

AN ORDINANCE OF THE BOROUGH DEFINING AND ESTABLISHING RATES AND REGULATIONS FOR WATER AND SEWER SERVICE TO PROPERTIES AND ESTABLISHMENTS THEREIN; REQUIRING AND REGULATING CONNECTIONS TO THE WATER AND SEWER SYSTEMS; ESTABLISHING A SCHEDULE OF WATER AND SEWER RATES AND THE TERMS OF PAYMENT; AND PROVIDING PENALTIES FOR VIOLATION.

The Borough Council hereby ordains:

Section 1. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- a. Domestic Unit – a separate dwelling, apartment, room or group of rooms, used for separate dwelling purposes and equipped for the preparation of food. Institutional uses such as hospitals, churches, schools, and public buildings shall be considered to be a domestic unit. The determination of the Borough as to what constitutes a separate dwelling unit shall be final.
- b. Non-Domestic Unit – a separate building, group of buildings, or room or group of rooms on a parcel of land held in single and separate ownership and used for any purpose other than as a residential unit. The determination of the Borough as to what constitutes a separate non-domestic unit shall be final.
- c. Improved Premises – any parcel or property upon which a domestic or non-domestic unit is located.

Section 2. All the owners of any improved premises located or to be constructed within the Borough and situate so that water service is available shall be required to connect said premises to the water system serving the Borough and owned by the Borough Municipal Authority and operated by the Borough.

All owners of any improved premises located or to be constructed within the Borough and situate so that the property lines of the improved premises are within 150 feet of a public sewer line owned by the Borough Municipal Authority and operated by the Borough shall be required to connect thereto.

Where such service is temporarily not available, the Code Enforcement Officer shall design and enforce regulations consistent with State standards for on-site systems. At such time as water or sewer service becomes available, the owner of the improved premises shall be required to connect to the water/sewer system.

Section 3. All owners of any improved premises required to connect to the Borough water and/or sewer systems shall pay a “connection fee” in the amount of \$2,000.00 per domestic unit and/or non-domestic unit situate on the improved premises. This connection fee shall be apportioned as follows: \$1,000.00 for the

water connection and \$1000.00 for the sewer hook-up. In the case of an existing parcel of ground held in separate ownership for which an application is filed for connection to the Borough water and sewer systems, the connection fee shall be paid at the time of application. In the case of a Subdivision or Land Development Plan, the connection fee shall be paid to the Borough prior to the time a Subdivision or Land Development Plan is given final approval by Borough Council. Payment of the connection fee shall entitle the owner of the improved premises, and the owner's successors or assigns, to connect the commercial or industrial establishment(s) or dwelling units contemplated by the Subdivision or Land Development Plan on the improved premises to the water and sewer systems operated by the Borough.

Section 4. All owners of any improved premises required to connect to the Borough water system shall pay to the Borough a "tapping fee" of \$1000.00 for each water and each sewer lateral to be connected to the water and/or sewer main from any improved premises. The Borough, or its authorized representative, shall provide and install the corporation tap into the water main or sewer main together with the pipe from the tap to a point not more than 18 inches on the owner's side of the right-of-way line or street curb line, terminating at and including the curb stop and box or valve. The tapping fees shall be used to pay the costs of the above-described tap into the main and installation of the water and sewer laterals by the Borough. To the extent that the tapping fee exceeds the actual cost of the connection, the unused portion of the tapping fee will be refunded to the owner. If the cost of the connection exceeds the tapping fee, the owner shall pay to the Borough the additional funds requested and shall make such payment to the Borough within 30 days of the Borough's written demand therefore.

The Borough may install the lateral from the water or sewer main onto the improved premises (as provided above) upon payment of the connection and tapping fees and at any time after the approval of the application for water and sewer service in the case of a single lot held in separate ownership, or at any time after the approval of the Subdivision or Land Development Plan in such a case; PROVIDED, HOWEVER, that the lateral shall be installed so as not to delay the owner's occupancy of the improved premises. The Borough shall give the owner occupancy of the improved premises. The Borough shall give the owner at least 15 days written notice of the time when the Borough proposes to make the connection and install the lateral. The tapping fee shall be paid to the Borough within 15 days of the Borough's notice and prior to the connection being made to the water and/or sewer main.

Section 5. A water meter shall be installed in the water lateral in a suitable protective pit directly opposite the point at which the tap is made into the water main. In the alternative, the meter may be located inside the building, if the meter is equipped with an outside remote reading device which conforms to municipal standards. Each new water meter shall be furnished by the Borough at the expense of the property owner.

