

TOWNSHIP OF RUSH,

Schuylkill County, Pennsylvania

ORDINANCE NO. 37

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF RUSH, SCHUYLKILL COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING AN AGREEMENT, DATED FOR CONVENIENCE AS OF APRIL 1, 1970, BETWEEN THIS TOWNSHIP AND RUSH TOWNSHIP SEWER AUTHORITY, WHEREBY SAID AUTHORITY COVENANTS, INTER ALIA, TO CONSTRUCT AND ACQUIRE CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE SEWAGE COLLECTION FACILITIES OWNED AND OPERATED BY SAID AUTHORITY AND WHEREBY THIS TOWNSHIP MAKES CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT TO THE SANITARY SEWER SYSTEM OWNED AND OPERATED BY SAID AUTHORITY, INCLUDING REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED IN THIS TOWNSHIP AND ACCESSIBLE TO AND WHOSE PRINCIPAL BUILDING IS WITHIN ONE HUNDRED FIFTY FEET FROM THE AFORESAID SEWER SYSTEM, TO CONNECT THEREWITH, AND GRANTING CERTAIN EASEMENTS AND RIGHTS OF WAY TO SAID AUTHORITY: AUTHORIZING AND DIRECTING EXECUTION, ACKNOWLEDGMENT AND DELIVERY OF SAID AGREEMENT IN BEHALF OF THIS TOWNSHIP: AND AUTHORIZING AND DIRECTING OTHER NECESSARY AND PROPER ACTION.

The Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, enacts and ordains as follows:

SECTION 1. This Township shall enter into an Agreement, dated for convenience as of April 1, 1970 (the "Agreement"), with Rush Township Sewer Authority (the "Authority"), whereby the Authority covenants, inter alia, to acquire and construct certain additions,

extensions and improvements to the sewage collection facilities owned and operated by the Authority in the Township and whereby this Township makes certain covenants and agreements with respect to the Sewer System, as such phrase is defined in this Agreement, including requiring all owners of improved property located in this Township and accessible to and whose principal building is within one hundred fifty feet from such Sewer System to connect therewith, and granting certain easements and rights of way to the Authority, substantially in the form presented to this meeting, which Agreement is approved.

SECTION 2. A copy of the Agreement, in the form so presented to this meeting and so approved, shall be filed with the Secretary of this Township and shall be made available for inspection at reasonable times by interested persons requesting such inspection.

SECTION 3. The Chairman or Vice Chairman of the Board of Supervisors and Secretary or Assistant Secretary of this Township, as applicable, are authorized and directed to execute, acknowledge and deliver the Agreement, in behalf of this Township, in the form so approved.

SECTION 4. Proper officers of this Township are authorized and directed to execute all documents and do all other acts as may be necessary and proper to carry out this Ordinance and undertakings of this Township in the Agreement.

SECTION 5. This Ordinance shall become effective five days after enactment, as provided by law.

SECTION 6. In the event any provisions, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder of this Ordinance shall be and shall remain in full force and effect.

SECTION 7. It is declared that enactment of this Ordinance and the execution, acknowledgment and delivery of the Agreement is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

SECTION 8. All ordinances and parts of ordinances inconsistent herewith expressly are repealed.

DULY ENACTED AND ORDAINED this 1st day of May, 1970, by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF RUSH,
Schuylkill County, Pennsylvania

By Samuel C. Kellet
Chairman of Board of Supervisors

ATTEST:

Homer E. Neifert
Secretary

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Rush, Schuylkill County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township at a meeting duly held on May 1, 1970; that the same has been duly recorded in the Ordinance Book of the Township; that said Ordinance was duly published as required by law; and that the same remains in effect, unaltered and unamended, as of this date.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 6th day of May, 1970.

Homer E. Neifert
Secretary

(SEAL)