

TOWNSHIP OF BRADYS BEND,
ARMSTRONG COUNTY, PENNSYLVANIA

ORDINANCE NO. 1-07

AN ORDINANCE OF THE TOWNSHIP OF BRADY'S BEND REQUIRING OWNERS OF IMPROVED PROPERTIES WITHIN THE TOWNSHIP ACCESSIBLE TO THE WATER SYSTEM TO BE CONSTRUCTED BY BRADY'S BEND TO CONNECT THEREWITH AS AND WHEN WATER SERVICE SHALL BECOME AVAILABLE REQUIRING ABANDONMENT OF WELLS, SPRINGS, AND OTHER WATER COLLECTION FACILITIES.

WHEREAS, Brady's Bend Township (hereinafter called the "Township") is undertaking a water project consisting of the construction of a water service system (hereinafter called the "water system"), serving areas of the Township in accordance with the plans and specifications prepared and to be prepared in the future by the engineering firm hired by the County; and

WHEREAS, under the provisions of the Township Code, the Township is empowered to compel owners of property accessible to a water system constructed therein to make connection therewith and it is imperative that property owners shall connect with and use the water system promptly after water service becomes available; and

WHEREAS, it is the intention that all occupied buildings or premises accessible to the water system be connected therewith and that springs, wells and other water collection systems be abandoned,

NOW THEREFORE, be it ordained and enacted as follows:

SECTION 1. Water Connection Required.

As and when a water line has been completed and is in operation and the water line, or parts thereof are completed so that water service becomes available to property owners, each and every owner of improved property within the Township, on which water is used, which is accessible to the water system and whose principal building is within one hundred fifty (150) feet from any line of the water system, shall upon written notice from the Board of Supervisors or a duly authorized representative of the Township, that water service is available

and the connection is ordered, connect his or her property with the water system in accordance with the rules and regulations of the Township within sixty (60) days from the date of said notice and shall use the water system.

SECTION 2. Water Connection Required Upon Expansion.

As from time-to-time water service becomes available to additional properties within the Township by reason of the improvement of the properties accessible to the water system, or by reason of the construction of extensions to the water system, each and every owner of such additional properties whose principal building shall be within one hundred fifty (150) feet from a line, shall likewise upon written notice from the Board of Supervisors or a duly authorized representative of the Township, that water service is available and the connection is ordered, connect his or her property with the water system in accordance with the rules and regulations of the Township within sixty (60) days from the date of said notice and shall use the water system.

SECTION 3. Penalty.

If an owner of improved property within the Township is required to connect his or her property with the water system by Section 1 or 2 of this Ordinance shall neglect or fail to connect therewith within sixty (60) days after written notice from the Board of Supervisors ordering connection, the Board of Supervisors or a duly authorized representative of the Township shall give such owner written notice of this Ordinance, and upon the neglect or failure of such owner to make the required connection within an additional period of sixty (60) days from the date of such notice of this Ordinance, such neglect or failure shall be and hereby is declared a violation of this Ordinance, and such owner shall upon conviction before any District Justice forfeit and pay to the use of the Township a sum not exceeding one hundred dollars (\$ 100.00) for each ninety (90) days or fraction thereof such violation shall persist, together with the costs of prosecution, which sum shall be collected as prescribed in the Township Code. The sum herein forfeited shall be considered a penalty, and shall be in addition to the regular monthly water bill owed by the owner.

SECTION 4. Township Authority to Tap-In Property.

If any owner of improved property within the Township who is required to connect his or her property with the water system by Sections 1 or 2 of this Ordinance shall neglect or fail to make connection therewith within sixty (60) days after written notice from the Board of Supervisors or a duly authorized representative of the Township ordering connection, the Board of Supervisors or

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a duly authorized representative of the Township may, as provided in the Township Code, enter upon the property and construct such connection and proceed to bill and collect the cost of construction as authorized by said Code.

SECTION 5. Certain Receptacles for Water Unlawful.

Whenever the Board of Supervisors, or a duly authorized representative of the Township shall have given notice to any property owner ordering connection with the water system pursuant to Section 1 or 2, it shall be unlawful for any property owner to operate or use a spring, well, or cistern, or similar receptacle with the water system. No spring, well, cistern, or other similar receptacle shall be constructed or installed on any property accessible to the water system after water service becomes available to such property.

SECTION 6. Penalty.

If any owner of property within the Township, or any other person, shall violate Section 5 or 7 of this Ordinance, he or she shall, upon conviction thereof before any District Justice, forfeit or pay to the use of the Township a sum not exceeding three hundred dollars (\$ 300.00) for each ninety (90) days or fraction thereof such violation shall persist, together with costs of prosecution, which sum shall be collected as prescribed in the Township Code. The sum herein forfeited shall be considered a penalty.

SECTION 7. Application for Tap-In Permit and Conforming to Regulations.

Any person required to connect with the sewer system shall make application for a tap-in permit as prescribed by the Township. The application shall be submitted to the duly authorized representative of the Township. The application fee for a tap-in permit is set at twenty-five dollars (\$ 25.00).

All construction of all private water lines or laterals and their connections with the lines of the water system shall be done in accordance with the rules and regulations established by the Board of Supervisors.

There shall be no tapping or connection to the water system unless an application has been made and all work has been performed according to the rules and regulations.

SECTION 8. Severability.

The provisions of this Ordinance are severable and if any of its provisions shall be held to be illegal, such illegality shall not effect or impair any of the

remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had any such illegal provision not been included herein.

SECTION 9. Effective Date.

This Ordinance shall be effective immediately and shall be applicable to all areas of the Township subject to the water system.

ORDAINED AND ENACTED at a regular meeting of the Board of Supervisors of the Township of Brady's Bend held on the 4 day of June, 2007.

BOARD OF SUPERVISORS OF BRADY'S BEND

By: *Lucas R. ...*

By: *Jeffrey D. Young*

By: *Karl D. Rattman*

ATTEST:

Karl D. Rattman
Secretary