

RIDGWAY TOWNSHIP ORDINANCE # 93

AN ORDINANCE REQUIRING CONNECTION OF CERTAIN PROPERTIES IN THE TOWNSHIP OF RIDGWAY TO THE PUBLIC WATER SYSTEM OWNED AND OPERATED BY THE RIDGWAY TOWNSHIP MUNICIPAL AUTHORITY; IMPOSING A CONNECTION FEE AND SERVICE CHARGE FOR THE USE OF THE PUBLIC WATER SYSTEM AND PRESCRIBING PENALTIES; PROVIDING FOR THE BILLING AND COLLECTION OF SERVICE CHARGES AND SURCHARGES AND FOR THE FILING OF LIENS THEREFORE; PROVIDING FOR RULES AND REGULATIONS FOR THE USE OF THE SYSTEM; CREATING THE OFFICE OF WATER INSPECTOR AND PROVIDING CERTAIN DUTIES THEREUNDER; PROVIDING FOR MANDATED QUALITY OF MATERIAL TO BE USED IN THE SYSTEM AS PER RIDGWAY TOWNSHIP MUNICIPAL AUTHORITY RULES THEREFORE; PROVIDING FOR TESTING OF THE WATER SYSTEM AS PER RIDGWAY TOWNSHIP MUNICIPAL AUTHORITY RULES THEREFORE; REPEALING ALL ORDINANCES INCONSISTENT HERewith; AND PROVIDING THAT THE INVALIDITY OF ANY PART HEREOF SHALL NOT AFFECT THE VALIDITY OF ANY OTHER PART.

ARTICLE I

PRELIMINARY RECITALS

101. The Township of Ridgway, in order to promote the health, safety and welfare of the people in certain areas of the Township of Ridgway, deems it advisable for the Ridgway Township Municipal Authority ("RTMA") to construct, operate, own and maintain a water transportation system for transporting water within certain areas of the Township, and to require connections to be made to the public water system as now existing, or hereafter to be constructed.

102. Revenue is required to pay the cost of administration, management, ownership, and maintenance of RTMA's existing public water system and of future additions to the public water system, and to pay the debt service required to secure funds for the construction thereof and to retire said debt service from time to time.

103. It is the intention of the Township of Ridgway to facilitate the securing of required revenues for RTMA's ownership, operation and maintenance of the public water system by requiring the imposition and collection of connection fees and service charges for the use of the public water transmission system from the owners of properties served or to be served thereby.

104. The present Ordinance is enacted pursuant to authorization for the same contained in the 2nd Class Township Code at 53 PS §67603 (relating to Board of Supervisors requiring the connection by certain property owners to a water system provided by a municipal authority) as amended.

ARTICLE II

DEFINITIONS

Unless the context specifically indicates otherwise, the following words and terms used in this Ordinance shall have the following meanings:

201. **TOWNSHIP** shall mean the Township of Ridgway, Elk County, Pennsylvania.
202. **AUTHORITY** shall mean the Ridgway Township Municipal Authority.
203. **PUBLIC WATER SYSTEM** shall mean all existing water transportation lines, all existing water transportation works, and all other features now owned or operated or to be acquired, constructed, owned and operated hereinafter by the Authority for the transportation of water, together with their appurtenances, and additions, extensions or improvements thereto.
204. **OCCUPIED BUILDING** shall mean any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings.
205. **PREMISES ACCESSIBLE TO THE PUBLIC WATER SYSTEM** shall mean any real estate or property on which is located any occupied building and which occupied building is located within three hundred (300) feet from the said public water system, the owners of which must make connection therewith and use said water system in such manner as may be ordered by the Township of Ridgway or the Ridgway Township Municipal Authority.
206. **WATER CUSTOMER** shall mean the party, whether owner or tenant, contracting for water service to a property.
207. **SERVICE LATERAL** shall mean that part of the public water transportation system from the main line to the property line.
208. **HOUSE CONNECTION** shall mean that part of the water line from the property line into the occupied building or structure.
209. **COMMERCIAL ESTABLISHMENT** shall mean any improved property used wholly or in part for the sale and distribution of any product, commodity, article or service.
210. **PERSON:** includes natural persons, partnerships, associations and corporations.
211. "Shall" is mandatory; "May" is permissive.

212. **WATER INSPECTOR.** Water inspector shall mean that individual appointed by the Authority and whose duty it shall be to inspect all water systems in conformity with the provision of law, this Ordinance and the Rules and Regulations of the Authority, as amended from time to time, and who shall be charged with the duty of enforcing this Ordinance and the Authority's Rules and Regulations, and who shall have the power to bring appropriate proceedings before the District Justice for the Township.

