

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 176

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WASHINGTON, FRANKLIN COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP WHERE THE PRINCIPAL STRUCTURE THEREON IS WITHIN 250 FEET OF A WATER MAIN CONSTITUTING A PART OF THE WATER SYSTEM TO CONNECT SUCH PROPERTY WITH AND TO USE SUCH WATER SYSTEM; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS TOWNSHIP TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of the Township of Washington, (hereinafter "Township") Franklin County, Pennsylvania, enacts and ordains as follows:

**ARTICLE 1
DEFINITIONS**

SECTION 1.01

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

- A. "Abutting the Water System" shall mean any principal structure or building on Improved Property within 250 feet of a water main constituting a part of the Water System;
- B. "Authority" shall mean the Washington Township Municipal Authority, Franklin County, Pennsylvania, a municipal authority of the Commonwealth, which in addition to other responsibilities supplies water to the Township;
- C. "Commonwealth" shall mean the Commonwealth of Pennsylvania;
- D. "Improved Property" shall mean any property within this Township upon which there is erected a structure intended for continuous or periodic human habitation or other occupancy or use by human beings for any purpose, whether domestic, residential, commercial, business or otherwise, and within which water is provided for human consumption;

E. "Industrial Establishment" shall mean any property located in this Township upon which there is erected a structure that is used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other property utilizing an industrial process and which does not provide water for human consumption;

F. "Lateral Service Lines" shall mean that part of the water system (including, without limitation, pipes, connections and conduit) extending from any building or structure on the Improved Property to the Water System, curb line, easement, or, if there shall be no curb line, to a point designated by the Township used or useable for water distribution purposes;

G. "Other Public Water Supplier" shall mean any authority, borough, township, or other entity, public or private, including without limitation, the Borough of Waynesboro, who supplies public water to the Township;

H. "Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

I. "Person" shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity;

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

K. "Township" shall mean the Township of Washington, Franklin County, Pennsylvania, a municipal subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives;

L. "Water Company" shall mean the Authority or Other Public Water Supplier;

M. "Water System" shall mean all pipe, conduit, connections and facilities, as of any particular time, for the treatment and distribution of water, situated in or adjacent to this Township and owned by the Water Company including the existing water works and water distribution facilities, together with all appurtenant facilities and properties 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 Water Company.

ARTICLE 2
USE OF PUBLIC WATER REQUIRED

SECTION 2.01.

The Owner of any Improved Property Abutting the Water System shall connect such Improved Property with and shall use such Water System, in such manner as this Township may require, within ninety (90) days after notice to such Owner from this Township to make such connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township and the Water Company, from time to time.

SECTION 2.02.

Section 2.01 shall apply only when Improved Property is Abutting the Water System as the result of construction of a new building or the extension of the Water System occurring after the effective date of this ordinance. The construction date shall be considered the date that the building permit is issued or the date that the Water System extension is accepted by the Water Company.

SECTION 2.03

Section 2.01 shall not apply to any Improved Property if, in order to comply with this Ordinance, the Owner of the Improved Property would be required to obtain an easement or right-of-way from a third party other than the Commonwealth, Township or the Water Company over such third party property to make the connection required by this Ordinance.

SECTION 2.04.

Those Industrial Establishments and Farms which have their own supply of water for uses other than human consumption may continue to use their own water for that purpose but are required to use the Water System to provide water for human consumption.

SECTION 2.05.

The notice by this Township to make a connection to the water referred to in Section 2.01 shall consist of a copy of this Ordinance, including any amendments and/or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within ninety (90) days from the date such notice is given. Such notice may be given at any time after the Water System extension is accepted by the Water Company. Such notice shall be served upon the Owner in accordance with law.

ARTICLE 3
CONNECTIONS

SECTION 3.01.

No Person shall uncover, shall make connection with, shall make any opening into or shall use, alter or disturb, in any manner, any part of the Water System without first obtaining the necessary permit, in writing, from the Water Company.

