

**BOROUGH OF STEWARTSTOWN
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO.2005-10

AN ORDINANCE OF STEWARTSTOWN BOROUGH, YORK COUNTY, PENNSYLVANIA REQUIRING ALL OWNERS OF IMPROVED PROPERTY ABUTTING THE WATER SYSTEM WITHIN THE BOROUGH TO CONNECT THERETO UPON NOTICE, AND TO PAY TAPPING FEES AND USER CHARGES; REGULATING THE MANNER OF MAKING CONNECTIONS TO THE WATER SYSTEM; AUTHORIZING THE STEWARTSTOWN BOROUGH OR THE STEWARTSTOWN BOROUGH AUTHORITY TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROEPTY WHO FAILS TO CONNECT; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, pursuant to the authority granted under the Borough Code, the Borough Council of Stewartstown hereby deems it to be in the interest of the public's health safety and welfare to require connections to the water system owned by the Stewartstown Borough Authority and operated by Stewartstown Borough as set forth in this Ordinance.

WHEREAS, the Borough of Stewartstown has previously adopted Ordinance 1984-01 requiring all occupied buildings in the Borough of Stewartstown connect with the public water system and setting forth conditions for providing for water service and Ordinance 89-003, increasing and altering penalties for unlawful connections to the Water System.

THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Council of the Borough of Stewartstown, York County, Pennsylvania, as follows:

SECTION I. DEFINITIONS.

SECTION 1.01 Unless the context specifically and clearly indicates otherwise, the meanings of terms and phrases used in this Ordinance shall be as follows:

- A. "Authority" shall mean the Stewartstown Borough Authority, York County, Pennsylvania, a municipal authority organized and existing under the laws of the Commonwealth of Pennsylvania..
- B. "Borough" shall mean Stewartstown Borough, York County, Pennsylvania, a borough of the Commonwealth of Pennsylvania.
- C. "Improved Property" means any property located within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings.
- D. "Owner" means any person vested with ownership, legal or equitable, sole or partial, of any Improved Property.
- E. "Person" means any individual, partnership, company, association, society, corporation or other group or entity.
- F. "Water System" shall mean the water supply system owned by the Authority and operated by the Borough, their respective successors or assigns, including mains, pipes, fittings, valves, accessories and appurtenant water supply works and water distribution system facilities, including all property, real, personal and mixed, rights, powers, licenses, easements, rights-of-way, privileges, franchises and other property or interests in property of whatsoever nature used or useful in connection with all such facilities and together with all additions, extensions,

alterations, improvements and betterments thereof or thereto which may be made, installed or acquired, from time to time, by or for the Authority or Borough.

G. "Street" shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square.

SECTION II. MANDATORY WATER CONNECTIONS.

SECTION 2.01. The Owner of any Improved Property Abutting upon any street in which there is a water main constructed or acquired by the Borough or the Authority shall connect to such water line and use the Water System within sixty (60) days after written notice to such Owner to make such connection from the Borough or the Authority. Such written notice shall include a reference to this Ordinance, and shall be served upon the Owner either by personal service or by registered or certified mail, or by such other method as at the time may be provided by law. If an Owner shall fail to connect such Improved Property as required, the Borough or the Authority, or their agents, may enter upon the Improved Property and make such connection. The Borough or the Authority shall send an itemized bill of the cost of construction to the Owner of the Improved Property which bill shall be payable immediately. If the Owner fails to pay the bill, then the Borough or the Authority shall file a municipal lien for the cost of construction within six (6) months of the date of the completion of said connection.

SECTION 2.02. New buildings or structures to be connected to the Water System shall be connected prior to habitation, occupancy or use, and no certificate of occupancy shall be issued for any such Improved Property unless and until it has been connected to the Water System, inspected and approved by the Borough or the Authority.

SECTION III. REGULATIONS GOVERNING USE OF THE WATER SYSTEM.

SECTION 3.01. No person shall uncover, connect with, make any opening into or use, alter, or disturb, in any manner, any part of the Water System without first making an application for and obtaining a permit, in writing, from the Borough or Authority, and paying all fees in connection therewith.

SECTION 3.02. No person shall make or shall cause to be made a connection of any Improved Property into the Water System until such person shall have fulfilled each of the following conditions:

1. Such person shall have notified the designated representative of the Borough or Authority of the desire and intention to connect such Improved Property to the Water System;
2. Such person shall have applied for and shall have obtained a connection permit;
3. Such person shall have given such designated representative of the Borough or Authority at least 48 hours notice of the time when such connection will be made so that the Borough or Authority may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and
4. Such person shall have furnished satisfactory evidence to such designated representative of the Borough or Authority that any fee charged and imposed by

the Borough or the Authority against the owner of each Improved Property who connects to the Water System has been paid.

SECTION 3.03. All costs and expenses of the connection of an Improved Property to the Water System shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall save harmless the Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the connection of the Improved Property to the Water System.

SECTION 3.04. An Improved Property shall be connected to the Water System at the place designated by the Borough or the Authority. All connections to and use of the Water System shall be made in conformance with the Rules and Regulations of the Borough or the Authority, as may be amended from time to time, which Rules and Regulations and any amendments thereto are hereby incorporated by reference thereto.

