

Chapter 173

WATER

[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Water Authority — See Ch. 6, Art. I.
Mobile homes and mobile home parks — See Ch. 118.
Sewers and sewage disposal — See Ch. 138.
Sludge — See Ch. 143.
Stormwater management — See Ch. 149.
Streets and sidewalks — See Ch. 152.
Subdivision and land development — See Ch. 155.
Zoning — See Ch. 184.

ARTICLE I

Connection to Ephrata Area Joint Authority System [Adopted 3-4-1986 by Ord. No. 55]

§ 173-1. Definitions.

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

AUTHORITY — The Ephrata Area Joint Authority, a municipal authority of the commonwealth.

BUILDING MAIN — The extension from the water system of any structure to the lateral of a main.

COMMONWEALTH — The Commonwealth of Pennsylvania.

IMPROVED PROPERTY — Any property within this Township located within the Water District upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

INDUSTRIAL ESTABLISHMENT — Any improved property located within this Township 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 — 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 lateral shall be provided, then "lateral" shall mean that 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.

TOWNSHIP — The Township of West Earl, Lancaster County, Pennsylvania, a municipal subdivision of the commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

WATER DISTRICT — The section of the Township located generally on the east side of Pool Road (T-656) and the north side of Tobacco Road (LR 36059) and specifically identified, as of the date of this article, by the following Lancaster County real estate tax parcel numbers: 8M9-4-9, 8M9-4-10, 8M9-4-11, 8M9-9A-1, 8M9-9A-2, 8M9-9A-3, 8M9-9A-4, 8M9-9A-5, 8M9-9A-6, 8M9-9A-7, 8M9-9A-8, 8M10-1-1, 8M10-1-2, 8M10-1-3, 8M10-1-4, 8M10-1-5, 8M10-1-6, 8M10-1-7, 8M10-1-8, 8M10-1-9, 8M10-1-10, 8M10-1-12, 8M10-1-13, 8M10-1-14, 8M10-1-15, 8M10-2-1 and 8M-12-1.

WATER SYSTEM — All facilities, as of any particular time, for production, transmission, storage and distribution of water in, to and for this Township and owned by the Authority.

§ 173-2. Connection of abutting properties required.

The owner of any improved property abutting the water system, except any improved property that shall constitute an industrial establishment or a farm and that 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 this Township may require, within 90 days after notice to such owner from this Township to make such connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Township from time to time.

§ 173-3. Notice to connect.

The notice by this Township to make a connection to a main, referred to in § 173-2, shall consist of a copy of this article, 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 article 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 his last known address.

§ 173-4. Alteration of mains; permit required.

No person shall uncover, shall connect with, shall make any opening into or shall 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.

§ 173-5. Permit application.

Application for a permit required under § 173-4 shall be made by the owner of the improved property served or to be served or by the duly authorized agent of such owner.

§ 173-6. Conditions required for connection.

No person shall make or shall cause to be made a connection of any improved property with a main until such person shall have fulfilled each of the following conditions:

- A. Such person shall have notified the Authority of the desire and intention to connect such improved property to a main.
- B. Such person shall have applied for and shall have obtained a permit as required by § 173-4.
- C. Such person shall have given the Authority at least 24 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.
- D. If applicable, such person shall have furnished satisfactory evidence to the Authority that any tapping and/or connection fee that 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.

§ 173-7. Independent connections required.

Except as otherwise provided in this section, 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 rates, rules and regulations as may be prescribed by the Authority.

§ 173-8. Costs and expenses.

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 this Township and 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.

§ 173-9. Location of connection.

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.

§ 173-10. Failure to connect; connection by Township; costs.

If the owner of any improved property located within this Township and abutting the water system (subject, however, to the exception provided for in § 173-2), after 90 days' notice from this Township, in accordance with § 173-3, shall fail to connect such improved property, as required, this Township 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.

§ 173-11. Inspection of building mains.

No building main shall be covered until it has been inspected and approved by this Township. 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.

§ 173-12. Maintenance of building mains.

Every building main of any improved property and any connection as described in § 173-9 shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

§ 173-13. Excavations to be guarded.

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 such improved property being connected, in a manner satisfactory to this Township.

§ 173-14. Failure to correct unsatisfactory conditions.

If any person shall fail or shall refuse, upon receipt of a notice from this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building main within 60 days of receipt of such notice, this Township or the Authority may refuse to permit such person to be served with the water system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and of the Authority.

§ 173-15. Rates, rules and regulations.

This Township reserves the right to adopt and grants to the Authority the right to adopt from time to time rates and additional rules and regulations as it shall deem necessary and proper relating to connections with a main and with the water system, which rates and additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this article.

§ 173-16. Violations and penalties. [Amended 8-9-1993 by Ord. No. 101; 6-24-1996 by Ord. No. 116; 4-28-1997 by Ord. No. 129]

Any person who has violated or who has permitted the violation of any provision of this article (including but not limited to the rules and regulations of the Ephrata Area Joint Authority) shall be liable, upon conviction thereof in a summary proceeding, to pay a fine of not less than \$200 nor more than \$1,000 for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this article, and each section of this article which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding 30 days.

