

ORDINANCE NO. 165

AN ORDINANCE ESTABLISHING RATES, RULES AND REGULATIONS APPLICABLE TO CONSUMERS SERVED OR TO BE SERVED BY THE WATER DEPARTMENT OF THE BOROUGH OF ORWIGSBURG, PENNSYLVANIA: AND FIXING THE EFFECTIVE DATE AND APPLICABILITY OF SUCH RULES AND REGULATIONS

BE IT ENACTED AND ORDAINED by Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1. DEFINITIONS

A. "Borough" shall mean the Borough of Orwigsburg, Schuylkill County, Pennsylvania, a Pennsylvania municipal corporation, acting by and through the Council's Water Committee or, in appropriate cases, acting by and through their authorized representatives.

B. "Owner" shall mean any person, firm, corporation or association having an interest as owner, whether legal or equitable, sole or partial, in any premises which is or is about to be supplied with water by the Borough.

C. "Tenant" shall mean anyone occupying the premises which obtains water from the mains of the Borough.

D. "Consumer" shall mean the Owner or Tenant as defined above, contracting for the use of water service as hereinafter limited and classified:

1. A building under roof and occupied as one business or residence, or

2. A combination of buildings in one common enclosure occupied by one family or business, or

3. One side of a double house having a solid vertical partition wall, or

4. One side of a double house occupied by one family even though the closet and/or other fixtures to be used in common, or

5. Each room or group of rooms in a building occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of persons living together or by a person living alone, the water fixtures of which are not used in common, or

6. Each apartment, office and/or suite of offices in a building or house having several such apartments, offices and/or suites of offices and using in common one or more hallways and one or more means of entrance, or

7. An industrial, or commercial, or manufacturing establishment, or

8. Any trailer

SECTION 2 - RULES AND REGULATIONS

1. Upon written application by the prospective Consumer or his proper agent, duly authorized in writing, on forms furnished by the Borough for the continuous supply of water to premises abutting a public thoroughfare in which a main pipe of the Borough's distribution system is located, the Borough will install, own, and maintain the service only after the application is approved. Application must be made at least one week before service is required. The application for service shall state the purpose or purposes for which water will be used and such other appropriate information as shall be required by the Borough.

2. All Consumers receiving water service, upon the effective date of these Rules and Regulations, by continuing to be thus served, shall be bound by these Rules and Regulations and the water rates, rents, and charges of the Borough in effect from time to time, pursuant to proper action of the Borough. With respect to future Consumers, the application of such Consumer, these Rules and Regulations and the water rates, rents and charges of the Borough in effect from time to time, pursuant to proper action of the Borough, shall constitute a part of the contract between the Consumer and the Borough. Each Consumer, by the taking of water, agrees to be bound by these Rules and Regulations and the prevailing water rates, rents and charges of the Borough in effect from time to time, pursuant to proper action of the Borough, whether service is based upon contract, agreement, signed and accepted application, or otherwise.

3. Any modification, repeal, supplement or amendment of these Rules and Regulations shall be applicable to and shall govern Consumers receiving water service upon the effective date of such modification, repeal, supplement or amendment, as well as future Consumers.

4. A new application must be made to and approved by the Borough upon any change in identity of a Consumer or upon any change in type or purposed of water service required by a Consumer. The Borough, upon seven (7) days written notice, may discontinue water service until such application has been made and approved.

5. No Consumer receiving a supply of water will be permitted to use the water for any other purpose than that for which they shall have contracted to pay as shown by their application, nor shall they supply water in any way to any other party of parties without written permission from the Borough.

An accepted application for water to any premises shall con-

stitute a license to the applicant to take and receive a supply of water for said premises, but only for the uses specified in such application, and the supply shall not be used except for the premises specified in the application.

DEPOSITS

6. Deposits may be required from temporary Consumers taking water service for a period of less than ninety (90) days, in an amount equal to the estimated gross bill for such temporary service. Deposits may be required from permanent Consumers in an amount not in excess of the estimated gross bill for two quarterly billing periods; provided, however, that the minimum deposit shall be Fifteen Dollars (\$15.00).

