

TOWNSHIP OF SOUTH BUFFALO
ARMSTRONG COUNTY, PENNSYLVANIA

ORDINANCE NO. 12-3

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BUFFALO DIRECTING AND REQUIRING THE CONNECTION OF ALL BUILDINGS WITH THE PUBLIC WATER SYSTEM IN THE TOWNSHIP ON PREMISES ACCESSIBLE THERETO; PROVIDING FOR THE METHOD OF CONNECTION BETWEEN BUILDINGS AND SAID WATERLINES AND FOR THE INSPECTION THEREOF; PROVIDING FOR THE ISSUANCE OF PERMITS AND PAYMENTS OF CHARGES THEREFORE; AND PROVIDING PENALTIES FOR VIOLATION HEREOF. THIS ORDINANCE SHALL APPLY TO ANY LINE EXTENSIONS OR NEW PROJECTS OF THE SOUTH BUFFALO TOWNSHIP MUNICIPAL AUTHORITY, ITS SUCCESSOR OR ASSIGN, THAT TAKE PLACE AFTER THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Buffalo, and it is hereby ordained and enacted by Authority of the same under and pursuant to the Act of November 9, 1995, P.L. 350, No. 60 (53 Purdons's Statutes 66601), as amended, as follows:

SECTION 1. Every owner of property in the Township of South Buffalo (herein called the "Township") which property has now or hereafter shall have a house, building or other structure located thereon, which house, building or other structure presently uses, or in the future will use, water for human consumption and which property abuts and which house, building or other structure is located within one hundred fifty (150) feet of any portion of the public water supply and distributive system presently in existence or from time to time hereinafter extended, shall provide a connection at the owner's cost, to the house, building or other structure located on the property with the aforementioned public water system. This provision shall apply to newly constructed homes, buildings, or structures abutting existing public water lines constructed before

January 1, 2011; and, on all homes, buildings, or structures abutting existing public water lines constructed after January 1, 2011.

SECTION 2. It shall be unlawful for any owner of property to which the provisions of Section 1 of this Ordinance apply to fail to provide the means of connection to the public water system by way of a service line and a tap to the distribution system and/or to fail to comply with the provisions of this Ordinance including the payment of the tap fee and the monthly service fee to the owner of the distribution system. This provisions shall not be construed to provide for dual connections as Authority rules do not permit such connections.

SECTION 3. It shall be the duty of the Authorized Representative of the Authority as the owner of the distribution system to notify the owner, lessee or occupier of each structure covered hereunder in writing, either by personal service, certified mail or registered mail, to connect the same to said public water system, as herein provided, within ninety (90) days after receipt of such notice. Any owner, lessee or occupier of a structure who cannot comply with the provisions of this Section as to connection within the ninety (90) day period stipulated above due to causes beyond his control shall apply to the Authority as the owner of the distribution system within said ninety (90) day period for a time extension of up to six (6) months in duration. Said application shall be made on a form to be furnished by the owner of the distribution system and shall contain a voluntary agreement on the part of the applicant under which the applicant shall agree to commence paying the regular monthly water bill immediately even though actual connection to the public water system

will not be accomplished until some later date within the said six (6) month extension period.

SECTION 4. It shall not be unlawful for any person, firm or corporation connected to the public water system to connect to or permit the connection by any other person, firm or corporation, of any other source of water supply for human consumption to the public water supply system, provided that there is no inter-connection of any kind between the plumbing system that is connected to the public water supply and the plumbing system that is connected to the private or other water source. Any person, firm or corporation of the Township that is subject to this Ordinance that wishes to maintain dual or multiple water supply systems shall notify the Authority as owner of the system in writing of such intent and shall be subject to the inspection and approval of the Authority as owner of the system with regard to the maintenance of dual or multiple water supply systems on an ongoing basis. No person, firm or corporation that maintains a dual or multiple water supply system shall be relieved of the payment of any charges or any of the other requirements as provided for in this Ordinance.

SECTION 5. No person firm or corporation not presently connected to the public water system shall make or cause to be made any connection with the public water system until he has fulfilled all of the following conditions:

- (a) He/she/they shall make application to the Authority as owner of the system as the Township's Agent, upon a permanent form to be formulated and supplied by the Authority as owner of the system, for permission to connect to the aforementioned public water system. Among other things, the applicant must

state the character and use of each structure located on his property.

