

Chapter 86

WATER

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[HISTORY: Adopted by the Board of Supervisors of the Township of Haines as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 35.

Sewers — See Ch. 59.

Uniform construction codes — See Ch. 36.

ARTICLE I

Haines Aaronsburg Municipal Authority System [Adopted 11-19-2009¹]

§ 86-1. Definitions.

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

AUTHORITY — Haines Aaronsburg Municipal Authority, a municipal authority incorporated pursuant to provisions of the Municipality Authorities Act, 53 Pa.C.S.A. 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.

BUILDING MAIN — The extension from the water system of any structure to the lateral of a main.

COMMONWEALTH — The Commonwealth of Pennsylvania.

1. Editor's Note: This ordinance also repealed former Art. I, Haines Aaronsburg Municipal Authority System, adopted 9-18-2007.

IMPROVED PROPERTY — 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 § 86-2A hereof.

LATERAL — That part of the water system extending from a main to the curblineline or, if there shall be no curblineline, 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.

MAIN — Any pipe or conduit constituting a part of the water system used or usable for water distribution purposes.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — Any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority or other group or entity.

TOWNSHIP — 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.

WATER SYSTEM — All facilities, as of any particular time, for supply, transmission and distribution of water, owned by the Authority.

§ 86-2. Use of public water system required.

- A. 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 article and those improved properties, industries and farms which may become connected to the water system subsequent to the effective date of this article 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 article 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 article 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 and those industries and farms connected to the water system which use water for industrial and agricultural uses may, upon approval by the Haines

Aaronsburg Municipal Authority, disconnect that portion of its private water facilities from the water system to use their own supply of water for industrial and agricultural uses only if the water source is located upon the improved property and the improved property is a minimum of 10.00 acres in size. However, the improved property shall remain connected to the water system for water to be used for human consumption. The water facilities on the improved property to be used for human consumption shall be permanently disconnected from the water facilities to be used for agricultural or industrial uses in a manner satisfactory to the Haines Aaronsburg Municipal Authority, and the Authority shall have the continuing right to go upon the improved property to inspect the water facilities to ensure that the disconnection remains in effect. **[Amended 5-19-2011]**

- B. The notice by this Township to make a connection to a main, referred to in Subsection A, shall consist of a copy of this article, 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 article 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.

§ 86-3. Building mains and connections.

- A. 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.
- B. Application for a permit required under Subsection A shall be made by the owner of the improved property served or to be served by the duly authorized agent of such owner.
- C. 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:
- (1) Such person shall have notified the Authority of the desire and intention to connect such improved property to a lateral;
 - (2) Such person shall have applied for and shall have obtained a permit as required by Subsection A;
 - (3) 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
 - (4) 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.

- D. Except as otherwise provided in this Subsection D, 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.
- E. 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.
- F. 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.
- G. 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 article fails or is no longer available, in accordance with § 86-2A, shall fail to connect such improved property, as required, or disconnects said Property as prohibited in § 86-2A, 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.

§ 86-4. Rules and regulations.

- A. 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.
- B. Every building main of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- C. 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.

- D. If any person shall fail or shall refuse, upon receipt of a notice from 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.
- E. 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 article.

§ 86-5. Violations and penalties.

- A. Any person who shall violate this article 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 \$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.
- B. Fines and costs imposed under provisions of this article shall be enforceable and recoverable in the manner at the time provided by applicable law and shall be payable to this Township.

§ 86-6. Purpose.

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

ARTICLE II Haines Woodward Municipal Authority System [Adopted 11-19-2009²]

§ 86-7. Definitions.

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

AUTHORITY — Haines Woodward Municipal Authority, a municipal authority incorporated pursuant to provisions of the Municipality Authorities Act, 53 Pa.C.S.A. 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 Woodward, Haines Township, Centre County, Pennsylvania.

2. Editor's Note: This ordinance also repealed former Art. II, Haines Woodward Municipal Authority System, adopted 11-20-2007.

BUILDING MAIN — The extension from the water system of any structure to the lateral of a main.

COMMONWEALTH — The Commonwealth of Pennsylvania.

IMPROVED PROPERTY — 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 § 86-8A hereof.

LATERAL — That part of the water system extending from a main to the curblineline or, if there shall be no curblineline, 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.

MAIN — Any pipe or conduit constituting a part of the water system used or usable for water distribution purposes.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — Any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority or other group or entity.

TOWNSHIP — 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.

WATER SYSTEM — All facilities, as of any particular time, for supply, transmission and distribution of water, owned by the Authority.

§ 86-8. Use of public water system required.

- A. 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 article and those improved properties, industries and farms which may become connected to the water system subsequent to the effective date of this article 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 article 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 article 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.

- B. The notice by this Township to make a connection to a main, referred to in Subsection A, shall consist of a copy of this article, 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 article 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.

§ 86-9. Building mains and connections.

- A. 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.
- B. Application for a permit required under Subsection A shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
- C. 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:
- (1) Such person shall have notified the Authority of the desire and intention to connect such improved property to a lateral;
 - (2) Such person shall have applied for and shall have obtained a permit as required by Subsection A;
 - (3) 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
 - (4) 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.
- D. Except as otherwise provided in this Subsection D, 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.

- E. 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.
- F. 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.
- G. 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 article fails or is no longer available, in accordance with § 86-8A, shall fail to connect such improved property, as required, or disconnects said Property as prohibited in § 86-8A, 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.

§ 86-10. Rules and regulations.

- A. 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.
- B. Every building main of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- C. 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.
- D. If any person shall fail or shall refuse, upon receipt of a notice from 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.
- E. 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 article.

§ 86-11. Violations and penalties.

- A. Any person who shall violate this article 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 \$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.
- B. Fines and costs imposed under provisions of this article shall be enforceable and recoverable in the manner at the time provided by applicable law and shall be payable to this Township.

§ 86-12. Purpose.

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