

**TOWNSHIP OF PORTAGE,
Cambria County, Pennsylvania**

ORDINANCE NO. 2013-1

OF THE BOARD OF SUPERVISORS OF THIS TOWNSHIP COMPELLING AND REQUIRING CERTAIN OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS TOWNSHIP AND ABUTTING UPON ANY STREET IN WHICH THERE IS A WATER MAIN CONSTITUTING PART OF THE WATER SYSTEM ACQUIRED, CONSTRUCTED, OWNED AND OPERATED BY THE MUNICIPAL AUTHORITY OF THE BOROUGH OF PORTAGE TO CONNECT SUCH IMPROVED PROPERTY WITH AND TO USE SUCH 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 Portage, Cambria County, Pennsylvania, enacts and ordains as follows:

ARTICLE I

Definitions

SECTION 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 Municipal Authority of the Borough of Portage, a municipality authority incorporated pursuant to provisions of the Municipality Authorities Act, 53 Pa.C.S. Ch. 56, of the Commonwealth;

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 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 Portage, Cambria 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 2.01. The Owner of any Improved Property abutting upon any street in which there is a Main constituting part of the Water System 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 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 but are required to use the Water System to provide water for human consumption.

SECTION 2.02. The notice by this Township to make a connection to a Main, referred to in Section 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 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 3.02. Application for a permit required under Section 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 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 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 3.04. Except as otherwise provided in this Section 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 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 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 3.07. If the Owner of any Improved Property located within this Township and abutting upon any street in which there is a Main constituting part of the Water System, after 90 days' notice from this Township, in accordance with Section 2.01, shall fail to connect such Improved Property, as required, this Township may enter upon such Improved

Property and may construct such connection 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 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 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 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 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 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 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 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 6.01. This Ordinance shall become effective as provided by law.

ARTICLE VII

Severability

SECTION 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 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 9.01. All ordinances or parts of ordinances 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 9th day of April, 2013, by the Board of Supervisors of the Township of portage, Cambria County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF PORTAGE
Cambria County, Pennsylvania

By: Richard Oshinsky
Supervisor

By: Edward Seligson
Supervisor

ATTEST:
Ruby Moore
Secretary
(SEAL)

By: Jeffrey W. Kautz
Supervisor

CERTIFICATE

I, the undersigned, Secretary of the Township of Portage, Cambria County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of Ordinance No. 2013-1 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 April 9, 2013, 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 9th day of April, 2013.



Ruby Moore, Secretary

(SEAL)