

AN ORDINANCE

OF THE COUNCIL OF THE BOROUGH OF CALLERY, BUTLER COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS BOROUGH AND BENEFITTED, IMPROVED OR ACCOMMODATED BY THE PUBLIC WATER SYSTEM TO BE CONSTRUCTED BY THE MUNICIPAL WATER AUTHORITY OF ADAMS TOWNSHIP WITHIN THE BOUNDARIES OF CALLERY BOROUGH TO CONNECT THEREWITH UPON NOTICE OF THIS BOROUGH; REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THE BOROUGH TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF AN IMPROVED PROPERTY WHO FAILS SUCH 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 Council of the Borough of Callery, Butler County, Pennsylvania, enacts and ordains as follows:

ARTICLE

DEFINITIONS

51-201

SECTION 101. Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

A. "Authority" means Municipal Water Authority of Adams Township, a Pennsylvania Municipal Authority.

B. "Borough" means the Borough of Callery, Butler County, Pennsylvania, acting by and through its Council, or in appropriate cases, by and through its authorized representatives.

C. "Water Line" means the extension from the plumbing of any structure or Improved Property to the public Water System, any pipe or conduit constituting a part of the Water System used or usable for delivery of public water.

D. "Improved Property" means any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and property on which is erected structures used for commercial, retail, industrial, storage or any other purpose and which presently receives its water supply from a private well.

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E. "Service Connection" means that part of the Water System extending from a public Service Line to the curb line or, if there shall be no curb line, extending to the property.

F. "Owner" means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

G. "Person" means any individual, partnership, company, association, society, corporation, or other group or entity.

H. "Water System" means all facilities, as of any particular time, for the provision of public water situate in this Borough, to be constructed, acquired, owned, maintained and operated by the Authority in, adjacent to and for certain portions of this Borough.

ARTICLE XI

USE OF PUBLIC WATER REQUIRED

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SECTION ~~201~~. The Borough and the Authority have entered into an Agreement dated April 6, 2006 providing for the provision of public water service to the Borough by the Authority and requiring the Borough to adopt the herein Ordinance as part of the Agreement.

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SECTION ~~202~~. The Owner of any Improved Property located in the Borough and benefited, improved or accommodated by the public Water System shall connect such Improved Property to the public water system in such manner as this Borough and the Authority may require, within ninety (90) days after notice to such owner from the Borough or Authority to make such connection subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough or the Authority from time to time.

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SECTION ~~203~~. All Improved Properties, the structures of which are located within 250 feet of any service main installed by the Authority, now or in the future, shall be required to tap into the public water system.

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SECTION ~~204~~. The owners of Improved Property shall be entitled to continue to maintain private wells upon their property, but water provided by such private wells may not be allowed to interconnect with, or flow into the public water system under any circumstances, and the Borough and the Authority shall have the right to inspect all properties and improved structures located within the Borough to make sure of strict compliance with this requirement.

ARTICLE III

PUBLIC WATER SYSTEMS AND CONNECTIONS

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SECTION ~~3.01~~. No Person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner the Water System without first making application for and securing a permit, in writing, from the Authority.

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SECTION ~~3.02~~. Except as otherwise provided in this Section 3.02., each Improved Property shall be connected separately and independently with the Water System through a Service Line. Grouping of more than one Improved Property or structures on one Water System shall not be permitted, except under special circumstances and for good design reasons or other good cause shown, and then only after special permission of the Authority, in writing, shall have been secured.

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SECTION ~~3.03~~. All costs and expenses of construction of a Service Line and all costs and expenses of connection of a Service Line to a Service Connection of the Water System shall be borne by the Owner of the Improved Property to be connected.

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SECTION ~~3.04~~. All Service Connections shall be furnished and installed by the Authority from the street main to the street right-of-way or property line, including curb stops and box.

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SECTION ~~3.05~~. If the Owner of any Improved Property located in this Borough and benefited, improved or accommodated by the Water System, after 90 days' notice from Municipal Water Authority of Adams Township or the Borough, in accordance with Section 2.02, shall fail to connect such Improved Property as required, the Municipal Water Authority of Adams Township or the Borough may make such connection and may collect from such Owner the costs and expenses thereof. In such case, the Municipal Water Authority of Adams Township or the Borough shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the Owner of the Improved Property to which connection has been made, which bill shall be payable forthwith. In case of neglect or refusal by the Owner of such Improved Property to pay said bill, Municipal Water Authority of Adams Township or the Borough shall file a municipal lien for said construction within 6 months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens, or bring a lawsuit to enforce the requirements of this Ordinance or collect the said costs and expenses.

ARTICLE IV

RULES AND REGULATIONS GOVERNING

SERVICE LINES AND CONNECTION TO WATER SYSTEM

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SECTION ~~401~~. The rules and regulations of the Municipal Water Authority of Adams Township, as amended from time to time, are hereby incorporated by reference.

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SECTION ~~402~~. No Water System shall be covered until it has been inspected and approved by the Authority. If any part of a Water System 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 Service Line.

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SECTION ~~403~~. Every Service Line of any Improved Property shall be maintained in a sanitary and safe operating condition by the Owner of such Improved Property.

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SECTION ~~404~~. Every excavation for a Service Line shall be guarded adequately with barricades and lights to protect all Persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a Service Line shall be restored, at the cost and expense of the Owner of the Improved Property being connected, in a manner satisfactory to the Borough.

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SECTION ~~405~~. If any Person shall fail or refuse, upon receipt of a notice from the Authority, in writing, to remedy any unsatisfactory condition with respect to a Service Line, within 45 days of receipt of such notice, the Authority may refuse to permit such Person to obtain water from the Water System until such unsatisfactory condition shall have been remedied to the satisfaction of this Borough and the Authority.

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SECTION ~~406~~. This Borough 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 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

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SECTION ~~501~~. 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 \$300.00, nor more than \$600.00, together with the costs of prosecution and reasonable attorney fees for the prosecution thereof.

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.

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SECTION 5.02. Fines, costs and expenses imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE VI

SEVERABILITY

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SECTION 6.01. 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 Borough that such remainder shall be and shall remain in full force and effect.

APPROVED AND ADOPTED this 6TH day of NOVEMBER, 2006.

ATTEST:

Alice A. Wall
Borough Manager/Secretary

CALLERY:

BY: Jose Maria Wirtz
President of Council