- (b) He/she/they shall pay the required tap connection fee as provided under the rules and regulations of the owner of the system.
- (c) No work shall commence before the payment of the aforesaid tap connection fee and issuance of the aforementioned connection permit.
- (d) He/she/they shall give the designated Inspector of the Authority as owner of the system at least twenty-four (24) hours notice of the time when such connection shall be made in order that said Inspector can be present to inspect and approve the work of connection. The Inspector shall signify his approval of the connection by endorsing his name in the possession of the permittees.
- (e) At the time of inspection of the connection, the owner or owners of the property shall permit the Inspector full and complete access to all water system facilities in each building and in and about all parts of the property. No water connection line shall be covered over, or in any way concealed, until after it has been inspected and approved by said Inspector.

SECTION 6. The construction of all connections between the building and the public water system shall be done in accordance with the specifications, plans and procedures established by the Authority as owner of the system in its Water System Rules and Regulations, as the same may be from time to time published and amended, copies of which will, upon adoption by the Authority as owner of the system, be maintained on file.

SECTION 7. If one or more mobile homes, located in a mobile home park, are subject to the provisions of this Ordinance by reason of being located within one hundred fifty (150) feet of the public water system as being extended into the Township, all mobile homes in such mobile home park shall be subject to the provisions of this Ordinance regardless of whether or not located within one hundred fifty (150) feet of the distribution system as extended.

SECTION 8. If the owner or owners of any houses, buildings, or structures in the Township shall neglect or refuse to comply with the provisions of this Ordinance or the written notice as prescribed in Section 3 hereof, the Township or the Authority as owner of the system may perform or cause to be performed such work and labor and furnish or cause to be furnished such material as may be necessary to comply with the provisions of this Ordinance at the cost and expense of such owner or owners, together with 10% additional thereof on all charges and expenses incidental thereto, which sum shall be collected from said owner or owners for the use of the Township or the Authority as owner of the system as debts are by law collectible, or the Township or the Authority as owner of the system may, by its proper officer, file a municipal claim or lien therefore against said premises as provided by law.

SECTION 9. In addition to the penalty hereinabove prescribed, any person, firm or corporation determined to be in violation of the provisions of this Ordinance shall be subject to the following enforcement procedures:

- (a) This Ordinance may be enforced by the civil enforcement provisions provided for in 53 P.S. §6601(c)(1). Any person, firm or corporation found to be in violation of the provisions of this

Ordinance through the civil enforcement provisions as provided for in the 2nd Class Township Code may receive a civil penalty not to exceed Six Hundred Dollars (\$600.00) per violation, including additional daily penalties for continuing the violations, plus court costs and reasonable attorney's fees incurred by the Township in the enforcement proceedings.

- (b) In addition to, or in lieu of civil enforcement actions before a District Justice, the Township may enforce this Ordinance in equity in the Court of Common Pleas of Armstrong County or other Court having jurisdiction over the matter.
- (c) This Ordinance may also be enforced by an action brought before a District Justice as provided for in 53 P.S. §6601(c)(2) in a manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction of a violation of the provisions of this Ordinance, a fine not to exceed One Thousand Dollars (\$1,000.00) per violation, and/or a term of imprisonment not to exceed ninety (90) days.
- (d) A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of the Ordinance which is found to be violated with regard to either the civil or criminal enforcement provisions set forth above.

SECTION 10. Persons, firms or corporations subject to the provisions of this Ordinance shall indemnify and save harmless South Buffalo Township, the South Buffalo Township Municipal Authority, and their respective employees and agents, for any loss or damage directly, or indirectly,

caused or arising out of the installation of the water connection and the connection of such building or premises with the water supply system provided for herein.

SECTION 11. It is hereby declared as the legislative intent that the invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that shall be given effect without such invalid part or parts.

SECTION 12. All ordinances or resolutions or parts of ordinances or resolutions not in accord with this Ordinance are hereby repealed insofar as they affect this Ordinance.

SECTION 13. This ordinance shall be effective immediately but shall only be applicable to any line extensions or new projects of the South Buffalo Township Municipal Authority, its successor or assign, that take place after the effective date of this ordinance.

ORDAINED AND ENACTED INTO LAW BY the Board of Supervisors of the Township of South Buffalo in lawful session assembled this 3rd day of December, 2011.

**BOARD OF SUPERVISORS
OF SOUTH BUFFALO TOWNSHIP**

By:

Ken Vaclik

Chairperson

Shadine E. Spik

ATTEST:

Michele Bustenky
Secretary

Thomas P. Boroski

(SEAL)