

## **Chapter 26**

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**Part 1****Mandatory Connection to Water System****§26-101. Definitions.**

As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

*Domestic unit*—a separate dwelling, apartment, room, or group of rooms, used for separate dwelling purposes and equipped for the preparation of food. Institutional uses such as hospitals, churches, schools, prisons, and public buildings shall be considered to be a domestic unit.

*Improved premises*—any parcel of property upon which a domestic or non-domestic unit is located.

*Non-domestic unit*—a separate building, group of buildings, or room or group of rooms on a parcel of land held in single and separate ownership and used for any purpose other than as a residential unit.

(*Ord. 96-1, 2/28/1996, §1*)

**§26-102. Connection Required.**

All owners of any improved premises located or to be constructed within the Borough of Nesquehoning and situate so that water service is available shall be required to connect said premises to the water system serving the Borough and owned by the Nesquehoning Borough Authority and operated by that Authority, with the exception of any improved premises currently serviced by means of their own well. However, should the wells currently servicing these properties need replacement, then, and in that event, the owner of said property shall be required to connect said premises to the Borough water system.

(*Ord. 96-1, 2/28/1996, §2*)

**§26-103. Cost for Construction.**

The Nesquehoning Borough Authority shall have the right by resolution duly adopted to assess the cost or portion of the cost of any waterline construction in accordance with law.

(*Ord. 96-1, 2/28/1996, §3*)

**§26-104. Connection Fee.**

All owners of any improved premises required to connect to the Borough of Nesquehoning water system shall pay to the Borough Authority a connection fee as established by resolution for each water lateral to be connected to the water main from any improved premises. The Nesquehoning Borough Authority, or its authorized representative, shall provide and install the corporation tap into the water main together with the pipe from the tap to a point not more than 18 inches on the owner's side of the right-of-way line or street curb line, terminating at and including the curb stop and box or valve. The connection fees shall be used to pay the costs of the above-

described tap into the main and installation of the water lateral by the Nesquehoning Borough Authority. To the extent that the connection fee exceeds the actual cost of the connection, the unused portion of the connection fee will be refunded to the owner. If the cost of the connection exceeds the connection fee, the owner shall pay to the Borough Authority the additional funds requested and shall make such payment to the Authority within 30 days of the Authority's written demand therefore.

(*Ord. 96-1, 2/28/1996, §4*)

**§26-105. Installation of Water Meter.**

A water meter shall be installed in accordance with the rules and regulations of the Nesquehoning Borough Authority.

(*Ord. 96-1, 2/28/1996, §5*)

**§26-106. Inspection and Approval of Lateral.**

1. No water lateral shall be covered until it has been inspected and approved by the Nesquehoning Borough Authority. If any part of a water lateral 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 main.

2. Every water lateral of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

3. Every excavation for a water lateral 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 water lateral shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Borough of Nesquehoning.

4. The Nesquehoning Borough Authority reserves the right to adopt, from time to time, additional rules and regulations it shall deem necessary and property relating to connections with a main and with the water system, which additional rules and regulations, to the extent appropriate, shall be construed as part of this Part.

(*Ord. 96-1, 2/28/1996, §6*)

**§26-107. Premises with Well or Other Private Water Supply.**

1. The owners of any improved premises currently served by means of a well or other private system of water supply shall have the option of not connecting onto the municipal water system and will not be subject to any minimum quarterly charge to the Borough Authority if they elect not to connect to the municipal water system.

2. The owners of improved premises which are served by both the municipal water system and by a well or other private system of water supply shall be required to disconnect from their well or private system or shall install the equipment necessary to prevent the water from the well or private system from entering the municipal system; except as provided herein under §26-102.

3. The owners of commercial or industrial improved premises which are served by means of a well or other private system of water supply shall be required at their own expense to make arrangements with the Borough Authority for the installation of a water meter so that all uses of wells and/or private water supplies are monitored to

determine the full extent of all water usage within the Borough. The Borough Authority shall provide a standard water meter with an opening measuring  $\frac{5}{8}$  inch to  $\frac{3}{4}$  inch at no cost to such commercial or industrial owners of wells and/or private water supplies and the meter readings shall not be used for billing for water usage. Any meter requiring a larger or smaller line than specified herein above shall not be provided free of charge but the commercial or industrial owner shall be required to pay for same as specified in the rules and regulations of the Nesquehoning Borough Authority. Installation shall be made in a timely fashion and according to the rules and regulations of the Nesquehoning Borough Authority or as directed by the Authority.

A. The Borough Authority shall be permitted to inspect wells or other private water supplies from time to time to insure that the meters are installed and functioning properly.

[*Ord. 2011-1*]

(*Ord. 96-1, 2/28/1996, §7; as amended by Ord. 2005-1, 5/25/2005; and by Ord. 2011-1, 3/23/2011*)

**§26-108. Requirement for Connection.**

The owners of improved premises which are served by both the Borough water system and by a well or other private system of water supply shall be required to disconnect from their well or private system or shall install the equipment necessary to prevent the water from the well or private system from entering the municipal system; except as provided herein under §26-102.

