

Deductions 2004-11

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**TOWNSHIP OF HOPEWELL  
BEAVER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2004-11**

**AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL,  
BEAVER COUNTY, PENNSYLVANIA, AMENDING  
ORDINANCE NUMBER 2000-1 TO PROVIDE REQUIRE-  
MENTS UPON PURCHASERS OF REAL ESTATE SERVED  
BY PUBLIC SEWERS WITHIN THE SERVICE AREA OF  
THE WASTEWATER TREATMENT FACILITIES OF  
HOPEWELL TOWNSHIP.**

**WHEREAS**, Hopewell Township is desirous of eliminating storm, surface and subsurface waters from entering into the sanitary sewer system of Hopewell Township; and

**WHEREAS**, the Board of Commissioners of Hopewell Township previously adopted Ordinance Number 2000-1 to establish certain procedures for the issuance of Municipal Lien Letters and Property Tax Verification Letters by requiring all persons selling real estate located in Hopewell Township served by public sewers and within the service area of the wastewater treatment facilities of Hopewell Township to obtain from Hopewell Township and prior to sale, a certification ("Certification") that there are no known illegal connections and/or sources of storm, surface or subsurface water entering into the sanitary sewer on the specific property which is being sold; and

**WHEREAS**, real estate has been sold or transferred in Hopewell Township following the enactment of Ordinance Number 2000-1 in which sellers have failed to obtain the Certification required under Ordinance Number 2000-1; and

**WHEREAS**, the Board of Commissioners of Hopewell Township desires to amend Ordinance Number 2000-1 to provide certain requirements upon a purchaser of real estate located in Hopewell Township served by public sewers and within the service area of the wastewater treatment facilities of Hopewell Township in the event that a seller fails to comply with the requirements of Ordinance No. 2000-1.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF HOPEWELL**, Beaver County Pennsylvania, and the authority of the same as follows:

Section 1. Section 108 of Ordinance Number 2000-1 is repealed in its entirety and restated as follows:

Section 108.

(a) Any Applicant who shall fail, neglect, or refuse to comply with the terms or provisions of this Ordinance, or any regulation or requirement pursuant thereto and authorized thereby shall upon conviction before any district justice, be sentenced to pay a fine of Three Thousand (\$3,000.00) Dollars and cost of prosecution, including reasonable attorney fees, and in default of payment thereof, to imprisonment for a term not to exceed ninety (90) days.

(b) In the event an Applicant shall fail, neglect or refuse to comply with the terms or provisions of this Ordinance, then the purchaser of said real estate located in Hopewell Township (“Purchaser”) served by public sewers and within the service area of the wastewater treatment facilities of Hopewell Township shall be responsible for and obtain from Hopewell Township a Certification that there are no known illegal connections and/or sources of storm, surface, or subsurface water entering into the sanitary sewer on the specific property which was purchased in accordance with the provisions of this Ordinance.

(c) All conditions and requirements of this Ordinance shall be applicable and enforceable by Hopewell Township, in Hopewell Township’s sole discretion, against the Applicant and/or the Purchaser.

Section 2. Authorization. The proper officials of the Township are hereby authorized and directed to do all things necessary to effectuate the purpose of this Ordinance. The Township Manager is expressly authorized and empowered and directed to make such reasonable Rules and Regulations for the operation and enforcement of this Ordinance as he/she deems necessary. All Rules and Regulations issued pursuant to this Section shall be in writing and approved by the Township prior to such Rules and Regulations being effective.

Section 3. Repealer. All ordinances and parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided, however, that such repeals shall be only to the extent of such inconsistency and in all other aspects this ordinance shall be cumulative of the other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 4. Severability. If any section or provision or parts thereof in this ordinance shall be adjudged invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity of the ordinance as a whole or any other section or provision of the part thereof as if such invalid or unconstitutional provision had not been included in the Ordinance. To the extent possible the Court shall revise such invalid or unconstitutional provision to preserve the original intent of such provision.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

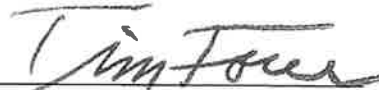
**ORDAINED AND ENACTED INTO LAW** this 22<sup>nd</sup> day of November, 2004, by the Board of Commissioners of the Township of Hopewell, in this lawful session regularly assembled.

