

ORDINANCE NO 2014-4

**AN ORDINANCE OF THE CITY OF PARKER, ARMSTRONG COUNTY, PENNSYLVANIA,  
DIRECTING AND REQUIRING THE CONNECTION OF ALL STRUCTURES OCCUPIED  
BY PERSONS WITH THE PUBLIC WATER SYSTEM OF THE CITY ON PREMISES  
ACCESSIBLE THERETO AND ESTABLISHING PENALTIES AND REMEDIES FOR NON  
COMPLIANCE.**

BE IT ORDAINED and enacted by the Council of the City of Parker, and it is hereby ordained and enacted by authority of the same as follows:

**SECTION 1 – DEFINITIONS**

1. “Authority” shall mean Parker Area Authority.
2. “City” shall mean the City of Parker.
3. “Building” shall mean a man-made structure attached to or into the ground enclosing or covering a volume of space, and interned to shelter or contain people, animals, businesses and activities associated with any of them. “Authority” shall mean Parker Area Authority.
4. “Authority Inspector” shall mean the person appointed or employed by Parker Area Authority to inspect public sewers, water lines, building sewers and all other connections between occupiable homes or other building and the public sewers and water lines.
5. “Occupiable” shall mean a Building designed for human occupancy in which individuals congregate for any purpose; and which is equipped with means of egress and plumbing facilities for water to be used by the occupants of the building.
6. “Persons” shall mean individual, partnership, association, company, corporation, municipality, municipal authority or political subdivision, or any agency of the federal or state government. The term includes the officers, employees and agents of any partnership, association, company, corporation, municipality, municipal authority or political subdivision, or any agency of the federal government.
7. “Shall” is mandatory.

**SECTION 2 – MANDATORY CONNECTION**

Every owner of an occupied structure, (capable of utilizing water under pressure), for residential, commercial or industrial purposes, but not buildings utilized solely for agricultural, shall, where the structure and the property upon it is situate is located adjacent to, abutting or adjoining the property of a public water line of the Parker Area Authority, within 30 days of notice be required to connect at their own cost, the house, building or other structure to the public water system, in accordance with the regulations of the Parker Area Authority.

**SECTION 3 – CONNECTION TO BE MADE**

In case any required owner of a structure covered by the mandatory connection requirement set forth above, shall neglect or refuse to connect with said water service system as so provided for a period of ninety (90) days after notice to do so has been served upon them, the City Council, their



agent, or the Authority, may enter upon such property and construct such connection, billing the cost thereof to the owner.

#### SECTION 4 – RULES OF THE AUTHORITY

Connections shall be made according to the rules of the Authority and only with payment of the prescribed tap fee. Connections shall be subject to inspection by the Authority and meters and other water supply devices shall be subject to inspection by Authority personnel during normal business hours or at other times in the event of water supply emergencies, or s deemed necessary

#### SECTION 5 – SPECIFICATIONS FOR HOUSE PLUMBING SYSTEM

Each user of the Public Water system before connection are made thereto shall provide the necessary piping, venting and connection as required by the rules and regulations of the Authority.

#### SECTION 6 – CROSS CONNECTIONS

No cross connections shall be made between the Sanitary Sewer system and the potable water system whereby vacuums or back siphonage could permit sanitary waste to enter the potable water system. No cross connections shall be made between any sources of water and the Pubic Water System.

#### SECTION 7 – PROCEDURE

A. Every consumer desiring to have water turned on or shut off at any premises shall file a written request therefor with the Secretary of Parker Area Authority signed by the owner of the property involved. A service charge in accordance with the rate schedule will be made for each time the water is turned on. No person other than an accredited representative of the Authority shall be permitted to turn on or shut off water at the curbstop.

B. When water has been turned off, from any service line, the same shall not be turned on until ordered by the City Official in charge of water distribution after all assessments and charges have been paid in full.

C. In case of change of ownership of property, the same shall be reported to the City Secretary as soon as the transfer has been completed so that proper records may be maintained and invoices of water service rendered. It shall be the duty of the purchaser or transferee and transferor of the property to furnish the address to which cards and invoices shall be mailed, otherwise the former owner shall remain liable along with the new owner for water charges accruing after the transfer.

#### SECTION 8 – IMPLEMENTATION

The City of Parker hereby designates the Parker Area Authority its agent to enforce all provisions of this Ordinance, including but not limited to, mandatory connections and penalties for non-compliance with any provision of this Ordinance.



The Authority is hereby specifically appointed to prosecute summary violations or other court or legal actions authorized by this Ordinance necessary for implementation of the provisions hereof.

#### SECTION 9 – INSPECTORS

The Authority and City, and their agents and employees, shall be permitted to enter upon all properties for the purpose of inspection, observation, sampling, testing and retesting in accordance with rules and regulations adopted by the Authority.