(*Ord. 96-1, 2/28/1996, §8*)

**§26-109. New Wells Prohibited.**

There shall not be any further wells dug within the Borough limits without the express authorization of the Borough Authority.

(*Ord. 96-1, 2/28/1996, §9*)

**§26-110. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 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. 96-1, 2/28/1996, §10; as amended by Ord. 2013-1, 6/26/2013*)



**Part 2****Water Conservation****§26-201. General Policy.**

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental, or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended, or altered in any way, and for which construction a permit is required to be obtained from the Borough of Nesquehoning (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless the new, extended, or altered plumbing, water piping, and other water using fixtures therein conform to the requirements and standards of §26-202 of this Part. The provisions of this Part shall apply to any such building or structure for which such a building permit is issued, or would otherwise be required to be issued, but for such an exemption, on or after March 16, 1992.

(*Ord. 92-5, 5/21/1992, §1*)

**§26-202. Water Conservation Performance Standards for Plumbing Fixtures and Fittings.**

1. *Water Closets and Associated Flushing Mechanisms.* The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6M.

2. *Urinals and Associated Flushing Mechanisms.* Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixtures shall perform in accordance with the test requirements of ANSI A112.19.2M and ANSI A112.19.6M.

3. *Showerheads.* Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

4. *Faucets.* Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

(*Ord. 92-5, 5/21/1992, §2*)

**§26-203. Special Provisions.**

1. *Special Purpose Equipment.* The performance standards of §26-202 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets, and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.

2. *Exemptions.* Any person(s) may apply to the Borough of Nesquehoning for an exemption to the terms of this Part, which may be granted by the Council, upon proof that some other device, system, or procedure will save as much or more water as those set forth herein, or that those set forth herein cannot be complied with, without undue

hardship.

(*Ord. 92-5, 5/21/1992, §3*)

**§26-204. Official Review and Modification.**

The Council may, from time to time, modify, add to, or remove from the standards and restrictions herein.

(*Ord. 92-5, 5/21/1992, §4*)

**§26-205. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 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. 92-5, 5/21/1992, §5; as amended by Ord. 95-1, 2/8/1995, §144-11; and by Ord. 2013-1, 6/26/2013*)



**Part 3****Water Emergencies****§26-301. Statutory Authority.**

This Part is adopted pursuant to the authority granted the Borough of Nesquehoning under §§1202(6), (39), and (74) of the Borough Code, as amended; 53 P.S. §§46202(6), (39), (74).

*(Ord. 87-2, 9/17/1987, §1)*

**§26-302. Determination by Borough Authority.**

The Nesquehoning Borough Authority shall determine if a condition of water shortage exists within the Borough. Upon such determination, the Nesquehoning Borough Authority shall at a regular or special meeting of the Authority, duly advertised, declare a water shortage and impose a prohibition of water usage as defined in §26-303 of this Part.

*(Ord. 87-2, 9/17/1987, §2)*

**§26-303. Declaration; Restrictions.**

When there has been a declaration of a water shortage by the Nesquehoning Borough Authority pursuant to the procedure outlined in §26-302 above, it shall be unlawful for any person to use water for any of the following purposes:

A. The use of hoses, sprinklers, or other means for sprinkling or watering of shrubbery, trees, lawns, or grass (new sod excepted).

B. The use of water by a hose without an automatic nozzle shutoff for washing automobiles, trucks, trailers, trailer houses, or any other type of mobile equipment.

C. The washing of streets, sidewalks, driveways, parking lots, or service stations aprons.

D. The operation of any ornamental fountain or other structures making a similar use of water.

E. The use of water for filling swimming or wading pools.

F. The operation of any water-cooled comfort air conditioning which does not have water-conserving equipment.

G. The use of water from fire hydrants for construction purposes or fire drills.

H. The use of water to flush a sewer line or sewer manhole unless in an emergency.

I. The use of water for commercial farms and nurseries other than a bare minimum to preserve plants, crops, and livestock.

J. Such other nonessential water uses as determined by the Nesquehoning Borough Authority and published in accordance with §26-304 hereof.

K. The Nesquehoning Borough Authority shall have the right to modify the prohibited uses herein specified with proper notice to its customers pursuant to

§26-304 of this Part.

(*Ord. 87-2, 9/17/1987, §3*)

**§26-304. Publication of Notice.**

Notice of the declaration of water shortage and prohibited uses pursuant to §§26-302 and 26-303 of this Part shall be published twice in a newspaper of general circulation in the Borough of Nesquehoning and shall be announced on any local radio station twice on each of the 2 days prior to the enforcement of this Part.

(*Ord. 87-2, 9/17/1987, §4*)

**§26-305. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, 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 90 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. 87-2, 9/17/1987, §5; as amended by Ord. 95-1, 2/8/1995, §144-5; and by Ord. 2013-1, 6/26/2013*)