

**TOWNSHIP OF EAST FALLOWFIELD
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-05

AN ORDINANCE OF THE TOWNSHIP OF EAST FALLOWFIELD, CHESTER COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTIES ABUTTING BEECHWOOD DRIVE, EAST FALLOWFIELD TOWNSHIP AND CERTAIN IMPROVED PROPERTIES ABUTTING WOODRIDGE ROAD, EAST FALLOWFIELD TOWNSHIP TO CONNECT SUCH IMPROVED PROPERTIES WITH AND TO USE THE PUBLIC WATER SYSTEM; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Board of Supervisors of the Township of East Fallowfield, Chester County, Pennsylvania, enact and ordain 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. “Commonwealth” shall mean the Commonwealth of Pennsylvania;
- B. “Improved Property” shall mean 1300 Beechwood Drive, 1301 Beechwood Drive, 1302 Beechwood Drive, 1303 Beechwood Drive, 1401 Beechwood Drive, 1403 Beechwood Drive, 1404 Beechwood Drive, 1405 Beechwood Drive, 1406 Beechwood Drive, 1407 Beechwood Drive, 1408 Beechwood Drive, 1409 Beechwood Drive, 1410 Beechwood Drive, 1108 Woodridge Road and 1200 Woodridge Road, East Fallowfield Township which there is erected a building or structure intended for continuous or periodic habitation, occupancy or use requiring water by human beings.
- C. “Lateral” shall mean that part of the Public Water System extending from a Main to the curb line or, if there shall be no curb line, to the property line;
- D. “Main” shall mean any pipe or conduit owned by the Public Water System and constituting a part of the Public Water System used or usable for water distribution purposes;
- E. “Owner” as used in this ordinance only, shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;
- F. “Person” shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority, public utility or other group or entity;

- G. “Township” shall mean the Township of East Fallowfield, Chester County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Supervisors, or, in appropriate cases, acting by and through its authorized representatives; and,
- H. “Public Water System” shall mean the facilities, as of any particular time, for the treatment, storage, supply, transmission and distribution of water, owned and/or operated by any Person licensed or approved by the Commonwealth to provide water service to the public.

ARTICLE II. USE OF PUBLIC WATER SYSTEM REQUIRED

SECTION 2.01. Connection Required. The Owner of any Improved Property shall connect each such Improved Property with such Main, in such manner as the Public Water System may require, within ninety (90) days after notice to such Owner from the Public Water System, to make such connection for the purpose of providing water for human consumption at such Improved Property. The failure to connect such Improved Property as required shall constitute a violation of this Ordinance.

SECTION 2.02. Notice to Connect. The notice by the Public Water System to make a connection to the Main, referred to in Section 2.01, shall consist of a copy or summary of this Ordinance, and a written or printed document requiring the connection in accordance with the provisions of this Ordinance, specifying that such connection shall be made within ninety (90) days after the date such notice is given or served, and describing the procedures and rules to be followed in making the connection. Such notice may be given or served at any time after the Main that can deliver water to the particular Improved Property is in place. Such notice shall be given to or served upon the Owner by personal service or by registered or certified mail to his/her last known address. A copy of each notice shall also be served upon the Township by personal service or by registered or certified mail.

ARTICLE III. RULES AND REGULATIONS GOVERNING CONNECTIONS TO PUBLIC WATER SYSTEMS

SECTION 3.01. Location of Connection. All connections to the Public Water System shall be made in strict compliance with the procedures and rules established by the Public Water System. A Public Water System shall be connected to the Improved Property at the place designated by the Public Water System.

SECTION 3.02. No Alteration of Mains; Permission Required. No Person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner any Main, Lateral or any other part of the Public Water System without first obtaining the permission or authorization, in writing, from the Public Water System.

SECTION 3.03. No Private Water Supplies for Human Consumption. It shall be unlawful for any Owner of any Improved Property to employ or use any means (either by spring, well, cistern, or otherwise) for the supply of water for human consumption at the Improved Property. Where an Improved Property, at the time of connection to a Public Water System, is served by its own spring, well, cistern, or otherwise, the existing water service pipes, lines or

conduits into the Improved Property shall be broken and disconnected to prevent use following the time of connection to the Public Water System. The Public Water System shall inspect the existing water pipes, lines or conduits to ensure they are broken and disconnected. The Owner shall complete and sign the Chester County Health Department Water Source Replacement form. No part of this ordinance shall be construed as preventing an Owner from using water supplied by the existing water source (either by spring, well, cistern, or otherwise) on the Improved Property for non-human consumption. For continued use of an existing water source for non-human consumption, the Owner shall abide by the requirements stated in the Water Source Replacement form and any other applicable Chester County Health Department regulation.