ARTICLE II
Water Rents and Charges
[Adopted 9-20-1988 by Ord. No. 74]

§ 173-17. Definitions and word usage.

- A. As used in this article, the present tense includes the future; the singular number includes the plural, and the plural includes the singular; and the masculine gender includes the feminine gender and the neuter.
- B. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this article to have the meanings indicated.

AUTHORITY — The West Earl Water Authority, a municipal authority organized and existing under the provisions of the Pennsylvania Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended, 53 P.S. § 301 et seq.

CONSUMER — A person who, prior to, upon or after the effective date hereof, has contracted or contracts for and/or is receiving or shall receive water service from the water system.

OWNER — Any person having an interest, whether legal or equitable, sole or partial, in any property.

PERSON — Any individual, firm, partnership, company, association, society, corporation, trust, governmental body or agency or political subdivision or any other legally recognized group or entity.

PROPERTY — Any building, group of buildings or land upon which buildings are to be constructed or mobile homes are or may be located which is or may be served by the water system.

TOWNSHIP — The Township of West Earl, Lancaster County, Pennsylvania, a municipal subdivision acting by and through its Board of Supervisors or, in appropriate cases, by and through its authorized representatives.

WATER SYSTEM — The water supply and distribution facilities, including all related facilities to be constructed, installed or acquired by or for the Authority and including all property, real, personal and mixed, rights, powers, licenses, easements, rights-of-way, privileges, franchises and other property or interests in property of whatsoever nature used or useful in connection with such facilities, together with all additions, extensions, alterations, improvements and betterments thereof or thereto which may be made,

installed or acquired from time to time by or for the Authority and which shall be leased by the Authority to the Township for operation and use pursuant to an agreement of lease.

§ 173-18. Water rates, rents and charges. [Amended 8-9-1993 by Ord. No. 101]

The rates, rents and charges imposed upon each consumer served or to be served by the water system for use thereof shall be set from time to time by resolution or ordinance of the Board of Supervisors.¹

§ 173-19. Billings; payment; penalties.

- A. Bills for metered rates shall be submitted as of the first week of each calendar quarter and shall be due and payable on the 28th day of the month received.
- B. Bills for sprinkler system charges shall be submitted as of the first week of each calendar quarter, shall be in the amount of 1/4 of the annual rate and shall be due and payable on the 28th day of the month received.
- C. A penalty of 10% shall be added to each quarterly bill for metered rates, and a penalty of 10% shall be added to each quarterly bill for sprinkler system charges, unless such bill shall be paid on or before the due date applicable thereto. Thereafter, unpaid water rates and penalties shall be assessed interest at the rate of 1 1/2% per month or fraction thereof.
- D. Owners of properties who connect to the water system during any quarterly period shall pay a pro rata charge for water service for the balance of said quarterly period.

§ 173-20. Collection of unpaid charges.

- A. Whenever any bill for water service furnished to a consumer shall remain unpaid for a period in excess of 30 days after the due date thereof, the Township may and the proper officers of the Township are hereby authorized and directed to do all things and take all legal action necessary to enforce collection of the water rates, rents and charges established and imposed and otherwise carry out provisions of this article.
- B. Water rates, rents and charges imposed by this article, to the extent permitted by law, shall be a lien on the property connected to and served by the water system. Any such water rates, rents or charges which shall be delinquent, to the extent permitted by law, shall be filed as a lien against the property so connected and served by the water system, which lien shall be filed in the office of the Prothonotary of Lancaster County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

§ 173-21. Use of water; service interruptions; meters.

- A. Water supplied by the Township may be used for all residential, business,

1. Editor's Note: See Ch. A190, Fees.

industrial, agricultural, public or other legal purposes; provided, however, that the Township reserves the right to impose at any time such restrictions in the use of water as may be necessary due to accidents, breakdowns, shortages of water, temporary discontinuance of water service to make necessary repairs, removals or replacements or other unavoidable emergencies. Every effort shall be made to notify consumers before service is interrupted. However, no deduction in water rates shall be allowed for failure on the part of the Township to supply water, and the Township shall not be responsible for any losses due to an inability to supply water.

- B. Each consumer shall be required to install a water meter to measure the quantity of water consumed. Each such meter shall be furnished by the Authority or by the Township and shall be installed by the Authority or by the Township or by the owner in accordance with rules and regulations to be adopted by the Authority or by the Township. All meters shall remain the property of the Authority.

§ 173-22. Change in ownership of property.

When the ownership of a property changes from one person to another, the previous owner shall notify the Township in writing and in advance of the date of discontinuance of service under his ownership. Should the owner fail to give such notice, he shall be responsible for all charges up to and including the date the new owner makes application for service. The new owner shall make application for service in the same manner as for a new service in accordance with the rules and regulations of the Township.

§ 173-23. Responsibility of property owners.