213. **OWNER WHO SHALL CONNECT.** Owner who shall connect means the owner of property or premises accessible to the public water system and whose principal building or buildings are within three hundred (300) feet from the public water system lines of the Authority, and who by this Ordinance is required at his/her/their/its sole expense to make connection with such water system.

214. **OWNER WHO MAY CONNECT.** Owner who may connect means a property owner whose property and principal building or buildings thereon are located more than three hundred (300) feet from the public water system of the Authority who may connect to said water system of the Authority, provided, however, the connection is made entirely at the expense of the property owner, and the connection is made pursuant to the provisions of this Township Ordinance and any and all Rules and Regulations of the Authority; and provided further that consent to connect is first obtained in writing from the Authority. The Authority hereby reserves the right to refuse permission for any reason whatsoever for any property owner whose principal building or buildings are located more than three hundred (300) feet from the water system of the Authority to connect the said water system. In the event a property owner who chooses to connect and is more than three hundred (300) feet from the public water system, and in the event a connection to the said water system by said owner may result in inadequate pressure for said owner, the owner shall, at his own expense, install any and all necessary equipment and appurtenances thereunto to maintain pressure adequate to his needs and shall agree as a precondition to his receiving such water service, for himself, his heirs, successors and assigns to hold harmless the Authority and Township from all claims resulting from inadequate pressure in said system.

ARTICLE III

GENERAL PROVISIONS AND REGULATIONS

301. **OWNERS WHO MUST CONNECT.** Unless expressly exempted in writing by the Authority for good cause shown, all owners of property accessible to the public water system and whose principal building or buildings are within three hundred (300) feet of the public water system of the Authority are required to make connection at their sole cost and expense with such water system and as hereinafter provided.

302. **OWNERS WHO MAY CONNECT.** A property owner whose property and principal building or buildings thereon are located more than three hundred (300) feet from the public water system of the Authority may connect to said water line of the Authority, provided, however, the connection is made pursuant to the provisions of this Township Ordinance and any and all Rules and Regulations of the Authority; and provided further that consent to connect is first obtained in writing from the Township of Ridgway and from the Authority. The Township of Ridgway and the Authority hereby reserve the right to refuse permission for any reason whatsoever for any property owner whose principal building or buildings are located more than three hundred (300) feet from the water line of the Authority to connect the said public water system.

303. **OWNERS FAILING TO CONNECT.** If any owner who must connect under the terms of this Ordinance fails to connect with and use the Authority's public water transportation and supply system for a period of ninety (90) days after written notice to do so has been served upon such owner by the Authority, either by personal service or by certified mail, then the Authority or their agents may enter the said owner's property and construct the connection. The Authority shall send an itemized bill of the cost of the construction of the connection to the owner of the property to which connection has been made, which bill shall be payable immediately by such owner, and if such bill is not immediately paid by said owner, the Authority may collect the cost thereof from such owner by a municipal claim or in an action of assumpsit, as provided by law.

304. **EXISTING WATER SYSTEMS AND WELLS.** An existing water system or well owned, operated or maintained by an owner who must connect under this Ordinance shall not be used for human water consumption after the effective date of this Ordinance. There shall be no physical connection between the supply system provided for by this Ordinance and pipes, pumps, abutments, or tanks which are supplied from, or which may be supplied or contaminated from, any source except as may be approved by the Water Inspector. Neither steam condensate nor cooling water from engine jackets or any other heat exchange devices shall be returned to the water supply provided by the water system of the Authority. Back flow prevention devices shall be installed where water supply mains are connected to residential, commercial and industrial customers which present a potential contamination hazard to the water system of the Authority.

305. **APPLICATION FOR CONNECTION PERMIT.** Before any connection, alteration, addition or removal of a water line, an application for permit to connect to the water system in an abutting street, lane, alley or public highway shall be made in writing by the owner to the Authority representative or Inspector. Upon approval by the Inspector and signature of the Inspector and authorized representative of the Authority, the said application shall be and constitute a permit to connect.