ATTEST:

TOWNSHIP OF HOPEWELL



Gerald G. Orsini,  
Township Manager/Secretary



Tim Force, President  
Board of Commissioners

ACCOUNT #	INVOICE DATE	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
7243781460A	11/12/2004	HOPEWELL TOWNSHIPORDIN	1.00 x 110Line	1	12.00
11/12/2004					<b>\$ 279.30</b>
DATES APPEARED					

**PROOF OF PUBLICATION**

The **Beaver County Times/Allegheny Times**, a daily newspaper of general circulation, published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on 11/12/2004

**BEAVER NEWSPAPERS, INC.**

By Edwin Metzger

STATE OF PENNSYLVANIA, }  
 COUNTY OF BEAVER, } **SS:**

Before me, a Notary Public in and for such county and state, personally appeared EDWIN METZGER, who being duly sworn according to law says that he is CONTROLLER of BEAVER NEWSPAPERS, INC.; that neither affiant nor said corporation is interested in the subject matter of the attached advertisement; and that all of the allegations of the foregoing statement including those as to the time, place and character of publication are true.

Sworn to and subscribed before me this 12th day of November 2004

Nelma A. Hays

The costs of advertising and has been paid.  
**BEAVER NEWSPAPER**

By \_\_\_\_\_

**BEAVER COUNTY TIMES**

**400 FAIR AVE.**

**BEA**

**HOPEWELL TOWNSHIP  
 ORDINANCE NO. 2004-11  
 NOTICE OF INTENTION  
 TO ADOPT**

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 2000-1 TO PROVIDE REQUIREMENTS UPON PURCHASERS OF REAL ESTATE SERVED BY PUBLIC SEWERS WITHIN THE SERVICE AREA OF THE WASTEWATER TREATMENT FACILITIES OF HOPEWELL TOWNSHIP.

Notice is given that the Hopewell Township Board of Commissioners will consider for adoption the aforementioned captioned Ordinance at its November 22, 2004, Public Meeting beginning at 6:30 P.M. in the Hopewell Township Municipal Building, 1700 Clark Boulevard, Aliquippa, Pennsylvania 15001.

The following is a summary of the Ordinance as prepared by the Township Solicitor:

Section 1. Section 108 of Ordinance No. 2000-1 is repealed in its entirety and restated as follows:

Section 108.  
 (a) Any Applicant who shall fail, neglect, or refuse to comply with the terms or provisions of this Ordinance, or any regulation or requirement pursuant thereto and authorized thereby shall upon conviction before any district justice, be sentenced to pay a fine of Three Thousand (\$3,000.00) Dollars and cost of prosecution, including reasonable attorney fees, and in default of payment thereof, to imprisonment for a term not to exceed ninety (90) days.

(b) In the event an Applicant shall fail, neglect or refuse to comply with the terms or provisions of this Ordinance, then the purchaser of said real estate located in Hopewell Township ("Purchaser") served by public sewers and within the service area of the wastewater treatment facilities of Hopewell Township shall be responsible for and obtain from Hopewell Township a Certification that there are no known illegal connections and/or sources of storm, surface, or subsurface water entering into the sanitary sewer on the specific property which was purchased in accordance with the provisions of this Ordinance.

Section 2. Authorization. The Hopewell Township Board of Commissioners and other persons authorized by it shall implement the terms and conditions of this Ordinance.

Section 3. Repealer. All Ordinances and parts of this Ordinance inconsistent with it are repealed.

Section 4. Severability. If any part of this Ordinance shall have been adjudicated to be illegal, the remaining portion shall be in full force and effect.

Section 5. Effective Date. Upon the date of adoption by the Board of Commissioners, this Ordinance shall be in effect.

A copy of the proposed Ordinance is available for public inspection at the Hopewell Township Manager's Office, 1700 Clark Boulevard, Aliquippa, Pennsylvania from 8:30 A.M. to 4:30 P.M. Monday through Friday. A copy of the proposed Ordinance has also been made available to the Beaver County