- A. The owner of any property connected to the water system shall be responsible for all tenants or other occupants of such property insofar as such acts shall be governed by provisions of this article.
- B. All connections, service lines and fixtures furnished or owned by the owner shall be maintained by him in good order, and all valves, meters and appliances furnished and owned by the Authority or the Township and on the property of the owner shall be protected properly and cared for by said owner. All leaks in the service line or any other pipe or fixture in or on the premises supplied must be repaired immediately by the owner.
- C. The Township or the Authority shall not be responsible for maintaining any portion of the building water connection owned by the owner or for damage done by water escaping therefrom or from lines or fixtures on the owner's property, and the owner shall at all times comply with all ordinances and regulations with reference thereto and make changes therein required on account of change of grade, relocation of mains or otherwise.
- D. Consumers shall not turn the water on or off at any corporation stop or curb stop or disconnect or remove the meter or permit its disconnection or removal without the prior, written consent of the Township and/or the Authority.

- E. Consumers shall not tamper with or permit tampering with or in any other way cause or permit injury to any meter or any other property of the Township and/or the Authority.

§ 173-24. Rules and regulations.

- A. The Township, from time to time, in accordance with law, by appropriate ordinance or resolution, may adopt such additional rules and regulations as, in the opinion of the Board of Supervisors of the Township, shall be desirable, beneficial or necessary for or in connection with the use and operation of the water system.
- B. Any such rules and regulations so adopted by the Board of Supervisors shall be construed in conjunction with the provisions of this article and shall become effective on the date fixed by the Township upon adoption thereof.

§ 173-25. Rights reserved by Township.

The Township reserves the right to repeal, amend, supplement or modify this article or any part thereof or to change the water rates, rents and charges established and imposed by this article in such manner and at such time as, in the opinion of the Board of Supervisors of the Township, shall be necessary or desirable, all after due legal procedures.

§ 173-26. Violations and penalties. [Added 6-24-1996 by Ord. No. 116; amended 4-28-1997 by Ord. No. 129]

If the Board of Supervisors or the officer designated to enforce this article by the Board of Supervisors determines that a person has committed or permitted the commission of a violation of this article (including but not limited to the rules and regulations of West Earl Water Authority), the Board of Supervisors or such enforcement officer shall inform such person, in writing, of the violation, shall notify such person to cease the violation of this article and shall inform such person that he or she must pay a civil penalty to the Township within the range of the amounts set forth below to settle the violation. The penalty for a first offense shall be not less than \$50 and not more than \$600; the penalty for a second offense shall be not less than \$100 and not more than \$600; and the penalty for a third or greater offense shall be not less than \$200 and not more than \$600. If such person fails or refuses to remit the penalty to the Township within 10 days from the date of the written notice of the violation of this article, the Township may commence a civil enforcement proceeding seeking penalties and costs for the violation of this article and/or may commence an action in equity. The Township shall seek a judgment for the penalty previously imposed, together with additional daily penalties for continuing violations, plus all court costs, including the reasonable attorneys' fees incurred by the Township in the enforcement proceedings. Each day that a violation continues shall constitute a separate violation, and each section of this article which is violated shall constitute a separate violation. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

Mandatory Connection to Water System
[Adopted 8-12-1996 by Ord. No. 119]

§ 173-27. Definitions and word usage.

- A. As used in this article, the present tense includes the future, the singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and the neuter.
- B. Words and terms defined. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this article to have the meaning indicated as follows:

AUTHORITY — The West Earl Water Authority, a municipality authority of the commonwealth.

COMMONWEALTH — The Commonwealth of Pennsylvania.

IMPROVED PROPERTY — Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

LATERAL — That part of the water system extending from a main to the curblineline or, if there shall be no curblineline, to the street right-of-way line or, if no such lateral shall be provided, then "lateral" shall mean that portion of or place in a main which is provided for connection of any service connection.

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, estate, corporation, municipality, municipal authority or other legally recognized group or entity and the members of such partnership or association and the officers of such corporation.

SERVICE CONNECTION — The extension from the water system of any structure to the lateral of a main.

TOWNSHIP — The Township of West Earl, Lancaster County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in the appropriate cases, acting by and through its authorized representatives.

WATER SYSTEM — All facilities, as of any particular time, for the production, transmission, storage or distribution of water in, to and for the Township and owned by the Authority or in which the Authority has acquired capacity or right of use by contract, lease or otherwise.

§ 173-28. Use of public water system required.

- A. The owner of any improved property abutting the water system, except farms and industries which have their 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 Township may require, within 90 days after notice to such owner from the Township to make connection; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Township from time to time.

- B. The notice by the Township to make a connection to a lateral, referred to in Subsection A, shall consist of a copy of this article, 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 article and specifying that such connection shall be made within 90 days after notice is given or served. Such notice may be given or served at any time after a lateral is in a 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 his last known address.

§ 173-29. Service connections.

- A. Except as otherwise provided in this section, each improved property shall be connected separately and independently with a lateral through a service connection. Grouping of more than one improved property on one service connection 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 rates, rules and regulations as may be prescribed by the Authority.
- B. All costs and expenses of construction of a service connection and all costs and expenses of connection of a service connection to a lateral shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and shall save harmless the Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a service connection or of connection of a service connection to a lateral.
- C. A service connection shall be connected to a lateral 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 service connection to the lateral shall be made secure and watertight.
- D. If the owner of any improved property located within the Township and abutting the water system, subject, however, to the exceptions provided for in § 173-28, shall fail to connect such improved property, as required, the Township 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.
- E. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any lateral, main or any part of the water system without first obtaining a permit, in writing, from the Authority.
- F. The owner of the improved property served or the duly authorized agent of such

owner shall make application for the permit required under Subsection E.