306. **HOUSING DEVELOPMENTS.** In cases where a builder or developer desires to install water lines, water line service laterals and water line house connections to every housing unit within a housing development prior to their individual sale, he may do so upon meeting all conditions as set forth in this paragraph and in other sections of this Ordinance and upon meeting all the conditions and provisions of the Rules and Regulations of the Ridgway Township Water Authority, as the same may be amended from time to time. Plot plans for such a development must be submitted to the Authority for approval prior to any construction. Water plans conforming to all original specification established by the Authority, as to type of pipe, location of mains, size of pipe, grades, methods of laying pipe and the type of construction of all necessary appurtenances shall be submitted to the Authority for their approval prior to any construction. The Authority may charge a fee for legal and engineering review of the said plans which shall be in accord with then applicable Authority Rules and Regulations. The builder or developer shall obtain all necessary approvals and permits required by any local municipalities or state agencies. The engineering fees and charges for permits shall be paid by the builder or developer. In no case will lower standards than exist in the presently constructed water system and as outlined by Rules and Regulations of the Authority be permitted for any future extensions. Upon approval of such plans by the Authority, the extensions may be constructed by and at the expense of the builder or developer, but only under the inspection of any inspector designated by the Authority and/or its engineers. The cost of such inspection, including salaries and expenses, shall be borne by the builder or developer making the extensions. Upon completion of construction by the builder or developer and approval by the Authority, said water mains and service laterals to the builder's property line shall, after one (1) year, become the property of the Authority and the Builder or Developer shall acquire the rights of way for said service mains and service laterals up to the property line and convey the same to the Authority by deed recorded in the Elk County Courthouse.

307. **OBSERVANCE OF RULES AND REGULATIONS.** No owner or tenant of any premises connected with the water lines of the Authority shall be allowed to permit another person or premises to use or connect with his service lateral.

308. **SEPARATE HOUSE CONNECTIONS.** A separate house connection will be required for each individual building or house individually owned, whether constructed as a detached unit or as one of a part or row, but a single house connection will be permitted to serve a school, factory, an apartment house or other permanent multiple unit structure. However, each individual unit therein must be individually metered.

309. **NO WORK PERFORMED WITHOUT PERMISSION.** All connections made to the system must be inspected by the Inspector or his respective representative prior to backfilling or covering the work. Work must be installed in accordance with Authority specifications and work failing to meet these standards must be replaced, at the owner's expense, before connection to the water line will be allowed.

310. **SUPERVISION OF WORK.** No water connection, or disconnection, shall be made except under the supervision, control and approval of the authorized representative of the Authority.

311. **SERVICE LATERALS.** After construction of the public water system has been completed, the service laterals shall be constructed from the main water transmission line to the property line at the expense of the property owner and as a portion of a tap-in or connection fee to be charged by the Authority to the property owner, who has obtained a permit, and upon installation shall become the property of the Authority. The house connection from the property line to the building shall be installed by the property owner at his own expense.

312. **DISCONNECTION OF SERVICE.** The Authority shall have the right to close up or disconnect from the public water system any water service customer who fails to timely pay any and all charges due by reason of water being supplied to his premises.

313. **LEAKS, STOPPAGE AND/OR DEFECTIVE PLUMBING.** The Authority and/or the Township shall not be liable for any damage or expense resulting from leaks, stoppage or defective plumbing or from any other cause occurring to any premise or within any house or building; and it is expressly stipulated by and between the Authority, the Township of Ridgway and the Customer that no claims shall be made against said Authority and/or Township of Ridgway on account of the breaking or stopping of, or any damage or expenses to, any lateral or house connection when the cause thereof is found to be in the service lateral or house connection.

314. **CONTROL OF SERVICE.** Neither the Authority nor the Township of Ridgway shall be liable for a deficiency or failure of service when occasioned by the Authority or the Township. The Authority and/or the Township of Ridgway reserves the right to restrict the use of water service whenever the public welfare may require it.

315. **VACATING PREMISES.** When the premises are vacated, the property owner or the tenant thereof must give notice at the office of the Authority and the property owner and the tenant shall be jointly and severally liable for the water charge until such notice is given.

316. **NOTICE OF CHANGE OF OWNERSHIP.** Each property owner must give the Authority or the authorized representative of the Authority written notice of any change of ownership of any improved property.

317. **UNLAWFUL CONNECTION PRIOR TO INSPECTION.** From and after the passage of this Ordinance by the Ridgway Township Supervisors, and any of the Rules and Regulations by the Ridgway Township Municipal Authority, it shall be unlawful for any person or persons to connect an occupied building into the public water system of the Authority before such water line has been properly inspected and approved and a permit obtained.

