

FRANKLIN TOWNSHIP

ORDINANCE NO. 1-11-11

MANDATORY WATER TAP-IN

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Franklin Township, Fayette County, Pennsylvania; and it is hereby ordained and enacted by the authority of Pennsylvania law as follows:

Section 1: The owner or owners of each property in Franklin Township whose property and/or principal building, previously erected or hereafter constructed, abutting the water system or within Four Hundred (400) feet of the water system provided by the Township or a municipal authority or a joint water board shall connect with and use the public water supply, except 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 other than human consumption but are required to use the Township water system to provide water for human consumption. This mandatory tap-in requirement shall apply whether the water line was installed prior to the enactment of this Ordinance or subsequent to the enactment of this Ordinance. In the case of a water system provided by the Township or water authority or a joint water board, the Board of Supervisors, the authority or the joint water board may impose and charge to property owners who desire to or are required to connect to the water system a connection fee and other similar fees as provided by law or by enactment of the Township Supervisors, Municipal Authority, or a joint water board authority. In case of extreme hardship, persons may request and the Township Supervisors, in their unlimited discretion, are empowered to grant a waiver from these mandatory provisions, provided that the person or persons seeking such a waiver shall present such documentary evidence to the Board of Township Supervisors, as the Township Supervisors may require, in support of the waiver, which shall be received and considered by the Board of Township Supervisors.

Section 2: In case any owner or owners of property (except those previously excluded) have neglected or refused to connect to the public water system within ninety (90) days following notification to connect, which notice shall be served personally or by Registered Mail upon said owners, the Township Supervisors or their agents may enter the property and construct the connection as required. In such case, the Township Supervisors shall, upon completion or the connection, send an itemized bill of costs, expenses and fees to the owner or owners of the property to which connection has been made, and the bill shall be payable forthwith, with interest at the legally prevailing rate.

Section 3: The costs, expenses and fees of construction for connection to the water system shall be payable at the office of the Franklin Township Supervisors or a designated office in full or in monthly installments, with legally permissible interest from the date of completion of

the connection or the Board of Supervisors may authorize payment of the costs of construction for connection in equal monthly installments.

Section 4: In the case of default in the payment of any installment or interest payment for a period of sixty (60) days after the payment becomes due, the entire cost and expense of construction for connection to the water line and all accrued interest, expenses and costs thereon shall become accelerated and immediately due and subject to collection as provided by Pennsylvania law.

Section 5: In those cases where the owner or owners of property neglect or refuse to pay the bills for tap-in fees, connection costs, other fees and expenses, including all costs incurred and reasonable attorney fees, the Township Supervisors shall have the authority to file municipal liens for the costs, interest, fees and expenses incurred but not paid, with the full force and effect of a municipal lien.

Section 6: No person or company, without written authorization, shall uncover or make any connections with or opening into, use, alter or disturb the public water supply system without first obtaining a written water connection permit from the Township, the water authority or the joint authority. The owner or owners of property required to connect or desiring to connect with the water supply system shall first make written application to the Township Supervisors or their designated agent, who, upon approval of the application, shall provide for the appropriate connection in accordance with written engineering instructions.

Section 7: The construction, number and size of all water lines and all water connections shall be strictly completed in accordance with the plans, designs and specifications and procedures established by the Township Supervisors, the water authority or the joint authority, or such other water company or authorities that may service water lines within the Township, in a manner consistent with good engineering criteria at the time of the connection, which criteria specifications and requirements may be amended or revised as necessary, and which copies shall be maintained on file with the Township, the water authority or the joint authority.

Section 8: All costs and expenses incident to the installation of the water connection and/or connection of buildings or premises with the water supply system shall be the direct responsibility of the property owner or owners, unless covered by a grant or subsidy as may be available. The owner or owners of property shall indemnify and hold harmless the Township, and the Township's designated agent, as their interest shall appear from any loss or damage directly or indirectly caused by or arising out of such installation and connection by providing insurance coverage in accordance with current instructions by the Township, the water authority or the joint authority.

Section 9: The owner or owners of all water connection permits shall notify the Township Supervisors or their designated agent when the connection to the public water system is ready for inspection in accordance with approved specifications. In no case shall backfill be placed until complete inspection has been made and approved in writing.

Section 10: It shall be the responsibility of the owner or owners of property, or the organization making the tap-in or water connection, to adequately guard with barriers and lights to protect the public from all hazards. All streets, sidewalks and public property disturbed in the course of making a water connection shall be restored to the condition substantially similar to the condition which existed before undertaking to make a water connection and approved by the Township Supervisors or their designated agent in writing.

Section 11: If the owner or owners of property, buildings or entities fails, refuses or neglects to connect with the public water system in compliance with the terms and conditions of this Ordinance, or fails, neglects or refuses to comply with any provision of this Ordinance, the Township Supervisors, the authority or the joint authority shall serve a written notice upon the owner or owners, or upon the tenant or person in possession of the premises, if the owner cannot be found on the premises, requiring the owner, tenant or person in possession to comply in every respect with the provisions of this Ordinance within thirty (30) days after service of such notice.

If the owner, tenant or person in possession fails, neglects or refuses to connect to the system within the timeframe established by this Ordinance, then the cost for the tap-in shall increase at the rate of one (1%) percent per month for each month or portion thereof that the connection has not been made. The one (1 %) percent escalator for failure or refusal to connect to the water system in accordance with the Ordinance shall be added to the amount of the tap-in fee established by the Township or the authority from time to time, by resolution to reflect current economic conditions.

In addition to the tap-in fee and costs, fees and expenses set forth herein, any owner or owners, tenant or person in possession of the property shall be liable for the monthly minimum user charge for the water system, and such minimum user charge shall continue monthly regardless of whether connection to the water system has been made.


This Ordinance may be enforced by an Ordinance Enforcement Officer, Code Enforcement Officer, Township Supervisor or representative of the Township Supervisors, or representative designated by the water authority, authorized to enforce the Ordinance by resolution of the designated individuals, by issuing a non-traffic citation for each violation of the within Ordinance. Any person, property owner or owners or tenants violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not less than Three Hundred and 00/100 (\$300.00) Dollars nor more than One Thousand and 00/100 (\$1,000.00) Dollars, and in default of payment thereof within thirty (30) days, shall be sentenced to undergo a period of imprisonment of not less than ten (10) days nor more than thirty (30) days, or shall be subject to civil or criminal proceedings for violation of this Ordinance as specified under current Pennsylvania statutory law, which penalty shall from time to time be amended and revised, and the amending provisions, regulations and statutory provisions are incorporated herein by reference duly enacted by the Commonwealth of Pennsylvania. Each additional day that a violation continues shall constitute a separate offense and shall be deemed a violation of the health and welfare of the members of the community. Fines and penalties collected for violation of this Ordinance shall be paid to the Board of Township Supervisors.

Section 12: All ordinances or parts of ordinances inconsistent with or conflicting with the provisions of this Ordinance hereby repealed insofar as they are inconsistent with the provisions of this Ordinance, it being the intention that this Ordinance will supersede any inconsistent provision of a prior ordinance within Franklin Township.

Section 13: The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of the Ordinance which shall be given full force and effect without such invalid part or parts.

Section 14: This Ordinance shall be effective five (5) days after enactment by the Board of Township Supervisors.

FRANKLIN TOWNSHIP


Chairman of the Board of Supervisors

ATTEST:


Secretary

NOVEMBER 3, 2011