

## Chapter 154

### WATER

#### ARTICLE I Water System Regulations

- § 154-1. Short title.
- § 154-2. Purpose.
- § 154-3. Definitions.
- § 154-4. Water connections required; private wells prohibited.
- § 154-5. Rates and charges.
- § 154-6. Billing.
- § 154-7. Application for service.
- § 154-8. Separate service line required.
- § 154-9. Service lines, main to curb stop.
- § 154-10. Service lines, curb stop to premises and curb box.
- § 154-11. Meters.
- § 154-12. Fire hydrants.
- § 154-13. Accuracy tests.
- § 154-14. Leaks, defective plumbing or waste.
- § 154-15. Opening, closing or interfering with valves and stop cocks.
- § 154-16. Connections or outlets between main and meter not permitted.
- § 154-17. Turning off water.
- § 154-18. Supply of water.
- § 154-19. Cross connections.
- § 154-20. Changing of rules and regulations.

- § 154-21. Violations and penalties.
- § 154-22. Codification.
- § 154-23. Bulk sales.
- § 154-24. Resale of water.
- § 154-25. (Reserved)
- § 154-26. (Reserved)
- § 154-27. (Reserved)
- § 154-28. (Reserved)
- § 154-29. (Reserved)

#### ARTICLE II Private Water Wells

- § 154-30. Purpose.
- § 154-31. Definitions.
- § 154-32. Permit required.
- § 154-33. Application for permit.
- § 154-34. Restriction on wells.
- § 154-35. Certification by owner or contractor.
- § 154-36. Requirements for existing wells.
- § 154-37. Interconnections.
- § 154-38. Inspections and testing.
- § 154-39. Well abandonment.
- § 154-40. Variances.
- § 154-41. Rules and regulations.
- § 154-42. Enforcement and penalties.
- § 154-43. Severability.
- § 154-44. When effective.

[HISTORY: Adopted by the Borough Council of the Borough of Montoursville 10-3-1988 by Ord. No. 321. Amendments noted where applicable.]

## GENERAL REFERENCES

Sewers — See Ch. 118.

---

ARTICLE I  
Water System Regulations

**§ 154-1. Short title.**

This article shall be known as and may be cited as the "Water System Regulation Ordinance of the Borough of Montoursville."

**§ 154-2. Purpose.**

This article provides for the fixing of rates and charges pertaining to water service in the Borough of Montoursville, fixes the responsibility for the payment of charges for the consumption of water and related services and provides for the collection of the same, adopts rules and regulations for water service throughout the water system of the Borough of Montoursville and prescribes penalties for violations.

**§ 154-3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BUSINESS UNIT** — A structure or a self-contained section of a structure intended for use as one business. [Added 3-7-2016 by Ord. No. 468<sup>1</sup>]

**DWELLING UNIT** — A structure or a part of a structure used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. [Added 3-7-2016 by Ord. No. 468<sup>2</sup>]

**WATER SYSTEM** — The wells, pumping stations, reservoirs, treatment equipment, distribution lines and all related equipment, which serve the inhabitants of the Borough of Montoursville and which are owned by the Borough of Montoursville. [Added 3-7-2016 by Ord. No. 468<sup>3</sup>]

**§ 154-4. Water connections required; private wells prohibited. [Amended 8-17-1998 by Ord. No. 376]**

- A. All owners of properties abutting any street or alley in which there is a water main or in which a water main may be constructed shall make connection at their own expense to such waterline for the purpose of conducting water to such property. Any such property owner shall be given at least 45 days' notice of the requirement for connection of his property to the borough water system. Upon failure of such owner to make such

---

1. Editor's Note: This ordinance provided an effective date of 4-1-2016.

2. Editor's Note: This ordinance provided an effective date of 4-1-2016.

3. Editor's Note: This ordinance provided an effective date of 4-1-2016.

connection, the borough may make the same and collect the cost thereof from the owner by a municipal claim or by an action of assumpsit.

