
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 239 Session of
2007

INTRODUCED BY R. MILLER, BAKER, BARRAR, BOYD, CALTAGIRONE,
CLYMER, FLECK, GEORGE, GIBBONS, GINGRICH, GRUCELA, HARPER,
HENNESSEY, HERSHEY, KAUFFMAN, MARSHALL, NICKOL, PICKETT,
REICHLEY, ROSS, SCAVELLO, SIPTROTH, SONNEY, STERN, SWANGER,
WATSON, J. WHITE, YOUNGBLOOD, DALEY AND HORNAMAN,
FEBRUARY 5, 2007

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 27, 2008

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," further providing for
5 liens for assessments and for connection to water system.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 2510 of the act of May 1, 1933 (P.L.103,
9 No.69), known as The Second Class Township Code, reenacted and
10 amended November 9, 1995 (P.L.350, No.60), and amended December
11 18, 1996 (P.L.1142, No.172), is amended to read:

12 Section 2510. Liens for Assessments; Costs of Proceedings.--
13 After the amount of the assessment charged upon the several
14 properties has been established by resolution making assessments
15 according to section 2508 or by confirmation of any report of
16 viewers, in whole or in part, the amounts of all assessments are
17 payable to the township treasurer for the use of the sanitary

1 sewer district or districts or the township in which they are
2 assessed. The board of supervisors shall make out bills for the
3 amounts charged against each property, which shall be sent to
4 all property owners whose property will be served by the
5 sanitary sewer system. If the assessment is not paid within
6 [sixty] ninety days after the mailing of a bill therefor, the
7 board of supervisors shall collect it by action of assumpsit or
8 under law for the filing and recovery of municipal claims.

9 Section 2. Section 2603 of the act is amended to read:

10 Section 2603. Connection to Water ~~System.~~ The SYSTEM.--(A) <—

11 THE board of supervisors may by ordinance require that

12 [~~abutting~~] ~~property owners whose principal building is within~~ <—

13 ~~one hundred fifty feet of a water system provided by the~~

14 ~~township or a municipality authority or a joint water board~~

15 ~~connect with and use the system. Those industries and farms~~

16 ~~which have their own supply~~ PROPERTY OWNERS <—

17 ~~(1) WHOSE PRINCIPAL BUILDING IS CONSTRUCTED AFTER AUGUST 31,~~

18 ~~2008, AND IS LOCATED WITHIN ONE HUNDRED FIFTY FEET OF A WATER~~

19 ~~SYSTEM PROVIDED BY THE TOWNSHIP OR A MUNICIPALITY AUTHORITY OR A~~

20 ~~JOINT WATER BOARD; OR~~

21 ~~(2) WHOSE PRINCIPAL BUILDING IS CONSTRUCTED ON OR BEFORE~~

22 ~~AUGUST 31, 2008, BUT WHOSE OWN SUPPLY OF WATER IS UNSAFE FOR~~

23 ~~HUMAN CONSUMPTION,~~

24 ~~CONNECT WITH AND USE THE SYSTEM.~~ PROPERTY OWNERS OF A WATER

25 SYSTEM PROVIDED BY THE TOWNSHIP OR A MUNICIPALITY AUTHORITY OR A

26 JOINT WATER BOARD CONNECT WITH AND USE THE SYSTEM.] A PROPERTY

27 OWNER CONNECT WITH AND USE A WATER SYSTEM OF THE TOWNSHIP OR <—

28 MUNICIPALITY AUTHORITY OR A JOINT WATER BOARD IN EITHER OF THE

29 FOLLOWING CASES:

30 (1) IF, EXCEPT AS PROVIDED IN SUBSECTION (B), THE PROPERTY

1 OWNER'S PRINCIPAL BUILDING IS LOCATED WITHIN ONE HUNDRED FIFTY
2 FEET OF A WATER SYSTEM OR ANY PART OR EXTENSION OF THE SYSTEM.

3 (2) IF THE PROPERTY OWNER'S PRINCIPAL BUILDING HAS NO SUPPLY
4 OF WATER WHICH IS SAFE FOR HUMAN CONSUMPTION.

