

TOWNSHIP OF JACKSON
CAMBRIA COUNTY, PENNSYLVANIA

ORDINANCE NO. 111

AN ORDINANCE AMENDING ORDINANCE NO. 47 IN THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA DIRECTING AND REQUIRING A MANDATORY WATER TAP FOR ALL EXISTING RESIDENTIAL, COMMERCIAL, BUSINESS AND INDUSTRIAL ESTABLISHMENTS LOCATED WITHIN 200 FEET OF A NEW WATER LINE EXTENSION, WHICH IS CONSTRUCTED FOR PUBLIC USE, AFTER THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Municipality heretofore adopted Ordinance No. 47 on August 22, 1980, which directed and required the connection of all new residential, commercial, business and industrial establishments which abutted the public water and supply distribution system to connect to the public system at their own cost; and

WHEREAS, The Township of Jackson, Cambria County, Pennsylvania is desirous of amending Ordinance No. 47 in order to mandate that all existing residential, commercial, business and industrial establishments, located within 200 feet of a new water line extension which is constructed for public use, after the date set forth in this Ordinance, are hereby directed and required to connect to the public water system;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Jackson, and it is hereby ordained and enacted by authority of the same as follows:

SECTION I.

Section I. and Section II. of Ordinance No. 47 entitled "AN ORDINANCE OF JACKSON TOWNSHIP DIRECTING AND REQUIRING THE CONNECTION OF ALL NEW CONSTRUCTION WITH THE PUBLIC WATER SYSTEM OF THE TOWNSHIP ON PREMISES ACCESSIBLE THERETO." are amended to read as follows:

- (a) Every owner of property which abuts the public water and supply distribution system, as it exists presently and as it will be expanded, on which construction of new residential, commercial, business and industrial establishments is hereafter commenced, is hereby required to connect at his own costs, the house, building or other structures to be located on said property to said system, said connection to be made in accordance with the regulations of the Jackson Township Water Authority.
- (b) Further, all property upon which an existing residential, commercial, business or industrial establishment is located within 200 feet of a new waterline extension, which is constructed for public use, after the effective date of this Ordinance, are mandated to connect with and use the system. Said establishments shall be required to connect to the aforementioned public water supply system at the property owner's own cost, said connection to be made in accordance with the regulations of the Jackson Township Water Authority. It is the intent of the Municipality that this Ordinance shall only be applicable to new waterline extensions and shall not be applicable to existing waterlines and/or replacement waterlines.

SECTION II.

Section III of Ordinance No. 47 is amended to read as follows:

If any owner of property abutting the water system fails to connect with and use the system within ninety (90) days after notice to do so, has been served by the Board of Supervisors and/or the Jackson Township Water Authority, the Board of Supervisors of the Jackson Township Water Authority may enter the property and construct the connection. The Board of Supervisors and/or the Jackson Township Water Authority shall send an itemized bill of the cost of construction of the connection to the owner of the property to which connection has been made, which bill is payable immediately, or the Board of Supervisors or the Jackson Township Water Authority may authorize the payment of the cost of construction of connections in equal installments under 53 Pa. C.S. § 68301 et seq.

SECTION III.

Section IV of Ordinance No. 47 is amended to read as follows:

Any person or entity who shall violate or fail to conform to provisions of this Ordinance shall be subject to a fine in the amount of One Thousand and 00/100 (\$1,000.00) Dollars, plus all court costs, including reasonable attorney's fees in the amount of One Hundred Twenty-five and 00/100 (\$125.00) Dollars per hour, incurred by the municipality. It is specifically provided that each day's violation of this Ordinance shall be deemed a separate violation of this Ordinance and subject to an additional fine.

SECTION IV.

The Jackson Township Water Authority is authorized to impose and charge property owners who desire to or are required to connect to the water system a connection fee, a customer facilities fee, a tapping fee and other similar fees as enumerated and defined by clause (t) of subsection B of Section 4 of the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipality Authorities Act of 1945".

SECTION V.

It is the intent of the municipality that the provisions of this Ordinance are severable and the invalidity of any section, subsection, clause or provision of this Ordinance shall not affect to impair the validity of any other part of this Ordinance which can be given effect without the invalid part or parts.

SECTION VI.

All Ordinances or parts of Ordinances inconsistent herewith, be and the same are hereby repealed insofar as inconsistent only. The provisions of this Ordinance, so far as they are consistent with those Ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such prior Ordinances and regulations and not as new enactments.

SECTION VII.

This Ordinance shall be effective immediately, or as soon as legally permissible and shall remain in effect unless and until subsequently appealed or amended.

ORDAINED and ENACTED into law by the Jackson Township Supervisors in lawful session assembled this 25th day of May, 2000.

ATTEST:

George E. Buskey
Secretary

TOWNSHIP OF JACKSON

By: George R. Cooper
Supervisor

By: David L. Brecken
Supervisor

By: DRD Mayor
Supervisor