- B. No private water wells shall be drilled or used in the Borough of Montoursville except in accordance with Article II of this chapter. **[Amended 3-15-1999 by Ord. No. 383]**

**§ 154-5. Rates and charges.**

- A. The Borough Council may from time to time fix the rates to be charged for water furnished to individuals, copartnerships, associations or corporations within the Borough of Montoursville.
- B. The Borough Council may from time to time by resolution fix the charges for a tapping or service connection fee which shall be assessed against the property owner whenever such owner connects said property with a water main constructed or owned by the Borough of Montoursville. **[Amended 3-3-1997 by Ord. No. 370]**
- C. The Borough Council may from time to time set the amount of a fee for a permit which shall be required prior to connecting to the borough water system or for a permit which shall be required due to any change in occupancy of a property.
- D. The Borough Council may from time to time determine the amount of a service charge which shall be made for turning on water when water has been shut off at the request of the owner or for nonpayment of charges or for violation of rules and regulations, provided that there is a serviceable curb box and stop in front of the premises. Where there is no serviceable curb stop and box, the property owner shall be required to pay all costs connected with shutting off and turning on the water.
- E. The Borough Council or other borough official authorized by Borough Council may assess charges against property owners for special services rendered, for damage to borough owned equipment or any other unlawful activity and such charges must be paid by said property owner. Upon failure of the property owner to pay such charges within a reasonable time after presentation of the same, the water service may be turned off, and the claim may be collected from the owner by a municipal claim or by an action of assumpsit.
- F. The Borough Council may from time to time set an amount for an annual service charge for fire hydrants located outside the Borough of Montoursville.
- G. The Borough Council may from time to time set an amount for minimum quarterly water fees for residential and commercial properties within the Borough of Montoursville. Such minimum quarterly fees shall be imposed on a per-dwelling-unit basis for residential properties and on a per-business unit-basis for commercial properties. The minimum quarterly fee included in the rates shall be chargeable when water service is available, whether or not any water has been consumed during the billing period. **[Amended 3-7-2016 by Ord. No. 468<sup>4</sup>]**

---

4. Editor's Note: This ordinance provided an effective date of 4-1-2016.

**§ 154-6. Billing.**

- A. All bills for water consumed will be rendered quarterly, or as determined by Borough Council from time to time. The water consumed shall be determined by meter registration or by estimated bills. All water consumed ultimately shall be determined by meter registration unless the meter has been found to be registering inaccurately or has failed to register, in which case a bill will be rendered based on previous average consumption for a similar period when the meter was in order, giving proper consideration to any change in facilities or practices that may have occurred, or by such other fair and reasonable method as may be based on the best information available. All meters may be actually read direct from the meter once a year.
- B. In cases of excessive meter registration, no adjustment will be made of bills rendered prior to the billing period in which complaint was made or of bills of a previous consumer, whether tenant or owner.
- C. Bills are due and payable upon presentation. The net bill will be allowed for a period of 30 days, after which the gross bill shall become due. A penalty of 10% shall be assessed on the unpaid balance.
- D. Water service may be discontinued to any consumer who allows a bill for water to remain unpaid for longer than 3 1/2 months following the gross due date. In the event that water service is discontinued due to nonpayment of bills, all delinquent and current bills, plus such additional service charge as may be determined by Borough Council, must be paid before water service will be resumed.
- E. At the option of the borough, unpaid bills for water service may be collected by a municipal claim or by an action of assumpsit.
- F. Failure to receive a bill shall not exempt any consumer from his obligation to pay. The presentation of a bill to the customer is only a matter of accommodation and not a waiver of this rule.
- G. Metered water consumers may take the water allowed by their minimum quarterly rate at any time during the quarterly billing period, but failure to use their full allowance in any one billing period shall not entitle them to any rebate or allowance to use an excess in any other quarterly billing period.
- H. When the premises are vacant and/or unoccupied, the owner must give notice at the Borough Water Office so that the water may be turned off, and he will be responsible for all charges for water service until such notice is given. **[Amended 3-3-1997 by Ord. No. 370]**
- I. Any consumer upon receipt of a bill, having reason to doubt its accuracy, shall bring or mail said bill, within 10 days from the receipt of the same, together with a written reason to the Borough Water Office in Borough Hall, and such bill shall be promptly investigated by proper personnel. Failure to timely protest the bill will negate your right to do so.