7. The deposit of any Consumer taking water service for a period less than ninety (90) days shall be returned when he shall have paid the undisputed bill for water service. The deposit of any permanent Consumer shall be returned when he shall have paid the undisputed bills for water service for a period of twelve (12) consecutive months or for the full period of service rendered, whichever is less; and any such Consumer who shall have secured the return of his deposit shall not be required to make a new deposit unless his water service has been discontinued and the Consumer's credit standing impaired through failure to comply with provisions of these Rules and Regulations or the prevailing water rates, rents and charges then in effect or any other resolution adopted by the Borough with respect to the water system being operated by the Borough.

SERVICE CONNECTIONS AND LINES

8. The Borough shall make all connections to water mains except as outlined in Rule 45. Upon approval of an application for water service and upon compliance with Rule 11 of these Rules and Regulations, the Borough, for the tapping fee rates, will tap the main, insert corporation

cock, install a service line to the curb or, if no curb, to the property line, and insert a curb stop with curb box, all of which facilities shall be and shall remain the property of the Borough. The tapping fees shall include a turn-on fee.

9. All service lines from the curb box to the structure (and through the wall of the structure and housing facility for the meter, if any) to be served shall be installed by the Consumer, at his own expense, shall be copper or iron pipe, or in emergencies other material approved by the Borough, shall be laid at least three and one-half feet (3 1/2') below the surface of the ground and shall be kept in good repair at the expense of the Consumer. No service line or other connection facility between the curb box and the structure to be served shall be covered up in the process of installation until inspected and approved by the Borough, or until the tap on the main is made and service line tested. If any defects in workmanship are found, the service shall not be turned on until such defects are remedied.

10. No service line shall be laid in the same trench with a gas pipe, drain or sewer pipe or any other facility of a public service company, but must be laid in a separate trench and not less than two feet (2') from any such facility. No service line shall be laid within four feet (4') of any open excavation or vault.

11. Service connection will be made only after the Consumer has completed installation of his service line from the structure to be served to the curb box or has given assurance, satisfactory to the Borough, of his intention so to do and has paid the Borough the Tapping Fee for installing a service line to the curb or, if applicable, to the property line. No service connection from the main to the curb box will be installed by the Borough when street or highway openings are prohibited or when, in the judgment of the Borough, working conditions

are unreasonable for such installation.

12. Service lines will not be installed when the service line passes over or through premises which at the time may be the property of persons other than the owner of the premises to be supplied, unless the owners of the premises to be supplied assume the liability.

13. The size of the service connection from the main to the curb box necessary to serve adequately a Consumer and the location of such service connection shall be determined by the Borough. If any applicant for water service shall request a service connection of a greater capacity than that determined by the Borough to be adequate, or if any such applicant shall request that a service connection be located in a location different than that determined by the Borough, the Borough, in its discretion, may install such service connection in accordance with the request of such applicant.

14. When it is necessary to replace an existing service connection from the main to the curb box, the Borough will replace said service connection in the same location as the old service connection; provided, however, that if the Consumer, for his own convenience, desires the new service connection at some other location and agrees to pay to the Borough all expenses of cutting off the old service connection at the main and any other additional expenses incurred by the Borough in complying with said request, then the Borough will install the new service connection at the location desired, if said location is approved by the Borough.

15. Only persons properly authorized by the Borough shall be permitted to make service line and service connection installations.

16. All Consumers shall keep and maintain their service lines, corporation cocks and apparatus in good repair and condition, shall protect the same from frost and shall prevent all waste of water.

17. All leaks in service lines from the curb box to, in and upon the premises supplied with water shall be repaired promptly by the Consumer, at his own expense. Upon failure of such Consumer to make such repairs within a reasonable time, the Borough, in its discretion, upon seven (7) days notice, may discontinue water service to such property, after which such water service shall not be restored until and after the Consumer shall have paid to the Borough the full amount of all proper and necessary expenses incurred by the Borough in discontinuing and again restoring water service, which shall include a turn-off and turn-on fee for discontinuing and then restoring water service.

18. The Borough shall not be responsible for maintenance of any service line or any other line, pipe or fixture on the outlet side of the curb box, nor shall the Borough be responsible for any damage resulting from escape of water from any service line or any pipe or fixture on the outlet side of the curb box. The Consumer at all times shall comply with all state and municipal regulations relating to service lines and any pipes and fixtures on the outlet side of the curb box and the Borough shall not be required to deliver water service thereto unless so approved. The Borough, at its expense, shall make any and all changes to such service lines, pipes and fixtures which shall be required or made necessary as a result of the Borough changing grade, relocating mains or distribution lines or otherwise.

