AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 135, Subdivision & Land Development, Article VIII, Conditions For Acceptance Of Public Improvements, To Provide That The Township May Require A Maintenance Bond Or Other Security For A Period Of 18 Months And In The Amount Of Not More Than 15% Of The Completion Guarantee For A Street Or Other Improvement Project At The Time Dedication Of The Project Is Accepted.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 135, entitled Subdivision & Land Development, Article VIII, Conditions for Acceptance of Public Improvements, §135-48 and §135-49 thereof, shall be amended to provide as follows:

Article VIII. Conditions for Acceptance of Public Improvements

§ 135-48. Sanitary sewers.

A. Dedication. Upon completion of construction of a sanitary sewer in accordance with the approved plans and sanitary drainage specifications and as approved by the Township Engineer, a deed of dedication for the sewer, prepared by the Township Solicitor, shall be submitted to the ~~Sewer~~ Public Works Committee, together with a certificate from the contractor, evidencing payment for all labor and material cost and a receipt for inspection charges.

B. Acceptance. Adoption by the Board of Commissioners of a resolution accepting the deed and directing that it be recorded will constitute acceptance of the sewer by the Township.

§ 135-49. Streets and other improvements.

A. Conditions. The Township may, but shall ~~have no obligation~~not be required, to take over and make public any street or other improvement unless:

(1) The required improvements, utility mains and laterals and monuments shown on an approved plan or plans have been constructed and conform to Township standards and specifications.

(2) A petition signed by the owners of at least 51% of the frontage of the street in question requesting that the street and other improvements be taken over and made public is filed with the Township Secretary.

(3) It is established to the satisfaction of the Board of Commissioners that there is a need for the improvements to be taken over and made public.

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(4) The developer shall guarantee for a period of ~~two years~~eighteen months from the date of the ordinance or resolution accepting dedication to maintain the stability of all materials and work and to promptly make good and replace all poor or inferior materials and work and to remedy all defects in materials or workmanship, all shrinkage, settlement or other faults of any kind whatsoever arising therefrom, at his own expense, and to the satisfaction of the Township Engineer, when notified in writing to do so by the Township Engineer; and, in order to secure the guaranty, to provide ~~in the form of~~ a bond, with surety satisfactory to the Township, or the deposit of funds or securities in escrow in an amount equal to 15% of the completion guaranty posted by the owner with the Township.

B. Acceptance. The Township shall have no responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by ordinance or resolution of the Board of Commissioners.

Section 2. Nothing in this Ordinance or in Chapter 135 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 135 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 4. This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board this day of , 2017.

BOARD OF COMMISSIONERS
TOWNSHIP OF LOWER MERION

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Daniel S. Bernheim, President

ATTEST:

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Jody L. Kelley, Secretary

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