SECTION 3.02.

Application for a permit required under Section 3.01 shall be made by the Owner of the Improved Property served or to be served or by the duly authorized agent of such Owner.

SECTION 3.03.

No Person shall make or shall cause to be made a connection of any Improved Property with the Water System until such Person shall have fulfilled each of the following conditions:

- A. Such Person shall have notified the Water Company of the desire and intention to connect such Improved Property to the Water System;
- B. Such Person shall have applied for and shall have obtained a permit as required by Section 3.01;
- C. Such Person shall have given the Water Company at least forty-eight (48) hours written notice of the time when such connection will be made so that the Water Company can inspect or may cause to be supervised and inspected the work of connection and necessary testing; and
- D. Such Person shall have furnished satisfactory evidence that any tapping, connection and other fees which may be charged and imposed by the Water Company against the Owner of each Improved Property who connects such Improved Property to the Water System have been paid; and
- E. Such Person shall have furnished satisfactory evidence that a road occupancy permit has been obtained from the Township or the Pennsylvania Department of Transportation, if applicable.

SECTION 3.04.

Except as otherwise provided in this Section 3.04, each Improved Property shall be connected separately and independently with a water meter through a Lateral Service Line. Grouping of more than one Improved Property on one Lateral Service Line shall not be permitted, except under special circumstances and for good cause shown, but then only after special permission of the Water Company, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Water Company.

SECTION 3.05.

All costs and expenses of construction of any Lateral Service Line and all costs and expenses of connection of a Lateral Service Line to the Water System (including, but not limited to, any cost of connection imposed under the applicable rules and regulations of the Water Company) shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall hold harmless the Water Company from all loss or damage that may be occasioned, directly or indirectly, as a result of the construction of a Lateral Service Line, the connection of a Lateral Service Line to the Water System or the abandonment of a well, cistern or similar receptacle.

SECTION 3.06.

The Owner of the Improved Property shall make all connections to the water mains at the Owner's sole cost and expense according to the Water Company rules and regulations.

SECTION 3.07.

- (a) To the extent Lateral Service Lines are not installed or connected by the Water Company, all Lateral Service Lines from the Water System to any building or structure on the Improved Property (including, without limitation installation and connection from the main to the curb and through the wall of the structure and housing facility for the meter on the Improved Property) to be served, shall be installed by the Owner of the Improved Property to be served, shall be approved by the Water Company and shall be maintained and kept in good repair at the expense of the Owner of the Improved Property to be served. All costs and expenses of installation and connection of Lateral Service Lines with the Water System and any building or structure on the Improved Property shall be paid by the Owner of the Improved Property notwithstanding any installation or connection, in whole or in part, by the Water Company.
- (b) No Lateral Service Line or other connection facility between the Water System, Improved Property and any structure or building to be served shall be covered up in the process of installation until inspected and approved by the Water Company. If any Lateral Service Line or other connection facilities are covered before so being inspected and approved, it shall be uncovered for inspection at the sole cost and expense of the Owner of the Improved Property.

SECTION 3.08.

The size of the service connection from the water main necessary to serve adequately an Improved Property and the location of such service connection, shall be determined by the Water Company. If any Person shall request a service connection of a greater capacity than that determined by the Water Company to be adequate, or if any such Person shall request that a service connection be located in a location different than that determined by the Water Company,

in its sole discretion, Water Company may approve such service connection in accordance with the request of such person.

SECTION 3.09.

When it is necessary to replace or repair an existing service connection to the Water System, the Owner will provide for the replacement of said service connection, at the sole cost and expense of the Owner, in the same location as the old service connection; provided, however, that if the Owner of the particular Improved Property, for his/her own convenience, desires the new service connection at some other location and agrees to pay to the Water Company all expenses of cutting off the old service connection and all other additional expenses incurred in complying with said request, then the service may be relocated, if said location is approved by the Water Company.

SECTION 3.10.