- G. No person shall make or shall cause to be made a connection of any improved property with a lateral 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 lateral.
 - (2) Such person shall have applied for and shall have obtained a permit as required by Subsection E.
 - (3) Such person shall have given the Authority at least 24 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 Authority that any tapping and/or connection fees that may be charged and imposed by the Authority against the owner or each improved property who connects such improved property to a lateral has been paid.
 - (5) Such person shall have furnished to the Authority evidence that all required permits, including but not limited to street excavation permits and, if applicable, earth disturbance activity permits, have been obtained from the Township.

§ 173-30. Rules and regulations for connection.

- A. No service connection shall be covered until it has been inspected and approved by this Township or the Authority. If any part of a service connection 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 so connected to a lateral.
- B. Every service connection of any improved property as described in § 173-29C shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- C. Every excavation for a service connection 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 service connection shall be restored, at the cost and expense of the owner of such improved property being connected, in a manner satisfactory to the Township and the Authority. The owner of such improved property shall obtain all applicable permits and approvals prior to installation of a service connection, including but not limited to obtaining any permit for excavating within a right-of-way or stormwater water management permits related to earth disturbance activities.
- D. If any person shall fail or shall refuse, upon receipt of a notice of the Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a service connection within 60 days of receipt of such notice, the Township or the

Authority may refuse to permit such person to be served with water by the water system until such unsatisfactory condition shall have been remedied to the satisfaction of the Township and of the Authority.

- E. The Township reserves the right to adopt and grants to the Authority the right to adopt, from time to time, rates and additional rules and regulations as it shall deem necessary and proper relating to connections with a lateral and with the water system, which rates and additional rules and regulations, to the extent appropriate, shall be and shall be construed as a part of this article.
- F. Where an improved property, at the time of connection to the water system is required, shall be served by its own private water supply, the existing house waterlines shall be broken from the water system and may in no way connect to the water system. The previous private water supply source may continue to be used so long as it is not used for human consumption purposes or interconnected to the water system.
- G. It shall be unlawful for any person to employ or to permit any means of cross-connecting any other water source or water supply to the water system, including service lines and house plumbing served by any source of water supply other than the water system.
- H. The owner or owners of any improved property shall permit the Township's or the Authority's designated inspector full and complete access to all facilities of the water system within the improved property or any structure on the improved property for the purpose of inspecting water system systems.

§ 173-31. Violation and penalties; enforcement.

- A. Any person who has violated or permitted the violation of any provision of this article shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgment of not less than \$100 and not more than \$1,000 for each violation, plus all court costs, including the reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall be imposed until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation.
- B. In case any service connection is made in violation of this article or in violation of the rules and regulations of the Authority or if the owner of an improved property fails or refuses to connect the improved property to the water system after receipt of notice to do so in accordance with § 173-28 or if any service connection is not properly maintained or if the owner of an improved property allows a cross-connection between a private water supply and the water system, the Township, in addition to the other remedies provided by law, may commence any appropriate action or proceeding at law or in equity to prevent or restrain such violation of this article or to compel the owner of the improved property to connect to and use the water system, remove a cross-connection or take any other action necessary to

protect the water system.

§ 173-32. (Reserved)

§ 173-33. (Reserved)

§ 173-34. (Reserved)

§ 173-35. (Reserved)

§ 173-36. (Reserved)

§ 173-37. (Reserved)

§ 173-38. (Reserved)

§ 173-39. (Reserved)

§ 173-40. (Reserved)

ARTICLE IV
Water Shortage Response Plan
[Adopted 10-13-1997 by Ord. No. 131]

§ 173-41. **Short title.**

This article shall be known as the "West Earl Township Water Shortage Response Plan Ordinance."

§ 173-42. **Legislative intent.**

It is the intent of the Board of Supervisors by the enactment of this article to protect the public health, safety and welfare by ensuring an adequate water supply for essential uses of water during times of drought or other water shortages. The Board of Supervisors determines that the following uses of water constitute a waste of water during times of drought or other water shortages. The Chairman of the Board of Supervisors, subject to the ratification of Board of Supervisors, is also authorized to declare an emergency by Section 7501(b) of the Emergency Management Services Code. In times of drought or other emergencies which result in a decrease in the water supply, the Township should ensure an adequate supply of water by restricting nonessential water usage.

§ 173-43. **Definitions.**

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

ANY WATER — Any type of water, including fresh water, brackish water, waste water and reclaimed wastewater.

ARBORETUM — A place where trees, shrubs and plants are cultivated for scientific and educational purposes.

AUTHORITY — The West Earl Water Authority.

BOARD OF SUPERVISORS — The governing body of the Township.

BRACKISH WATER — Water containing more than 1,000 parts per million (ppm) of dissolved salts.

COUNCIL — The Pennsylvania Emergency Management Council.

DEP — The Pennsylvania Department of Environmental Protection or any agency successor thereto.

DROUGHT CONTINGENCY PLAN — A water shortage response plan.

