

**TOWNSHIP OF HAINES,
Centre County, Pennsylvania**

ORDINANCE NO. 7C

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THIS TOWNSHIP COMPELLING AND REQUIRING CERTAIN OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND UPON WHICH PROPERTY ANY PORTION OF THE PRINCIPAL STRUCTURE IS LOCATED WITHIN 150 FEET OF THE WATER SYSTEM OR PART OR EXTENSION OF THE WATER SYSTEM OWNED AND OPERATED BY HAINES AARONSBURG MUNICIPAL AUTHORITY TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH WATER SYSTEM AND REQUIRING IMPROVED PROPERTIES ALREADY CONNECTED TO THE WATER SYSTEM OR ANY PART OR EXTENSION THEREOF AS OF THE EFFECTIVE DATE OF THIS ORDINANCE AND THOSE IMPROVED PROPERTIES WHICH MAY BECOME CONNECTED TO THE WATER SYSTEM OR ANY PART OR EXTENSION THEREOF SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ORDINANCE TO REMAIN CONNECTED TO THE 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 REQUIRED CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Board of Supervisors of the Township of Haines, Centre County, Pennsylvania,

enacts and ordains as follows:

ARTICLE I

Definitions

SECTION 7C-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. “Authority” shall mean Haines Aaronsburg Municipal Authority, a municipality authority incorporated pursuant to provisions of the Municipality Authorities Act, 53 Pa.C.S. Ch. 56, of the Commonwealth, created to, among other things, acquire, own and operate water production, storage, transportation and distribution system facilities required for rendering water service in and about the Village of Aaronsburg, Haines Township, Centre County, Pennsylvania;

B. “Building Main” shall mean the extension from the water system of any structure to the Lateral of a Main;

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 habitation, occupancy or use by human beings

or animals, except those industries and farms which have their own supply of water for uses other than human consumption to the extent described in Section 7C-2.01 hereof;

E. “Lateral” shall mean that part of the Water System extending from a Main to the curb line or, if there shall be no curb line, to the property line or, if no such Lateral shall be provided, then “Lateral” shall mean that portion of, or place in, a Main which is provided for connection of any Building Main;

F. “Main” shall mean any pipe or conduit constituting a part of the Water System used or usable for water distribution purposes;

G. “Owner” shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

H. “Person” shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipality authority or other group or entity;

I. “Township” shall mean the Township of Haines, Centre County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through its authorized representatives; and

J. “Water System” shall mean all facilities, as of any particular time, for supply, transmission and distribution of water, owned by the Authority.

ARTICLE II

Use of Public Water System Required

SECTION 7C-2.01. The Owner of any Improved Property upon which property any portion of the principal structure is located within 150 feet of the Water System or any part or extension thereof shall connect such Improved Property with such Main via a Lateral and shall use such Water System, in such manner as the Authority may require, within 45 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, from time to time. Those improved properties, industries and farms connected to the Water System as of the effective date of this Ordinance and those Improved Properties, industries and farms which may become connected to the Water System subsequent to the effective date of this Ordinance shall remain connected to the Water System, shall not disconnect from the Water System, and shall use such Water System in such manner as the Authority may require. Those Improved Properties, industries and farms which have their own supply of water for human consumption existing as of the effective date of this Ordinance, may continue to use their own supply of water for human consumption. Provided, however, that in the event said supply of water fails or otherwise becomes unavailable thereafter, said Improved Property, industry or farm must then comply with the provisions of this Ordinance to connect to the Main and may not seek or obtain water from another

source. Those industries 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.

SECTION 7C-2.02. The notice by this Township to make a connection to a Main, referred to in Section 7C-2.01, shall consist of a copy of this Ordinance, including any amendments and/or supplements at the time in effect, or a summary hereof, 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 45 days after the date such notice is given or served. Such notice may be given or served at any time after the appropriate Lateral is in place that can deliver water to the particular Improved Property. Such Notice shall be given to or served upon the Owner by personal service or by registered mail to his last known address, or by such other means as shall be permitted by law.

ARTICLE III

Building Mains and Connections

SECTION 7C-3.01. No Person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any Lateral or any other part of the Water System without first obtaining a permit, in writing, from the Authority.