318. **WATER INSPECTOR.** There is hereby created the office of Water Inspector for the Township. He shall be competent by education and/or experience to administer this Ordinance and the Rules and Regulations of the Authority and shall not engage in or be connected directly or indirectly with the business of installing water lines within the Township of Ridgway. He shall be appointed by the Authority and shall receive such compensation as the Authority may from time to time provide. It shall be his duty to inspect all building water systems in conformity with the provisions of law, this Ordinance, as amended from time to time and these Rules and Regulations, as amended from time to time. The Municipal Authority or its designee shall be charged with the duty of enforcing this Ordinance and these Rules and Regulations and shall have the power to bring appropriate proceedings before the District Justice for the Township. The Inspector may be the Authority's Water Supervisor.

ARTICLE IV

INSPECTION

401. **INSPECTION BY WATER INSPECTOR.** It shall be the duty of the Water Inspector or his representative to inspect the public water system, upon notification by the owner, the service laterals and all house connections, to insure that they conform with the provisions of the Ordinance of the Township of Ridgway and the Rules and Regulations of the Ridgway Municipal Authority.
402. **NO WORK PERFORMED WITHOUT PERMISSION.** No building water line installation, house connection, or service lateral shall be covered or concealed in any manner until after it has been inspected and approved by the Water Inspector.
403. **NOTICE BY PROPERTY OWNER TO OBTAIN INSPECTION.** The property owner or his representative shall give notice at the Township Office, Ridgway Drive, Ridgway, Elk County, Pennsylvania, or any location hereinafter designated by the Ridgway Township Municipal Authority, when the property owner's work is sufficiently advanced for inspection, and it shall be the duty of the said Inspector to inspect the same within three (3) working days after receipt of said notification.
404. **ALTERATIONS, EXTENSION, ADDITIONS, DISCONNECTIONS OR REMOVALS.** Any alteration, extension, addition, disconnection or removal of a building water line shall also be inspected by the Water Inspector and shall be subject to his approval in the same manner as new building water line installations. In the event of disconnection or removal, the owner, at his own expense, is responsible to plug the service lateral at the property line and said plug shall be subject to the approval of the Inspector.
405. **PRESCRIBED TEST.** It shall be the duty of the owner to determine that the work will stand the test required by the Authority's then applicable Rules and Regulations for such test/approval. The owner shall review all applicable Rules and Regulations with the Authority Inspector to determine what prescribed test shall apply for reviewing the work of the owner or the owner's contractor.
406. **RE-NOTIFICATION DUE TO TEST FAILURE.** If the Water Inspector finds that the work will not stand the prescribed test, the owner shall be required to re-notify the Inspector as provided above in Paragraph 403 and re-inspection of the work is hereby required.
407. **FAILURE OF INSPECTOR TO APPEAR.** If the Water Inspector fails to appear within three (3) working days, the time designated for said inspection, then the owner shall immediately notify the Authority, who shall direct the said Inspector to inspect the installation.

ARTICLE V

TIME AND METHOD OF PAYMENT OF CONNECTION OR TAP-IN FEES, RATES OR CHARGES

501. **CONNECTION FEE OR TAP-IN FEE FOR RESIDENTIAL AND NON-RESIDENTIAL ESTABLISHMENTS.** A connection fee of no less than One Thousand Two Hundred and Fifty Dollars (\$1,250.00) shall be paid to the Authority or its representative by the owner for each connection at the time application is made for the permit to connect.
502. **WATER RATES AND CHARGES.** There is hereby imposed by this Ordinance and by the Rules and Regulations of the Authority upon the owners of all property required to connect and/or having already connected to the Authority's publicly owned and operated water supply system and any extensions or additions thereto after the enactment of this Ordinance, a service charge for the use of said system payable as hereinafter provided, and in an amount or sum that may be designated by the Authority via enacted rate schedule made in accord with applicable law, and said owner shall be liable for the payment of the service charge and any penalty herein prescribed for delinquent payment thereof.
503. **BILLS FOR SERVICE CHARGES.** All bills for service charges shall be due and rendered and shall be subject to a penalty as prescribed by applicable Authority Rules and Regulations if not paid in full within the time stipulated by the said Authority Rules and Regulations. Owners will be billed monthly for the service charge in accordance with the billing practices of the Ridgway Township Municipal Authority.
504. **WATER RATES.** Water rates or charges are imposed hereby upon and shall be collected from the owner of each improved property which shall be connected to the water system, for the use of the water system, whether such use shall be direct or indirect, and shall be payable as provided herein to the Authority or its representative, in accordance with the schedule of rates adopted from time to time by the Authority.
505. **CHANGES IN FEES, CONNECTION OR TAP-IN FEES, AND WATER RATE CHARGES.** The Authority hereby reserves the right to alter all fees, connection fees and water rate charges, as said terms are used in this Article, as in the discretion of the Authority is deemed necessary for the proper operation and maintenance of the water system, provided however, that the connection or tap-in fee provided for in Section 501, above, shall never be less than the One Thousand Two Hundred and Fifty Dollars (\$1,250.00) connection fee mandated herein. The Authority consistent with the Municipal Authorities Act 53 Pa CSA, at Chapter 56, shall have exclusive jurisdiction to set and to alter from time to time reasonable connection or tap-in fees, customer facilities fee, water rental service charges, and any other similar fees as enumerated, authorized and defined in the said Act.