- J. The property owner is responsible to pay for all water taken by all tenants or occupants at a premises, and the Borough will bill the property owner. [Amended 3-6-2006 by Ord. No. 412]

**§ 154-7. Application for service.**

- A. Any property owner desiring the introduction of a service line or lines from the Borough of Montoursville mains into his premises must first make a written application on the form furnished by the Borough of Montoursville at least one week before service is required, pay the required tapping fee, state the street and house number or location, the name of the owner and tenant, the purpose for which service will be used, the exact time when the trench from main to the property and when his service will be ready for making the connection and shall guarantee that such service will be used continuously for at least one year, or be responsible for a one year bill, as will be determined by Borough Council.
- (1) The application must be signed by the owner of the premises, or his duly authorized agent.
  - (2) Whenever a service line is laid in contemplation of the erection of a building on the premises in question, and said line is not attached for the period of one year immediately following the granting of a permit, the borough shall have the right to disconnect the water at the main and charge the owner for the cost of such service.
- B. Any property owner desiring a supply of water from an existing service must make a written application on the form furnished by the Borough of Montoursville, at least three days before service is required, which must be properly approved by Borough Council or its duly authorized representative before the water will be turned on.
- C. Application for a supply of water may be received from a tenant under the condition that the owner of the property sign an Agreement of Guaranty that the tenant will pay for all water metered to the premises when due and payable.
- D. In making application for a supply of water, each consumer contracts and agrees to be bound by this article, by Borough of Montoursville rules and regulations for water service, as amended and such other rules and regulations as may be promulgated.
- E. A new application must be made on any change in occupancy of property, as described in any application, and the borough may discontinue the water supply until such new application has been made, approved and the required permit granted, unless otherwise provided for by this article (See § 154-11).
- F. Where special service charges are fixed or cost of service of any kind is estimated, payment must be made at the time application is submitted and before the service is granted.
- G. The borough may refuse to serve an applicant if it does not have adequate facilities to render the service desired, if the service is of such character that is likely to result in unfavorable service to other customers, if the applicant's installation of piping is regarded

as hazardous or of such character that satisfactory service cannot be given or for other just cause.

**§ 154-8. Separate service line required.**

- A. Each separate consumer shall be supplied through a separate service line.
- B. For the purposes of this article, a consumer shall be the owner or tenant contracting for a supply of water to a property in the following classifications:
- (1) A building under one roof and occupied as one business or residence.
  - (2) A combination of buildings in one common enclosure occupied by one family or business.
  - (3) One side of a double house having a solid vertical partition wall.
  - (4) One side or part of a house occupied by one family even though the water closet and/or other fixtures be used in common.
  - (5) Each apartment in a building containing more than one apartment.
  - (6) Each apartment or office or business in a building having more than one apartment and/or office and/or business.
- C. No owner or tenant of any premises supplied with water by the borough will be allowed to supply other persons or families or other premises, except by written permit authorized by the Borough Council of the Borough of Montoursville, unless otherwise deemed necessary by the Borough Water Department. consumers who violate this rule may have their water shut off after a notice of 24 hours and it may remain so until the borough is satisfied that the rules and regulations will be observed.
- D. In the event that authorization has been granted by the borough for more than one customer to be supplied through a single service, any violation of the rules of the borough by either or any of said consumers shall be deemed a violation as to all and the borough may take such action as could be taken against a single consumer, except that such action shall not be taken until the innocent consumer who is not in violation of the borough's rules has been given reasonable opportunity to attach his pipes to a separately controlled service connection.
- E. In the event a structure containing more than one dwelling unit or business unit is serviced by a single service line or a structure containing more than one dwelling unit or business unit is serviced by fewer service lines than the number of dwelling units or business units in that structure, whether or not the Borough requires the owner of the structure to install a separate service line for each dwelling unit or business unit under the terms of this article, the owner of the structure will be responsible for the payment of any applicable minimum quarterly fee for each dwelling unit or business unit in the structure. **[Added 3-7-2016 by Ord. No. 468<sup>s</sup>]**

---

5. Editor's Note: This ordinance provided an effective date of 4-1-2016.

**§ 154-9. Service lines, main to curb stop.**

- A. Upon approval of application for a new service connection, the borough will require the applicant to pay the current established fee. After proper payment, the borough, or a person acting on behalf of the borough, will tap the main, install the service line from the main to the curb stop, install the curb stop and install the curb box. Thereafter, the borough shall maintain the service line from the main to the curb stop and shall maintain the curb stop. The borough shall not be responsible to maintain the curb box or the service line from the curb stop to the structure or facility. [Amended 1-4-1993 by Ord. No. 350A]
- B. Existing service lines will be maintained by the Borough for that portion of the service line from the main to the curb stop. The Borough shall not be responsible to maintain the curb box or the service line from the curb stop to the structure or facility. [Amended 1-4-1993 by Ord. No. 350A; 12-7-2015 by Ord. No. 466<sup>6</sup>]
- C. (Reserved)<sup>7</sup>
- D. Service lines will not be installed when the service line passes over or through premises which at the time may be the property of persons other than the owner of the premises to be supplied, unless the owner of the premises supplied assumes all liability and furnishes a right-of-way agreement in a form satisfactory to Council or its duly authorized representative.

