth of Pennsylvania, to acquire and/or condemn if necessary, right-of-way area and/or fee simple title ownership of lands needed to facilitate construction, placement and maintenance of the collector sewer lines, pump stations and/or other necessary facilities of said Alternate 1-D Sewage Facilities Project.

3. For the purpose of furtherance of construction, operation and/or maintenance of said Alternate 1-D Sewage Facilities Project, and not for the purpose of limiting the forgoing, the parties hereto agree, state and provide:

(a) The Authority has, shall and will continue to include, and is authorized and/or confirmed with such authority by South Beaver Township, to include the portion of the sewage facilities of the said Alternate 1-D Sewage Facilities Project located within South Beaver Township and related facilities situate outside of South Beaver Township but necessary for the operation and service functions thereof within the application to the DER for the needed Part II Water Quality Management Permit;

(b) The Authority shall and will include, and is authorized to include by South Beaver Township, the portion of sewage facilities of the said Alternate 1-D Sewage Facilities Project located within South Beaver Township and related facilities situate outside of South Beaver Township but necessary for the operation and service functions of facilities within South Beaver Township within the application for a PENNVEST loan, commitment document for such loan, and receipt of funds therefor and thereby, and/or, if and as may be also applicable for application for and receipt of any EPA grants;

(c) South Beaver Township shall timely and officially create within South Beaver Township a Community Sanitary Sewer District No. 1 including the entire watershed area marked with the color "yellow" on Exhibit "A" hereto; and

(d) South Beaver Township shall timely enact an ordinance requiring mandatory connection and tap into the public sewage system to be created with said Community Sanitary Sewer District No. 1, and shall enact such other necessary and proper ordinances as may be required by the laws of the Commonwealth of Pennsylvania and/or the United States of America to aid and facilitate the maintenance, operation and administration of said public sewage system by the Authority within said area or portion of South Beaver Township, and/or to regulate or assist in the regulation of the introduction of sanitary waste or other effluent into said public sewage system.

4. The terms and provisions of this Agreement, unless mutually amended, modified, changed or terminated by the parties hereto, shall continue for a period of fifty (50) years from the date the Alternate 1-D Sewage Facilities Project is certified as completed by the Killam Associates, or such other

engineering firm of the Authority engaged for providing engineering services for completion of construction of said Sewage Facilities Project. The parties hereto may amend, modify, and change the provisions of this Agreement, or terminate this Agreement, but no amendment, modification or change of the terms and provisions of this Agreement, or termination hereof, shall be effective except and unless reduced to writing and duly executed by the Authority and South Beaver Township, the parties hereto.

5. This Agreement is made pursuant to resolutions adopted by the Authority and South Beaver Township, and approved for execution at public meetings of the respective governing bodies thereof, designating the undersigned officials to execute same for the purposes set forth herein and intending to be legally bound hereby.

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year as set forth:

ATTEST:

David S. Turner
Secretary

(Seal)

ATTEST:

Carol Miller
Secretary

(Seal)

CHIPPEWA TOWNSHIP SANITARY AUTHORITY

By: Jacques Stegcher
Chairman, Board of Directors

This 24th day of August, 1993

TOWNSHIP OF SOUTH BEAVER

By: Charles M. Guffield
Chairman, Board of Supervisors

This 24th day of August, 1993