

BOROUGH OF FRANKLINTOWN,
York County, Pennsylvania

ORDINANCE NO. 218

AN ORDINANCE

OF THE COUNCIL OF THIS BOROUGH REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS BOROUGH AND ABUTTING UPON ANY STREET IN WHICH THERE SHALL BE A WATER MAIN CONSTITUTING PART OF THE WATER SYSTEM TO BE ACQUIRED AND TO BE CONSTRUCTED BY THE FRANKLINTOWN BOROUGH MUNICIPAL AUTHORITY TO MAKE CONNECTION OF SUCH IMPROVED PROPERTY WITH SUCH WATER MAIN; REGULATING THE MANNER OF MAKING SUCH CONNECTIONS; AUTHORIZING THIS BOROUGH TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Council of this Borough 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 the Franklinton Borough Municipal Authority, a municipality authority of the Commonwealth;

B. "Building Main" shall mean the extension from the water system of any structure to the Lateral of a Main;

C. "Borough" shall mean the Borough of Franklinton, York County, Pennsylvania, a municipal corporation of the Commonwealth, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives;

D. "Commonwealth" shall mean the Commonwealth of Pennsylvania;

E. "Improved Property" shall mean any property within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals;

F. "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;

G. "Main" shall mean any pipe or conduit constituting a part of the Water System used or usable for water distribution purposes;

H. "Owner" shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property;

I. "Person" shall mean any individual, partnership, company, association, society, trust, corporation or other group or entity;

J. "Street" shall mean and shall include any street, road, lane, court, cul-de-sac, alley, public way or public square; and,

K. "Water System" shall mean all facilities, as of any particular time, for production, transmission, storage and distribution of water in this Borough and 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 shall be a Main constituting a part of the Water System shall connect such Improved Property with such Main, in such manner as this Borough may require, within forty-five (45) days after notice to such Owner from this Borough to make such connection, for the purpose of conducting water to such Improved Property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough, from time to time.

SECTION 2.02. The notice by this Borough 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 of each Section thereof, 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 forty-five (45) days from the date such notice is given. Such notice may be given at any time when a Main is in place which can deliver water to the particular Improved Property. Such notice shall be served upon the Owner in accordance with 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 Main or any part of the Water System without first obtaining a permit, in writing, from this Borough.

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 Main until such Person shall have fulfilled each of the following conditions:

A. Such Person shall have notified the Secretary of this Borough of the desire and intention to connect such Improved Property to a Main;

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 Secretary of this Borough at least forty-eight (48) hours notice of the time when connection of the Building Main to the Main or Lateral will be made so that this Borough 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 Secretary of this Borough that any tapping (or connection) fee which may be charged and imposed by the Authority against the Owner of each Improved Property who connects such Improved Property to a Main 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 Main 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 this Borough, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by this Borough.

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 Main shall be borne by the Owner of the Improved Property to be connected; and such Owner

shall indemnify and shall save harmless this Borough 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 Main.

SECTION 3.06. A Building Main shall be connected to a Main at the place designated by this Borough or by the Authority and where, if applicable, the Lateral is provided. 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 abutting upon any Street in which there shall be a Main constituting part of the Water System, after forty-five (45) days notice from this Borough requiring the connection of such Improved Property with a Main, in accordance with Section 2.01, shall fail to connect such Improved Property, as required, this Borough may make such connection and may collect from such Owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

ARTICLE IV

RULES AND REGULATIONS GOVERNING BUILDING MAINS AND CONNECTIONS TO MAINS

SECTION 4.01. Any Person making application for a permit required under Section 3.01 shall do so upon the form which shall be furnished by the Borough, and shall indicate upon such form the purpose or purposes for which the water supplied by connection to the Main or Lateral, as the case may be, shall be desired.

SECTION 4.02. At the time of submitting the application required under Section 3.01, the Person making such application shall submit therewith a non-refundable deposit in the amount of One Hundred Twenty-five Dollars (\$125.00), or, at the discretion of the Borough, such additional sum as may be estimated to be the cost of constructing or installing that portion of the service line referred to in Section 4.05.

