

Chapter 26

Water

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Part 1**Mandatory Connection****§26-101. Definitions.**

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

Authority - Christiana Borough Authority, a Pennsylvania municipality Authority, owner of the water system serving the Borough of Christiana, Lancaster County, Pennsylvania.

Borough - the Borough of Christiana, Lancaster County, Pennsylvania, a political subdivision, acting by and through its Mayor and Borough Council, or, in appropriate cases, by and through its authorized representatives.

Improved property - any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and to which structure water is supplied.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any improved property.

Person - any individual, partnership, company, association, society, corporation or other group or entity.

Water system - all facilities, as of any particular time, for collecting, pumping and/or transporting water, situate in or adjacent to this Borough and owned, maintained and operated by the Authority or its agent.

(Ord. 174, 3/5/1996, Art. I, §1.01)

§26-102. Use of Public Water System Required.

1. The owner of any improved property which is located in this Borough and is accessible to and whose principal building is within 150 feet of a water main of the water system of the Authority, shall connect such improved property therewith, in such manner as this Borough and the Authority may require, within 60 days after notice to such owner from this Borough to make such connection for the purpose of connecting the Authority's water system to such improved property, subject to the limitations and restrictions as shall be established by this Borough or the Authority, from time to time.

2. The notice by this Borough to make a connection to the water system, referred to in subsection .1, shall consist of a copy of this Part, including any amendments at the time in effect, and a written or printed document requiring such connection in accordance with the provisions of this Part and specifying that such connection shall be made within 60 days from the date such notice is given. Such notice may be given at any time after a water main is in place which can transport or convey water to the particular improved property. Such notice shall be served upon the owner, either by personal service or by registered mail or by such other method as at the time may be provided by law.

(Ord. 174, 3/5/1996, Art. II, §§2.01, 2.02)

§26-103. Connections.

1. Except as otherwise provided in this subsection .1, each improved property shall be connected separately and independently. Grouping of more than one improved property on one water line shall not be permitted, except under special circumstances and for good reasons or other good cause shown, and then only after special permission of this Borough and the Authority, in writing, shall have been secured.

2. All costs and expenses of construction of a water line and costs and expenses of connection of the Authority's water system to an improved property shall be borne by the owner of the property to be connected; and such owner shall indemnify and 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 a water connection from the water system of the Authority to an improved property.

3. A water line connection shall be made to a water main of the Authority at the place designated by the Authority or where the lateral is provided.

4. If the owner of any improved property located in this Borough and whose principal building is within 150 feet of the water system, after 60 days notice from this Borough, in accordance with §26-102.1, shall fail to connect such improved property, as required, this Borough may make such connection and may collect from such owner the cost and expenses thereof. In such case, the Borough shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Borough shall file a municipal lien for said construction within 6 months of the date of the completion of the construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

(Ord. 174, 3/5/1996, Art. III, §§3.01 - 3.04)

§26-104. Rules and Regulations Governing Connections to the Water System.

1. All connections, including fees and charges, shall be governed by the rules and regulations of the Authority and/or the Borough. No connection shall be covered until it has been inspected and approved by this Borough and the Authority. If any part of a connection to the water system of the Authority 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 the water system.

2. The owner of every property which is served by the water system shall pay for water supplied to such property or, in the case of properties connected to the water system, but temporarily not using water, for the privilege of having available such connection and the ability to use such water in accordance with the schedule of rates and charges established by the Authority and/or Borough. Such rates and charges so imposed shall, until paid, be a lien upon each property served or benefitted by the water system, and the Borough or Authority may collect the same in the manner provided by law for the filing and collecting of municipal claims or in any other lawful manner.

3. 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 the

water system, which additional rules and regulations to the extent appropriate, shall be construed as a part of this Part.

(*Ord. 174, 3/5/1996, Art. IV, §§4.01 - 4.03*)

§26-105. Enforcement; Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 174, 3/5/1996, Art. V, §§5.01, 5.02; as amended by Ord. 205, 6/5/2007*)

§26-106. Declaration of Purpose.