FRESH WATER — Water withdrawn from a surface water or groundwater source, or from a public water supply system, located within the commonwealth, which has not been previously used, other than brackish water and water from a nonpotable source. The term does not include water collected directly from precipitation in rain barrels or cisterns.

NURSERIES — Facilities which are used to grow or keep plants, trees, shrubs, vines, bulbs, cuttings, grafts, flowering annual plants, aquatic plants, seeds or tubers for propagation, distribution or sale.

PEMA — The Pennsylvania Emergency Management Agency or any agency successor thereto.

PERSON — An individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of federal, state, county or municipal government. The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision or an agency of federal, state, county or municipal government.

TOWNSHIP — The Township of West Earl, Lancaster County, Pennsylvania.

WATER FROM A NONPOTABLE SOURCE — Water from a surface water or groundwater source which the DEP determines is not used for public or private drinking water supply and is not capable of being rendered suitable for drinking water supply by standard and economically feasible methods of treatment.

WATER SHORTAGE RESPONSE PLAN — A plan adopted by a water supplier to address shortages in the water supply, whether such shortages are the result of drought or are the result of any other cause.

WATER SUPPLIER — The Township, the Authority, Ephrata Area Joint Authority, Leola Water Authority or any other entity which directly or indirectly provides drinking water to 25 or more customers within the Township.

WELLHEAD PROTECTION AREA — Zones I, II and III of the surface and subsurface area surrounding a public water supply source and which influences such water source

established by a water supplier in accordance with DEP regulations.

§ 173-44. Adoption of Water Shortage Response Plan.

The Board of Supervisors of the Township adopts the Water Shortage Response Plan prepared on behalf of the Authority and the Township by Acer Engineers & Consultants, Inc., as revised through October 13, 1997, and as approved by PEMA or DEP, as the Township Water Shortage Response Plan. The Board of Supervisors and the Authority may revise this plan from time to time by resolution.

§ 173-45. Prohibited activities.

- A. Whenever the Township or any other water supplier shall be in a Stage II or Stage III water shortage, as defined in the Water Shortage Response Plan of the Township or of such other water supplier adopted in accordance with the regulations of DEP and/or PEMA, no person who is a customer of such water supplier or who is located within the wellhead protection area of such water supplier shall use water in violation of the ban on nonessential uses of water established in § 173-45C below unless such person has obtained a written waiver of the nonessential use ban from the Township or the applicable water supplier.
- B. Whenever the Board of Supervisors or the Chairman of the Board of Supervisors shall declare a local emergency in accordance with the provisions of the Pennsylvania Emergency Management Services Code or whenever the Governor or the Council or the Susquehanna River Basin Commission shall declare a drought watch, drought warning or drought emergency in Lancaster County, no person shall use water in violation of the ban on nonessential use of water established in § 173-45C below unless such person has obtained a written waiver of the nonessential use ban from the Township or the applicable water supplier.
- C. When the conditions described in §§ 173-45A or 173-45B occur, the following nonessential uses of water are prohibited until such time as the Governor, the Board of Supervisors, the Council or the Susquehanna River Basin Commission, as applicable, determine and declare that such conditions described in §§ 173-45A or 173-45B no longer exist:

Prohibited Activity	Nonessential Use Ban Exceptions
Lawn watering, including athletic fields and industrial/commercial complexes	Sewage or stormwater systems utilizing spray irrigation Newly seeded and sodded grass areas between the hours of 5:00 p.m. and 9:00 a.m. by means

of a hand-held hose, nozzle, bucket or pail; provided, however, that no person shall seed or sod grass areas after the applicable water supplier or the Governor declares a Stage II water shortage

Newly seeded or sodded nonresidential grass areas exceeding 10,000 square feet may be watered conservatively between the hours of 5:00 p.m. and 9:00 a.m. or by professional landscapers during any hours; provided, however, that no person shall seed or sod grass areas after the applicable water supplier or the Governor declares a Stage II water shortage.

Irrigation of gardens, landscaped areas, trees and shrubs

Agricultural irrigation

Commercial nurseries if applied by a hand-held container or hose with automatic shut-off between 5:00 p.m. and 9:00 a.m.

Maintenance of newly planted gardens, trees,

shrubs or other outdoor plants by hand-held equipment only between 5:00 p.m. and 9:00 a.m.; provided, however, that no person shall plant gardens, trees or other outdoor plants after the applicable water supplier or the Governor declares a Stage II water shortage

Arboretums and public gardens of national, state or regional significance.

Revegetation following earthmoving as required by law or regulation or approved plan

Watering golf courses

Tees and greens may be watered between the hours of 5:00 p.m. and 9:00 a.m.

