

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2-2011

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 8-84 WITH RESPECT TO COMPELLING PROPERTY OWNERS TO CONNECT TO THE WATER SYSTEM OF THE MIDDLESEX TOWNSHIP MUNICIPAL AUTHORITY AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the Board of Supervisors enacted Ordinance No. 8-84 on October 10, 1984, which ordinance provided for inter alia, the connection by certain property owners to water facilities of the Middlesex Township Municipal Authority; and

WHEREAS, certain amendments to the Second Class Township Code, specifically those provisions contained in Section 2603 (53 P.S. § 67603), with respect to the connection to municipal water systems, require modification to Ordinance No. 8-84.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Township Supervisors of Middlesex Township, as follows:

SECTION 1: Article II of Ordinance 8-84 is hereby amended in its entirety to provide as follows:

ARTICLE II

USE OF PUBLIC WATER SYSTEM REQUIRED

Section 2.01. The Owner of any Improved Property abutting upon the Water System shall connect with and use the Water System in either of the following cases:

- a. if the Owner's principal building is located with one hundred fifty (150) feet

- of the Water System or any part or extension of the Water System; or
- b. if the Owner's principal building has no supply of water which is safe for human consumption.

Such connection and use shall be in such manner as the Township, or its authorized agent, the Authority, shall require, within 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 from time to time.

Section 2.02. The notice by this Township 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 hereof, 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 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 that can deliver water to the particular Improved Property. Such Notice shall be given or served upon the Owner by personal service or by registered or certified mail to said Owner's last known address.

Section 2.03. Industrial Establishments and farms that have their own supply of water for uses other than human consumption may continue to use their own water for that purpose but are required to use the Water System to provide water for human consumption.

Section 2.04. In the event any Owner deems the requirement to connect to the Water System as creating a financial hardship, such Owner may appeal to the Board of Supervisors requesting relief from the Board to allow the payment of the permit fee, connection fee, customer facility fee and tapping fee to the Authority over time and not within the applicable 90-day period required for connection. Such appeal shall be made to the Board in writing within 60

days of the date of the notice advising the Owner to connect to the water System unless for good cause shown.

The Board may authorize payments of the amounts due in equal annual or more frequent installments, which payments shall not be extended for a period of more than five (5) years and shall bear interest at a rate of six percent (6%) per annum. Claims to secure payment shall be entered in the Prothonotary's Office and shall be collected in the same manner as a municipal claim. In addition, the Owner shall enter into a Note obligation upon the same interest rate and terms noted above and approved by the Board. Any Owner may pay the amounts due in full, together with outstanding interest, cost and fees prior to the date of maturity at which time such payment shall discharge the lien of the claim filed.

Section 2.05. The Authority, its manager, officers and employees, shall be deemed to be the authorized agent of the Township for purposes of providing notice and administering the provisions of this Ordinance.

SECTION 2: Article V of Ordinance 8-84 is hereby amended in its entirety to provide as follows:

ARTICLE V
ENFORCEMENT

Section 5.01. Any person who shall violate this ordinance shall be liable upon conviction, before a magisterial district judge in the same manner provided for enforcement of summary offences, to a fine of not more than \$1,000.00 together with costs of prosecution. Each day that a violation shall continue shall be deemed a separate offense and punishable as such.

SECTION 3: Except as specifically amended or modified herein, Ordinance 8-84 as originally enacted shall remain in full force and effect.

SECTION 4: If any section, sub-section, provisions, regulations, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Ordinance 8-84 as a whole or any other section, sub-section, provisions, regulations, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Ordinance 8-84.

SECTION 5: This Ordinance shall become effective as provided by law and Ordinance 8-84, as amended hereby, shall apply to Water Facilities of the Authority constructed on and after the effective date hereof.

DULY ENACTED AND ORDAINED this 25th day of March, 2011 in lawful session duly assembled.

ATTEST:

TOWNSHIP OF MIDDLESEX

Lileen M. Hault
Secretary

By: [Signature]
Chairman, Board of Township
Supervisors

(Township Seal)