

Chapter 24

SEWER AUTHORITY

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[HISTORY: Adopted by the Borough Council of the Borough of Pennsburg 4-15-1958. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 86.

Zoning — See Ch. 110.

§ 24-1. Intent to organize.¹

The Council of the Borough of Pennsburg, Montgomery County, Pennsylvania, hereby signifies its intention and desire to organize an Authority jointly with the Borough of East Greenville and the Borough of Red Hill, both of Montgomery County, Pennsylvania, under the provisions of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," its amendments and supplements,² for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, sewers, sewer systems or parts thereof, sewage treatment works, including works for treating and disposing of industrial waste and the facilities and equipment therefor.

§ 24-2. Articles of Incorporation.

The Mayor, President of Council and the Secretary of this borough are hereby authorized and directed to execute on behalf of this borough Articles of Incorporation for said Authority, in substantially the following form:

¹ Editor's Note: The Borough of Pennsburg, in conjunction with the Boroughs of Red Hill and East Greenville, all of Montgomery County, Pennsylvania, entered into an agreement 3-3-1960 with Upper Montgomery Joint Authority whereby the Authority covenanted to construct a sanitary sewage collection system and related sewer facilities in and for said boroughs, and the boroughs made certain agreements with respect to the proposed construction, including the requiring of abutting property owners to connect to said system, the granting of certain easements and rights-of-way and certain other related matters. On 4-6-1964, the Borough of Pennsburg entered into a supplemental agreement amending Section 2 of the original agreement but keeping the original agreement intact and operative. Said ordinances are on file in the office of the Borough Secretary.

² Editor's Note: See 53 P.S. § 301 et seq.

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented,³ and pursuant to ordinances adopted by the municipal authorities of the Boroughs of Red Hill, Pennsburg and East Greenville, respectively, all situated in Montgomery County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipalities to organize a joint municipality authority under said Act, the said municipalities hereby do certify:

1. The name of the Authority is "Upper Montgomery Joint Authority."
2. The said Authority is formed under the provisions of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented, for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, sewers, sewer systems or parts thereof, sewage treatment works, including works for treating and disposing of industrial waste and the facilities and equipment therefor.
3. No other Authority has been organized under the said Municipality Authorities Act of 1945, as amended and supplemented, or under the Act of June 28, 1935, P.L. 463, as amended,⁴ and is in existence in or for any of the incorporating municipalities, except Pennsburg Borough Authority incorporated January 16, 1952 for erection of the Pennsburg Auditorium.
4. The names of the incorporating municipalities are: Borough of Red Hill, Montgomery County, Pennsylvania; Borough of Pennsburg, Montgomery County, Pennsylvania; Borough of East Greenville, Montgomery County, Pennsylvania.
5. The names and addresses of the municipal authorities of said incorporating municipalities are:

Borough of Red Hill, Montgomery County, Pennsylvania

Office	Name	Address
Burgess	R. B. Walker	8th and Washington Streets Red Hill, Pennsylvania
Councilman and President of Council	A. R. Shup	632 Main Street Red Hill, Pennsylvania
Councilman	J. Bruce Wallace	Jefferson Street Red Hill, Pennsylvania
Councilman	Walter Fronheiser	Washington Street Red Hill, Pennsylvania

³ Editor's Note: See 53 P.S. § 301 et seq.

⁴ Editor's Note: Repealed by Act of May 2, 1945, P.L. 382, § 20. See 53 P.S. § 301 et seq. for current provisions.

Office	Name	Address
Councilman	Harold L. Schwenk	616 Washington Street Red Hill, Pennsylvania
Councilman	Wilford R. Gaugler	West Second Street Red Hill, Pennsylvania
Councilman	M. C. Wehr	204 Sixth Street Red Hill, Pennsylvania
Councilman	C. R. Hille- gass	North Main Street Red Hill, Pennsylvania
Burgess	George Ruth	417 Seminary Avenue Pennsburg, Pennsylvania
Councilman and President of Council	Dr. Robert Maglieri	516 Main Street Pennsburg, Pennsylvania
Councilman	Elmer Jones	710 Main Street Pennsburg, Pennsylvania
Councilman	Stanley Berger	118 Main Street Pennsburg, Pennsylvania
Councilman	Roger Kline	East Eighth Street Pennsburg, Pennsylvania
Councilman	Donald Fox	490 Macoby Street Pennsburg, Pennsylvania
Councilman	Harvey Freed	656 Main Street Pennsburg, Pennsylvania
Councilman	Charles Roberts	231 Seminary Avenue Pennsburg, Pennsylvania

