

**WASHINGTON TOWNSHIP,
WESTMORELAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 124

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, WESTMORELAND COUNTY, PENNSYLVANIA DIRECTING AND REQUIRING THAT ALL PROPERTY OWNERS UPON WHICH IS CONSTRUCTED A STRUCTURE REASONABLY SUITABLE FOR HUMAN OCCUPANCY, COMMERCIAL OR INDUSTRIAL USE OR IS ACTUALLY SO OCCUPIED AND/OR USED, NOW OR IN THE FUTURE TO TAP INTO ALL PRESENT AND FUTURE PUBLIC WATER LINES REGARDING PREMISES ACCESSIBLE THERETO; PROVIDING FOR THE METHOD OF TAPPING INTO SAID STRUCTURES AND PUBLIC WATER LINES AND FOR THE INSPECTION THEREOF; PROVIDING FOR THE ISSUANCE OF PERMITS AND THE PAYMENT OF TAP CHARGES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ORDINANCE 123.

WHEREAS, the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania deems it to be in the best interests of the health, safety and welfare of the Township residents to have access to public water when a public water distribution system is available for use by the residents of Washington Township; and

WHEREAS, the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania deems it most efficient for all structures as defined that are accessible to any proposed water facilities to be tapped in thereto; and

WHEREAS, 53 Pa. C.S.A. §66602.1 et seq. empowers the Township Supervisors, by ordinance, to compel owners of property abutting the water system to tap in thereto.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of the Township of Washington, and **IT IS HEREBY ORDAINED AND ENACTED** by authority of the same as follows:

SECTION 1 – DEFINITION

1. **ABUTS** – A property shall be deemed to abut upon any public water distribution system presently or in the future to be constructed if the property has actual frontage where the main is installed or if the property is accessible by a right-of-way and/or easement to the location where the main is installed.

2. **ASSESSMENTS** – Assessments shall include construction loan surcharge fees, user fees, tapping fees, rates and charges.

3. **AUTHORITY** – The Municipal Authority of the City of New Kensington or the Municipality Authority of Westmoreland County or any other authority now or in the future properly formed and existing under the laws of the Commonwealth of Pennsylvania which provides public water.

4. **AUTHORITY CONNECTION** – A water line installed from a main which abuts a property to a curb stop at the property line.

5. **BOARD OF SUPERVISORS** – Board of Supervisors of the Township of Washington.

6. CUSTOMER FACILITY – A water line installed from a curb stop on a property line to the meter in a structure erected on the property or a water line installed from a curb stop on a property line to the meter installed on the property.

7. MAIN OR MAINS – All water mains of an authority which are contiguous to a property.

8. MUNICIPALITY – The Township of Washington, Westmoreland County, Pennsylvania.

9. OWNER – An individual, partnership, corporation or any other legally recognized entity having a fee simple interest in a property within the Municipality.

10. PROPERTY OR PROPERTIES – All tracts or parcels of land within the Municipality which have public water service available.

11. STRUCTURE – A building erected on a property which is reasonably suited for human occupancy, commercial or industrial use or is actually so occupied and/or used.

SECTION 2 – MANDATORY TAP

Every owner of property in the Township of Washington whose property abuts upon any public water distribution system presently or in the future to be constructed shall tap into the same at its own cost the structure located on said property with the aforementioned public water distribution system for the purpose of being able to receive public water for use on said property.

SECTION 3 – EXCEPTION TO MANDATORY TAP

If the owner of any property in the Municipality upon which is erected only one single family dwelling which would otherwise be subject to the requirements of this Ordinance have their single family dwelling located more than 250 feet from the closest possible tap point, said owner or owners shall be exempt from the mandatory tapping provisions of this Ordinance.

SECTION 4 – MAIN AVAILABLE

A main shall be deemed available to serve a structure erected on a property if the structure is reasonably suitable for human occupancy, a commercial industrial use or it is actually so occupied and/or used. The structure must be erected on a property which abuts a street, road, right-of-way or easement in which a main is installed and the structure is, by the closest lineal measurement, situate within 250 feet of the curb stop which is installed at the property line as part of an Authority connection.

SECTION 5 – TAPPING FEE

At any time a main has been installed at a location contiguous to or abutting a property on which a structure is presently, or in the future constructed, the owner of the property shall, upon notice from the Authority, be required to pay a tapping fee to the Authority, this tapping fee to be established by the Authority from time to time. This tapping fee shall be imposed by the Authority and paid to it notwithstanding the fact that no part of a customer facility is installed by the owner from the curb stop to the structure.

SECTION 6 – MANNER OF TAPPING

The requirements regarding the installation of an Authority connection, the location of meters and the requirement therefore shall be in accordance with the rules, regulations, policies and procedures of the Authority providing the water service to the property. The Municipality hereby approves and confirms all rules, regulations, policies and procedures and the schedule of rates and charges of an Authority which are now in effect and as each may be later amended, revised and/or rescinded by the Authority in the exercise of its exclusive power to do so; the Municipality confirming that such rules, regulations, policies and procedures and schedule of rates and charges shall be applicable to and controlling as to each property.