#### SECTION 10 – LIABILITY

The City assumes no liability for failure to deliver water or an adequate supply thereof when such failure is caused by circumstances beyond the City's control. The City reserves the right to order curtailment or the suspension of the use of water when, in the judgment of the City Council, the same is necessary for the conservation of the supply and to protect the health and safety of the City

#### SECTION 11 – COMPLIANCE WITH RULES AND REGULATIONS

All connections to the lines that are part of the Public Water system of the City shall be made in accordance with rules and regulations adopted by the Authority. Any abandonment of any water connection or structure shall be made in accordance with this Ordinance.

#### SECTION 12 – PENALTIES / ENFORCEMENT

If the owner or owners of any occupiable Building or Buildings shall neglect or refuse to comply with the provisions of this Ordinance, the City or Authority may serve a written notice upon said owner or owners, or upon the tenant or party in possession of the premises if the owner or owners cannot be found on said premises, requiring said owner or owners to comply in every respect with the provisions of this Ordinance within 30 days after the service of such notice, and if the owner or owners shall neglect or refuse to comply with the notice, the City or Authority may perform or cause to be performed such work and labor, and furnish or cause to be furnished, such material as may be necessary to comply with the provisions of this Ordinance at the cost and expense of the owner or owners together with 10% in addition thereto for attorney fees. All charges and expenses incident to such connection by the City or Authority, which sum shall be collected from said owner or owners for the use of the City or Authority as debts are by law collectable, or the said City or Authority may, by the proper officer, file a municipal claim or lien therefor against said premises as provided by the Act or Acts of Assembly.

In addition, if the owner or owners of any occupiable Building or Buildings after receiving due notice refuses or fails to comply with the terms thereof:

- (A) He or she shall be guilty of a violation of this ordinance and shall upon conviction thereof, before a District Justice having jurisdiction, shall be fined not less than Twenty-five (\$25.00) Dollars and not more than the statutory maximum for enforcement of a summary offense under the City code as prescribed 53 P.S. § 38501.0, or the Authority pursuant to 53 Pa. C.S.



§5607(d), plus costs of prosecution, after summary proceedings brought in the name of the City or Authority before said District Justice. In default of payment of such fines and costs of prosecution, shall be imprisoned to the extent allowed by law for the punishment of summary offenses, PROVIDED, each days continuance of a violation shall constitute a separate offense.

- (B) The City or Authority may direct the removal, repairs or alterations, as the case may be, to be done by the City or Authority and the cost thereof with a penalty of ten (10%) percent for attorney fees may be collected from the owner of the premises by a civil action or the City or Authority may file a municipal claim or lien therefore against such real estate. [53 P.S. §46202(4) (16), as amended], and/or 53 P.S. PAST Pt. 1, Ch 25, et seq.
- (C) The City or Authority may by means of an action in assumpsit to compel the owner to remedy the violation or to seek other relief as such Court is empowered to afford.
- (D) In addition to any of the penalties set forth above, any person who fails to connect to the Public Water as required under this Ordinance and such failure to connect continues for a period of 30 days after written notice to do so shall become liable for the monthly minimum charge as established by the Authority for water service and such charge shall continue regardless of whether service has been established to the property.
- (E) In addition, such owner or owners may suffer the termination of sewer service to the building or buildings failing to comply. Additionally, sewer service may be terminated upon failure of water supply being maintained at the structure.
- (F) Use of water service without purchasing water from the Authority shall be deemed to be a theft of service and prosecuted as such.

#### SECTION 13 – REPEALER

All Ordinances or parts of ordinances inconsistent with or conflicting with the provisions of this Ordinance are and the same are hereby repealed insofar as they are inconsistent with the provisions of this Ordinance.

#### SECTION 14 – PARTIAL INVALIDITY

The invalidity of any section, clause, sentence or provisions of this Ordinance shall not affect the validity of any other part of the Ordinance which can be given affect without such invalid part of parts.

#### SECTION 15 – EFFECTIVE DATE

This Ordinance shall be effective upon enactment by the City of Parker.

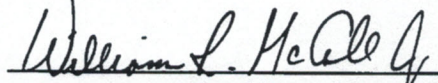


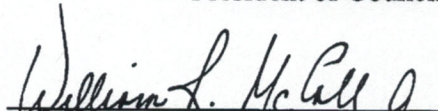
ENACTED AND ORDAINED into an Ordinance this 13 day October 2014.

ATTEST:

CITY OF PARKER:

 (SEAL)  
Linda Strauser, Secretary

By:  (SEAL)  
President of Council

By:  (SEAL)  
William McCall, Mayor

C:\Users\Jeanette\Thomson Reuters Firm Central\Matters - Open\City of Parker\Water Connection Ordinance 14-16893\Mandatory Water Connection Ordinance.docx

