

Chapter 26

Water

Part 1 Mandatory Connection

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Part 1**Mandatory Connection****§26-101. Recitals.¹**

The recitals are incorporated herein as if set forth at this place.
(*Ord. 2016-2, 2/8/2016, §1*)

§26-102. Definitions.

Improved property required to be connected—any property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use of any nature by human beings, if the principal building on such property is within 150 feet of a municipal water system or if the principal building on such property has no water supply which is safe for human consumption.

Municipal water system—any potable water system, including all facilities for the production, transmission, storage and distribution of water constituting the same, owned by the Borough or by the Authority.

Owner—any individual or any other form of legal entity whatsoever organized by law with ownership, legal or equitable, sole or partial, of any property, improved or unimproved, located in the Borough.

(*Ord. 2016-2, 2/8/2016, §1*)

§26-103. Mandatory Water Connection.

1. Hereafter, each and every improved property required to be connected shall connect with, and use, a municipal water system.

2. The owner of any improved property required to be connected shall connect such improved property required to be connected with, and shall use, a municipal water

¹*Recitals.*

A. The Borough Code of the Commonwealth of Pennsylvania (the “Code”), at §2461, authorizes boroughs of the Commonwealth to require owners of certain improved property to connect with, and use, a water system of such Borough or a municipal authority.

B. The authority set forth in the Code permits the Borough of New Morgan (the “Borough”) to require connections with a municipal water system, and the use thereof, generally if the principal building on the property is within 150 feet of the municipal water system or if such building has no supply of water which is safe for human consumption.

C. The Council of the Borough deems it to be in the best interests of the Borough, and its residents, to require mandatory connections to any municipal water system of the Borough or of the New Morgan Borough Utilities Authority (the “Authority”) for all properties benefitted, improved or accommodated by water facilities, if said connection requirement is authorized by the Code.

system. The owner of such improved property required to be connected shall make such connection within 45 days after notice to such owner from the Borough or Authority to make such connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough, from time to time.

3. All such connections shall be done in accordance with the then applicable Borough and/or Authority rules and regulations in effect.

(Ord. 2016-2, 2/8/2016, §1)

§26-104. Notice to Connect.

1. The notice by the Borough or the Authority to make a connection to a municipal water system shall consist of a copy of this Part, together with a letter or other writing requiring the connection. Notice may be given at any time so long as a municipal water system is in place and operational to service the improved property required to be connected.

2. If the owner of any improved property required to be connected shall fail to connect such improved property required to be connected within 45 days following receipt of notice to connect, the Borough and/or the Authority may enter upon such improved property required to be connected and construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law. Any such costs shall also constitute a lien against the property and may be collected accordingly.

(Ord. 2016-2, 2/8/2016, §1)

§26-105. Fees and Charges.

The owner shall be responsible for paying all fees and charges associated with connecting to a municipal water system, including tapping fees and review fees.

(Ord. 2016-2, 2/8/2016, §1)

§26-106. Rules and Regulations.

Any connection with, or use of, a municipal water system shall be done in accordance with all then applicable Borough and Authority rules and regulations, including compliance with all permitting requirements.

(Ord. 2016-2, 2/8/2016, §1)

§26-107. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be subject to pay a fine or not more than \$1,000. Each day that a violation of this ordinance continues shall constitute a separate offense.

(Ord. 2016-2, 2/8/2016, §1)

§26-108. Failure to Enforce Not a Waiver.

The failure of the Borough to enforce any provision of this Part shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

(Ord. 2016-2, 2/8/2016, §1)

§26-109. Exception.

Nothing herein shall be construed to require the connection of any property to a municipal water system if such property meets the exception set forth at §2461(b) of the Code.

(Ord. 2016-2, 2/8/2016, §1)

