

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, ESTABLISHING PROCEDURES AND PRACTICES FOR THE SUBMISSION OF REQUESTS FOR THE INSTALLATION OF WATERLINES, MANDATING CONNECTION TO THE MUNICIPAL WATER SYSTEM, IMPOSING PENALTIES FOR THE VIOLATION OF PROVISIONS AS MAY BE REQUIRED FOR THE EXTENSION OF MUNICIPAL WATER SERVICE TO THE RESIDENTS OF SOUTH HUNTINGDON TOWNSHIP.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Supervisors of the Township of South Huntingdon, Westmoreland County, Pennsylvania as follows:

WHEREAS, the provisions of Section 2601 of the Second Class Township Code, the Act of November 9, 1995, P.L. 60 Article XXVI, et seq., 53 P.S. Section 67601, et seq., sets forth the general standards by which the Township of South Huntingdon may make provisions for municipal water service for the benefit of township residents; and

WHEREAS, the provisions of Section 2603 of the Second Class township Code specifically authorized the Board of Supervisors to mandate that abutting property owners of a water system provided by the Township connect with and use the system; and

WHEREAS, it has been determined by the Board of Supervisors as a matter of legislative finding that the efficient operation and installation of municipal waterlines requires that the Township of South Huntingdon adopt certain standards relating to waterline petitions, mandating connections to the municipal water system, and the imposition of penalties for the violation of said standards.

NOW, THEREFORE, in consideration of the foregoing and in further discharge of the discretion and duties invested in the Board of Supervisors of the Township of South Huntingdon by the provisions of the Second Class Township Code, it is **ORDAINED AND ENACTED** by the Board of Supervisors as follows:

SECTION ONE: PURPOSE.

This Ordinance is adopted to establish procedures for requests to be filed and reviewed by the Township of South Huntingdon regarding the extension or provision of municipal water service to properties situate within the Township; to mandate connections to newly installed municipal water facilities; to authorize the utilization of the services of the Municipal Authority of Westmoreland County to construct and operate the municipal water system; and to establish penalties for the violation of any provisions hereof.

SECTION TWO: PETITION AND REVIEW.

- A. Any person or persons requesting the installation of municipal water facilities to any property or properties within the Township of South Huntingdon shall first submit a petition to the South Huntingdon Township Board of Supervisors, on a form as may be prescribed by said Board, setting forth the following information as to all properties abutting along all roadways in the area proposed for waterline installation:
1. the names of all owners;
 2. the precise mailing address of all owners;
 3. the deed book reference establishing ownership;
 4. the tax map parcel number assigned to each tract; and
 5. the assessed value of each parcel.
- B. Upon receipt of such petition, the Board of Supervisors shall have the same reviewed and certified by the Township Engineer to determine whether the persons signing said petition constitute 51% of the total assessed value of all properties in the area to be serviced by the new municipal waterline.
- C. Once any petition for waterline installation has been reviewed and certified as constituting the required signatures as set forth above, the Board of Supervisors shall obtain a written cost estimate from the Municipal Authority of Westmoreland County as to the estimated installation expenses for said waterline. All potentially affected property owners shall then be given notice of the estimated cost and

afforded a final opportunity to add their names to or remove their names from the waterline petition.

- D. Upon the completion of the foregoing review process, if the Board of Supervisors of South Huntingdon Township determines that a valid waterline petition remains, then the Township shall constitute a water district in accordance with the provisions of Section 2611 of the Second Class Township Code, 53 P.S. Section 67611.

SECTION THREE: CONTRACT FOR SERVICES.

The Board of Supervisors of South Huntingdon Township is hereby authorized to contract with the Municipal Authority of Westmoreland County for services relating to the design, construction, installation, operation, and maintenance of all new municipal water facilities within the Township.

SECTION FOUR: ASSESSMENT OF COSTS.

The Board of Supervisors, at its sole discretion, shall determine by resolution the manner by which costs of construction and installation of said waterline shall be collected from those properties benefiting thereby. Said assessment shall be determined:

- A. pursuant to the provisions of Section 2612 of the Second Class Township Code, 53 P.S. Section 67612, as the same may be amended from time to time; or
- B. pursuant to a specific assignment of the rights and claims of the Township of South Huntingdon to the Municipal Authority of Westmoreland County for the purpose of allocating and collecting costs.

SECTION FIVE: CONNECTIONS TO NEW MUNICIPAL WATER SYSTEMS.

