

ORDINANCE 2012-01

**DOWNINGTOWN BOROUGH
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF DOWNINGTOWN, CHESTER COUNTY, PENNSYLVANIA AMENDING CHAPTER 86 BY CREATING A SECTION §86-9 OF THE BOROUGH CODE TO REQUIRE ON A GOING-FORWARD BASIS THAT USERS WITHIN A DEFINED SERVICE TERRITORY CONNECT TO SERVICES OF THE DOWNINGTOWN MUNICIPAL WATER AUTHORITY, SUBJECT TO ENUMERATED PROCEDURES AND EXCEPTIONS.

AND NOW, this 18th day of January, 2012, it is hereby Enacted and Ordained by the Borough Council of the Borough of Downingtown, Chester County, Pennsylvania, that:

Section 1. Chapter 86, “Water Authority,” of the Downingtown Borough Code is hereby amended by the addition of §86-9 as follows:

§86-9. Wells & Water Service

The drilling, installation, or use of new or expanded wells for water service in the Borough is subject to the following terms and conditions:

- A. As of the effective date of this Ordinance adding §86-9 and from that date forward, as to all areas within the Borough served by the Authority, the drilling, installation, or use of any new wells, or expansion of existing wells, for water service is and shall be prohibited within the area served by the Authority unless the use of a well is approved in writing by the Authority.
- B. The Authority shall develop and provide standardized application forms for any required well approvals.
- C. Well installation, expansion and use shall otherwise be subject to all requirements of the Chester County Health Department, and all other applicable federal, state and county laws, rules or regulations.
- D. The design and installation of any connections, system additions, service lines, pumps, valves or other facilities connected to the Authority water system shall be subject to the approval of the Authority and all standards and materials utilized for such installations shall be in conformity with

the Rules and Regulations of the Authority in effect at the time of an application to connection is filed with the Authority.

- E. Any and all applications for permits or approval for any and all construction, improvement, development submitted to the Borough of Downingtown within the area served by the Authority shall likewise be concurrently submitted to the Authority via an Authority application for connection and approval and no permit or final approval shall be granted by the Borough without an approval of the water system connection and water service from the Authority.

Section 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 4. This Ordinance shall become effective as provided by law and Borough Ordinance.

Section 5. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Downingtown Borough Code and to bring the Ordinance into conformity with the Downingtown Borough Code.

PASSED by Borough Council this 18th day of January, 2012.

By: _____
Anthony M. Gazzo
President, Borough Council

APPROVED by the Mayor, this 18th day of January, 2012.

By: _____
Josh Maxwell, Mayor

ENACTED this 18th day of January, 2012.

By: _____
Stephen T. Sullins, Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 18th day of January, 2012.

By: _____
Stephen T. Sullins, Borough Manager/Secretary