

# CHAPTER 244: WATER

[HISTORY: Adopted by the Borough Council of the Borough of Newport as indicated in article histories. Amendments noted where applicable.]

## GENERAL REFERENCES

Sewers and sewage disposal — See Ch. 187.

Streets and sidewalks — See Ch. 215.

## Article I. Water System

[Adopted 1-6-1998 by Ord. No. 296 (Ch. 26, Part 1, of the 1985 Code)]

§ 244-1. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this article shall be as follows:

### *AUTHORITY*

Newport Borough Water Authority, a municipality authority of the Commonwealth.

### *AUTHORITY SERVICE LINE*

The extension from the water system of any structure to the customer service line of a main.

### *BOROUGH*

The Borough of Newport, Perry County, Pennsylvania, a municipal corporation of the commonwealth, acting by and through its Council, or, in appropriate cases, acting by and through its authorized representatives.

### *COMMONWEALTH*

The Commonwealth of Pennsylvania.

### *CUSTOMER SERVICE LINE*

That part of the water system extending from a main to the curblineline or, if there shall be no curblineline, to the property line or, if no such customer service line shall be provided, then “customer service line” shall mean that portion of, or place in, a main which is provided for connection of any authority service line.

*IMPROVED PROPERTY*

Any property within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings. [Amended 1-8-2013 by Ord. No. 348]

*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, municipality authority or other group or entity.

*WATER SYSTEM*

All facilities, as of any particular time, for supply, transmission and distribution of water owned and operated by the Authority.

§ 244-2. Use of public water system required.

- A. The owner of any improved property abutting upon any street in which there is a main constituting part of the water system shall connect such improved property with such main via a customer service line and shall use such water system, in such manner as the Authority may require, within 45 days after notice to such owner from this Borough, or the Authority on its behalf, to make such connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough or the Authority, from time to time.
- B. The notice by or on behalf of this Borough to make connection to a main, referred to in Subsection A, shall include a reference to this article, including any amendments and/or supplements at the time in effect, or a summary hereof, and a written or printed document requiring the connection in accordance with the provisions of this article and specifying that such connection shall be made within 45 days after the date such notice is given or served. Such notice may be given or served at any time after the appropriate customer service line is in place that can deliver water to the particular improved property. Such notice shall be given to or served upon the owner by personal service or by registered mail to his last known address, or by such other means as shall be permitted by law.

§ 244-3. Authority service lines and connections.

- A. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any customer service line or any other part of the water system without first obtaining a permit, in writing, from the Authority.
- B. Application for a permit required under Subsection A shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.
- C. No person shall make or shall cause to be made a connection of any improved property with a customer service line until such person shall have fulfilled each of the following conditions:
  - (1) Such person shall have notified the Authority of the desire and intention to connect such improved property to a customer service line.
  - (2) Such person shall have applied for and shall have obtained a permit as required by Subsection A.
  - (3) Such person shall have given the appropriate representative of the Authority at least 48 hours' notice of the time when such connection will be made so that the Authority may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.
  - (4) If applicable, such person shall have furnished satisfactory evidence to the appropriate representative of the Authority that any tapping, connection and/or customer facility fee that may be charged and imposed by the Authority against the owner of each improved property who connects such improved property to a customer service line has been paid.
- D. Except as otherwise provided in this Subsection D, each improved property shall be connected separately and independently with a customer service line through an Authority service line. Grouping of more than one improved property on one Authority service line 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. Double houses must have the water separated.[Amended 1-8-2013 by Ord. No. 348]
- E. All costs and expenses of construction of an Authority service line and all costs and expenses of connection of an Authority service line to a customer service line shall be borne by the

owner of the improved property to be connected, and such owner shall indemnify and shall save harmless this Borough and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of an Authority service line or of connection of an Authority service line to a customer service line.

- F. An Authority service line shall be connected to a customer service line at the place designated by this Borough or by the Authority. A smooth, neat joint shall be made and the connection of an Authority service line to the customer service line shall be made secure and watertight.
- G. If the owner of any improved property located within this Borough and abutting upon any street in which there is a main constituting part of the water system, after 45 days notice from this Borough, in accordance with § 244-2A, shall fail to connect such improved property, as required, this Borough may enter upon such improved property and may construct such connection and may collect from such owner the costs and expenses thereof in the manner permitted by law.

§ 244-4. Rules and regulations governing authority service lines and connections to mains.

- A. No Authority service line shall be covered until it has been inspected and approved by the Authority. If any part of an Authority service line 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 customer service line.
- B. Every Authority service line of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- C. Every excavation for an Authority service line 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 an Authority service line shall be restored, at the cost and expense of the owner of such improved property being connected, in a manner satisfactory to the Borough.
- D. If any person shall fail or shall refuse, upon receipt of a notice of the Authority, in writing, to remedy any unsatisfactory condition with respect to an Authority service line within 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.
- E. Customer service lines, as defined in the Authority's rules and regulations, as from time to time amended and revised, to any of the water system's metered or unmetered customers,

shall be constructed, repaired or replaced only with approved size and type copper pipe (or other material which may be approved on an individual basis by the Authority) in all situations including, without limitation, the following:

- (1) New construction.
- (2) Customer's request.
- (3) Malfunction of any existing service line to the customer or adjacent customer.
- (4) Repair or rebuilding of any street, road, alley or other right-of-way or cartway under or adjacent to which lies an Authority owned or controlled conduit servicing the customer's premises.
- (5) Distribution line replacement adjacent to or abutting the customer's premises.
- (6) When determined by the Authority that it is necessary to replace the line in the interest of public health or safety.

F. This Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a customer service line and with the water system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this article.

§ 244-5. Enforcement.

- A. Any person who shall violate this article shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not more than \$1,000, together with costs of prosecution in each case, and/or up to 30 days' imprisonment. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.[Amended 1-8-2013 by Ord. No. 348]
- B. Fines and costs imposed under provisions of this article shall be enforceable and recoverable in the manner at the time provided by applicable law and shall be payable to this Borough.