19. No Person obtaining water from a private water supply, under any circumstances, shall construct or maintain, or cause or permit to be constructed or maintained, any connection, directly or indirectly, between such private water supply and the water system being operated by the Borough, except when such private supply is under the control of the State Health Department.

20. A separate service connection and curb box shall be installed for each Consumer; provided, however, that if a building, house or other structure contains two or more Consumers and the Owner or Owners thereof so shall request or the Borough shall deem it advisable, the Borough, in its discretion, may install a single service connection for such building, house or other structure.

When more than one Consumer is now supplied or hereafter is supplied through one service connection under control of one curb box, any violation of these Rules and Regulations by any Consumer so supplied shall be deemed a violation as to all and the Borough may take such action as could be taken against a single Consumer, except that such action shall not be taken until the innocent Consumer who is not in violation of these Rules and Regulations has been given a reasonable opportunity to make application for and have installed a separate connection to the water system being operated by the Borough.

21. Water for temporary, transient, or special purposes must be specifically applied for. Whenever a street service connection is made to the mains for such purposes, the applicant will bear the entire cost and expense of labor and material for tapping the main and installing and maintaining the street service connection.

Where the Borough is called upon to render water service of such a temporary or emergency character as to make the installation of a meter economically unfeasible, the Borough will estimate the quantity of water used, and bill for such usage in accordance with the meter rate schedule and applicable Rules and Regulations.

METERS

22. All Consumer services shall be metered. The installation shall consist of a meter with meter-setting device, all as furnished by the Borough. All new future Services in addition to the meter and setting device shall include a remote-reading register, as furnished by the

Borough, installed on the outside of the premises. All material shall be installed at the Consumer's expense. All meters, setting devices, and remote-reading registers shall be accessible to and under the control of the Borough and shall be and remain the property of the Borough.

23. The Borough reserves the right to determine when a meter shall be installed and the size of each meter installed.

24. No connections or outlets will be permitted on the service pipe or pipes supplying the premises, from the corporation cock through to the meter, except for sprinkler or fire hydrant lines. If the Consumer desires such fire connections, the Borough will require an application and if approved, will charge the Consumer an amount established in the water rates. All other water must pass through the meter.

25. Meters shall be conveniently located within the premises supplied, as near to the point of entry of the service pipe at a point approved by the Borough so as to control the entire water supply. The location shall be clean, protected and accessible, safe from freezing and mechanical damage. No meter shall be installed within a crawl space, coal bin, or other location inaccessible for reading. In any case where it is not convenient to place the meter within the structure, the Borough may permit the meter to be placed outside the structure in a concrete or brick vault provided with a suitable cover, lock and key. Said vault shall be at least two feet (2') six inches (6") inside measurement, with a cement floor, properly drained, and shall be built within the property line of the structure served at the expense of the Consumer.

26. Meters will be maintained by the Borough as far as ordinary wear and tear is concerned, but the Consumer shall be responsible to the Borough for any injury to or loss of any meter arising out of or caused by the Consumer's negligence or the carelessness of any person

living upon or being upon his premises under his employment or by his consent or sufferance, whether such damage or loss shall be caused by freezing, hot water or other cause whatsoever. The Consumer shall permit no one, except an agent of the Borough or others lawfully authorized so to do, to remove, inspect or tamper with the meter or other property of the Borough on his premises.

27. The charge for reinstallation or changing of a meter when removed because of damage in any way due to the negligence of the Consumer shall be the same as listed herein as deposit due for meter tests. This charge shall include the testing of the repaired meter.

28. The quantity of water recorded by the meter shall be conclusive on both the Consumer and the Borough, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, excepted above, the meter will be repaired promptly by the Borough and the quantity of water consumed for the billing period when the meter was out of service or registering inaccurately shall be estimated by the average registration of the meter on the three (3) previous corresponding billing periods.

29. In case of a disputed account involving accuracy of a meter, such meter shall be tested upon the request of the Consumer. In the event the meter so tested is found to have an error beyond four per centum (4%) of the accurate amount, the bill will be increased or decreased accordingly by an estimate based upon the average registration of the meter on the three (3) previous corresponding billing periods. Where service is furnished with an additional remote reading register outside the building serviced, in the event of disagreement, final determination of water used shall be made from the inside meter, the remote-reading register being merely for the convenience of the Consumer and Borough.