5 (B) A PROPERTY OWNER WHO, AFTER THE EFFECTIVE DATE OF THIS
6 SUBSECTION, IS SUBJECT TO MANDATORY CONNECTION PURSUANT TO
7 SUBSECTION (A)(1), SHALL NOT BE REQUIRED TO CONNECT TO THE WATER
8 SYSTEM PURSUANT TO THAT SUBSECTION IF ALL OF THE FOLLOWING
9 CONDITIONS EXIST:

10 (1) THE WATER SYSTEM OR PART OR EXTENSION OF THE SYSTEM THAT
11 IS WITHIN ONE HUNDRED FIFTY FEET OF THE PRINCIPAL BUILDING WAS
12 IN EXISTENCE ON THE EFFECTIVE DATE OF THIS SUBSECTION.

13 (2) THE PRINCIPAL BUILDING HAS ITS OWN SUPPLY OF WATER WHICH
14 IS SAFE FOR HUMAN CONSUMPTION.

15 (3) PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION, THE
16 PROPERTY OWNER WAS NOT REQUIRED TO CONNECT TO THE EXISTING
17 SYSTEM.

18 ~~(B)~~ (C) Those industries and farms which have their own <—
19 supply of water for uses other than human consumption may
20 continue to use their own water for that purpose but are
21 required to use the ~~township water system to provide water for~~ <—
22 ~~human consumption. In the case of a water system provided by the~~
23 ~~township or a joint~~ TOWNSHIP WATER SYSTEM TO PROVIDE WATER FOR <—
24 HUMAN CONSUMPTION.

25 ~~(C)~~ (D) IN THE CASE OF A WATER SYSTEM PROVIDED BY THE <—
26 TOWNSHIP OR A MUNICIPALITY AUTHORITY OR A JOINT water board, the
27 board of supervisors may impose and charge to property owners
28 who desire to or are required to connect to the water system a
29 connection fee, a customer facilities fee, a tapping fee and
30 other similar fees as enumerated [and defined by clause (t) of

1 subsection B of section 4 of the act of May 2, 1945 (P.L.382,
2 No.164), known as the "Municipality Authorities Act of 1945."]
3 under 53 Pa.C.S. § 5607(d)(24) (relating to ~~purposes and~~ <—
4 ~~powers~~). ~~Whenever a water system or any part or~~ PURPOSES AND <—
5 POWERS).

6 ~~(D)~~ (E) WHENEVER A WATER SYSTEM OR ANY PART OR extension <—
7 thereof owned by a township has been constructed by the township
8 at the expense of a private person or corporation or has been
9 constructed by a private person or corporation under the
10 supervision of the township at the expense of the private person
11 or corporation, the board of supervisors shall have the right to
12 charge a tapping fee, including a reimbursement component, and
13 refund said reimbursement component to the person or corporation
14 who has paid for the construction of said water ~~system or any~~ <—
15 ~~part or extension thereof. If any [owner of property abutting]~~
16 ~~property owner whose principal building is within one hundred~~
17 ~~fifty feet of the water system fails to~~ SYSTEM OR ANY PART OR <—
18 EXTENSION THEREOF.

19 ~~(E)~~ (F) (1) IF ANY [OWNER OF PROPERTY ABUTTING THE WATER <—
20 SYSTEM FAILS] PROPERTY OWNER REQUIRED UNDER SUBSECTION (A) TO
21 connect with and use the system FAILS TO DO SO within ninety <—
22 days after notice to do so has been served by the board of
23 supervisors, the board of supervisors or their agents may enter
24 the property and ~~construct the connection. The board of~~ <—
25 ~~supervisors shall send an~~ CONSTRUCT THE CONNECTION. <—

26 (2) THE BOARD OF SUPERVISORS SHALL SEND AN itemized bill of
27 the cost of construction of connection to the owner of the
28 property to which connection has been made, which bill is
29 payable immediately, or the board of supervisors may authorize
30 the payment of the cost of construction of connections in equal

1 installments under Article XXXIII.

2 Section 3. This act shall take effect in 60 days.