SECTION 4.03. Upon approval of the application submitted pursuant to Section 4.01, and upon receipt by the Borough of the deposit required pursuant to Section 4.02, the Borough shall grant and issue a permit for the installation of any Lateral required and for the connection of the Building Main thereto.

SECTION 4.04. The Borough shall determine the size of any Lateral required as well as the location thereof which shall be necessary to adequately serve the Improved Property.

SECTION 4.05. The Borough shall install a corporation cock in the Main, any necessary Lateral to the curb line or property line, as the case may be, and a stop cock attached to a valve box within the curb line or property line, designated as a curb box, all at the expense of the Owner. In the event that the deposit required by Section 4.02 shall be insufficient to pay for such installation, the Owner shall be billed for any cost in excess of the deposit, which amount shall be considered and collected as water rent.

SECTION 4.06. The Owner shall install the Building Main from the curb box to the structure upon the Improved Property at the Owner's expense and in accordance with the following subparagraphs, which shall be minimum requirements:

A. Building Mains shall be of pipe approved by the Borough, shall be laid at least three (3) feet six (6) inches below the surface of the ground, and shall not be laid in the same trench as a gas pipe, sewer line or other facility of a public service company, nor within three (3) feet of any open excavation or vault.

B. There shall be placed in the Building Main, within the walls of the structure supplied thereby, and so located as to drain all of the pipes in the structure, as well as the water meter, a brass stop and waste cock easily accessible to the occupants for their protection in enabling them to turn off the water in case of leaks and to drain pipes to prevent freezing.

SECTION 4.07. After inspection and approval by the Borough in accordance with Section 4.17, the Owner shall install a water meter with a remote meter reader. Thereupon, water rent shall commence in accordance with Ordinance No. 210 and amendments thereto.

SECTION 4.08. The water meter and remote meter reader to be installed pursuant to Section 4.07 shall be installed at the Owner's expense, and shall conform to the following requirements regarding placement:

A. Basement Placement:

1. If the Owner desires to place the water meter in the basement of the structure, the basement must be a minimum of forty-eight (48) inches in height from ceiling joist to

basement floor and seventy-two (72) inches in width between any structures extending from the basement ceiling or basement floor in the passageway between the entrance to the basement and the location of the water meter.

2. The water meter shall be placed at least six (6) inches above the basement floor and at least thirty-six (36) inches below the ceiling joist.

3. The water meter must be positioned in such a fashion as to permit reading without the use of mechanical devices.

4. If basement placement of the water meter is not possible in conformance with the specifications set forth herein, the Owner shall seek approval from the Borough for interior placement or pit placement.

B. Interior Placement:

1. If the Owner desires to place the water meter in the interior of the structure, other than in the basement of the structure, the location of the water meter shall be at least six (6) inches from the floor and at least forty-eight (48) inches from the ceiling.

2. The water meter must be positioned in such a fashion as to permit reading without the use of mechanical devices.

3. Final placement of the water meter shall be subject to the prior approval of the Water Authority.

4. If interior placement of the water meter is not possible in conformance with the specifications set forth herein, the Owner shall seek approval from the Borough for basement placement or pit placement.

C. Pit Placement:

1. If the Owner desires to place the water meter in a meter pit, the location and construction of the meter pit shall be subject to the prior approval of the Water Authority.

2. The water meter pit shall be of watertight construction and the water meter shall be positioned therein so as to permit reading from the surface opening of the pit.

3. If pit placement of the water meter is not possible in conformance with the specifications set forth herein, the Owner shall seek approval from the Borough for basement placement or interior placement.

D. The remote meter reader shall be installed by the Owner at a site to be determined by the Borough.

SECTION 4.09. The water meter and remote reader, or any replacement thereof, shall be approved by the Borough as to type and location prior to their installation and use.

SECTION 4.10. All Building Mains from the Main or Lateral to and including the water meter and remote meter reader shall become the property of the Borough and shall remain accessible to and under the control of the Borough.

SECTION 4.11. The Borough shall maintain the Main and Laterals to the curb box, shall maintain the curb box, and shall maintain the water meter and the remote meter reader.

SECTION 4.12. The Owner of the Improved Property served by the Water System shall maintain the Building Main and associated service lines on the Improved Property and shall protect the same from freezing and loss of water.

