

ORDINANCE NO. 644

AN ORDINANCE AUTHORIZING THE IMPOSTITION AND REGULATION OF MANDATORY WATER USE RESTRICTIONS AND FIXING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED, by the Penn Township Board of Commissioners, York County, Pennsylvania, and it is hereby ordained by the authority of the same as follows:

SECTION 1. Purpose of Ordinance

The purpose of this Ordinance is to set forth regulations for imposing mandatory water use restrictions to prevent depletion of the raw water supply during dry weather periods. This Ordinance *repeals ordinance No. 531 in its entirety but* shall not repeal or modify the previously enacted State of Civil Emergency Ordinance No. 444

It is further the intent to provide for the enforcement of and penalties for the violation of mandatory water use restrictions.

SECTION 2. Definitions

For the purposes of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is mandatory and not merely directive.

1. Township – The Township of Penn, York County, Pennsylvania, with administrative offices at 20 Wayne Avenue, Hanover, Pennsylvania 17331.
2. Borough – The Borough of Hanover, including the Water Department, with administrative offices at 44 Frederick Street, Hanover, Pennsylvania 17331.
3. Person – Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
4. State – The Commonwealth of Pennsylvania.
5. Service Area – The geographical area of Penn Township in which there are users of water.

6. Raw Water Capacity – The total combined gallonage of untreated water stored in the Sheppard Myers and Lawrence Baker Sheppard Reservoirs, and wells owned and operated by the Borough.
7. Rainfall Deficit – The negative difference between the total amount of rainfall received to date in the previous 12 month period and the amount of rainfall normally received by the same date in the same 12 month period.
8. Mandatory Water Use Restrictions – Any use of the water supply which is prohibited under the authority of this Ordinance.
9. User – Any person who withdraws potable water from individual wells or from the water distribution system owned and operated by the Borough.
10. Raw Water Capacity Trend – The projected graphic representation of the total stored raw water capacity gallonage change based on weekly total capacity readings.
11. Nonessential Water Use – Any use of public water which, when curtailed, does not affect the health or safety of the general public.
12. Emergency Stage III – The Condition exists when raw water capacity decreases to a level requiring water rationing. Stage III is preceded by Stage I, voluntary water conservation, and Stage II, mandatory water conservation.

SECTION 3. Implementation

In the event that the Borough notifies the Township, in writing, that the Borough is experiencing an impending raw water supply shortage condition *or has been issued a Local Water Rationing Plan by the State*, the Township may request general conservation of water uses. In addition, the Township may impose mandatory water use restrictions *or water rationing* as deemed necessary to reduce or eliminate nonessential uses of water. Water conservation measures, mandatory water use restrictions, *and/or water rationing*, shall continue in effect until terminated by the Township.

The decision to impose mandatory water use restrictions shall be based on the following conditions as determined by the Borough:

The rainfall deficit in the current calendar year is equal to or greater than six inches (6"), or if the amount of rainfall received for two consecutive months is equal to or less than one half (1/2) the amount normally received.

AND

2. The total stored raw water capacity gallonage is equal to or less than sixty-five percent (65%) of the maximum storage capacity and/or the projected raw water capacity trend line indicates that emergency Stage III will be reached within a time period of four (4) calendar months.
3. *If the state has implemented water restrictions those restrictions shall apply if they are different than those listed in Section 4. In no case will the restriction be less stringent than those in Section 4.*

SECTION 4. Regulations

The Penn Township Board of Commissioners shall be authorized to impose mandatory water use restrictions on all users within the service area.

The following water uses are declared nonessential, and any one or more such nonessential uses may be prohibited within the service area:

- a) The use of hoses, sprinklers, or other means for watering of shrubbery, trees, lawns, grass, plants, vines, gardens, vegetables, flowers or any other vegetation.
- b) The use of water for watering golf courses, with the exception of fairways in the initial phase and tees and greens as determined necessary by the Township.
- c) The use of water for washing automobiles, trucks, trailers, trailer houses, or any other type of mobile equipment, with the exception of businesses engaged in these activities.
- d) The washing of streets, driveways, parking lots, service station aprons, office buildings, exteriors of homes, sidewalks, apartments, or other outdoor surfaces.
- e) The operation of any ornamental fountain or other structures making a similar use of water.
- f) The use of water for filling swimming or wading pools with the exception of businesses engaged in these activities.
- g) The operation of any water-cooled comfort air conditioning which does not have any water-conserving equipment; air cooled/water cooled ice machines with the exception of businesses engaged in these activities.
- h) The use of water from fire hydrants for construction purposes, fire

department drills, or testing fire apparatus, except as deemed necessary and approved in the interest of public health or safety by the Township Manager.

- i) The use of water to flush sewer lines or sewer manholes.
- j) The use of water for commercial farms or nurseries other than a bare minimum to preserve plants, crops, or livestock.
- k) The serving of water in restaurants, clubs, or eating establishments unless specifically requested by the individual customer.

SECTION 5. Enforcement

An officer of the Township Police Department shall be responsible for issuance of any applicable citations to the violator of the restrictions within the service area.

SECTION 6. Appeal

Any user within the service area who feels that the mandatory water use restrictions in effect impose an undue hardship upon their person or business may appeal to the Township Manger for relief. Such appeal shall be in writing and shall clearly state all pertinent facts concerning the perceived hardship. A hearing on the appeal shall be scheduled for the next regular meeting of the Board of Commissioners, to be held no sooner than (5) days after the appeal has been filed with the Township. Notice shall be sent to the appellant at the address listed on the letter of appeal. The decision and order of the Board of Commissioners on such appeal shall be final and conclusive.

SECTION 7. Penalties

1. Any person who shall violate any provision of this Ordinance shall be issued a warning citation by the Police Department for an initial violation.
2. A second violation shall result in the person being subject to the penalties for violation as described in Chapter 101 of the Penn Township Code.
3. Each continuing day of violation of this Ordinance shall constitute a separate offense.

SECTION 8. Severability

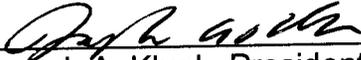
The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application of this Ordinance.

SECTION 9. Effective Date

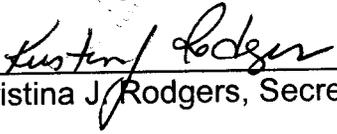
This Ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

ENACTED AND ORDAINED this 19th day of June 2006.

BOARD OF COMMISSIONERS OF PENN TOWNSHIP

By: 
Joseph A. Klunk, President

Attest:


Kristina J. Rodgers, Secretary