ARTICLE VI

MANDATED QUALITY AND WEIGHTS OF MATERIALS AND TESTING

601. All materials used in a connection to be accomplished by an owner who must connect or by an owner who may connect with prior Authority approval given, and all installation work, and all performance tests for materials used for installation work performed shall be as required and specified in the then relevant and current written Rules and Regulations adopted by the Authority.

ARTICLE VII

DELINQUENCIES, VIOLATIONS AND REMEDIES

701. Each service charge, surcharge and penalty imposed by this Ordinance shall be a debt due the Authority and shall be a lien on the property served, and if not paid within thirty (30) days after the due date of the bill, shall be deemed delinquent. In such event, the Authority may proceed to file the lien in the office of the Prothonotary of Elk County, Pennsylvania, and collect the same in the manner provided by law for the filing and collection of municipal claims. In the event of failure to pay the service charge or surcharge or penalty after they become delinquent as herein provided, the Authority shall be authorized to disconnect service at the water connection, remove or close the water connection and shall have the right to enter upon the property served for such purpose and to take such steps as may be necessary to accomplish such disconnection, removal or closing. The expenses of such disconnection, removal or closing as well as the expense of restoring any such service, shall likewise be a debt due the Authority and a lien on the property served and may be filed and collected as hereinabove provided, or such water connection shall not again be turned on or the water service restored until all service charges, surcharges and penalties, including the expense of removal, closing and restoration shall have been paid.

702. All persons violating any provision of this Ordinance shall be deemed in violation of this Ordinance. Notice of such violation shall be given by means of United States Mail, and if no action to correct the violation is taken within thirty (30) days of the date of such notice, the water connection may be removed or closed and reconnection will not be made until after correction of the violation has been accomplished. The expense of such removal or closing and the expense of restoring the water service shall be a debt due the Authority and a lien upon the property served and may be filed and collected as provided in Section 701, above.

703. Change of ownership or occupancy of any property served by the water transmission system as to which the service charge or surcharge or penalty imposed by this Ordinance is delinquent, shall not be cause for reducing or eliminating the rights and remedies of the Authority as set forth in this Section.

704. Any person who violates or permits a violation of any provision of this Ordinance, upon being found liable therefore any civil enforcement proceeding, shall pay a fine of not more than Six Hundred Dollars (\$600.00), plus all court costs, including reasonable attorney fees incurred by the Township in the enforcement of this Ordinance. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or court. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further,

the appropriate officers or agents of the Township are hereby authorized in their discretion to seek equitable relief, including injunction, to enforce compliance herewith.

705. **DAMAGE PROHIBITED.** No person shall maliciously, willfully, nor negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment which is a part of the Authority's publicly owned water system. Any person violating this provision shall be liable consistent with the terms of Section 704, above.

ARTICLE VIII

REPEALER, VALIDITY AND EFFECTIVE DATE

801. This Ordinance expressly repeals Township Ordinance #51 and Township Ordinance #59 and any other Township Ordinance inconsistent herewith.

802. This Ordinance as enacted is intended to apply to the public water system owned and operated by the Authority, as such system currently exists and as such system may be modified, extended, or enlarged from time to time hereafter.

803. The invalidity of any section, clause, sentence or provision contained in this Ordinance shall not affect the validity of any other section, clause, sentence or provision of this Ordinance which can be given effect without such invalid part or parts.

804. The Township reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

805. This Ordinance shall become effective five (5) days after its adoption.

Enacted and ordained this 23rd day of October, 2006.

RIDGWAY TOWNSHIP BOARD OF SUPERVISORS

By: *W. E. Huber*
Chairperson

Sarah R. Dickinson
Member

Milly Bowers
Member

Attest:

Milly Bowers
Secretary

[Township Seal]