30. Each request for test of a meter for accuracy must be made

in made in writing and shall be accompanied by a deposit. If so desired, the Consumer shall request that he or his agent be in attendance when the test is conducted. The deposit shall be as follows:

For 5/8 inch to 1 inch meters	\$ 5.00
For 1-1/4 inch to 2 inch meters	10.00
For 3 inch meters	15.00
For 4 inch meters	20.00
For 6 inch meters	25.00
For 8 inch meters	35.00

If the meter so tested shall be found to be correct within four per centum (4%) the deposit shall be retained by the Borough as compensation for such test; if the error in registration is found to be beyond four per centum (4%) of the accurate amount, then the cost of the test shall be borne by the Borough and the amount of the deposit shall be returned to the Consumer.

31. The Consumer at once shall notify the Borough of injury to or cessation in registration of the meter, as soon as it comes to his knowledge.

32. The Borough shall have the right of free access at all reasonable times to the premises in or on which a meter is installed for purposes of setting, reading, testing, inspecting and/or repairing.

DISCONTINUANCE OF WATER SERVICE

33. After seven (7) days notice, in writing, water service to any Consumer may be discontinued for any of the following reasons:

(a) Misrepresentation, of a substantial nature, in the application for service, including, but not limited to, misrepre-

sentation as to property or fixtures to be supplied or the use to be made of water supplied.

(b) Failure to make payment of a bill for water service within thirty (30) days after presentation.

(c) Failure to properly maintain the connections, service lines and other fixtures of the Consumer or to protect the meter or connections, service lines and other fixtures of the Consumer from freezing and other damage.

(d) Use of water for any property or purpose other than as stated in the application for service.

(e) Willful waste of water through improper or imperfect pipes, fixtures or otherwise.

(f) Tampering with or molesting any service connection, pipe, meter, curb box, curb stop or seal, stop cock, valve seat or any other appliance operated by the Borough in the supply of water and/or controlling or regulating the supply of water.

(g) Failure to make or renew deposits.

(h) Failure to pay any bill properly due the Borough, without regard to the manner incurred, relative to operation and maintenance of the water system being operated by the Borough.

(i) Vacancy of premises not reported to the Borough as required by these Rules and Regulations.

(j) Violation of any resolution of the Borough pertaining to the water system being operated by the Borough.

(l) Refusal to permit access for inspection of water facilities on the premises served or for installing, setting, reading,

testing and/or repairing the meter.

34. After discontinuance of water service for any of the reasons set forth in Rule 33 of these Rules and Regulations, water service shall not be restored until the violation has been cured, all damage and loss to the Borough occasioned by such violation has been paid, and proper assurance, satisfactory to the Borough, has been given that the violation shall not occur again. All proper and necessary expenses incurred by the Borough in discontinuing and restoring water service shall be paid by the Consumer in advance of the re-establishment of water service, which shall include both a turn-off and turn-on fee for discontinuing and then restoring water service.

35. Any Consumer may terminate his contract with the Borough and have his water service discontinued, upon giving written notice to the Borough. Upon a lapse of a reasonable time thereafter, the Borough will take final meter readings and attend to other details in connection with such discontinuance of service. The Consumer shall remain liable for water furnished to the premises described in his application until the Borough has received written notice from him and the termination of service has taken effect as above stated. The Borough shall charge a turn-off fee for discontinuing the service.

36. When premises will be temporarily unoccupied, the Consumer shall notify the Borough, in writing, and water service will be discontinued. When the premises are again occupied, the Consumer shall notify the Borough, in writing, and water service will be restored. No refund or allowance will be made for an unoccupied property when written notice, both at time of vacancy and at time of resumed occupancy, has not been given as above provided, and then the allowance will not be made for periods covering less than three (3) months. The Borough shall charge only a turn-on fee for

discontinuing and then restoring water service, which action is a result of the Consumer's written request.