SECTION 7 – WATERLINE EXTENSION DISTRICTS

The Authority may, by agreement with the Municipality, establish a separate waterline extension district as part of its schedule of assessments. The Authority may, in its sole discretion, establish rules and regulations pertaining to any waterline extension district regarding the method and manner of imposing and collecting assessments. All assessments which are established for a waterline extension district shall be applicable to and enforced by the Authority as to all properties in the district and shall continue in full force and effect until at least final repayment has been made of all debt incurred by the Authority for the construction of a water expansion project and provide for the payment to the Authority of its cost of repayment of all debt incurred by the Authority as a result of the project; the assessments to be applicable to and assessed against each owner, on a pro rata basis. The intention of this section of this Ordinance

is to permit the Authority, in its discretion, to impose assessments on property or properties benefited by the construction of a water expansion project upon the terms, conditions and provisions that the Authority deems appropriate, in its discretion, and without regard to whether a structure exists on the property within the surcharge district.

SECTION 8 – FAILURE TO PAY TAPPING FEE, RATE OR CHARGE

If any owner of a property shall fail or refuse to timely pay any tapping fee assessed against the owner by the Authority or shall fail to timely pay any rate or charge applicable to the owner and as established by the Authority, the Authority shall have the absolute right, acting either for itself or as an agent for the Municipality and without any further grant of authority by the Municipality to file a claim or lien against the property in order to secure payment by the owner of any such claim. This claim shall be entered in the office of the Prothonotary of Westmoreland County at the same time and in the same form and be collected in the same manner as municipal claims are filed and collected. The Municipality hereby confirms that the Authority also has and shall retain the exclusive right to proceed in any other way that it shall deem fit to compel and secure payment of all tapping fees and rates and charges which are established by the Authority provided only that the Authority shall give twenty (20) days written notice to the Municipality advising it of its intent to proceed under the provisions of this Ordinance against any party to whom it is applicable. Nothing in this Section shall preclude the Municipality from also filing a claim or lien against the property in order to security payment by

the owner of any tapping fee assessed against the owner or for failure to timely pay any rate or charge applicable to the owner in the same manner and fashion as set forth aforesaid.

SECTION 9 – ENFORCEMENT

The Municipality hereby irrevocably designates and appoints the Authority, on behalf of the Municipality, and to the fullest extent necessary and possible, to carry out all the intents, purposes and requirements of this Ordinance, all as same are applicable to the Municipality, and to act in all ways and in all manner, either in its own name as the authority or on behalf of in the name of the Municipality, in the administration and enforcement of all terms and conditions of this Ordinance, the rules, regulations, policies and procedures of the authority and its schedule of its rates and charges, all such rules, regulations, policies and procedures and schedule of rates and charges being capable, in the sole discretion of the Authority, of amendment by it from time to time. Nothing in this section shall prevent the Municipality in its own right to carry out all the intents, purposes and requirements of this Ordinance in the same manner as set forth aforesaid.

SECTION 10 – PENALTY

Any owner who fails to timely apply for a tap and/or pay a tapping fee established by the Authority within sixty (60) days following his receipt, by personal service or by certified mail of a notice to make such payment or who fails to pay any rate or charge, as defined, established and made part of a schedule of rates and charges of the Authority shall, upon being found to be legally responsible for any such failure by a district justice, shall, in addition to being required to pay such tapping fee, rate or charge, shall pay a civil penalty of not less than \$25.00 nor more

than \$1,000.00, plus costs, all for the use of the authority or the Municipality as the case may be, it being further provided that each days failure to so pay any tapping fee, commencing with the first day following the initial sixty (60) day period or pay any rate or charge, commencing with the thirty-first (31st) day following its billing date, shall constitute a separate offence and impose liability therefore as such.

**SECTION 11 – AUTHORIZATION OF MUNICIPALITY AND/OR AUTHORITY TO
CONSTRUCT TAP**

If the owner of any structure in the Municipality shall neglect or refuse to comply with the provisions of this Ordinance for a period of sixty (60) days following his receipt, by personal service or by certified mail of a notice to comply with this Ordinance shall empower the Municipality and/or Authority or their agents or contractors to enter on the property and perform or cause to be performed such work and labor and furnish or cause to be furnished such material as may be necessary to comply with the provisions of this Ordinance at the cost and expense of such owner which cost and expense shall be immediately due and payable and should be collected from said owner for the use of the Municipality or Authority as debts by law made be collectable, or as the Municipality or Authority may by its proper officer, file a municipal claim or lien against said property or property owner as provided by law. The provisions of this Section shall be in addition to any other rights that the Municipality or the Authority may have under the law for a violation of this Ordinance.

SECTION 12 – REPEALED

Ordinance No. 123 of the Township of Washington, Westmoreland County, Pennsylvania is hereby repealed in its entirety.

SECTION 13 – SEVERABILITY

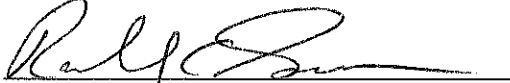
Should any term, condition, clause or provision of this Ordinance be determined or declared to be void or invalid, in law or otherwise, then only that term, condition, clause or provision shall be stricken from this Ordinance, and, in all other respects, this Ordinance shall continue to be valid and in full force, effect and operation.

SECTION 14 – EFFECTIVE

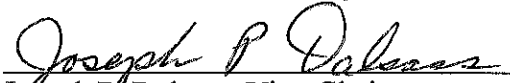
This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED into law this 12th day of December, 2002 by the Township of Washington, Westmoreland County, Pennsylvania.

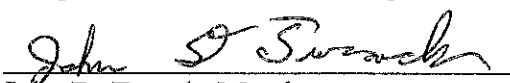
TOWNSHIP OF WASHINGTON



Richard C. Gardner, Chairperson



Joseph B. Dalsass, Vice-Chairperson



John D. Turack, Member

ATTEST:


Secretary