

RESOLUTION ADOPTING ORDINANCE NUMBER 1995-1
BEING KNOWN AS THE MAHONING TOWNSHIP WATER CONNECTION ORDINANCE

Moved by FRANK MCCREE, seconded by FRANK CATALE,
that the following Resolution be adopted:

WHEREAS, the Supervisors of Mahoning Township, Lawrence
County, Pennsylvania set a meeting to adopt said proposed
Ordinance for Tuesday, ^{MAY 4} ~~April 18~~, 1995 at 7:00 o'clock p.m.,
prevailing time, at the Mahoning Township Municipal Building,
Route 224, Hillsville, Pennsylvania 16132; and

WHEREAS, notice of said hearing and the complete provisions
of the Ordinance and setting forth the place where copies may be
examined was given in the New Castle News on April, 27,
1995, the first publication being not more than sixty days nor
less than seven days in advance of said public hearing; and

WHEREAS, said public hearing was held at 7:00 o'clock p.m.,
prevailing time on Tuesday, ^{MAY 4} ~~April 18~~, 1995 at the Mahoning
Township Municipal Building, Route 224, Hillsville, Pennsylvania
16132, and a full opportunity to be heard was given to all
citizens and parties in interest seeking to be heard.

NOW, THEREFORE, be it Ordained and Enacted by the Board of
Supervisors of Mahoning Township, Lawrence County, Pennsylvania,
and it is hereby Enacted and Ordained by the authority of the
same as follows:

s1. Definitions. As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

BUILDING MAIN - extension from the water system of any structure to the lateral of a main.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

INDUSTRIAL ESTABLISHMENT - any improved property located within the Township 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 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 water system used or useable 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.

TOWNSHIP - Township of Mahoning, Lawrence County,
Pennsylvania.

WATER SYSTEM - all facilities, as of any particular time,
for production, transmission, storage and distribution of water
in the Township and owned and operated by the Pennsylvania
American Water Company.

§2. Use of Public Water System Required.

1. The owner of any improved property abutting upon the
water system, except any improved property which shall constitute
an industrial establishment or a farm which has its own supply of
water for uses other than human consumption, shall connect such
improved property with and shall use such water system in such
manner as the Township may require, within ninety (90) days after
notice to such owner from the Township to make such connection;
subject to such limitations and restrictions as shall be
established herein or otherwise shall be established by the
Township.

2. The notice by the Township to make connection to a
main referred to in Section 2, subsection 1, 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 ninety
(90) days after the date such notice is given or served. 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.

§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 water system without first obtaining a permit in writing from the Township.

2. Application for a permit required under Subsection 1 of this section shall be made by the owner of the improved property served or to be served with notice as provided in Section 2(1), 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 Township 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 Township at least twenty-four (24) hours notice before such connection will be made in order

that the Township may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

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 Township in writing shall have been secured and only subject to such rules, regulations and conditions as may be prescribed by the Township.

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 Township 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 Township 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 water tight.

7. If the owner of any improved property located within the Township and abutting upon the water system, subject to the exception provided for in Section 2(1), after ninety (90) days

notice from the Township, in accordance with Section 2(1), shall fail to connect such improved property, the Township may construct such connection and collect from such owner the costs and expenses thereof in any manner permitted by law.

§4. Regulations Governing Building Mains and Connections to Mains.

1. No building main shall be covered until it has been inspected and approved by the Township. 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.

2. Every building main of any improved party shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

3. 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 the Township.

4. If any person shall fail or shall refuse, upon receipt of a notice in writing of the Township, to remedy any unsatisfactory condition with respect to a building main within sixty (60) days of receipt of such notice, the Township 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 the Township.

5. The Township reserves the right to adopt, from time to time, additional rules and regulations 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.

§5. Appeals; Hardship. In the event any person shall deem the requirement to connect as provided in this ordinance a hardship, such person may appeal to the Board of Supervisors of the Township for relief from such connection requirement, which appeal shall be heard in accordance with provisions of the Pennsylvania Local Agency Law.

§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 Three Hundred Dollars (\$300.00) and/or to imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

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

§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 Board of Supervisors of the Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§9. Effective Date. This ordinance shall become effective five (5) days after its adoption.

Enacted and Ordained into an Ordinance this ⁴th day of ~~April~~ ^{MAY}, 1995 by the Supervisors of Mahoning Township, Lawrence County, Pennsylvania, in lawful session duly assembled.

