

## **CHAPTER 26**

### **WATER**

#### **Part 1**

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## **WATER**

### **Part 1**

#### **Water Use**

##### **§26-101. Definitions.**

The following definitions shall apply to this Part:

**ACT** — the Pennsylvania Safe Drinking Water Act, 35 P.S. §§ 721.1 through 721.17.

**AUTHORITY** — the Gettysburg Municipal Authority, a municipal authority organized and operating pursuant to the Pennsylvania Municipalities Authorities Act.

**BOROUGH** — the Borough of Gettysburg, Adams County, Pennsylvania, a municipal corporation of the Commonwealth, acting by and through its Borough Council or, in appropriate cases, acting by and through its authorized representatives.

**COMMONWEALTH** — the Commonwealth of Pennsylvania.

**HUMAN CONSUMPTION OR DOMESTIC USE** — in a reference herein a use or an application of water intended for or available for human ingestion, for handling of, preparation of, cooking or incorporation into food or other substances intended for human ingestion, for human washing or bathing, for washing, cleaning, handling or use in connection with dishes, kitchen utensils, clothing or other articles or property intended for human use or adornment, for human toilet needs including for use in sanitary sewage facilities or for any other type of human consumption or other type of domestic use; provided, however, the term "human consumption or domestic use" shall not mean, in a reference herein, to a use or application of water or to facilities providing or conduction water, water or facilities where the water is used:

- (1) For irrigation of lawns and plants.
- (2) For the washing of automobiles, trucks or other mechanical implements.
- (3) For such other special uses as shall be determined and approved by the Borough for good cause shown.

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

**LATERAL** — that part of the water system extending from a water main to the curblineline or, if there shall be no curblineline, to the property line or if such lateral shall be provided,

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then "lateral" shall mean that portion of, or place in, a water main which is provided for connection of any service line.

OWNER — any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — any individual, partnership, copartnership, firm, company, limited liability company, corporation, association, joint-stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

SERVICE LINE — the extension from a lateral to any structure, excluding water meters.

STREET — any street, road, lane, court, cul-de-sac, alley, public way or public square.

WATER MAIN — any pipe or conduit consisting of a part of the water system used or usable for water transmissions or distribution purposes.

WATER SYSTEM — all facilities including water meters, as of any particular time, for supplying, storing, transporting and distributing water situate in or adjacent to the Borough and owned by the Authority.

(Ord. 1326-06, 12/11/2006, §1)

### **§26-102. Enforcement of Pennsylvania Safe Drinking Water Act.**

The Borough Council of the Borough of Gettysburg hereby elects to administer and enforce the provisions of the Act, as amended from time to time, as it pertains to the use of groundwater as a water supply for human consumption or domestic use by the installation or use of water supply wells or by any other method. The Borough Council of the Borough of Gettysburg hereby mandates the use of the public water system for the provision of water for human consumption or domestic use.

(Ord. 1326-06, 12/11/2006, §2)

### **§26-103. Use of Groundwater Prohibited.**

The use of, or attempted use of, groundwater from within the corporate limits of the Borough, for any purpose, by the installation or drilling of wells or by any other method, is hereby prohibited.

(Ord. 1326-06, 12/11/2006, §3)

**§26-104. Use of Public Water System and Connection to Water Mains Required.**

1. The owner of any improved property abutting upon any street in which there is a water main shall connect such improved property with such water main, in such manner as the Borough may require, within 45 days after notice to such owner from the Borough to make such connection for the purpose of conducting water to such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough, from time to time.
2. After connection of such improved property with a water main shall be required under §26-104.1, all water to be furnished to or used upon such improved property for human consumption or domestic use shall be provided by and shall be conducted to such improved property by the water system; subject, however, to limitations and restrictions as shall be established herein or otherwise shall be established by the Borough, from time to time.
3. No person shall use or provide water for human consumption or domestic use other than water from the water system with the Borough in violation of §26-104.1. No private water wells, sources or systems shall be connected to plumbing or any improved property supplying water for human consumption or domestic use.
4. No water well, source or system shall be used or shall be maintained at any time for purposes of providing water for human consumption or domestic use upon any improved property which has been connected to a water main or which shall be required under §26-104.1 to be connected to a water main; provided, however, private water wells, sources and systems may be maintained and used for purposes other than supplying water for human consumption or domestic use.
5. The notice by the Borough to make a connection to a water main, referred to in §26-104.1 shall consist of a copy of this Part, 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 Part and specifying that such connection shall be made within 45 days from the date such notice is given. Such notice may be given at any time when a water main is in place which can furnish and supply water to the particular improved property. Such notice shall be served upon the owner in accordance with law.

(Ord. 1326-06, 12/11/2006, §4)

**§26-105. Service Lines and Connections.**

If the owner of any improved property abutting upon a street in which there is a water main, after 45 days from the Borough or the Authority requiring the connection of such improved property with a water main, in accordance with §26-104.1, shall fail to connect

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such improved property, as required, the Borough may make such connection and may collect from such owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceedings as may be permitted by law.

(Ord. 1326-06, 12/11/2006, §5)

### **§26-106. Rules and Regulations Governing Plumbing, Service Lines and Connections to Water Mains.**

1. Where an improved property, at the time connection to a water main is required, shall be served by its own water well, source or system, the existing plumbing supplying water for human consumption or domestic use shall be disconnected from such water well, source or system and attachment shall be made, with proper fittings, by way of a service line to such water main.
2. If any person shall fail or shall refuse, upon receipt of a notice of the Borough or the Authority in writing, to remedy any unsatisfactory condition with respect to a service line within 45 days of receipt of such notice, the Borough may refuse to permit such person to conduct water to such improved property until such unsatisfactory condition shall have been remedied to the satisfaction of the Borough.

(Ord. 1326-06, 12/11/2006, §6)

### **§26-107. Exception.**

This Part shall not apply to any groundwater use not for human consumption or domestic use in existence at the effective date of this Part. Any groundwater use exempted under this provision may not be enlarged or increased following the effective date of this Part.

(Ord. 1326-06, 12/11/2006, §7)

### **§26-108. Penalties.**

Any person violating the provisions of this Part shall be subject to a fine of not less than \$100 and not more than \$1,000, plus costs and, in default of payment of said fine and/or costs to a term of imprisonment not to exceed 30 days. In addition to any penalty provided hereunder, the Borough may seek injunctive relief to prevent the violation of this Part.

(Ord. 1326-06, 12/11/2006, §8)