**§ 154-10. Service lines, curb stop to premises and curb box. [Amended 1-4-1993 by Ord. No. 350A; 12-7-2015 by Ord. No. 466<sup>8</sup>]**

- A. The service line between the curb stop and the premises, as well as the curb box, shall be maintained by and at the expense of the owner. All leaks between the curb stop and meter must be repaired promptly by the property owner. The portion of the service line installed by the owner shall not be less in size and quality than the service line in the street and shall be laid not less than four feet six inches below the surface and shall not be covered until the tap at the curb box is made and service line tested. If any defects in workmanship or material are found, the service shall not be turned on until such defects are remedied. All plumbing connections should be able to withstand a pressure of at least 150 pounds per square inch.
- B. No service line shall be laid in the same trench with a sewer or gas service connection.
- C. Plumber installation of meter horn or meter adapter shall be made at the time the final plumbing is completed or where water is to be used for other than building purposes.
- D. It shall be the responsibility of the property owner to maintain in good condition the service line from the curb stop to the premises and to maintain in good condition the

---

6. Editor's Note: This ordinance provided an effective date of 1-1-2016.

7. Editor's Note: Former Subsection C, Failure to meet conditions, as amended, was repealed 12-7-2015 by Ord. No. 466. This ordinance provided an effective date of 1-1-2016.

8. Editor's Note: This ordinance provided an effective date of 1-1-2016.

curb box. Upon detection of any leak between the curb stop and the premises, the borough shall give the property owner five days' notice in which to effect repairs or replacement with all costs to be the responsibility of the property owner. For purposes of this subsection, notice shall be deemed sufficient if the borough orally notifies one or more of the property owners or leaves written notification at the property whether or not anyone is present or sends notice by certified mail, return receipt requested. In the event repairs have not been made by the property owner within five days or when the borough, in its sole discretion, considers the leak to be of a magnitude causing excessive waste, damage or causing a hazardous situation, then the borough may shut off the service to the premises until such time as the repairs have been completed. **[Amended 1-4-1993 by Ord. No. 350A]**

- E. The borough reserves the right to inspect the plumbing on any premises and, if it shall be found not in conformity with the rules of the borough, to refuse water service until the objectionable or improper work is corrected.
- F. All abandoned service lines will be detached from the main within a period of 15 days of termination of service. The property owner shall be responsible for detaching the service main. If the service main is not detached within 15 days, the borough, or a person acting on its behalf, may detach the service main at the expense of the owner. **[Amended 1-4-1993 by Ord. No. 350A]**

#### § 154-11. Meters.

- A. The borough through its Water Department will determine the location for all meters.
- B. If it is determined that the meter is to be placed within the building, the property owner will provide, free of charge and expense to the borough, a readily accessible place near the entrance of the service line for the meter and stops at the inlet side of the meter and outlet side of the meter of a type approved by the borough. The borough reserves the right to determine when a meter pit outside the building is necessary, as well as the location, size and type of construction, the cost of which shall be the responsibility of the owner. **[Amended 1-4-1993 by Ord. No. 350A]**
- C. The borough shall determine the size of meter to be installed, but in no case shall the meter be more than one commercial size below the size of the service line. A five-eighths-inch meter shall be the smallest meter to be installed on a service line for domestic use.
- D. The borough will furnish meters and connections. The meter and connections shall remain the property of the borough, and access to the same for reading of the meter, inspection, testing, repairs, etc., must be permitted at all reasonable times by the owner or proper arrangements shall be made for doing the above.
- E. The owner must, at all times, properly protect the meter from injury by frost, hot water or any other cause and will be held responsible for repairs to meter made necessary due to negligence of said owner. The owner shall be responsible for and shall reimburse the borough for all damages due to freezing, hot water or external causes.



