MORRIS TOWNSHIP
CLEARFIELD COUNTY, PENNSYLVANIA
ORDINANCE NUMBER 95-401

AN ORDINANCE OF MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THE TOWNSHIP AND ACCESSIBLE TO AND WHOSE HOUSE, PRINCIPAL BUILDING OR OCCUPIED STRUCTURE IS WITHIN 150 FEET FROM A WATER LINE THAT IS PRESENTLY BEING CONSTRUCTED OR WHICH SHALL BE CONSTRUCTED BY PENNSYLVANIA AMERICA WATER COMPANY, OR ANY NEW HOUSE, PRINCIPAL BUILDING OR OCCUPIED STRUCTURE WHICH SHALL BE CONSTRUCTED WITHIN 150 FEET OF AN EXISTING WATER LINE, TO CONNECT SUCH PROPERTY WITH AND TO USE SUCH WATER SYSTEM WITHIN 90 DAYS AFTER NOTICE IS SERVED BY THE TOWNSHIP; PROVIDING FOR A TAPPING FEE; REGULATING THE MANNER OF MAKING SUCH CONNECTION; PROVIDING FOR THE INSPECTION OF SUCH CONNECTION; PROVIDING SAFETY REGULATIONS IN REGARD TO SAID CONNECTIONS; AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

WHEREAS, the Township is authorized pursuant to the authority of the Act of May 1, 1933, P.L. 103, as amended (53 P.S. § 66602.2 et seq.) to require connection to an available water system; and,

WHEREAS, the availability and use of a water system is a benefit to the health and safety of the residents of the Township and is necessary to promote the economic development within the municipality.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MORRIS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA ENACTS AND ORDAINS AS FOLLOWS:

SECTION I

DEFINITIONS

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

A. "IMPROVED PROPERTY" means any property located

within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings.

B. "OWNER" means any person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

C. "PERSON" means any individual, partnership, company, association, society, trust, corporation, joint stock company, unincorporated association, governmental body, political subdivision, township or other group or entity.

D. "TOWNSHIP" means Morris Township, Clearfield County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania, acting by or through its Board of Supervisors or in appropriate cases, acting by and through its authorized representatives.

E. "WATER SUPPLIER" means a private company (not including a municipal authority), who shall construct and/or operate a water system within the Township with the approval of the Township. There may be more than one water supplier providing service within the Township.

F. "WATER SYSTEM" means all facilities, as of any particular time, for providing, transporting and supplying water for human use and consumption, situate in or adjacent to the Township.

SECTION II

USE OF WATER SYSTEM REQUIRED

SECTION 2.01: The Owner of any Improved Property located within the Township and accessible to and whose house, principal building or occupied structure is within 150 feet from a water line which is presently being constructed or which shall be constructed in the future, or any new house, principal building or occupied structure which shall be constructed within 150 feet of an

existing water line, shall connect to, at owner's own expense, and use such water system within 90 days after Notice to such Owner from the Township to make such connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township or its designated water supplier from time to time.

SECTION 2.02: Those industries and farms who have their own supply of water for uses other than human consumption shall be exempt from said connection requirement, other than for human consumption.

SECTION 2.03: The Notice by the Township to make connection to the water system referred to in Section 2.01 shall be given by the Township Supervisors in writing and shall be served upon the Owner either by personal service or by registered mail.

SECTION III

CONNECTIONS

SECTION 3.01: No persons shall uncover, connect with, make any opening into or use, alter or disturb in any manner, any part of the water system without first obtaining a permit, in writing, from the Township or its designated water supplier and paying a tapping fee, if any.

SECTION 3.02: Application for a permit required under 3.01 shall be made by the Owner of the Improved Property served or to be served or by a person authorized by the Owner of the Improved Property to make such application to the Township or its designated water supplier.

SECTION 3.03: A tapping fee may be set by the Township by resolution for each connection with the water system. The amount of said fee and to whom it shall be paid shall be determined based upon agreement between the Township and the particular water supplier which information shall be set forth in the resolution. Said fee must be paid at the time application for a permit is made.

SECTION 3.04: All connections to the water system must be done in accordance with the specifications, plans and procedures established by the designated water supplier.

SECTION 3.05: No person shall make or 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 this Township or its designated water supplier of the desire and intention to connect such Improved Property to the water system.

(b.) Such person shall have applied for and obtained a permit as required by Sections 3.01 and 3.02.

