

## ORDINANCE NO. 2013-03

### AN ORDINANCE OF BETHEL TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING AND CONSOLIDATING ORDINANCE 2007-05, AS AMENDED BY ORDINANCE 2008-09 AND AS FURTHER AMENDED BY ORDINANCE 2011-01, RELATING TO MANDATORY SEWER CONNECTIONS, PUBLIC SEWER DISTRICTS, OPERATIONS, ADMINISTRATION AND ENFORCEMENT PROVISIONS RELATING TO ALL OF THE SAME

WHEREAS pursuant to authority granted by the Pennsylvania Second Class Township Code and the Pennsylvania Sewage Facilities Act (Act 537), Bethel Township, Berks County, Pennsylvania (the "Township") adopted an Act 537 Plan, which includes public sewage facilities (the public sewer system); and,

WHEREAS, the Township adopted the Sewer Connection and Regulations Ordinance, No. 2007-05 on December 17, 2007; and,

WHEREAS the Township amended Ordinance 2007-05 by Ordinance No. 2008-09 on November 17, 2008; and

WHEREAS, the Township further amended those Ordinances by Ordinance 2011-01 on February 21, 2011; and,

WHEREAS the Township as to the extent allowed by law delegate the operation, maintenance, repair, administration and enforcement of the public sewer facilities to the Bethel Township Municipal Authority (the Municipal Authority); and,

WHEREAS the Municipal Authority wishes to update and modify operation and administration of the public sewage facilities and has requested the assistance of the Township in implementing this process by revising and amending its Ordinances;

NOW, THEREFORE, the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, in lawful session duly convened hereby ENACTS and ORDAINS as follows:

**Section 1.** Short Title. This Ordinance shall be known and may be cited as the "Bethel Township Public Sewer Connection Ordinance".

**Section 2.** Incorporation of Ordinances. Ordinance No. 2007-05, as amended by Ordinance 2008-09 and 2011-01, is hereby incorporated by reference and made part of this Ordinance except to the extent amended, modified, or changed below.

**Section 3.** Operation. The Municipal Authority shall operate the public sewer system to the fullest extent provided by law. This operation shall include all administration, operation, maintenance, repair, and the authority for enforcement and all matters which may be exercised and/or lawfully delegated to the Municipal Authority by the Township.

**Section 4.** Delegation of Authority. The Township hereby expressly authorizes the Municipal Authority to adopt all rules and regulations the Municipal Authority deems appropriate regarding the operation, maintenance, repair and administration of the public sewer system. Except for those acts and for matters which by law are within the exclusive authority and jurisdiction of the Township and which may not be lawfully delegated, the adoption of rules and regulations by the Municipal Authority including, but not limited to, the definition of terms,

practices, procedures and administration of the public sewer system, shall be deemed for all purposes to act as a repeal, *pro tanto*, of any inconsistent provisions regarding such definitions, operations, administration, practices and procedures contained in Ordinances 2007-05, 2008-09, and 2011-01.

**Section 5.** Interpretation. Nothing in this Ordinance or in any subsequent rule or regulation adopted by the Municipal Authority shall be deemed to change or repeal the obligations for mandatory connection, the establishment of the public sewer system and sewer districts, the penalties and enforcement of Ordinance provisions within the exclusive jurisdiction of the Township as provided by law, nor shall anything in this Ordinance be interpreted or applied as an improper or *ultra vires* action by either the Township or the Municipal Authority and any and all rules or regulations adopted by the Municipal Authority as provided herein which supersede any inconsistent operations, practices, procedures provided for in the Ordinances shall be interpreted and applied in such a way as to be lawful.


**Section 6.** Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any of the remaining provisions of this Ordinance; it being the intent of the Township that such remaining provisions shall be enforceable and remain in full force and effect.

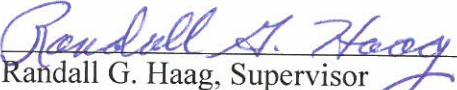
**Section 7.** Binding Effect. This Ordinance is intended to incorporate and consolidate all existing Ordinances concerning the public sewer system in Bethel Township, Berks County, PA and should be applied and interpreted as a continuation of Ordinances 2007-05, 2008-09 and 2011-01 except as expressly changed or modified herein. Any ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed insofar as, but only insofar as the same are inconsistent herewith.


**Section 8.** Effective Date. Since this Ordinance is a substantial continuation of existing ordinances albeit modifying and amending them, it shall be effective immediately upon enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Bethel Township, Berks County, Pennsylvania, this 19 day of August, 2013.

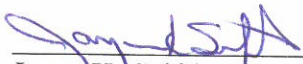
BOARD OF SUPERVISORS OF BETHEL  
TOWNSHIP, BERKS COUNTY, PA

  
Herbert R. Zechman, Jr., Chairman

  
Randall G. Haag, Supervisor

  
Carl R. Kauffman, Supervisor

Attest:

  
Jayne K. Seifrit, Township Secretary