Syringing heat-sensitive grasses

Necessary overseeding or resodding during August through October

Washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts and patios

Water may be used for prewashing in preparation of asphalt street or driveway recoating and sealing

	Clay tennis courts as minimally necessary by hand-held hose
	Grass tennis courts as minimally necessary
	Sanitation of eating/drinking premises
Operation of water fountains,	None artificial waterfalls and reflecting pools
Washing vehicles	Commercial car washes equipped with recycling or by means of a bucket
	Cleaning of commercial or public vehicles to allow for safe operation
	Professional mobile wash businesses
	Cleaning of dealers' sales inventory from a bucket or using a carwash equipped with water recycling
Serving water in eating places unless specifically requested by the individual	None
Filling and topping off swimming pools	Public/residential swimming pools with filtration/recycling serving 25 or more dwelling units
	Health care facilities for patient care/rehabilitation
	Other pools if water supplier

approved

Sources of water,
other than fresh
water, should be used
where available and
appropriate.

D. Whenever the Township or any other water supplier providing service directly or indirectly within the Township shall be in a Stage III water shortage, as defined in the Water Shortage Response Plan of the Township or of such other water supplier, no person who uses water supplied by the Township or such other water supplier shall use water in violation of the Township's or the other water supplier's Water Shortage Response Plan, including any water rationing provisions which may be approved by PEMA. The water uses prohibited at all times during a Stage III water shortage are:

- (1) The use of any water for watering of lawns except:
 - (a) Water may be applied to grass areas as part of a sewage or storm water treatment system utilizing spray irrigation.
 - (b) Water may be applied at the minimum rate necessary to maintain grass tennis courts.
 - (c) Water may be used at the minimum rate necessary to establish and maintain newly seeded and sodded grass areas when applied between the hours of 5:00 p.m. to 9:00 a.m. by means of a bucket, can or hand-held hose equipped with an automatic shut-off nozzle; provided, however, that no person shall seed or sod grass areas after the applicable water supplier, the Chairman of the Board of Supervisors or the Governor declares a Stage III water shortage. No sprinklers may be used for this purpose.
 - (d) Water may be used at the minimum rate necessary to establish and maintain newly seeded or sodded nonresidential grass areas exceeding 10,000 square feet when applied between the hours of 5:00 p.m. and 9:00 a.m., by any means designed and operated to assure effective conservation of water; provided, however, that no person shall seed or sod grass areas after the applicable water supplier, the Chairman of the Board of Supervisors or the Governor declares a Stage III water shortage.
 - (e) Professional landscapers may use water at the minimum rate necessary on newly seeded or sodded grass areas greater than 10,000 square feet during regular working hours by any means designed and operated to assure effective conservation of water; provided, however, that no person shall seed or sod grass areas after the applicable water supplier, the Chairman of the Board of Supervisors or the Governor declares a Stage III water shortage.

- (2) The use of fresh water for irrigation and the watering of outdoor gardens, landscaped areas, trees, shrubs and other outdoor plants, except:
 - (a) Fresh water may be used for agricultural irrigation for the production of food and fiber, the maintenance of livestock and poultry or the production of nursery stock.
 - (b) Fresh water may be applied by means of a hand-held hose equipped with an automatic shut-off nozzle, when applied between the hours of 5:00 p.m. and 9:00 a.m.
 - (c) Fresh water may be applied by means of a hand-held container or a hand-held hose equipped with an automatic shut-off nozzle at the minimum rate necessary to establish and maintain newly planted gardens, trees, shrubs or other outdoor plants; provided, however, that no person shall plant gardens, trees, shrubs or outdoor plant areas after the applicable water supplier, the Chairman of the Board of Supervisors or the Governor declares a Stage III water shortage. Sources of water, other than fresh water, should be used where available.
 - (d) Fresh water may be used by commercial nurseries at the minimum rate necessary to maintain stock, only to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use.
 - (e) Fresh water may be used by arboretums and public gardens of national, state or regional significance at the minimum rate necessary to preserve specimens, to the extent that sources of water other than fresh water adequate to the supply needs are not available or feasible to use.
 - (f) Fresh water may be used at the minimum rate necessary to implement revegetation following earthmoving, where vegetation is required under an approved erosion and sedimentation control plan adopted under state law or regulation, to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use. Revegetation use shall comply with all applicable best conservation management practices for revegetation prescribed by DEP and County Conservation Districts.
- (3) The use of fresh water for watering golf courses, except:
 - (a) Fresh water may be used to water tees and greens during the hours of 5:00 p.m. to 9:00 a.m.
 - (b) Fresh water may be used to syringe heat-sensitive grasses during daytime stress periods at the minimum rate necessary.
 - (c) Fresh water may be used as part of a necessary overseeding or resodding operation during the months of August, September and October at the minimum rate necessary.

