

ORDINANCE NO. 2022 – 464

**AN ORDINANCE OF THE BOROUGH OF LEHIGHTON
DEFINING AND REGULATING CONNECTIONS TO THE
PUBLIC WATER SYSTEM; REQUIRING CONNECTIONS
THERE TO 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:

SECTION 1 DEFINITIONS. As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

AUTHORITY: The Lehigh Water Authority a body corporate and politic organized under the Municipality Authorities Act of 1945 incorporated by the Borough of Lehigh.

BOROUGH: The Borough of Lehigh.

BUILDING MAIN: Extension from the water system of any structure to the lateral of a main.

IMPROVED PROPERTY: Any property within the Borough of Lehigh upon which there is erected a structure intended for continuous or periodic habitation, occupancy or used by human beings or animals.

INDUSTRIAL ESTABLISHMENT: Any improved property located within the Borough of Lehigh 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 the 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 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.

WATER SYSTEM. All facilities, as of any particular time, for production, transmission, storage and distribution of water in the Borough of Lehighton owned by the Lehighton Water Authority.

SECTION 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 Authority may require, within ninety (90) days after notice to such owner from the Authority to make such connection; subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Authority.

2. The notice by the Authority 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.

SECTION 3. Building Mains and Connections.

1. No person shall uncover, connect with, make an 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 Authority.

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 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 Authority at least twenty-four (24) hours' notice before such connection will be made in order that the Authority may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing; and
- D. if applicable, furnish satisfactory evidence to the Authority that any tapping (or connection) fee which may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a main has been paid.

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

B. If any improved property does not have a separate and independent connection with a main and wishes to sell said improved property, then the property owner or property owner's real estate agent shall advise the Authority of the connection prior to the property being listed for sale on the market or before an agreement of sale is executed.

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 Authority 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 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 water system, subject to the exception provided for in Section 2(1), after ninety (90) days' notice from the Authority, in accordance with Section 2(1)", shall fail to connect such improved property, the Authority may construct such connection and collect from such owner the costs and expenses thereof in any manner permitted by law.

Section 4. Connection and Customer Facilities Fees.

1. Connection Fee. A fee, which shall not exceed an amount based upon the actual cost of the connection of the property extending from the Authority's main to the property line or curb stop of the property so connected, is hereby authorized pursuant to a resolution of the Board of the Authority. The Authority may also base such fee upon an average cost for previously installed connections of similar type and size. In lieu of the payment of the fees, the Authority may require the construction and dedication of those facilities by the property owner or owners requesting such connection.

2. Customer Facilities Fee. A fee, which shall not exceed an amount based upon the actual cost of facilities serving the connected property from the property line or curb stop to the proposed dwelling or building to be served, is hereby authorized pursuant to a resolution of the Board of the Authority. The fee shall be chargeable only in the event that the Authority and not the property owner or owners installs the customer facilities. In lieu of the payment of the customer facilities fee, the Authority may require the construction of those facilities by the property owner or owners requesting customer facilities. The fee may include the cost of a water meter and installation if the Authority provides or installs the same. Where the property connected or to be connected with the sewer system of the Authority is not equipped with a water meter, the Authority may install such a meter at its own cost and expense.

Section 5. Regulations Governing Building Mains and Connections to Mains.

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

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

5. The Authority 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.

Section 6. 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 Authority for relief from such connection requirement which appeal shall be heard in accordance with provisions of the Pennsylvania Local Agency Law.

Section 7. 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 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 9. 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.

This Ordinance shall become effective five (5) days after enactment.

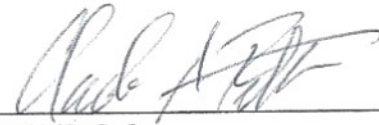
BOROUGH OF LEHIGHTON


GRANT HUNSICKER, President

ATTEST:


BRENDA KREITZ, Secretary

Examined and approved this 5th day of December 2022.



CLARK RITTER Mayor