- F. Under no circumstance shall any owner or other person interfere with the water meter or the dials and workings thereof, remove the wire seal, remove the touchpad or connecting wires or tamper with the meter in any way without the prior approval of the borough. **[Amended 1-4-1993 by Ord. No. 350A]**
- G. Commercial meters of 1 1/2 inch and larger will be a continuous charge to the owner at the rate of 1/40 per quarter of actual meter cost paid by the Borough Water Department.
- H. From time to time, the Borough may require the installation of new water meters. Property owners will be notified of any such pending installation, at which time the property owners will be directed to schedule the installation with the Borough. Should a property owner fail to respond to such notice or otherwise fail to permit the installation, the Borough will mail to the property owner a formal notice that the property owner has 30 days in which to schedule the installation of the new meter or meters. This notice shall summarize the remedies to which the Borough may resort should the property owner continue to fail to schedule or permit the installation. Should the property owner fail to schedule or permit the installation within the thirty-day period allowed by the notice, the Borough may avail itself of any and all remedies available for a violation of this article or, in its discretion, the Borough may impose a surcharge in the amount of \$90 per quarter for each separate service line or, where a structure is serviced by fewer service lines than the number of dwelling units or business units in that structure, \$90 per quarter for each dwelling unit or business unit in the structure. This surcharge will be imposed in addition to the quarterly water rates then in effect. This surcharge shall cease after the required meter or meters have been installed. The Borough may waive the surcharge if it determines that failure to schedule or permit installation of the required meter or meters resulted from circumstances beyond the control of the property owner. **[Added 3-7-2016 by Ord. No. 468<sup>o</sup>]**

#### § 154-12. Fire hydrants.

- A. All fire hydrants shall be furnished, installed and maintained by the Borough Water Department.
- B. No person other than those authorized by Borough Council, a member of the Fire Department of the Borough of Montoursville or other cooperating public Fire Company in active performance of duty shall, without a permit from the Borough of Montoursville, use, open or otherwise interfere with any fire hydrant in the Montoursville Water System.
- C. The Borough of Montoursville may, under extraordinary circumstances, grant a permit for the use of water from a fire hydrant. Such permit must be obtained from the Borough Secretary and must have the prior approval of the Water Committee of the Borough Council and Water Commissioner. Any such use must conform in all respects with the rules and regulations for such use as established by the Montoursville Borough Council and/or the Borough Water Department.
- D. No fire hydrant shall be used during freezing weather for other than fire fighting purposes, unless previously authorized by the Water Committee.

---

9. Editor's Note: This ordinance provided an effective date of 4-1-2016.

**E. Obstructions.**

- (1) No person shall obstruct the access to any fire hydrant by placing or permitting any post, tree, shrub, rocks, debris, building material or other obstruction to remain within the following specified distances of the front, sides and rear of the hydrant; the unobstructed distance on sidewalks shall not be less than four feet on each side and to the rear of the center of the hydrant, except where hydrants are placed on streets having sidewalks less than five feet in width where the clear distance to the rear will be correspondingly limited.
  - (2) The unobstructed distance on roadway in front of fire hydrant shall be not less than 12 feet on each side of the center of the hydrant, which clear width shall extend to the unobstructed portion of the roadway.
  - (3) Property owners shall, within five days after receiving notice to so do, remove any obstacle in violation of this regulation.
- F. Where damage to a fire hydrant or other property is done by any person having a permit to take water from said hydrant, the holder of the permit shall pay such damages and all costs and expenses as may be incurred by reason thereof, to the Borough Treasurer on demand. Where damage to a fire hydrant or other property is done by a person not having a permit, he shall be subject to pay for all damages, costs and expenses incurred by reason thereof and shall, in addition, be subject to the penalties hereinafter provided for violation of this article.

**§ 154-13. Accuracy tests.**

- A. At the written request of an owner or a consumer, the borough will make a test of the accuracy of the meter supplying his premises.
- B. A deposit determined by Council from time to time will be required before the meter is tested, which sum will be returned if the meter is found to be registering more than 3% against the consumer on a flow equal to one-eighth (1/8) of the diameter of the service; otherwise, the deposit will be retained by the borough to cover the cost of the test.
- C. The borough reserves the right to test at any reasonable time any meter deemed necessary.