- A. All structures or dwelling units situate within 150 feet of a newly installed municipal waterline are required to connect to said waterline. Any vacant or undeveloped parcel of record abutting upon a newly installed waterline shall provide for a minimum of one (1) connection to said waterline for the benefit of such parcel. South Huntingdon Township or the Municipal Authority of Westmoreland County may or shall issue a "Notice to Connect" to the owners of properties abutting such newly constructed waterlines. Said Notice to Connect shall provide a date which shall not be less than sixty (60) days from the date of said notice by which connection shall be made. The owners of each premises shall connect to the waterline at their own cost by the date set forth in said notice.
- B. Water rental charges shall commence on the date a connection is made to the municipal water system or on the deadline date as set forth in the Notice to Connect, whichever first occurs. After the expiration of the deadline date provided for connection in the Notice to Connect, water rental charges shall commence regardless of whether the actual connection to the municipal water systems has been made.
- C. The Notice to Connect to the water system shall be resumed to have reached the owner of the property if same is mailed by United States Mail, postage prepaid, to the owner's last address or to the address shown on the tax records of the Westmoreland County Tax Assessment Office and is not returned. In the event that said notice is returned because of insufficient address, the Notice to Connect shall be posted on the property in a conspicuous place by a competent adult. The Affidavit of Posting shall be sufficient proof of actual posting of the Notice to Connect. At least sixty (60) days before the date provided in the notice by which connection shall be made, the Notice to Connect shall be served (i) personally upon the owner in the manner provided under the Rules of Civil Procedure for service of process in equity proceedings; (ii) mailed as set forth above; or (iii) posted as set forth herein. The Notice to Connect may be issued and reissued as necessary to accomplish the notice as required herein.
- D. No person shall connect to the municipal water system without first having obtained a written permit from the Municipal Authority of Westmoreland County setting forth conditions under which such connection shall be made and authorizing the construction of the connection. Application to Municipal Authority of Westmoreland County shall be made upon a permit form to be prepared and supplied by said Authority.

- E. A separate permit shall be required for each physical connection to the municipal water system.
- F. Any person commencing work on the construction of a connection to the municipal water system without first having obtained a permit from the Municipal Authority of Westmoreland County authorizing said connection shall be in violation of the terms hereof.
- G. As and to the extent determined by the Municipal Authority of Westmoreland County from time to time, said Authority shall inspect the waterline connection from the building or structure being served to the waterline where connection is made. The Municipal Authority of Westmoreland County shall establish standards, practices, and procedures relating to any such inspections.
- H. If any owner shall neglect or refuse to comply with the provisions of this Ordinance or the written notice set forth herein, the Township and/or the Municipal Authority of Westmoreland County, if legally authorized to do so, may perform or cause to be performed such work and labor, and furnish or cause to be furnished such materials as may be necessary to comply with the provisions hereof at the cost and expense of such owner or owners, together with 10% additional thereof and all charges and expenses incidental thereto, which sum shall be collected from said owner or owners for the use of the Township and/or said Authority, as debts are by law collectible, or the Township and/or said Authority may file an appropriate municipal claim or lien therefor against said premises as provided by law. Interest on the total of any unpaid charges assessed hereunder shall be charged at the rate of 10% per annum.
- I. The maintenance of the connecting waterline shall be the sole responsibility of the property owner.
- J. The mandatory connection provisions of this subsection are subject to those exemptions or exceptions for industries and farms utilizing their own supply of water for uses other than human consumption as the same are set forth in Section 2603 of the Second Class Township Code, 53 P.S. Section 67603.

SECTION SIX: VIOLATIONS AND PENALTIES.

All person violating any of the provisions of this Ordinance shall be subject to a fine or penalty of not less than \$100.00 nor more than \$500.00 or such other amount as shall be stipulated therein for each offense, to be collected as fines or penalties, are recoverable by law; and whenever such person shall have been notified by the Township and/or the Municipal Authority of Westmoreland County or by service of a summons in prosecution, or in any other way, that a violation exists of this Ordinance, each day that the violation shall continue shall constitute a separate offense punishable by a like fine or penalty.

SECTION SEVEN:

If, for any reason, any section, phrase, word or language in the foregoing Ordinance shall be declared illegal, invalid, unenforceable or unconstitutional by any court of competent jurisdiction, those remaining sections, phrases, words, or language not declared illegal, invalid, unenforceable or unconstitutional shall remain in full force and effect.

SECTION EIGHT:

All Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance are hereby repealed, insofar as the same affects this Ordinance.

ENACTED this 23rd day of December, 1999.

TOWNSHIP OF SOUTH HUNTINGDON

By: Scott Painter
Chairman

ATTEST: Cindy Thorne
Secretary