

**BRANCH TOWNSHIP  
SCHUYLKILL COUNTY, PENNSYLVANIA  
ORDINANCE NO. 4 -1998**

**AN ORDINANCE REQUIRING CONNECTION TO AND USE  
OF PUBLIC WATER SYSTEM BY ACCESSIBLE PROPERTIES**

WHEREAS, pursuant to an Act of the Legislature of Pennsylvania, the Second Class Township Code was amended to provide for mandatory connections and use of a water system constructed in and serving residents of Branch Township, Schuylkill County, Pennsylvania;

WHEREAS, to promote the health and welfare of residents of the Township, it is advisable to require owners of property benefited, improved or accommodated by the water system being constructed in the Township, to make connections with the water system as provided by the Second Class Township Code and to prohibit the use of existing water systems which have been determined by State and Federal authorities to be non-potable.

NOW, THEREFORE, the Board of Supervisors of Branch Township, Schuylkill County, Pennsylvania, hereby ordain and enact that:

**Section 1. Definitions.** The following terms shall have the meanings stated:

(a) "**Occupied Building**" - a structure designed for continuous or periodic human occupancy in which water for drinking or otherwise may be used, and includes, without limiting the generality of the foregoing, dwellings, flats,

apartments, barns, sheds, warehouses, factories, garages, stores, shops, offices, businesses, industries or institutions.

(b) "**Person**" - any individual, firm, company, association, society, partnership or corporation.

(c) "**Property accessible**" - real property which is benefited, improved or accommodated by and which can connect to the water system.

(d) "**Township**" - Branch Township, Schuylkill County, Pennsylvania either on its own or, in appropriate cases its authorized representative(s) which include but are not limited to the Municipal Authority of Branch Township and any other municipal authority or municipal corporation that may hereafter be established, recognized or contracted with by the Township.

(e) "**Water system**" - a facility (including any part of, but not necessarily the entirety of, a system of such facilities, which may involve the master meter pit, the main lines and all laterals) to provide water for public and private uses.

## **Section 2. Mandatory Connection.**

After completion of the water system, the Township shall cause notice to be published once in a newspaper of general circulation in the Township, such notice to state that the owner of property accessible to the water system, upon which is located an occupied building is required, pursuant to this Ordinance, to make connections to and for the purpose of the use of the water system. The Township, shall cause a copy of such notice, together with a copy of this Ordinance and any rules or regulations of the Township then in effect imposing connection fees and

water rents, to be served either by personal service or by registered mail, upon each person known to the Township to own such property not then completed.

**Section 3. Connections at Expense of Owners.**

(a) The owner of any property accessible to the water system on which there is an occupied building shall, at owner's expense:

1. Pay the costs associated with connecting to any lateral or main from the occupied building and for a permit from the Township;
2. Pay to Township the sum found to be an appropriate share of depreciation on the water system facilities; and,
3. Purchase and install a water meter to accurately measure the amount of water consumption by the property owner, as the consumption shall be utilized by the Township to compute charges, along with paying for the water at the designated rate. The type of meter and method of installation shall be in accordance with rules and regulations of the Township.

(b) Any person owning property accessible to the water system on which an occupied building is hereafter erected shall, at the time of erection and at the owner's expense, install water system facilities in such occupied building and connect it to the water system.

(c) Persons owning properties not accessible to the water system who are nevertheless able to arrange for connection to it through immediate properties shall be permitted to make such connection if deemed feasible by Township.

**Section 4. Construction and use of Private Water System Prohibited**

Except for the required laterals as may be determined to be necessary, and/or any system for the use of bottled water, it shall be unlawful for any person to construct or use on such occupied property any private water collection system or other device for the disbursement of water to another occupied property. Any such system or other device constructed or used in violation is hereby declared to be a nuisance which shall be abated as provided by law. In addition, any such construction or use shall be reported to the proper law enforcement authorities for prosecution under any other applicable law of the Commonwealth of Pennsylvania.

**Section 5. Fees and Permits.**

No connection shall be made to the water system except upon payment to the Township of the prescribed connection fee and upon permit issued by the Township pursuant to the rules and regulations regarding connections promulgated by the Township.

**Section 6. Enforcement of Connections.**

If any person required by Section 3, to make a connection to the water system fails to do so within sixty (60) days after the notice given as set forth above has been served upon the person in a manner acceptable by law, the Township shall report such failure to the Board of Supervisors, and the Township shall be requested to proceed, as provided by law, to enter upon the property, to make such

connection and to collect the costs thereof by municipal lien or otherwise in the name of the Township.

**Section 7. Payment of Costs of Connections by Owner.**

The costs of making such connection as set forth above, including expenses and attorney's fees, shall be payable to the Township at its main office or at such other location as the Township shall designate.

**Section 8. 300-Foot Limitations.**

Notwithstanding any other provisions, no occupied building on any property accessible to the water system shall be required to be connected to the water system if the distance between the part of such occupied building as is nearest to the water system in question shall exceed three hundred (300) feet, unless the Township shall first find the connection of the specified occupied building is necessary for the health, safety and welfare of the inhabitants of the Township. For the purpose of determining the distance referred to in this section. "water system" shall include any lateral extending from a main to a property or curb line.

**Section 9. Access.**

The Township representatives shall have the right of access at all reasonable times to all premises and any part of any improved property in the Township and shall be permitted to inspect, observe, repair, measure, sample, test and perform any other functions relating to the water system or relating to the duties of property owners as set forth in this Ordinance, including to test any meters used for establishing or determining water consumption or water quality.

**Section 10. Responsibility of Owner of Improved Property.**

(a) The owner of such improved property connected to the water system shall be responsible for all acts of tenants or other occupants of the improved property as far as those acts shall be governed by provisions of this Ordinance.

(b) The owner of any improved property shall upon direction of the Township shall acquire and install at such owner's cost and expense connection to the water system and shall be subject to inspection and approval together with the remainder of the water system.

**Section 11. Severability.**

If any of the provisions of this Ordinance, or the application of any provision hereof, shall be held invalid, such invalidity shall not affect or impair the remainder of this Ordinance, it being the intention of the Board of Supervisors that such remainder shall continue in full force and affect.

**Section 12. Repealer.**

All ordinances and resolutions or parts thereof in conflict or inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED this 26<sup>th</sup> day of OCTOBER, 1998 to become effective immediately pursuant to law.

BRANCH TOWNSHIP  
BOARD OF SUPERVISORS

BY: [Signature]  
Chairman

BY: [Signature]  
Supervisor

BY: [Signature]  
Supervisor

ATTEST:

[Signature]  
Secretary