

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1315 Session of
1969INTRODUCED BY MESSRS. STEELE, BENNETT, TAYLOR, MEBUS,
CLAYPOOLE, AND YAHNER, JUNE 17, 1969

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MARCH 11, 1970

AN ACT

1 Amending the act of May 1, 1933 (P. L. 103), entitled "An act
2 concerning townships of the second class; and amending,
3 revising, consolidating, and changing the law relating
4 thereto," ~~authorizing the construction of water supply~~ <--
5 ~~systems; requiring, WITH CERTAIN EXCEPTIONS, abutting~~ <--
6 property owners to connect thereto TO WATER SUPPLY SYSTEMS; <--
7 providing for payment of assessments THE COST OF CONSTRUCTION <--
8 OF CONNECTIONS in installments and authorizing the entry and
9 recovery of municipal liens. ~~therefor.~~ <--

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of May 1, 1933 (P. L. 103), known as "The
13 Second Class Township Code," reenacted and amended July 10, 1947
14 (P. L. 1481), is amended by adding after section 1602, ~~six~~ FIVE <--
15 new sections to read:

16 Section 1602.1. Construction of CONNECTION TO Water Supply <--
17 System.--Townships may establish and construct a water supply <--
18 system locating the same as far as practicable along and within
19 the lines of the public roads of the township as seems advisable
20 to the board of supervisors. The supervisors may require that
21 abutting property owners of such A WATER SUPPLY system connect <--

1 with and use the same EXCEPT THOSE INDUSTRIES AND FARMS WHO HAVE <--
2 THEIR OWN SUPPLY OF WATER FOR USES OTHER THAN HUMAN CONSUMPTION.
3 In case any owner of property EXCEPT THOSE PREVIOUSLY EXCEPTED <--
4 abutting such water system shall neglect or refuse to connect
5 with and use said system for a period of ninety days after
6 notice to do so has been served upon him by the supervisors,
7 either by personal service or registered mail, said supervisors
8 or their agents, may enter upon such property and construct such
9 connection. In such case the supervisors shall forthwith, upon
10 completion of the work, send an itemized bill of the cost of
11 construction of such connection to the owner of the property to
12 which connection has been made, which bill shall be payable
13 forthwith, or the supervisors may authorize the payment of such <--
14 assessments THE COST OF CONSTRUCTION OF CONNECTIONS in equal <--
15 monthly installments, said installments shall bear interest at a
16 rate not to exceed seven per centum PER ANNUM. THE SUPERVISORS <--
17 MAY PROVIDE FOR AN EQUITABLE REDUCTION FROM THE FRONTAGE OF LOTS
18 AT INTERSECTIONS OF WHERE, FROM THE PECULIAR OR POINTED SHAPE OF
19 LOTS, AN ASSESSMENT OF THE FULL FRONTAGE WOULD BE INEQUITABLE.
20 NO SUCH ASSESSMENT SHALL BE MADE AGAINST ANY FARM LAND, BUT
21 VACANT LOTS BETWEEN BUILT-UP SECTIONS, WHETHER TILLED OR
22 UNTILLED, SHALL NOT BE DEEMED TO BE FARM LANDS.
23 Section 1602.2. Construction of CONNECTION TO Water Supply <--
24 System by OF Municipality Authorities.--Whenever a water supply <--
25 system is or shall have been established or constructed by a
26 municipality authority within a township of the second class,
27 the township supervisors shall be empowered by ordinance, to
28 compel all owners of property abutting thereto to make
29 connection therewith. and use such water supply system in such <--
30 manner as they may order. The supervisors may, by ordinance,

1 impose penalties to enforce any regulation or order they may
2 ordain with reference to any water connections. In case any
3 owner OF PROPERTY OTHER THAN THOSE EXCEPTED IN SECTION 1602.1 OF <--
4 THIS ACT, shall neglect or refuse to connect with said water
5 system for a period of ninety days after notice to do so has
6 been served upon him by the supervisors, either by personal
7 service or by registered mail, the supervisors or their agents
8 may enter upon such property and construct such connection. In
9 such case, the supervisors shall forthwith, upon completion of
10 the work, send an itemized bill of the cost of the construction
11 of such connection to the owner of the property to which
12 connection has been made, which bill shall be payable forthwith
13 or the supervisors may authorize the payment of the assessments <--
14 COST OF CONSTRUCTION OF CONNECTIONS in equal monthly <--
15 installments, to bear interest at a rate not exceeding seven per
16 centum PER ANNUM. <--
17 Section 1602.3. ~~Assessments~~ COST OF CONNECTION; Where <--
18 Payable.--Such ~~assessments~~ COST OF CONSTRUCTION OF CONNECTIONS <--
19 shall be payable at the office designated by the township
20 supervisors, in monthly installments, with ~~interest at the rate~~ <--
21 ~~provided from the date from which interest is computed on the~~
22 ~~amount of assessments~~ INTEREST FROM THE DATE OF COMPLETION OF <--
23 CONSTRUCTION OF THE CONNECTION.
24 Section 1602.4. Default in Payment of Installment.--In case
25 of default in the payment of any installment and interest for a
26 period of sixty days after the same shall become due, the entire
27 ~~assessment~~ COST OF CONSTRUCTION OF CONNECTION and accrued <--
28 interest shall become due; and, the township solicitor shall
29 proceed to collect the same under the general laws relating to
30 the collection of municipal claims.

1 Section 1602.5. Entry of Liens.--In case of neglect or
2 refusal by the owner of such property to pay said bill or in
3 case of installment payment, it shall be the duty of the
4 township supervisors to file municipal liens for said
5 construction within six months of the date of completion of the
6 construction of such connection, the same to be subject in all
7 respects to the general law providing for the filing and
8 recovery of municipal liens.

9 ~~Section 1602.6. Financing For Water Systems.--In addition to~~ <--
10 ~~issuance and sale of non-debt revenue bonds and assessment upon~~
11 ~~properties accommodated or benefited as provided by clause LXIII~~
12 ~~relating to non-debt revenue bonds of section 702 and section~~
13 ~~1610 the cost of construction of such system may be financed by~~
14 ~~the supervisors by the issuance of general obligation bonds of~~
15 ~~the township, within the constitutional and statutory limitation~~
16 ~~for the incurring or increasing of indebtedness, and pursuant to~~
17 ~~the provisions of law relating to the borrowing of money by~~
18 ~~political subdivisions. Where general obligation bonds are so~~
19 ~~issued, the supervisors shall be required to assess the cost of~~
20 ~~construction to the extent permitted by law, against the~~
21 ~~properties accommodated or benefited by such improvements as~~
22 ~~hereinafter provided, and to deposit the proceeds of such~~
23 ~~assessments in the sinking fund established for the purpose of~~
24 ~~retiring such general obligation bonds. Nothing in this section~~
25 ~~shall be construed to prevent the financing of the cost of such~~
26 ~~construction under the provisions of the act of May 2, 1945 (P.~~
27 ~~L. 382), known as the "Municipality Authorities Act of 1945."~~

28 Section 2. This act shall take effect immediately.