- (4) The use of water for washing paved surfaces such as streets, roads, sidewalks, driveways, garages, parking areas, tennis courts and patios, except:
 - (a) Water may be used for prewashing in preparation of asphalt street or driveway recoating and sealing.
 - (b) Water may be used at the minimum rate necessary for the maintenance of tennis courts composed of clay or similar materials by means of a hand-held hose equipped with an automatic shut-off nozzle.
 - (c) Water may be used at the minimum rate necessary for sanitation of the premises of eating and drinking places.
- (5) The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.
- (6) Ornamental water use, including but not limited to fountains, artificial waterfalls and reflecting pools.
- (7) The use of water for washing or cleaning of mobile equipment, including automobiles, trucks, trailers and boats, except:
 - (a) Individuals may wash personally owned or leased vehicles by buckets only.
 - (b) Water may be used by commercial car washes at the minimum rate necessary to ensure an effective wash.
 - (c) Water may be used for cleaning of construction, emergency, public transportation or government vehicles where necessary to preserve the proper functioning and safe operation of the vehicle.
 - (d) Water may be used for the cleaning of new and used cars which are part of a dealer's sales inventory according to the following restrictions:
 - [1] Vehicles may be washed in preparation for sale at the time the vehicle is received from the manufacturer or prior owner.
 - [2] Vehicles shall be washed no more than once every seven days, to be determined as follows: odd street addresses on Tuesdays, even street addresses on Wednesdays and no street address on Thursdays.
 - [3] Vehicles may be washed following sale immediately prior to delivery to the purchaser.
 - [4] Vehicles may be washed by means designed and operated to assure effective conservation of water or by bucket or hand-held hose equipped with an automatic shut-off nozzle.
 - (e) Water may be used by professional mobile wash businesses, at the minimum rate necessary, for the washing of commercial, government or other vehicles as part of normal business practices.

- (8) The use of water to fill and top off swimming pools, except water may be used for the following:
 - (a) To fill and top off public swimming pools and residential swimming pools serving 25 or more dwelling units, if the pools have filtration equipment allowing for continued use and recycling of water over the swimming season.
 - (b) To fill and top off swimming pools operated by health care facilities used in relation to patient care and rehabilitation.
 - (c) To fill and top off other pools only if approved by the public water supply system from which the water is withdrawn. If water is obtained from other sources, permission from the owner of the source is required.
- (9) The use of water for flushing sewers or hydrants by municipalities or any public or private individual or entity except as deemed necessary and approved in the interest of public health or safety by the Board of Supervisors.
- (10) The use of fire hydrants by fire companies for testing fire apparatus and for Fire Department drills except as deemed necessary in the interest of public safety and specifically approved by the water supplier.
- (11) The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for fire-fighting or protection purposes.

§ 173-46. Water use restrictions for customers during Stage III water shortage.

Each and every person who is a customer of a water supplier which is in a Stage III water shortage as defined in the Water Shortage Response Plan or Drought Contingency Plan of such water supplier, regardless of whether such person is a residential, commercial, industrial, municipal, institutional or other type of water customer, shall achieve the water use reductions set forth in the water supplier's Water Shortage Response Plan or Drought Contingency Plan, whichever provides for the greatest water use reduction.

§ 173-47. Water use restrictions for Township water users during Stage III water shortage of water system operated by Township.

Each and every person who is a customer of the Township when the Township is in a Stage III water shortage as defined in the Water Shortage Response Plan shall achieve the water use reductions set forth in this section or in the Water Shortage Response Plan of the Township, whichever provides for the greatest water use reduction, upon the Township's receipt of notification from PEMA of approval of the Township's water-rationing plan.

- A. Water use restrictions for residential users. Each residential household shall reduce its water consumption by 25% percent of use levels for the same quarter of the preceding year or shall reduce its water consumption to the use level set forth in Subsection A(1) and (2) below, whichever results in the greater reduction of water consumption.

- (1) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed. Each dwelling unit (household) shall be allotted 40 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allotment of 55 gallons.
- (2) Residential water customers are required to provide Township personnel with reasonable access to read meters as necessary to implement this rationing plan. Where access is not readily available, the Township shall make all reasonable efforts to contact customers in order to arrange for access to read meters. In the event that a water customer does not allow Township personnel to read the meter, after the Township has made reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to 55 gallons per day.
- (3) Exemptions and variances.
 - (a) Where the residential water allotment provided under this section would create extraordinary hardship, as in the case of special health-related requirements, the water customer may apply to the Township for an exemption or variance from these requirements. If the Board of Supervisors finds that the allotment provided in this section would impose extraordinary hardship, the Board of Supervisors may establish a revised allotment for the particular customer.
 - (b) Any person aggrieved by a decision relating to such an exemption or variance rendered by the Board of Supervisors may file an appeal with the Lancaster County Court of Common Pleas in accordance with the provisions and procedures of the Local Agency Law, 2 Pa. C.S.A. § 551 et seq.

B. Water use restrictions for nonresidential customers.

- (1) Nonresidential customers include commercial, industrial, institutional, public and all other users, with the exception of hospitals and health care facilities. Nonresidential water customers shall reduce their water usage by a minimum of 25% of use levels for the same quarter of the preceding year. It is the primary responsibility of each nonresidential water customer to meet its mandated water use reduction goal in whatever manner possible.
- (2) The Board of Supervisors shall establish a water allotment for each nonresidential water customer, based upon a required twenty-five-percent reduction of water usage from the rate of water used by the customer in the same quarter of the preceding year or the last recorded use level if no meter readings record the rate of the customer's use in the same quarter of the preceding year.
- (3) Each nonresidential water customer shall provide access to Township personnel for purposes of meter reading and monitoring of compliance with this plan. The Township shall make all reasonable efforts to contact customers

to arrange for access.