**§ 154-14. Leaks, defective plumbing or waste.**

- A. The borough shall not be liable for any damage resulting from leaks, broken pipes or from any other cause, occurring to or within any house or building, and it is expressly agreed that no claims shall be made against the borough for damage caused by the bursting or breaking of any main or service pipe or of any attachment thereto.
- B. All water passing through a meter shall be charged for at the regular rate, and no allowance will be made for excessive consumption due to leaks or waste, unless authorized by Borough Council.

**§ 154-15. Opening, closing or interfering with valves and stop cocks.**

No person, except an employee of the Borough Water Department or other duly authorized person, shall open, close or in any way interfere with any valve or stopcock in the Montoursville Water System.

**§ 154-16. Connections or outlets between main and meter not permitted.**

No connections or outlet will be permitted on the service pipe or pipes, supplying any premises, between the street main and the meter. All water used must pass through the meter.

**§ 154-17. Turning off water.**

- A. The Borough Council or its duly authorized representative reserves the right at all times, after due notice, to shut off the water for nonpayment of water bills or for neglect or refusal to comply with these rules and regulations and to assess such charges as may be determined by Borough Council for the resumption of service.
- B. Service under an application may be discontinued for any of the following reasons:
  - (1) Misrepresentation in application as to property or fixtures to be supplied or the use to be made of the water supply.
  - (2) Use of water for any property or purposes other than described in the application.



- (3) Waste of water through improper or imperfect pipes, fixtures or otherwise.
  - (4) Failure to maintain in good order, connection, service lines or fixtures beyond the main and owned by the applicant.
  - (5) Molesting any service pipe, meter, curb stop or seal or any appurtenance of the Water System of the Borough of Montoursville.
  - (6) Vacant and/or unoccupied premises.
  - (7) Violation of any rules of the Borough of Montoursville.
  - (8) Failure to make payments of any charges against the property that are due and payable to the Borough Water Works.
  - (9) Refusal of access to property for purpose of inspecting, reading, caring for or removing meters.
- C. The Borough Council, or its duly authorized representative, shall have the right to turn off the water without notice in case of breakdowns or for other unavoidable causes, or for the purpose of making necessary repairs, connections, etc. Reasonable notice will be given when practicable. In no case shall the borough be liable for any damage or inconvenience suffered therefrom.

**§ 154-18. Supply of water.**

- A. The Borough of Montoursville shall not be liable for a deficiency or failure in the supply when occasioned by shutting off water to make repairs or connections or from any failure throughout the water system.
- B. The Borough Council, or its duly authorized representative, reserves the right to restrict the supply and use of water as circumstances may require regardless of use for which intended, in case of scarcity, or whenever the public welfare may require it and to provide for the distribution of the available supply in such manner as may be determined to be in the public welfare.
- C. Restrictions on water usage. **[Amended 1-4-1993 by Ord. No. 350A]**
- (1) When the borough, in its sole discretion, or when any state or federal agency determines that there is a period of water scarcity or a need to curtail water usage or to ration water, the borough may establish usage limits and restrictions.
  - (2) When the borough, in its sole discretion, determines that a user is wasting or permitting the unreasonable waste of water, the borough may issue a cease and desist order the violation of which will subject the user to the penalties set forth in § 154-21.
- D. The Borough of Montoursville shall not be liable for any claim or damage arising from a shortage of water, the breaking of machinery or facilities or any cause beyond its control.

- E. It shall be expressly understood and agreed by and between the borough and parties receiving water service for private fire control or sprinkler systems that the borough does not assume any liability as insurers of property or person and that the agreement does not contemplate any special service, pressure, capacity or facility, other than the ordinary conditions of the borough as the same exist from day to day. It is further agreed that the parties receiving water service for private fire control or sprinkler systems in consideration thereof and intending to be legally bound do hereby release, waive, discharge and covenant not to sue the Borough of Montoursville, its agents, servants and employees from all liability for any loss, damage or injury to property or persons which may result from any negligent act or omission whatsoever in the supplying of water service for private fire control or sprinkler systems.

**§ 154-19. Cross connections.**

No connections shall be made between pipes or containers carrying water supplied by the borough and pipes or containers carrying water from any other source unless the proposed cross-connection has been approved by the Borough Council of the Borough of Montoursville and State Department of Health.

**§ 154-20. Changing of rules and regulations.**

The Borough Council reserves the right to change or amend, from time to time, the rules and regulations for the use of water.