ATTEST:

[Signature]
Secretary

BOARD OF SUPERVISORS, MAHONING
TOWNSHIP LAWRENCE COUNTY,
PENNSYLVANIA

BY [Signature]
Chairman

BY [Signature]
Vice-Chairman

BY _____
Supervisor

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Mahoning, Lawrence County, Pennsylvania at a special meeting of the Board held on the ⁴th day of ~~April~~ ^{MAY}, 1995.

[Signature]
Secretary

*REQUIRED CONNECTION
OF WATER FACILITIES*

ORDINANCE NO. 5-1991

SHENANGO TOWNSHIP
LAWRENCE COUNTY, PENNSYLVANIA

An Ordinance (a) Requiring the connections to newly constructed water facilities (b) imposing fees to be levied against properties benefited, improved or accommodated by the newly constructed facilities (c) establishing power and authority of the Township.

WHEREAS, the Township of Shenango, in order to promote the health, safety and welfare of the people of the Township of Shenango and of the Commonwealth of Pennsylvania, has entered into construction contracts to extend water facilities into certain area of the Township, and

WHEREAS, these facilities will provide potable drinking water as well as fire protection to residents of the township, and

WHEREAS, the Township of Shenango has entered into an agreement with the Pennsylvania American Water Company whereby these facilities will be leased by the Pennsylvania American Water Company who shall supply the total water requirements necessary for said facilities, and

WHEREAS, it is necessary for all residents to connect to the facilities, and

WHEREAS, it is necessary to impose debt service charges for repayment of loans required to finance the project.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Township Supervisors of the Township of Shenango, County of Lawrence and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

Section 1

A. Each owner of any house, building or property used for human occupancy, employment, recreation, or other purpose situated in Shenango Township and abutting on any street, alley or right-of-way in which there has been constructed a public water line and the principal building is within one hundred fifty (150) feet of said water line, shall at his own expense connect to the

to the water line within ninety (90) days after the date of official notice to do so given in the manner provided by law. In the event any owner of the property shall refuse or neglect to connect to the water system within said ninety (90) day period, the Township Supervisors or their agents may enter upon such property and construct such connection. In such case, the Township Supervisors shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, it shall be the duty of the Township Supervisors to file municipal liens for said construction within six months of the date of the completion of the construction of said connection, the same to be subject in all respect to the general law provided for the filing and recovery of municipal liens.

B. Each owner of any premises set forth in section 1-A above shall make application to the Pennsylvania American Water Company to connect to the public water line. All connections made to said facilities shall be constructed in compliance with standard rules and regulations of the Water Company.

Section 2. Charges and Fees

(1) There is hereby imposed upon property owners benefited, improved or accommodated by the aforesaid project an annual debt service charged at a rate of seventy (70) cents per assessable front foot. Said debt service will be charged until all debt has been paid for the construction of the water line facilities. Commercial: \$3.50 per foot

(2) The assessment rules attached hereto are made a part hereof and approved and adopted by the Township.

(3) The Township shall direct the Township Solicitor to file liens against the properties assessed when payment is not made in accordance with the law.

Section 3. Authority of the Township

The proper officers of the Township are hereby authorized to do and perform

all and every act and thing necessary or convenient to fully and completely carry out the obligations and purposes of the Township set forth in this Ordinance.

Section 4. Severability

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

Section 5. Conflict

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

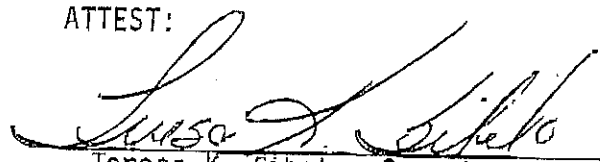
Section 7. Amendments

Amendments to this ordinance shall be adopted only after public notice is given as provided by law.

ADOPTED THIS 11th day of December, 1991.


SHENANGO TOWNSHIP BOARD OF SUPERVISORS

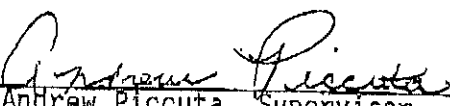
ATTEST:


Teresa K. Sibeto, Secretary

BY:


Ronald J. Golba, Chairman


Joseph J. Budai, Vice-Chairman


Andrew Piccuta, Supervisor

ASSESSMENT RULES
WATERLINE EXTENSION PROJECTS

All properties shall be assessed on a front-footage basis. Where a lot or tract of ground fronts on two public ways, the property will be assessed on a front footage basis for the frontage on which the property address exists.