SECTION 4.13. All leaks in that portion of the system to be maintained by the Owner shall be repaired promptly by the Owner. If such repairs are not made within forty-eight (48) hours following the occurrence of a leak, the Borough may discontinue water service by shutting off the water at the curb box, and may refuse further water service to the Improved Property until repairs are completed and expenses associated with discontinuance of water service are paid by the Owner.

SECTION 4.14. Neither the Borough nor the Authority shall be responsible for the maintenance of any pipes, lines or fixtures on the outlet side of the curb box, other than the water meter and remote meter reader, nor shall either be responsible for damage occasioned by water escaping from such pipes, lines or fixtures.

SECTION 4.15. The Owner shall comply with all federal, state or

municipal laws, ordinances or regulations concerning that portion of the system referred to in Section 4.14 and shall make any changes required thereby or required by the change of the grade of the Improved Property or the change of any portion of the Water System, Building Main or any associated service lines.

SECTION 4.16. Whenever it shall become necessary, in the opinion of the Borough, to replace any existing water meter, which does not have a functional remote meter reader attached thereto, a remote meter reader shall be installed together with the replacement water meter. The expense of the remote meter reader and replacement water meter, as well as the expense of the installation thereof, shall be paid by the Owner.

SECTION 4.17. No Building Main shall be covered until it has been inspected and approved by this Borough. 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 main.

SECTION 4.18. The results of the inspection required under Section 4.17 and the date of the connection of the water meter shall be forwarded by the inspecting agent to the Collector of water rents. The date and type of connection to the Water System shall be forwarded to the Borough Engineer for appropriate notation on the plan of the Water System.

SECTION 4.19. 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 4.20. 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 the Improved Property being connected, in a manner satisfactory to this Borough.

SECTION 4.21. If any Person shall fail or shall refuse, upon receipt of a notice of this Borough or the Authority, in writing, to remedy any unsatisfactory condition with respect to a Building Main, within forty-five (45) days of receipt of such notice, this Borough 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 Borough and the Authority.

SECTION 4.22. Only Persons authorized by the Borough shall be permitted to make connections with Mains or Laterals, or to open or operate any fire hydrant, except for firefighting purposes.

SECTION 4.23. The right to restrict, discontinue or shut off water service is reserved to the discretion of the Borough, as follows:

A. The Borough may shut off service for repair of any portion of the Water System, if notice be given to the consumers in the area affected at least one (1) hour prior to the time at which service is to be shut off. If an emergency requires immediate response, the Borough may shut off water without prior notice.

B. Water service may be restricted whenever any emergency may so require by notification to the consumers affected either individually, by publication of the restrictions in newspapers distributed in the area, by use of sound trucks, or by any other means reasonably calculated to notify consumers of such restrictions.

SECTION 4.24. 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 Main 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 less than Fifteen Dollars (\$15.00) nor more than Twenty-Five Dollars (\$25.00), 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.

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 Borough 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 Borough.

ARTICLE IX

REPEALER

SECTION 9.01. All ordinances or parts of ordinances, including specifically, Ordinance No. 187, enacted on March 7, 1979, and Ordinance No. 202, enacted on June 3, 1981, and all resolutions or parts of resolutions which are inconsistent with this Ordinance shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this day of
1985, by the Council of the Borough of Franklinton, York County, Pennsylvania,
in lawful session duly assembled.

BOROUGH OF FRANKLINTOWN,
York County, Pennsylvania

By: _____
President of the Council

ATTEST:

Secretary

(SEAL)

EXAMINED AND APPROVED, this day of

Mayor of the Borough of Franklinton
York County, Pennsylvania

DULY ENACTED AND ORDAINED, this 11th day of July
1985, by the Council of the Borough of Franklinton, York County, Pennsylvania,
in lawful session duly assembled.

BOROUGH OF FRANKLINTOWN,
York County, Pennsylvania

By: Richard H. Blanch
President of the Council



EXAMINED AND APPROVED, this 11th day of July, 1985

Richard E. Hunsbald
Mayor of the Borough of Franklinton
York County, Pennsylvania