SECTION 3.05. Each Improved Property shall be connected separately and independently to the Water System. A grouping of more than one structure on an Improved Property or a grouping of more than one Improved Property on the Water System is prohibited, except under special circumstances and for good sanitary reasons or other good cause shown. Such grouping is subject to special permission of the Borough or the Authority and will be subject to such rules, regulations and conditions as prescribed by the Borough or the Authority.

SECTION 3.06. If any person shall fail or shall refuse, upon receipt of a written notice from the Borough or the Authority, to remedy any unsatisfactory condition with respect to connection to or use of the Water System within thirty (30) days of receipt of such notice, the Borough or the Authority may refuse to permit such person to use the Water System until such

unsatisfactory condition shall have been remedied to the satisfaction of the Borough or the Authority.

SECTION 3.07. The Borough or the Authority reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections to and use of the Water System, which additional rules and regulations shall be construed as part of this Ordinance.

SECTION 3.08 No connection to the Water System shall be covered until it has been inspected and approved by the Borough or the Authority. If any part of a connection to the Water System is covered before being so inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to the Water System. Any street, sidewalk and other property disturbed in the course of connection to the Water System shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to the Borough or the Authority.

SECTION 3.09. Every connection to the Water System shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

SECTION 3.10. The internal water and plumbing system of any Improved Property serviced by a private water system or on-lot water system shall be immediately disconnected upon the connection of such building to the Water System, and such private or on-lot system shall not be used for human consumption. There shall be no cross-connection of any private water system or on-lot water system with the Water System. If the Owner chooses not to comply with any of these requirements, then the Borough or the Authority shall have the right, upon notice to the Owner and occupant of the Improved Property, if different from the Owner, to enter the premises to inspect the plumbing at all points of connection to the Water System, or possible

points of connection to the private water system, to assure that no cross-connection exists. The Owner of an Improved Property who connects to the Water System shall be required to meet the Rules and Regulations of the Authority regarding capping and sealing the private or on-lot water system. Private water systems or on-lot systems on lots connected and served by the Water System may be maintained and used for outside use such as irrigation, filling of swimming pools and fire protection, but for no other purpose, and in all cases, subject to the Rules and Regulations of the Authority. In the event that the Owner or occupant of an Improved Property for whose property this Section applies, and who has not capped his or her private or on-lot water system, refuses to allow such inspections, then that Owner shall immediately be required to cap his or her private or on-lot water system, in the manner set forth in this Section.

SECTION IV. – TAPPING FEES AND RATES.

SECTION 4.01. Every person required to connect to the Water System shall pay to the Borough or the Authority, in such manner and at such time as established by the Borough or the Authority, a tapping fee, a connection fee and any other fees established from time to time by the Borough or the Authority for connection to the Water System.

SECTION 4.02. The Borough or the Authority is authorized to charge the owners, occupiers or users of Improved Property connected to the Water System or required to be connected to the Water System user charges at such rates as the Borough or the Authority may from time to time establish for water service.

SECTION 4.03. The water service provided by the Borough or the Authority shall be billed and collected by the Borough or the Authority according to its normal operating procedures and in accordance with its rules, regulations and procedures as established from time to time. Any user charges that are delinquent may be collected by the Borough or the Authority

by any means provided by law, including the filing of a lien in the manner provided by law for the filing of municipal liens. The Borough reserves the right to collect any delinquent accounts on behalf of the Authority by any means provided by law in the event that the Borough deems it necessary to do so.

SECTION V. ENFORCEMENT.

SECTION 5.01. Any person who shall violate this Ordinance or the Rules and Regulations incorporated by reference herein shall be subject, upon being found guilty thereof in a legal enforcement proceeding commenced by the Borough or Authority, to a penalty of not more than Six Hundred Dollars (\$600.00), together with all court and related costs, and reasonable attorney fees, incurred by the Borough or Authority. Each day that a violation shall continue shall be deemed to be a separate offense.

SECTION 5.02. Any penalty, fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner provided by applicable law.

SECTION 5.03. Nothing in this section shall prohibit either the Borough or Authority from enforcing the provisions of this Ordinance by any other remedy available at law or in equity, and the remedies provided herein shall be cumulative and concurrent.

SECTION VI. MISCELLANEOUS.

SECTION 6.01. The Borough does hereby grant to the Authority all easements, rights-of-way and other rights on, under and over the public streets and alleys of the Borough necessary or desirable to facilitate the acquisition, construction, or use and operation of the Water System, subject to all applicable Borough ordinances.

SECTION 6.02. In the event any provision, 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 the Borough that such remainder shall remain in full force and effect.

SECTION 6.03. It is declared that enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of the Township.

SECTION 6.04. This Ordinance shall become effective immediately upon its passage.

SECTION 6.05. All ordinances or parts of ordinances inconsistent herewith expressly are repealed. In addition, Ordinance 1984-01 requiring all occupied buildings in the Borough of Stewartstown connect with the public water system and setting forth conditions for providing for water service and Ordinance 89-003, increasing and altering penalties for unlawful connections to the Water System are of no further effect.

ENACTED AND ORDAINED, this 6th day of September, 2005.

ATTEST:

STEWARTSTOWN BOROUGH

Janet Brown
Secretary

By: Wilhelmina Shelsi
President, Borough Council

Approved this 6th day of September 2005.

Richard R. Hall
Mayor