It is declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

(*Ord. 174, 3/5/1996, Art. VIII, §8.01*)

Part 2**Standards and Regulations for the
Conservation and Rationing of Water****§26-201. Declaration of Water Shortage**

1. The Christiana Borough Council or any official or committee designated and authorized to act by the Council, may determine and declare that there is a water shortage in the Borough of Christiana, in the event that the water in either of the two reservoirs owned by the Christiana Borough Authority falls to a recovery rate not adequate to maintain a level of 6 feet.

2. Upon a determination and declaration that a water shortage exists, the Christiana Borough Council or its designee shall promptly give written notice of same to each property owner to whom this Part applies as defined in §26-202 of this Part, and shall make, or cause to be made, a public announcement of such declared water shortage in a local newspaper. Such notice and public announcement shall include a description of the provisions in effect.

(Ord. 133, 1/7/1986, Art. I)

§26-202. Application of Ordinance.

This Part and all regulations contained herein shall apply to any owner or occupant of premises which receive water from the Borough of Christiana or from the Christiana Borough Authority. This Part shall not apply to any owner or occupant of premises which are served solely by private well.

(Ord. 133, 1/7/1986, Art. II)

§26-203. Regulated and Prohibited Activity.

The following requirements will be in effect in the event a water shortage is declared:

A. Persons will be urged to conserve water in every way possible, in their homes and in their businesses.

B. No person shall use water to sprinkle a lawn, or use water through a hose to water any garden, tree, shrub or flowers, except that newly seeded grass, defined as grass planted within the previous week, may be watered at a rate of only one time a day between the hours of 8 p.m. and midnight or between the hours of 6 to 10 a.m. These restrictions shall apply to all residences and all businesses and institutions having lawns, gardens, trees, shrubs or flowers, and shall be followed at all parks and public buildings owned by the Borough of Christiana.

C. No water shall be used from a hose to wash vehicles, except that any person may wash a vehicle with water from a bucket.

D. No swimming pools shall be filled. Swimming pools that were filled before the water shortage may have water added to make up losses through evaporation or splashing. Water lost through drainage or through leaks in the pool may not be made up.

E. It is the policy of the Borough of Christiana to keep these restrictions in effect no longer than necessary. The Council of the Borough of Christiana shall take steps to lift the restrictions as soon as lifting the restrictions will not result in a water shortage in the Borough of Christiana.

(*Ord. 133, 1/7/1986, Art. III*)

§26-204. Responsibility.

No person shall be convicted of violating this Part unless such person in fact turned on water, directed the turning on of water, or kept water turned on after learning it was turned on in violation of this Part, or failed to turn off automatic devices capable of turning on water in violation of this Part. It will not be necessary, however, to present a witness who saw the accused turning on the water, if the circumstances indicated the accused did turn on the water.

(*Ord. 133, 1/7/1986, Art. IV*)

§26-205. Penalty.

Any person, firm or corporation, who shall violate any provision of this Part shall, upon conviction thereof, be fined not less than \$5 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 133, 1/7/1986, Art. V; as amended by Ord. 205, 6/5/2007*)

Part 3**Management Agreement Between Borough and
Christiana Borough Authority****§26-301. Entry into Management Agreement with Christiana Borough Authority.**

The management agreement with the Christiana Borough Authority, in the form attached to this Part¹ is hereby approved and the Borough of Christiana shall manage and operate the water system owned by the Christiana Borough Authority serving the Borough of Christiana and certain surrounding municipalities. In accordance with the terms of the management agreement, the Borough of Christiana will collect all rentals and other charges on behalf of the Christiana Borough Authority and will pay all expenses for the management and operation of the water system. The net profit derived from the water system shall inure to the Borough of Christiana. The President and Secretary of Borough Council are hereby specifically authorized to execute the management agreement on behalf of the Borough of Christiana and to affix the seal of the Borough to the agreement.

(*Ord. 139, 4/7/1987, §1*)

¹Editor's Note: The original of the management agreement is on file in the Borough office.