The Borough shall inspect, test, adjust, maintain, and/or replace such meters at its own expense, except that any meter damaged in service through the negligent act or omission, of the property owner or his tenant or agent, shall be replaced by the Borough at the expense of the property owner. Meter damage resulting from freezing or back-flow of hot water shall be considered to be the result of negligence of the owner or tenant.

The accuracy of the water meters on the Borough system shall be determined in accordance with the Rules and Regulations of the Public Utilities Commission of the Commonwealth of Pennsylvania. Upon request of any owner, the Borough will remove the meter from the owner's premises and test the accuracy thereof. If the said meter is found to register a greater quantity of water than passed through it, to a degree exceeding the tolerance of accuracy prescribed by the Public Utilities Commission for such cases, no charge shall be made for such test, and the bills for water rendered on the basis of the registration of such meter for a period of time of not more than three months preceding the removal thereof may be adjusted on an equitable basis. If said meter is found to register a smaller quantity of water than passed through it, or to be within the prescribed tolerance of accuracy, a charge equal to the costs incurred by the Borough in having the meter tested shall be paid by the owner for the testing of the meter. Upon request the owner may witness the test made of the meter. Upon request the owner may witness the test made during the normal business hours of the Borough.

Section 6.

- A. No water and/or sewer lateral shall be covered until it has been inspected and approved by the Borough. If any part of a water and/or sewer lateral is covered before so being inspected and approved, it shall be uncovered for inspection, at the cost and expense of the owner of the improved property to be connected to the water and sewer mains.
- B. Every water and/or sewer lateral of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- C. Every excavation for a water and/or sewer lateral shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk or other public property disturbed in the course of installation of a water and/or sewer lateral shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Borough.
- D. The owner of an improved premise shall, at his expense, be responsible to repair, replace, and maintain the water and/or sewer lines on the owner's property from the point at least 18 inches on the owner's side of the street

curb line or the right-of-way line where the lateral constructed by the Borough.

- E. If any person shall fail or shall refuse, upon receipt of a notice in writing of the Borough to remedy any unsatisfactory condition with respect to a building lateral within sixty (60) days of receipt of such notice, the borough may refuse to permit such person to be served by the water system until such satisfactory condition shall have been remedied to the satisfaction of the Borough.
- F. The Borough reserves the right to adopt, from time to time, additional rules and regulations it shall deem necessary and proper relating to connections with a main and with the water and sewer systems, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of the Ordinance.

Section 7. The water rents or charges for water supplied to consumers within the Borough to premises at which a water meter or meters have been installed, shall be and same are hereby imposed and established for each quarterly period, or portion thereof, after the effective date of this Ordinance as follows:

- A. For each 5/8" to 3/4" water meter servicing a domestic unit, for the first 10,000 gallons of water, or any part thereof, in each quarterly period\$21.50

This is a minimum charge for water and/or water services supplied through a 5/8" to 3/4" meter and must be paid for each quarterly period, or fraction thereof, during which water is available and is turned on for meters serving a residential unit, whether or not any water is actually used.

For the next 15,000 gallons\$1.50 per 1000 gallons.
For any gallons over 25,000 per quarter\$1.30 per 1000 gallons.

- B. For each 5/8" to 3/4" water meter servicing a non-domestic unit, for the first 15,000 gallons of water, or any part thereof, in each quarterly period\$30.00.

This is a minimum charge for water and/or water services supplied through a 5/8" to 3/4" meter and must be paid for each quarterly period, or fraction thereof, during which water is available and is turned on for meters serving a residential unit, whether or not any water is actually used.

For the next 10,000 gallons\$1.50 per 1000 gallons.
For any gallons over 25,000 per quarter\$1.30 per 1000 gallons.

C. For each 1" water meter, for the first 15,000 gallons of water, or any part thereof, in each quarterly period \$60.00

For the next 40,000 gallons\$1.45 per 1000 gallons.
For the next 70,000 gallons\$1.35 per 1000 gallons.
For all gallons over 125,000 per quarter\$0.90 per 1000 gallons.

D. For each 1 ½ water meter, for the first 15,000 gallons of water, or any part thereof, in each quarterly period\$65.00

For the next 40,000 gallons\$1.45 per 1000 gallons.
For the next 70,000 gallons\$1.35 per 1000 gallons.
For all gallons over 125,000 per quarter\$0.90 per 1000 gallons.

E. For each 2" water meter, for the first 15,000 gallons of water, or any part thereof, in each quarterly period\$70.00

For the next 40,000 gallons\$1.45 per 1000 gallons.
For the next 70,000 gallons\$1.35 per 1000 gallons.
For all gallons over 125,000 per quarter\$0.90 per 1000 gallons.

