

ALEXANDRIA

BOROUGH OF

ORDINANCE NO. 2004 -3

**AN ORDINANCE OF THE BOROUGH OF ALEXANDRIA -
DEFINING AND REGULATING CONNECTIONS TO THE PUBLIC
WATER SYSTEM; REQUIRING CONNECTION THERETO AND
PERMITS THEREFOR; ESTABLISHING STANDARDS FOR
CONNECTIONS FROM BUILDINGS TO MAINS; AUTHORIZING
APPEALS IN HARDSHIP CASES; AND PRESCRIBING
PENALTIES FOR VIOLATION.**

The Borough Council hereby ordains:

..-SECTION1. DEFINITIONS.

As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Authority - The Alexandria Borough Water Authority.

Authority Water System - all facilities, as of any particular time, for production, transmission, storage and distribution of water in the Borough owned by the Authority.

Borough - The Borough of Alexandria, Huntingdon County, Pennsylvania.

Borough Council - The duly elected governing body of the Borough.

Building Main - extension from the Borough water system of any structure to the lateral of a main.

Improved Property - any property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings.

Industrial Establishment - any improved property located within the Borough and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article.

Lateral

1. part of the Borough water system extending from a main to the curb line or, if there shall be no curb line, extending to the property line or;
2. if no such lateral shall be provided, lateral shall mean that portion of, or place in, a main which is provided for connection of any building main.

Main - any pipe or conduit constituting a part of the Borough water system used or usable for water distribution purposes.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

Person - any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority or other group or entity.

SECTION 2. CONNECTION TO AUTHORITY WATER SYSTEM REQUIRED.

i. . Every property owner whose property abuts on any street or alley in which there is an existing accessible water line or accessibility to a water line which may be hereinafter constructed or which otherwise is accessible to an existing or hereinafter constructed water line of the Authority water system shall connect and is required to be connected to said water line.

2. Each new property owner shall be required to connect improved property hereunder shall connect such improved property with the Authority water system within forty-five (45) days after notice to such owner from the Authority to make such connection. Connection shall be made by installation of a building main and a water meter at a location upon the improved property approved by the Authority.

3. The notice by the Authority to make connection to a main referred to in Section 2, subsection 1 preceding 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 after the date such notice is given or served, together with the Rules and Regulations of the Authority. Such notice may be given or served at any time after a main is in place which can deliver water to the particular improved property. Such notice shall be given or served upon the owner in accordance with law.

SECTION 3. BUILDING MAINS AND CONNECTIONS.

1. No person shall uncover, connect with, make any opening into, use, alter or disturb, in any manner, any main or any part of the Authority water system without first obtaining a permit in writing from the Authority.

2. Application for a permit required under subsection 1 of this Section shall be made by the owner of the improved property, or by the duly authorized agent of such owner.

3. No person shall make or shall cause to be made a connection of any improved property to a main until such person fulfills each of the following conditions:

a. notify the Borough/Authority of the desire and intention to connect such improved property to a main;

b. apply for and obtain a permit as required by subsection 1 of this Section;

c. give the Borough/Authority at least seven (7) days' notice before such connection will be made in order that they may arrange for the supervision and inspection of the work of connection and completion of any necessary testing; and

d. if applicable , furnish satisfactory evidence to the Borough/Authority that any tapping, connection, or other fee which may be charged and imposed by the Borough against the owner of improved property who connects such improved property to a main has been paid.

4. Except as otherwise provided in this subsection 4, 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 the Borough, in writing, shall have been secured and only subject to such rules , regulations and conditions as may be prescribed by the Authority.

5. 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 the Borough 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.

6. A building main shall be connected to a main at the place designated by the Borough/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.

7. If the owner of any improved property located within the Borough and abutting upon the Borough water system, subject to the exceptions provided for in Section 2(1), after forty-five (45) days' notice from the Borough, in accordance with Section 2(1), shall fail to connect such improved property, the Borough may construct such connection and collect from such owner the costs and expenses thereof in any manner permitted by law.

SECTION 4. TAPPING OR CONNECTION FEE.

1. Tapping fees or connections fees shall be charged in accordance with the Rules, Rates and Regulations of the Alexandria Borough Water Authority.

2. All connections shall be made in accordance with the Rules and Regulations of the Alexandria Borough Water Authority.

3. All resolutions enacted from time to time by Authority in establishing fees and charges hereunder shall be written, shall be filed for public inspection at the Authority office and shall be enforced as part of this Ordinance.

SECTION 5. APPEALS; HARDSHIP.

In the event any person shall deem the requirement to connect to the Authority water system as provided in this ordinance a hardship, such person may appeal to the Borough Council for relief from such connection requirement, which appeal shall be heard in accordance with provisions of the Pennsylvania Local Agency Law.

SECTION 6. PENALTIES.

Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

SECTION 7. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 8. SEVERABILITY.

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 9. EFFECTIVE DATE.

This ordinance shall become effective on 8-9, 2004.

IN WITNESS WHEREOF, the duly authorized officers and/or members of the Authority have executed this Ordinance this 9 day of Aug, 2004.

Borough of Alexandria

By:

Carl R Walker