A Lateral Service Line shall be connected to the Water System at a place designated by the Water Company, and where, if applicable, the Lateral Service Line connection is provided.

SECTION 3.11.

If the Owner of any Improved Property Abutting the Water System, after ninety (90) days notice from this Township requiring the connection of such Improved Property to the Water System, in accordance with Section 2.01, shall fail to connect such Improved Property, as required, this Township or their agents may enter the Improved Property and construct such connection. If the Township or its agent construct such connection pursuant to this Section, the Township shall send an itemized bill of the cost of construction of connection to the Owner of the Improved Property to which the connection has been made, which bill is payable immediately. The Township or its agent may collect from such Owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

ARTICLE 4

RULES AND REGULATIONS GOVERNING LATERAL SERVICE LINES AND CONNECTIONS TO THE WATER SYSTEM

SECTION 4.01.

Where Improved Property, at the time connection to the Water System is required, is served by its own well or cistern, the existing water line shall be disconnected from the well or cistern and connected to the public Water System. There shall not be any connections made between a well, cistern or the Improved Property existing water source and the Water System.

SECTION 4.02.

Every Lateral Service Line of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

SECTION 4.03.

Every excavation for a Lateral Service Line shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Any Street, sidewalk and other public property disturbed in the course of installation of a Lateral Service Line shall be restored at the sole cost and expense of the Owner of the Improved Property being connected in a manner satisfactory to this Township, and the Water Company.

SECTION 4.04.

If any Person shall fail or shall refuse, upon receipt of a notice of the Township or Water Company, in writing, to remedy any unsatisfactory condition with respect to a Lateral Service Line within sixty (60) days of receipt of such notice, Township or Water Company may refuse water service until such unsatisfactory condition shall have been remedied to the satisfaction of this Township or Water Company.

SECTION 4.05.

Township and the Water Company reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a Lateral Service Line and with the Water System, which additional rules and regulations, to the extent appropriate, shall be construed as part of this Ordinance.

**ARTICLE 5
PENALTIES****SECTION 5.01.**

Any person who violates any provisions of this ordinance, upon conviction thereof by summary proceedings, may be sentenced to pay a fine of not less than one hundred fifty dollars (\$150.00) or not more than one thousand dollars (\$1,000.00) and/or may be imprisoned for a term not exceeding thirty (30) days. Each day or a portion thereof that such a violation continues shall constitute a separate offense. Prosecution shall be before a district justice in the manner provided for the enforcement of summary offenses for the Pennsylvania Rules of Criminal Procedure.

**ARTICLE 6
REPEALER**

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SECTION 6.01.

All ordinances or resolutions of parts of ordinances or resolutions insofar as they are inconsistent herewith, shall be and they are hereby repealed.

**ARTICLE 7
SEVERABILITY**

SECTION 7.01.

If any provision of this ordinance is for any reason to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect nor impair any of the remaining provisions hereof and is hereby declared to be the intent of the Board that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision not have been included therein.

**ARTICLE 8
DECLARATION OF PURPOSE**

SECTION 8.01.

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

**ARTICLE 9
EFFECTIVE DATE**

SECTION 9.01.

This ordinance shall take effective five (5) days after its enactment.

DULY ENACTED AND ORDAINED, this 7th day of July 2004, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

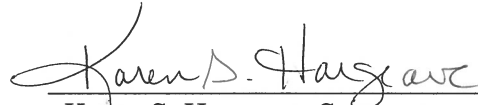
**WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS**

By: Karen S. Hargrave
Karen S. Hargrave, Secretary

By: Arthur T. Cordell
Arthur T. Cordell, Chairman

Certification of Adoption

I, Karen S. Hargrave, Secretary of the Board of Supervisors, Washington Township, Franklin County, Pennsylvania, do certify that the foregoing is true and correct copy of an ordinance adopted at a regular meeting of the Washington Township Supervisors held July 7, 2004, in a regular session duly assembled.



Karen S. Hargrave, Secretary

Date: July 7, 2004

