

**TOWNSHIP OF SCHUYLKILL,
SCHUYLKILL COUNTY, PENNSYLVANIA
ORDINANCE NO. 1-2005**

AN ORDINANCE OF THE TOWNSHIP OF SCHUYLKILL REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED IN THE VILLAGE OF NEWKIRK AND REEVESDALE WITHIN THE TOWNSHIP OF SCHUYLKILL AND ASSESSIBLE TO THE PUBLIC WATER SYSTEM TO CONNECT THEREWITH; RESTRICTING THE USE OF PRIVATE SOURCES; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ORDAINED by the Supervisors of the Township of Schuylkill, and it is hereby ordained by the authority of the same as follows:

**ARTICLE I
DEFINITIONS**

SECTION 1. DEFINITIONS. Unless the context specifically and clearly indicates otherwise, the meaning of the terms and phrases used in this Ordinance shall be as follows:

A. Improved Property - shall mean any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals to which structure shall be connected to the Public Water System.

B. Owner - shall mean the person, custodian, guardian, trustee, caretaker, executor, administrator in whose name the deed for a property is designated.

C. Person - shall mean an individual, partnership, company, corporation, association, corporate political body, joint ownership or any other entity capable of functioning in the context used herein.

D. Premises - shall mean the property, building, or other site to which water service is furnished, including:

1. a building under one roof, owned or leased by one person, occupied as one residence or business;
2. each combination of buildings owned or leased by one person, served by one service line, and occupied by one family or business;
3. each side of a double unit or each housing unit;
4. each apartment, condominium, manufactured housing, mobile home, office, or suite of offices located in a building having several such apartments, offices, or suites of offices and using in common one or more means of entrance; or

5. such other situations as the Authority shall deem proper and advisable.

E. Township - shall mean the Township of Schuylkill, Schuylkill County, Pennsylvania, a political subdivision, acting by and through its Township Supervisors or, in appropriate cases, by and through its authorized representatives.

F. Water Service - shall mean the provision by the Township or its contracted agents of water as a commodity, of readiness to provide water for any purposes, and of any services related thereto.

G. Water System - shall mean the Township or its contracted agents water supply and distribution facilities taken as a whole or any portion thereof, situate in or adjacent to this Township and owned, maintained and operated by the Authority.

ARTICLE II **USE OF PUBLIC WATER SYSTEM REQUIRED**

SECTION 2. USE OF PUBLIC WATER SYSTEM REQUIRED.

SECTION 2.01. The Owner of any Improved Property which is located within the village of Newkirk and Reevesdale of the Township of Schuylkill, except any Improved Property which constitutes an industrial establishment which has its own supply of water for use other than human and/or agricultural use or consumption, and excepting any Improved Property which as of the effective date of this Ordinance is being served by a private water source, and whose principal building or structure is within one hundred fifty (150') feet of the public Water System shall connect such Improved Property with and shall use such public Water System in such manner as the Township and/or its contracted agents may require, within sixty (60) days after notice to such Owner from the Township to make such connection; subject to such limitations and restrictions as may be established herein or otherwise shall be established by the Township and/or its contracted agents. If the Township and/or its contracted agents determines that it cannot reasonably make the connection to such Improved Property and/or cannot provide adequate water pressure, the Township and/or its contracted agents shall exempt such property from the requirement to use the public Water System.

SECTION 2.02. It shall be unlawful for any owner, lessee, or occupier of any Improved Property in the Township to employ any means of cross-connecting any other water source to the public Water System, including service lines and house plumbing served by these services. Private water sources, including wells, may be continued to be used by the Owner of Improved Property so long as the private water source is not used for domestic purposes (including use for drinking water), agricultural purposes, or interconnected to the public Water System. This provision limiting the use of private water sources shall not apply to owners of Improved Property whose principal building and/or structure is not within one hundred fifty (150') feet of the public Water System or whose Improved Property is exempted from the requirement to use the public Water System pursuant to the provision of Section 2.01.

SECTION 2.03. The Owner or Owners of the aforementioned Improved Property identified in Section 2.01 hereof shall permit the Township and/or its contracted agents designated inspector full and complete access to all Water System facilities in each building and in and about all parts of the property for the purposes of inspecting said facilities.

SECTION 2.04. The notice by this Township to each Owner of Improved Property to make connection to the public Water System referred to in Section 2.01, shall consist of a copy of this Ordinance, including any amendments at the time in effect, and a written or printed document requiring such connection in accordance with the provision of this Ordinance and specifying that such connection shall be made within sixty (60) days from the date such notice is given. Such notice may be given at any time after the public Water System is in place which will provide potable water to the particular Improved Property in accordance with Section 2.01. Such notice shall be served upon the Owner of such Improved Property either by personal service or by registered mail, return receipt requested.

SECTION 2.05. All service connections shall be made by each Owner of Improved Property pursuant to the rules and regulations of the Township.

ARTICLE III **ENFORCEMENT**

SECTION 3.01. 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 Five Hundred (\$500.00) Dollars, together with the costs of prosecution in each case. Each day that a violation of this Ordinance continues shall constitute a separate offense.

ARTICLE IV **REPEALER**

SECTION 4.01. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE V **SEVERABILITY**

SECTION 5.01. 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 Township of Schuylkill that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not have been included herein.

this Ordinance even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

SECTION 15-REPEALER


Schuylkill Township hereby repeals the provisions of any prior ordinance that are inconsistent with this Ordinance only to the extent necessary to remedy the inconsistency.

ENACTED AND ORDAINED by the Board of Supervisors of Schuylkill Township, Schuylkill County, Pennsylvania, this 6th day of April, 2005.

**BOARD OF SUPERVISORS
SCHUYLKILL TOWNSHIP**



JOSEPH BORAN, Chairman



MARY BUBEL, Secretary



MAUREEN VANEK, Vice-Chairman



LINDA DECINDIO SUPERVISOR