

No. 2008-34

## AN ACT

HB 239

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

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

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

Section 2510. Liens for Assessments; Costs of Proceedings.—After the amount of the assessment charged upon the several properties has been established by resolution making assessments according to section 2508 or by confirmation of any report of viewers, in whole or in part, the amounts of all assessments are payable to the township treasurer for the use of the sanitary sewer district or districts or the township in which they are assessed. The board of supervisors shall make out bills for the amounts charged against each property, which shall be sent to all property owners whose property will be served by the sanitary sewer system. If the assessment is not paid within [sixty] *ninety* days after the mailing of a bill therefor, the board of supervisors shall collect it by action of assumpsit or under law for the filing and recovery of municipal claims.

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

Section 2603. Connection to Water System.—(a) The board of supervisors may by ordinance require that **[abutting property owners of a water system provided by the township or a municipality authority or a joint water board connect with and use the system.]** *a property owner connect with and use a water system of the township or municipality authority or a joint water board in either of the following cases:*

(1) *If, except as provided in subsection (b), the property owner's principal building is located within one hundred fifty feet of a water system or any part or extension of the system.*

(2) *If the property owner's principal building has no supply of water which is safe for human consumption.*

(b) *A property owner who, after the effective date of this subsection, is subject to mandatory connection pursuant to subsection (a)(1), shall not be required to connect to the water system pursuant to that subsection if all of the following conditions exist:*

*(1) The water system or part or extension of the system that is within one hundred fifty feet of the principal building was in existence on the effective date of this subsection.*

*(2) The principal building has its own supply of water which is safe for human consumption.*

*(3) Prior to the effective date of this subsection, the property owner was not required to connect to the existing system.*

*(c) Those industries and farms which have their own supply of water for uses other than human consumption may continue to use their own water for that purpose but are required to use the township water system to provide water for human consumption.*

*(d) In the case of a water system provided by the township or a municipality authority or a joint water board, the board of supervisors may impose and charge to property owners who desire to or are required to connect to the water system a connection fee, a customer facilities fee, a tapping fee and other similar fees as enumerated [and defined by clause (t) of subsection B of section 4 of the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."] under 53 Pa.C.S. § 5607(d)(24) (relating to purposes and powers).*

*(e) Whenever a water system or any part or extension thereof owned by a township has been constructed by the township at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the township at the expense of the private person or corporation, the board of supervisors shall have the right to charge a tapping fee, including a reimbursement component, and refund said reimbursement component to the person or corporation who has paid for the construction of said water system or any part or extension thereof.*

*(f) (1) If any [owner of property abutting the water system fails] property owner required under subsection (a) to connect with and use the system fails to do so within ninety days after notice to do so has been served by the board of supervisors, the board of supervisors or their agents may enter the property and construct the connection.*

*(2) The board of supervisors shall send an itemized bill of the cost of construction of connection to the owner of the property to which connection has been made, which bill is payable immediately, or the board of supervisors may authorize the payment of the cost of construction of connections in equal installments under Article XXXIII.*

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

APPROVED—The 4th day of July, A.D. 2008.

EDWARD G. RENDELL