FIRE PROTECTION

37. Fire hydrants for public fire protection service will be located, installed and maintained by the Borough.

38. Where private fire service connections are made to the Borough's system, either as sprinkler system or fire hydrant, the Borough shall have the right to approve the plans for such installations, prior to approval of the service application. The Borough shall make any connection to the distribution system that is required, and the Consumer shall pay the Borough the Tapping Fee as established. The Borough shall determine the size of the service connection required.

39. The Borough shall have the right to require a compound-type meter for installation in the private fire line, if it deems necessary. Waiver of the requirement for installation of a meter at the time the connection is made shall not prohibit the Borough from requiring a meter installation at a future date, if such installation is warranted in the opinion of the Borough. Any meter required will be supplied and installed by the Borough with the cost for the meter, together with labor and materials for installation, to be borne by the owner or applicant as established in the Tapping-Fees.

40. Where a private fire connection is approved by the Borough, No other connection, for domestic, commercial or industrial use, shall be made to the fire connection line unless a compound-type meter is installed between the main and the connection for such line.

41. Water from public or private fire hydrants or other fire protection systems shall be used only in case of fires, except that

water from public fire hydrants may be used, in a reasonable amount, for the purpose of testing the hydrants and fire fighting apparatus, such tests to be conducted only by the properly authorized agents or employees of the Borough, under supervision of the Borough. No private fire hydrant shall be used for the sprinkling of streets, roads or alleys, for the flushing of sewers or gutters or for any purpose other than fire protection, unless specifically permitted in writing by the Borough for the particular time and occasion.

42. Every Consumer, by the taking of water, understands and agrees that the Borough assumes no liability as an insurer of property or Persons and that the Borough, by providing public and/or private fire protection service, does not contemplate any special service, pressure, capacity or facility other than that ordinarily provided in normal operation. The Borough declares and each and every Consumer agrees that the Borough shall be free and exempt from any and all claims for injuries or damage to Persons and/or property by reason of fire or water, or failure to supply water, pressure or capacity.

MAIN EXTENSIONS

43. When application has been received for water service requiring an extension of main to provide such service, or where application has been received for extension of mains into newly developed tracts of land, the applicant shall pay at the discretion of the Borough, prior to commencement of work, a sum equal to and covering the entire estimated cost of installing the necessary pipe lines and appurtenances other than service connections, and including but not limited to engineering and legal fees as determined by the Borough.

44. If the actual cost of installing the necessary pipe lines and appurtenances, other than service connections, is greater than the estimated cost this difference shall be paid by the applicant

before service shall be rendered. Should the estimated cost of said pipe lines and appurtenances, other than service connections, and including but not limited to engineering and legal fees, be greater than the actual cost this difference shall be returned to the Consumer.

45. Should a person developing a new tract of land wish to extend the mains using a contractor of his choice, the Borough and Developer shall agree on the choice of an Engineer to design, lay out, prepare plans and specifications, and supervise construction of the system extension, all costs to be borne by the Developer. All work shall conform to the specifications of the Borough. These applicable costs shall include but not be restricted to construction, engineering, or legal expenses. The Developer may desire to install the service line including corporation cock, service pipe, and curb cock with box at his expense. However, in all cases the Borough will reserve the right to approve extensions and to withhold the rendering of service until all expenses of the Borough are paid. No matter what lines, services, etc., The Developer installs, the Borough will still provide the meter as hereinbefore outlined and charge the Developer or Consumer a meter fee. In all cases the Borough shall retain ownership of the service line, stops, and meter, plus appurtenances.

46. On private property, extensions will only be allowed after right-of-way has been granted to the Borough. For newly developed land or other than private property, extensions will only be allowed where there has been a dedication of streets and ways and where all plot plans have been previously approved by the local planning commission and such other planning commissions as shall be in existence at the time of application. All extensions shall conform to the specifications of the Borough. All main extensions shall become the property of and maintained by the Borough.

47. The Borough shall determine the size of the pipe to be in-

stalled for transmission and distribution mains to any development (6 inch minimum size pipe).

48. In determining the length of and necessity for any extension requested pursuant hereto, the terminal point of such extension shall in all cases be at the farthest extremity of the most distant lot to be served.

GENERAL

49. The granting of a particular application or an exception to these Rules and Regulations shall not operate as a precedent in any other case. The Borough may by special action of the Council grant an exception or exceptions to any Rule, Regulation or charge.