F. For each 3" water meter, for the first 15,000 gallons of water, or any part thereof, in each quarterly period\$95.00

For the next 40,000 gallons\$1.45 per 1000 gallons.
For the next 70,000 gallons\$1.35 per 1000 gallons.
For all gallons over 125,000 per quarter\$0.90 per 1000 gallons.

Section 8. The sewer rents or charges for public sewer service to the owners of improved premises within the Borough be imposed on a quarterly basis and shall be based upon water consumption upon the premises during each calendar quarter. Public sewer rates are hereby imposed as follows.

A. Domestic Units: For each domestic dwelling unit the minimum charge for public sewer service for up to 6,000 gallons of water consumption in a quarter ... \$33.50 per quarter.

For all water usage over 6,000 gallons per quarter \$3.35 per each 1,000 gallons.

B. Non-Domestic Units: For each non-domestic unit the minimum charge for public sewer service for up to 15,000 gallons of water consumption in a quarter ... \$80.00 per quarter.

For all water usage over 15,000 gallons per quarter \$3.35 per each 1,000 gallons.

- C. The sewer charge to be imposed on account of the discharge of waste into the public sewer system which require special treatment shall be based upon the Biochemical Oxygen Demand (B.O.D.) and the total solids content of the sewage in comparison with the content of normal domestic sewage.

Section 9.

- A. Bills for water and sewer service furnished for all purposes shall be rendered on a quarterly basis, a quarter to consist of any period of approximately ninety-one (91) days. Upon request of any owner, if an improved premises is anticipated to be vacant for any substantial period of time, the Borough will remove the water meter from his property, discontinue water service to the property, and discontinue the minimum charges requested, the Borough will, upon payment of a re-connection charge of \$100.00, reinstall the meter or a similar meter at the property and reestablish service.
- B. Usage, service, and minimum charges shall be payable at the Municipal Office on a net basis at any time up until 30 days after the date of the bill. Thereafter, a late payment penalty equal to 10% of the net amount of the bill PLUS interest calculated at the rate of 10.00% per annum from 30 days after the date of the bill shall be added to the bill and shall not entitle an owner or user to an extension of time for payment.
- C. Failure to pay the amount owed on a quarterly water and/or sewer bill by the time the next succeeding quarterly water and/or sewer bill goes into its late payment penalty period, shall be cause for termination of water service until payment is made of all outstanding charges for water and/or sewer services. PROVIDED, HOWEVER, in no case shall the water supply be shut off until ten (10) days after written notice of an intention so to do has been mailed to the person liable for payment and a written notice has been posted at a main entrance to the premises where the water supply is to be shut off. If during such ten (10) day period, the person liable for payment delivers to the Borough a written statement which states under oath or affirmation that such statement is not executed for purpose of delay and that he has a just defense to the claim for payment or to part of such claim, the water supply shall not be shut off until such claim has been judicially determined.
- D. If service is terminated under the conditions set forth in paragraph C, above, a re-connection charge of \$100.00 shall be paid before service is restored.
- E. The owner of the property served shall be responsible to the Borough for payment for all water furnished and/or sewer services provided to the property irrespective of any agreement between the property owner and a third party, and the bill shall in all cases be rendered to the owner of the property unless the Borough is notified in writing by said owner to render the bill to some other person, in which case the owner shall nevertheless remain liable for the payment of all water and/or sewer bills.

Section 10. The Borough shall have the authority in the event of any emergency affecting the adequacy of the supply of water to domestic users of the municipal water system or the adequacy of the fire-fighting capacity of the system, either actual or imminent, to require any and all users to curtail or discontinue the use of water. Such curtailment or discontinuance shall remain in effect for the duration of such emergency. Verbal or other notice by the Borough to the user or his agent, or public advertisement in a newspaper circulated locally shall be deemed sufficient for the purposes of this ordinance.

Any such curtailment may apply to all use of water for washing the car and watering the lawn or garden, and if the degree of the emergency shall warrant, include any or all uses.

Section 11. As long as water and/or sewer services are provided to any building, the proper officials of the Borough or service pipes to inspect, test, read, repair, remove, or replace the same, whether or not the occupant of the building is a water user, and such access shall not be impeded by coal, ashes, or rubbish, not in any other manner. Failure to provide such free access shall be cause for termination of service until suitable access is provided.

Section 12. Except as otherwise specifically provided in Section 9, above, any person, firm or corporation who shall violate any provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 13. All ordinances or resolutions or parts of Ordinances or resolutions, which are inconsistent herewith are hereby repealed to the extent that the same are inconsistent with the terms of this Ordinance.

Section 14. 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 of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.