**§ 154-21. Violations and penalties. [Amended 1-4-1993 by Ord. No. 350A]**

- A. Any person who shall violate a provision of this article or who shall fail to comply with any of the requirements thereof or who shall exceed the authorization of any permit issued under the provisions of this article or who shall violate rules and regulations promulgated pursuant to this article may be subject to one or all of the following penalties or enforcement actions:
- B. Any person who shall violate a provision of this article or who shall fail to comply with any of the requirements thereof or who shall exceed the authorization of any permit issued under the provisions of this article or who shall violate the rules and regulations shall, upon conviction thereof before a District Justice, be subject to the penalty set forth in Chapter 1, General Provisions, Article II, General Penalty. Each day shall be deemed a separate offense. [Amended 3-3-1997 by Ord. No. 370]
- C. Any person who shall violate a provision of this article or who shall fail to comply with any of the requirements thereof or who shall exceed the authorization of any permit or who shall fail to make any payment required by this article or who shall violate the rules and regulations shall be subject to the termination of water service or an action in equity, or both.
- D. Any person who shall fail to make payment of any moneys due the borough pursuant to the provisions of this article shall be subject to collection by an action in assumpsit or by municipal lien, or both.

**§ 154-22. Codification.**

This article represents a codification of the ordinances, rules and regulations concerning potable water within the Borough of Montoursville and may be advertised as such.

**§ 154-23. Bulk sales. [Added 10-3-2011 by Ord. No. 448]**

Borough Council may, at its discretion, authorize the sale of bulk water to individuals, public entities or business entities under terms and at prices which Borough Council deems benefit the general welfare of the residents of the Borough. Borough Council may establish a fee structure of rates and charges for different classes of bulk sales customers.

**§ 154-24. Resale of water. [Added 10-3-2011 by Ord. No. 448]**

No water purchased or drawn from the "water system" of the Borough of Montoursville may be sold, resold or transported out of the Borough for any use without the express written consent of Borough Council.

**§ 154-25. (Reserved)****§ 154-26. (Reserved)****§ 154-27. (Reserved)****§ 154-28. (Reserved)****§ 154-29. (Reserved)****ARTICLE II****Private Water Wells**

**[Added 3-15-1999 by Ord. No. 383]**

**§ 154-30. Purpose.**

These regulations are intended to promote the public health and general welfare by ensuring that private water wells are constructed and used in a manner which will protect the quality of the groundwater in the influence area as described in the borough's Wellhead Protection Plan and to prevent contamination and introduction of pollutants into the borough water supply system.

**§ 154-31. Definitions.**

The following definitions shall apply to this article:

**ABANDONED WATER WELL** — A private well that has not been used for water supply for a period of one year or more and which the owner does not intend to use again for any purpose.

**AQUIFER** — A water-bearing geologic formation that contains water in sufficient quantities to potentially be used as a water supply.

**BOROUGH** — Borough of Montoursville.

**PERSON** — An individual, corporation, company, association, trust or partnership.

**POTABLE WATER** — Water that is satisfactory for drinking and for culinary purpose.

**PRIVATE WELL, PRIVATE WATER WELL or WELL** — A water well not owned by the Borough of Montoursville.

**WELL** — An excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of providing a water supply.

**§ 154-32. Permit required.**

Except as provided in § 154-36, no person shall engage in the use, construction, installation, substantial repair, destruction or abandonment of a private well until a well permit has been obtained from the borough. The Borough Council shall, from time to time, establish by resolution the fee for a well permit.

**§ 154-33. Application for permit.**

An application to use, construct, install, substantially repair, destroy or abandon a private well shall be submitted on a form to be supplied by the borough and approved by resolution. The information to be submitted with the application shall include, but is not necessarily limited to, the following:

- A. A sketch, diagram or plot plan illustrating the following:
  - (1) Boundary lines of the property where the well is to be located.
  - (2) Location of all buildings, septic systems (whether or not abandoned) and, if known to the applicant, possible sources of contamination on the property.
  - (3) Any possible source of contamination, if known to the applicant, located on adjoining properties.
- B. Such other general information required by the borough.

**§ 154-34. Restriction on wells.**

- A. All wells shall be located at least 15 feet from any public or private street, 10 feet from lot lines and 15 feet from sewer lines.
- B. All wells shall, to the extent possible, be located upgradient of sources of contamination.



- C. All wells shall be located at least 100 feet from any potential source of contamination or the top of the well shall be higher than any surface sources of contamination and above any known conditions of flooding by drainage or runoff from the surrounding land, unless otherwise adequately protected.