- (4) If the mandated twenty-five-percent reduction in water usage cannot be obtained without imposing extraordinary hardship threatening health and safety, the nonresidential customer may apply to the Board of Supervisors for a variance. For these purposes, "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this section. If the Board of Supervisors finds that the twenty-five-percent reduction would cause extraordinary hardship or threaten health or safety, the Board of Supervisors may grant a variance and establish a revised water use reduction requirement for the particular customer.
 - (5) Any person aggrieved by a decision relating to such a variance rendered by the Board of Supervisors may appeal the decision to the Commonwealth Drought Coordinator who shall render a final decision.
- C. Any person who is a customer of the Township who exceeds the allotments established pursuant to this section or the approved water-rationing plan during a Stage III water shortage shall be subject to the following remedies and charges in addition to all other remedies and penalties for the violation of this article:
- (1) The Township shall collect an excess use charge based on the amount by which such person's use exceeds the water allotment established pursuant to this section or the water-rationing plan. The excess use charge shall be in addition to any other water rates or charges imposed by the Township for water service by this Chapter 173 and shall be in accordance with the following schedule:

Excess Usage Per Month	Charge
First 2,000 gallons or portion thereof	\$7.00 per 1,000 gallons or portion thereof
Each 1,000 gallons or portion thereof after the first 2,000 gallons	\$15.00 per 1,000 gallons or portion thereof

- (2) Any funds collected by the Township through the excess use charge shall be expended in accordance with any applicable requirements of the Emergency Management Services Code or the regulations of PEMA.
- (3) At the first excess use, the Township may inform the customer of a possible termination of water service.
- (4) For a second or subsequent excess use, the Township may interrupt or disconnect service to such person for a period not to exceed 48 hours, or, if the person provides access, the Township may install a flow restrictor in such

person's service line for the duration of the Stage III water shortage. All costs incurred by the Township to interrupt or shut off and reinstate service or to install and remove a flow restrictor shall be paid by such person.

- D. The Township reserves the right as set forth in § 173-21 to impose additional restrictions in the use of water as may be necessary due to accidents, breakdowns, shortages of water and other causes.

§ 173-48. Enforcement; violations and penalties.

- A. This article may be enforced by Township police officers and by officials of the Township Water Department.
- B. Any person using water supplied by the Township in violation of the Water Shortage Response Plan as adopted by this article or in violation of any other provision of this article or any person using water supplied by any water supplier in violation of the provisions of this article shall be liable, upon conviction thereof in a summary proceeding, to pay a fine of not less than \$200 nor more than \$1,000 for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this article, and each section of this article which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding 30 days.

§ 173-49. Construction and severability.

The provisions of this article are severable, and, if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this article. It is hereby declared to be the intent of the Board of Supervisors that this article would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein. It is the specific intent of the Board of Supervisors that this article shall be construed in a manner so that its provisions are consistent with the requirements of Chapters 119 and 120 of Title 4 of the Pennsylvania Code.

§ 173-50. (Reserved)

ARTICLE V
Fire Hydrants
[Adopted 3-11-2002 by Ord. No. 156]

§ 173-51. Short title.

This article shall be known and may be cited as the "West Earl Township Fire Hydrant Ordinance."

§ 173-52. Definitions.

As used in this article, the following words, terms and phrases shall have the following meanings unless it is apparent from the context that a different meaning is intended:

BOARD OF SUPERVISORS — The Board of Supervisors of the Township.

FIRE COMPANY — Any volunteer fire company recognized by the Board of Supervisors and authorized to provide emergency response services within the Township.

FIRE FIGHTER — Any member of a volunteer fire company recognized by the Board of Supervisors to perform emergency response services within the Township.

§ 173-53. Unlawful activities.

- A. No person shall open any fire hydrant or use any meter on any fire hydrant for sprinkling of streets, for building, or for any purpose whatsoever other than police officers or fire fighters responding to emergencies without written permission from the Township.
- B. No person shall damage, destroy, vandalize or deface any fire hydrant.

§ 173-54. Authorized use of fire hydrants.

- A. Fire fighters and police officers may open and use fire hydrants to respond to emergency conditions.
- B. Fire Companies may use fire hydrants for training and other nonemergency response purposes.
- C. All other uses of fire hydrants by any persons other than Township representatives shall be undertaken only after obtaining written authorization from the Township.

§ 173-55. Permit to use fire hydrants.

- A. Any person who desires to use any fire hydrant shall make written application to the Township identifying the hydrant proposed to be used, the date of use, the reason for such use, and the approximate number of gallons proposed to be used. Such person shall provide any additional information the Township deems necessary for the evaluation of the request and protection of the water system.
- B. No person shall be issued approval to use any fire hydrant unless such person uses a reduced-pressure zone backflow preventer while using the fire hydrant.
- C. Any person using a fire hydrant shall strictly conform to all conditions set forth in the written authorization. Such person shall also pay to the Township a fee based upon the estimated water consumption prior to the issuance of authorization to use the fire hydrants. Such person shall promptly pay to the Township any additional charges if the person exceeds the estimated water consumption.

§ 173-56. Violations and penalties.

- A. Any person violating any of the provisions of this article shall, upon conviction in a

summary proceeding, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 for each offense, and costs of prosecution.

- B. The payment of any fees required shall not be a bar against prosecution for any violations under this article. Each incident constitutes a separate offense.