**Borough of East Greenville,
Montgomery County, Pennsylvania**

Office	Name	Address
Burgess	Franklin B. Snyder	222 Jefferson Street East Greenville, Pennsylvania
Councilman and President of Council	Ralph P. Frutchey	432 Third Street East Greenville, Pennsylvania
Councilman	Clarence A. Roth	513 Jefferson Street East Greenville, Pennsylvania

Office	Name	Address
Councilman	Wilmer A. Leister	12 Cherry Street East Greenville, Pennsylvania
Councilman	Aaron H. Stoudt	North Washington Street East Greenville, Pennsylvania
Councilman	Robert A. Thomas	138 Main Street East Greenville, Pennsylvania
Councilman	Alton R. Bauman	Cherry Street East Greenville, Pennsylvania
Councilman	Lester K. Bieler	440 Fourth Street East Greenville, Pennsylvania

6. The names and addresses and terms of office of the first members of the Board of said Authority, each of whom is a resident and citizen of the appointing municipality, are as follows:

Name	Address	Appointee of the Borough of	Term of Office (number of years from January 1, 1959)
Clarence R. Richard	368 Main Street Red Hill, Pa.	Red Hill	5 years
R. B. Erb	148 Jefferson Street East Greenville, Pa.	East Greenville	4 years
Forrest J. Beyer	805 Main Street Red Hill, Pa.	Red Hill	3 years
John F. Keelor	771 Main Street Pennsburg, Pa.	Pennsburg	2 years
Foster C. Hillegass	404 Main Street Pennsburg, Pa.	Pennsburg	1 year
Wilmer G. Dimmig	232 Main Street East Greenville, Pa.	East Greenville	1 year

7. The members of the Board of the said Authority shall be six in number; and said members shall be apportioned on the basis of two members for each of the incorporating municipalities.

Each member of the Board of the said Authority shall be appointed by the municipal authorities of the municipality which he is to represent on said Board. The term of office of any members of the Board appointed to succeed any of the first members of the Board shall be for a period of five years.

The municipal authorities of each of said municipalities, at a meeting held not later than one month prior to January 1 in each year in which a vacancy will occur in the Board by reason of the expiration of the term of a member appointed by that municipality, shall appoint, as a member of the Board, a citizen of that municipality, for a term of five years, to succeed the member whose term expires on January 1 next succeeding.

Any other vacancy in the Board shall be filled by the municipal authorities of the municipality which appointed the member whose vacancy is to be filled and the person so appointed to fill said vacancy shall hold office for the remainder of the unexpired term of the member whose vacancy in office he has been appointed to fill.

IN WITNESS WHEREOF, the Boroughs of Red Hill, Pennsburg and East Greenville, all situated in Montgomery County, Pennsylvania, each have caused these Articles of Incorporation to be executed by its Burgess and its President of Council, attested by its Secretary and the seal of the borough to be affixed, this 15th day of April 1958.

BOROUGH OF RED HILL,
MONTGOMERY COUNTY, PENNA.

Attest: By:.....
Burgess

.....
Secretary

By:.....
President of Council

(SEAL)

BOROUGH OF PENNSBURG,
MONTGOMERY COUNTY, PENNA.

Attest: By:.....
Burgess

.....
Secretary

By:.....
President of Council

(SEAL)

BOROUGH OF EAST GREENVILLE,
MONTGOMERY COUNTY, PENNA.

Attest: By:.....
Burgess

.....
Secretary

By:.....
President of Council

(SEAL)

§ 24-3. Publication of notice of incorporation.

The Mayor, President of Council and Secretary of this borough further are directed to cause a notice of the substance of this chapter, including the substance of the above Articles of Incorporation, and of the proposed filing of the above Articles of Incorporation, to be published once in a newspaper published and of general circulation in the County of Montgomery, Pennsylvania, and once in the Montgomery County Law Reporter, all as required by the said Municipality Authorities Act of 1945, as amended and supplemented.⁵

§ 24-4. Filing of articles and proofs of publication.

The Mayor, President of Council and Secretary of this borough further are directed to cause said Articles of Incorporation, together with the necessary proofs of publication, to be filed with the Secretary of the Commonwealth of Pennsylvania, and to do all other acts and things necessary or appropriate to effect the incorporation of Upper Montgomery Joint Authority, including the payment of any filing fees in connection therewith.

§ 24-5. Appointment of initial representatives to Board.

The following-named persons are hereby appointed as the first representatives of the Borough of Pennsburg to the Board of the Authority, for the following terms of office:

Name	Address	Term of Office (number of years)
John F. Keelor	771 Main Street Pennsburg, Pa.	2
Foster C. Hillegass	404 Main Street Pennsburg, Pa.	1

⁵ Editor's Note: See 53 P.S. § 301 et seq.

§ 24-6. Declaration of necessity.

The adoption of this chapter is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare and will increase the prosperity of the people of this borough.