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## Chapter 64 — Water

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## **Article I — In General**

### **§ 64-101 Short Title.**

This Chapter shall be known, and may be cited, as the “Alburtis Water System Ordinance”.

### **§ 64-102 Management of Water System.**

Day-to-day operation and maintenance of the Alburtis water system, inclusive of all elements of the physical system such as reservoir, trunk lines, and pumping stations, shall be the major responsibility of the Supervisor of the Maintenance Department. The Maintenance Supervisor shall be charged with and have custody of all tools and machinery in use by his Department and supervise and be responsible for any changes, alterations, or repairs to the water system to the curb box, at which point his responsibility shall cease. The Maintenance Supervisor shall also be responsible for chemical and bacteriological tests and shall keep such charts and records as shall relate to the condition and extent of the Borough water system. The Maintenance Supervisor may be assigned additional duties from time to time by Borough Council.

### **§ 64-103 Books, Records, and Bills.**

The Borough Manager and Treasurer are charged with the responsibility for keeping of proper books and records. It shall be the duty of the Borough Manager to cause the water rate duplicates and water bills to be made out, showing the nature and rate of charge to each person charged for the use of water. Any consumer considering himself aggrieved by the charge may appeal to Borough Council under § 64-703 (relating to Hearings).

### **§ 64-104 Mandatory Use of Borough Water System.**

All owners of improved property abutting the water system within the Borough limits are required to connect such property to the Borough water system and use Borough water.

## § 64-105 Waste and Repairs.

(a) **Waste Prohibited.** All waste or unnecessary use of water either within a building or enclosure or on the outside thereof is prohibited.

(b) **Responsibility for Repair of Common Pipe.** In all cases where two (2) or more persons, families, firms, or corporations receive a supply of water from a common pipe, they shall be bound severally and jointly to keep the same in repair.

(c) **Investigation of Waste.** The Maintenance Supervisor or any other person acting under an order from him shall be and is hereby authorized and empowered to inquire at any dwelling or place whence any unnecessary waste of water proceeds, into the cause of the same. If the waste proceeds from want of repair in the pipe or other fixtures and if the owner or occupier thereof shall neglect or refuse, upon notice given, to have the necessary repairs made forthwith, the Maintenance Supervisor shall shut off the water leading to such place in accordance with the procedures set forth in Article VII, and no one shall turn on the water before the necessary repairs are made.

(d) **Obstruction of Investigation.** Any person who shall obstruct or oppose any authorized person in making an examination under subsection (c) or in detaching the pipes shall be subject to the penalties provided in § 64-110.

## § 64-106 Emergency Curtailment of Water Use.

The Borough may, from time to time, in matters of emergency or for the preservation of a dwindling water supply, curtail the use of water for other than essential household and business activities. Council hereby empowers the Mayor, if he/she determines that such a situation exists, to impose prohibitions upon uses of water in the same manner as described in § 73-104 (relating to Drought Emergencies—Water Use Restrictions—Activities Which May Be Restricted), which shall continue in effect until terminated by action of the Mayor or Council. Council also may impose the same or other water use restrictions whenever it determines that such action is warranted under this Section. The violation of any prohibitions or restrictions imposed by the Mayor or Council under this Section shall subject the offending user to the penalty provisions of § 64-110.

## § 64-107 Temporary Shutoff of Water Service.

The Maintenance Department is authorized to limit or discontinue the supply of water in cases of emergency or for the purpose of repair or extension of water mains.

## § 64-108 Right of Entry.

Authorized employees of the Maintenance Department and members of the Borough Water Committee shall have the right to enter upon or into premises supplied or believed to be supplied by Borough water service for the purpose of inspecting any pipe or fixture, or of setting, reading, or repairing any meter, turning off or on any valves, or for any act for the enforcement

of the provisions of this Chapter. Such entry shall be made during normal business hours, except that, upon good and sufficient cause, entry may be at any time. No person shall deny entrance to any such premises to persons authorized to make entry under this Section.

### **§ 64-109 Fire Hydrants.**

No person shall be allowed to open a fireplug except such persons as have been granted a permit by the Maintenance Supervisor. If any person entrusted with the spanners of the fireplugs, or others, shall open a fireplug upon any occasion except at the request or permission of one (1) of the employees of the Maintenance Department or the Maintenance Supervisor, or in case of fire in the neighborhood and shall neglect or refuse to shut the same as soon as the fire is extinguished, or if any person or persons shall willfully, negligently, or carelessly injure the pipes of conduct, the hydrants or fireplugs, or any other device connected with the pipes in the street, he, she, or they so offending shall be subject to the penalties provided in § 64-110.

### **§ 64-110 Violations and Penalties.**

(a) **Civil Penalty.** Any person who violates any provision of this Chapter shall be subject to a civil penalty of One Hundred Dollars (\$100.00).

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Chapter to the Maintenance Supervisor. The Maintenance Supervisor or the Borough Manager shall serve notice of the violation(s) upon the person determined to have violated this Chapter in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Chapter is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Borough Manager shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Chapter in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Chapter shall constitute a separate offense.

(e) **Equitable Remedies.** In addition to or in lieu of enforcement of this Chapter through a civil action, the Borough may enforce this Chapter through an action in equity brought in the

Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.