SECTION 7C-3.02. Application for a permit required under Section 7C-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 7C-3.03. No Person shall make or shall cause to be made a connection of any Improved Property with a Lateral until such Person shall have fulfilled each of the following conditions:

A. Such Person shall have notified the Authority of the desire and intention to connect such Improved Property to a Lateral;

B. Such Person shall have applied for and shall have obtained a permit as required by Section 7C-3.01;

C. Such Person shall have given the appropriate representative of the Authority at least 48 hours' notice of the time when such connection will be made so that the Authority or this Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and

D. If applicable, such Person shall have furnished satisfactory evidence to the appropriate representative of the Authority that any tapping, connection and/or customer facility fee that may be charged and imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Lateral has been paid.

SECTION 7C-3.04. Except as otherwise provided in this Section 7C-3.04, each Improved Property shall be connected separately and independently with a Lateral through a Building Main. Grouping of more than one Improved Property on one Building Main shall not be

permitted, except under special circumstances and for good cause shown, but then only after special permission of the Authority, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Authority and this Township.

SECTION 7C-3.05. All costs and expenses of construction of a Building Main and all costs and expenses of connection of a Building Main to a Lateral shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Main or of connection of a Building Main to a Lateral.

SECTION 7C-3.06. A Building Main shall be connected to a Lateral at the place designated by the Authority. A smooth, neat joint shall be made and the connection of a Building Main to the Lateral shall be made secure and watertight.

SECTION 7C-3.07. If the Owner of any Improved Property located within this Township and upon which property any portion of the principal structure is located within 150 feet of the Water System or any part or extension thereof, after 90 days' notice from this Township, or within 90 days from the date a source of water existing as of the effective date of this Ordinance fails or is no longer available, in accordance with Section 7C-2.01, shall fail to connect such Improved Property, as required, or disconnects said Property as prohibited in Section 7C-2.01, this Township may enter upon such Improved Property and may construct such connection or reconnection and may collect from such Owner the costs and expenses thereof in the manner permitted by law.

ARTICLE IV

Rules and Regulations Governing Building Mains and Connections to Mains

SECTION 7C-4.01. No Building Main shall be covered until it has been inspected and approved by the Authority. If any part of a Building Main is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property to be connected to a Lateral.

SECTION 7C-4.02. Every Building Main of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

SECTION 7C-4.03. Every excavation for a Building Main shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Any street, sidewalk or other public property disturbed in the course of installation of a Building Main shall be restored, at the cost and expense of the Owner of such Improved Property being connected, in a manner satisfactory to the Authority and this Township.

SECTION 7C-4.04. If any Person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a Building Main within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such Person to be served by the Water System until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and of the Authority.

SECTION 7C-4.05. This Township 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 and with the Water System, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Ordinance.

ARTICLE V

Enforcement

SECTION 7C-5.01. Any Person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not more than One Thousand Dollars (\$1,000), together with costs of prosecution 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 7C-5.02. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law and shall be payable to this Township.

ARTICLE VI

Effective Date

SECTION 7C-6.01. This Ordinance shall become effective five days after adoption.

ARTICLE VII

Severability

SECTION 7C-7.01. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect.

ARTICLE VIII

Declaration of Purpose

SECTION 7C-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 IX

Repealer

SECTION 7C-9.01. All ordinances or parts of ordinances, specifically Ordinance No. 7A adopted November 20, 2007, and all resolutions or parts of resolutions that are inconsistent with this Ordinance shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this ___ day of _____, 2009, by the Board of Supervisors of the Township of Haines, Centre County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF HAINES,
Centre County, Pennsylvania

By: _____
(Vice) Chairman of the
Board of Supervisors

ATTEST:

(Assistant) Secretary

(SEAL)

CERTIFICATE

I, the undersigned, Secretary of the Township of Haines, Centre County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of Ordinance No. 7C of the Board of Supervisors of the Township (the "Board of Supervisors") which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors at a meeting of the Board of Supervisors duly convened and held according to law on _____, 2009, at which meeting a quorum was present; said Ordinance duly has been recorded in the Ordinance Book of the Township; such Ordinance duly has been published as required by law; and such Ordinance remains in full force and effect, without amendment, alteration or repeal, as of the date of this certificate.

I further certify that the Board of Supervisors of the Township met the advance notice requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this ____ day of _____, 2009.

Secretary

(SEAL)