SECTION 3.04. No Cross-Connections. No Person shall permit the maintenance or existence of any connections to the Improved Property that have the actual or potential to create a cross connection with the Public Water System. Maintenance of a cross connection shall constitute a violation of this ordinance.

SECTION 3.05. Costs and Expenses. All costs and expenses of connection to the Public Water System shall be borne by the Owner of the Improved Property. The costs and expenses shall include labor and supplies to connect the building to the Public Water System and cutting or disconnect the building from the current water supply, Township permit fees, and the monthly water consumption charges at the rate established by the Public Water System. The costs and expenses shall not include a tapping or connection fee. Owner shall indemnify and shall save harmless this Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a connection of an Improved Property to a Public Water System.

SECTION 3.06. Failure to Correct Unsatisfactory Conditions. If any Person shall fail or shall refuse, upon receipt of a notice from this Township, in writing, to remedy an unsatisfactory condition with respect to the provisions of this Ordinance, shall failure or refusal shall be a violation of this Ordinance.

SECTION 3.07. Reservation of Rights. The 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 Public Water System, which additional rules and regulations, to the extent appropriate, shall be construed as part of this Ordinance.

ARTICLE IV. ENFORCEMENT

SECTION 4.01. 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 and 00/100 (\$1,000.00) Dollars nor less than twenty-five and 00/100 (\$25.00) Dollars, together with court costs and reasonable attorney's fees. 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 4.02. Penalties, fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

SECTION 4.03. This Ordinance may be enforced by the Township.

ARTICLE V. EFFECTIVE DATE

SECTION 5.01. This Ordinance shall become effective five (5) days from the date of enactment.

ARTICLE VI. SEVERABILITY

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 Township that such remainder shall be and shall remain in full force and effect.

ARTICLE VII. DECLARATION OF PURPOSE

SECTION 7.01. 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.

- A. The Board of Supervisors is concerned about the quantity and quality of water supplied being used for human consumption to the inhabitants of the Improved Properties.
- B. The Commonwealth by, and through, the Department of Environmental Protection and/or the Public Utility Commission regulate the quantity and quality of water service provided by Public Water Systems in this Commonwealth.
- C. Requiring Owners of Improved Property to connect to a Public Water System, and to disconnect from any private water supplies, will protect, benefit and preserve the health, safety, and welfare of inhabitants of the Improved Property.

SECTION 7.02. This Ordinance is adopted and enacted pursuant to the inherent authority granted to the Township by all relevant state and federal Constitutions and laws, including, but not limited to, the following:

- A. The provisions of The Second Class Township Code, as codified at 53 P.S. § 65101 et seq., authorizes and empowers the Board of Supervisors of the Township to provide for the protection and preservation of natural and human resources, to promote, protect, and facilitate public health, safety, and general welfare, and to preserve and protect farmland, woodland, and the recreational uses of land within the Township.
- B. The provisions of The Second Class Township Code, Article XV, as codified at 53 P.S. § 66506, authorizes and empowers the Board of Supervisors of the Township to enact ordinances necessary for the proper management, care, and control of the township and its finances and the maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce, and manufacturers.

- C. The provisions of The Second Class Township Code, Article XV, as codified at 53 P.S. § 66527, authorizes and empowers the Board of Supervisors of the Township to adopt ordinances to secure the safety of persons or property within the Township; and
- D. The provisions of The Second Class Township Code, Article XV, as codified at 53 P.S. § 66529, authorizes and empowers the Board of Supervisors of the Township to prohibit nuisances on private and public property and the carrying on of any offensive manufacture or business.

ARTICLE VIII. REPEALER

SECTION 8.01. 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.

ENACTED and **ORDAINED** this ____ day of _____ 2008.

EAST FALLOWFIELD TOWNSHIP BOARD OF SUPERVISORS

George Broadbent, Chairman

Chris Makely, Vice Chairman

Garth Monaghan, Member

ATTEST:

Denise Miller, Secretary