(c.) Such person shall pay any tapping fee required by Sections 3.01 and 3.03.

(d.) Such person shall have furnished any information required by the Township or its designated water supplier prior to connections and received any necessary approvals from the water supplier.

(e.) Such person shall have given the Township or its designated water supplier at least 72 hours notice of the time when such connection will be made so that the Township or its designated water supplier may supervise and inspect the work of connection and necessary testing. At the time of inspection of the connection, the Owner of the Improved Property shall permit the person conducting the inspection full and complete access to all water facilities in each building and in and about all parts of the property. No water connection line shall be covered; or in any way concealed, until after it has been inspected and approved.

SECTION 3.06: Except as otherwise provided in this Section 3.06, each structure or principal building shall be connected separately and independently with the water system. Grouping of more than one structure on one connection shall not be permitted except under special circumstances and for good cause shown and then only after special permission of the Township or its designated water supplier, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Township or its designated water supplier.

SECTION IV

ENFORCEMENT

SECTION 4.01: In the event the Owner of an Improved Property shall neglect or refuse to connect with and use said water system following a period of ninety (90) days after Notice to do so as set forth in Section 2.01, the Township Supervisors or their agents may enter upon such property and construct such connection.

SECTION 4.02: In such case, the Township Supervisors shall, upon completion of the work, send an itemized bill of the costs of construction of such connection to the Owner of the property to which connection has been made, which bill shall be payable forthwith.

SECTION 4.03: In case of neglect or refusal by the Owner of such Improved Property to pay said bill within 60 days from the date of completion of construction of said connection, the Township Supervisors shall, within said period, file a municipal lien for said construction, which shall be subject in all respects to the general law providing for the filing and recovery of municipal liens.

SECTION 4.04: Every person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense and upon subsequent conviction for each subsequent offense to a fine of not less than One Hundred ($100.00) Dollars nor more than One Thousand ($1,000.00) Dollars, together with costs of prosection in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

SECTION V

MISCELLANEOUS

SECTION 5.01: The Township or its designated water supplier shall have the right to access at reasonable times to any part of any Improved Property served by the water system as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by the Township or its designated water supplier through the water system.

SECTION 5.02: The Township shall not be liable for a deficiency or failure of service when occasioned by an emergency, required repairs or for any cause beyond its control. The

Township reserves the right to restrict the use of the water system whenever the public welfare may require it.

SECTION 5.03: The Owner shall be responsible, at the owner's expense, for seeing that all excavations for water connections shall be adequately guarded with barricades and lights to protect the public from hazards and that all streets, sidewalks and public property, disturbed in the course of making a water connection, shall be restored in a manner satisfactory to the Township or its designated water supplier for such purposes.

SECTION 5.04: The Owner shall indemnify and save harmless the Township from any loss or damage directly or indirectly, caused by or arising out of installation and/or connection on the Improved Property.

SECTION VI

ADDITIONAL RULES AND REGULATIONS

SECTION 6.01: The Township reserves the right to adopt, by resolution, from time to time additional rules and regulations as it shall deem necessary and proper relating to connections with the water system.

SECTION VII

EFFECTIVE DATE

SECTION 7.01: This Ordinance shall become effective five (5) days after the date of Enactment.

SECTION VIII

SEVERABILITY

SECTION 8.01: In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not effect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

SECTION IX

REPEALER

SECTION 9.01: All Ordinances or parts of Ordinances inconsistent herewith

expressly are repealed insofar as they conflict with this Ordinance. Provided, however, that this Ordinance shall not be deeded to be in conflict with or to repeal Ordinance Number ____ providing for connection to the water system constructed and operated by the Morris Township Municipal Authority, its successors and assigns.

DULY ENACTED AND ORDAINED, this 21st day of April, 1995, by the Board of Supervisors of Morris Township, Clearfield County, Pennsylvania, in lawful session duly assembled.

MORRIS TOWNSHIP
Clearfield County,
Pennsylvania

BOARD OF SUPERVISORS
BY:

John J. Saggese, Jr., Chairman

Harold A. Moslak, Supervisor

ATTEST:

Sally Polachek, Secretary

John J. Saggese, Sr., Chairman

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Board of Supervisors of Morris Township, Clearfield County, Pennsylvania, at a regular meeting of the Board on the 21st day of April, 1995.

Sally Polachek, Secretary