**§ 154-35. Certification by owner or contractor.**

Within 30 days after completion of the construction of any new well, the well contractor or owner(s) of the property shall submit to the borough a report containing the following information:

- A. The name of the owner(s).
- B. The address of the property being served.
- C. The depth, size and method of construction of the well.
- D. The location as shown on the sketch, diagram or plot plan.
- E. The static water level.
- F. The yield of the well.
- G. A copy of the well driller's/digger's log information.
- H. Measures adopted to prevent interconnection of the proposed well supply system with the public water supply system of the borough and contamination of the aquifer.

**§ 154-36. Requirements for existing wells.**

Within six months after the effective date of this article, the owners of an existing private well shall register the well, providing the borough with the following information and documentation:

- A. A sketch, diagram or plot plan illustrating the following:
  - (1) Boundary lines of the property where the well is located.
  - (2) Location of all buildings, swimming pools, septic systems (whether or not abandoned) and, if known to the owner, possible sources of contamination on the property.
  - (3) Any possible source of contamination, if known to the owner, located on adjoining properties.
- B. The depth, size and method of construction of the well, if known to the owner.
- C. The static water level, if known to the owner.
- D. The yield of the well, if known to the owner.
- E. A copy of the well driller's/digger's log information, if available to the owners.
- F. Assurance that the top of the well is higher than any surface sources of contamination and above any known conditions of flooding by drainage or runoff from the surrounding land or other protection from said sources of contamination being utilized.
- G. Such other information required by the borough.

**§ 154-37. Interconnections.**

- A. No private well shall be interconnected with the public water supply system of the borough nor shall the well or any plumbing connected to the well be located within any structure which contains any plumbing connected to the public water supply system.
- B. No private water well shall be interconnected with any plumbing in such a manner or used in such a manner so that water from the private well discharges into the sanitary sewer system.
- C. Water from private wells may not be used for bathing, drinking or culinary purposes. Water from private water wells may only be used for watering of lawns, flowers, trees, shrubs and similar vegetation, the filling of swimming pools, the washing of automobiles and like uses.

**§ 154-38. Inspections and testing.**

- A. The borough, at its own expense and upon reasonable notice, may obtain a sample of the water from a private well to test for contamination and to ensure water quality.
- B. The borough, upon reasonable notice, may inspect the private well, private water system and public water system on any property to ensure compliance with this article. If the borough determines that the well is not in compliance with this article, the cost of said inspection shall be borne by the owner(s) of the private well.

**§ 154-39. Well abandonment.**

- A. Any abandoned water well shall be plugged and sealed with a slurry of Portland cement at least 20 feet below the normal ground level to prevent surface contamination into the aquifers.
- B. A well destruction permit shall be required prior to plugging and sealing the well, and, within 30 days after completion, the contractor or owner shall submit a report containing the following:
  - (1) The name and address of the owner.
  - (2) The method of sealing, including materials used.
  - (3) The name of the person(s) who sealed the well and the date the work was completed.

**§ 154-40. Variances.**

- A. Variances from the requirements of this article may be granted only by the Borough Council when, in its opinion, the enforcement thereof would do manifest injustice and the applicant has proven that the same degree of public health and environmental protection required under these regulations can be achieved without strict application with a particular provision(s).

- B. Variance requests shall be in writing. An application for a variance shall be in writing on a form to be approved by Borough Council. The Borough Council shall grant, modify or deny a variance in writing, giving the reasons therefor. The Borough Council, when granting or modifying a variance, may impose reasonable conditions to assure the protection of the public health and environment.

**§ 154-41. Rules and regulations.**

The Borough Council may promulgate rules and regulations for the implementation and enforcement of this article.

**§ 154-42. Enforcement and penalties.**

- A. Borough Council may, upon reasonable notice, disconnect the public water supply system if the owner fails to obtain a permit or register the well as required by this article or violates § 154-37 or until such times as the violation(s) are corrected.
- B. Any person violating any provision of this article may be cited and, upon conviction, shall be guilty of a summary offense and shall be subject to the penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty.

**§ 154-43. Severability.**

The provisions of this article are severable, and if any clause, sentence, subsection, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, article, chapter or part thereof rendered.

**§ 154-44. When effective.**

This article shall be effective immediately.