50. All waste of water is prohibited. No Consumer shall allow water to run to waste or to run merely to prevent freezing. Each Consumer shall keep his faucets, valves, hydrants, service lines and hose in good order and condition at his own expense. Sprinkling of any kind whatever must be done with ordinary garden type sprinkler and spraying nozzles generally in use.

51. As necessity may arise in case of break, emergency or other unavoidable cause, the Borough shall have the right to temporarily cut off or limit water supplied in order to make necessary repairs and connections and for other necessary purposes. The Borough will use all reasonable and practicable measures to notify the Consumer in advance of such discontinuance or limitation of service. The Borough shall not be liable for any damage or inconvenience suffered by the Consumer, nor in any case for any claim against it at any time, for interruption in service, lessening of supply, inadequate pressure, poor quality of water or any cause beyond its control. The Borough shall have the right at all times to restrict or regulate the quantity of water used by Consumers in case of scarcity

or whenever the public welfare may require such control.

52. The Borough will not be liable for any claim or damage arising from a shortage of water, the breaking of machinery or other facilities or any other cause beyond its control.

53. Water shall not be turned into any premises by any Person not an agent or employee of the Borough, except temporarily by a plumber to enable him to test his work, provided it shall be turned off again immediately after the test is made.

54. When the premises are to be vacated, the Consumer must notify the Borough, in writing, so that the water may be turned off. The Consumer will be responsible for the water rent until such notice is given.

A new application must be made on any change in occupancy of property, as described in Rule 1. The Borough shall be at liberty to discontinue the water service until such new applications have been made and approved.

55. No interconnection or cross-connection shall be made or permitted between the water system being operated by the Borough and any other water supply. No fixture, device or fitting shall be installed which will permit or provide a backflow connection between such water system and any well, drainage system, soil pipe or waste pipe which would permit or make possible the backflow of sewage or water into such water system.

56. The Borough reserves the sole right to turn on or off the curb stop cock, except in case of repairs to service lines, pipes, or fixtures on the premises or in case of emergency. In such case the Consumer or plumber may close any cock or valve and the Consumer must notify the Borough at once of such action.

57. Any duly authorized representative of the Borough, whose

identification as such duly authorized representative has been duly established in a reasonable manner, upon reasonable cause shown, shall be authorized, upon reasonable notice and at reasonable hours, to enter in and upon and to have free access to premises then being supplied with water from the water system being operated by the Borough for the purpose of inspecting the facilities employed in connection with the use of water from such water system and for the purpose of installing, setting, reading, repairing or removing meters.

58. Water for building purposes will be furnished by meter measurements, after a suitable deposit has been made, the minimum deposit being \$15.00, the amount depending upon the size of the construction work contemplated. All water for building purposes, as set forth in the permit, must pass through one and the same meter.

The deposit may be applied by the Borough to cover charges for water taken as shown by meter reading, the balance to be refunded. In case the charge should exceed the deposit, the entire deposit shall be applied and, upon presentation of the bill, the balance due must be paid immediately, and if such use has not been discontinued, the deposit must be renewed.

59. Consumers using the water supply for steam boilers and depending upon hydraulic or hydrostatic pressure in the pipe system of the water system for supplying such boilers will do so at their own risk. The Borough will not be responsible for any accident or damage to which such devices may be subjected.

60. House boilers for domestic use must be provided with vacuum valves in all cases in order to prevent collapsing when water is shut off from the distributing pipes. The Borough will not be responsible

for accident or damage resulting from imperfect installation or operation of such valves. Whenever steam or hot water under pressure is used, the Consumer shall install at his expense, a swing check valve to be placed directly ahead of the meter.

61. No water will be furnished to any premises where any possibility exists of the mingling of the water furnished by the Borough with water from any other source; nor will the Borough permit its mains or service pipes to be connected in any way to any piping, tank, vat or other apparatus containing liquids, chemicals or any other matter which may flow back into its service pipes or mains and consequently endanger the water supply. An exception may be made to this Rule, at the option of the Borough, providing proper safeguards are installed, which shall be inspected and have the approval of the Borough, appropriate insurance underwriters and the Pennsylvania Department of Health, if required.

62. All water passing through a meter shall be charged for in accordance with the schedule of rates, rents and charges in effect at the time and no allowances will be made for excessive consumption due to leaks or waste.

63. The Borough shall not be liable for any damage resulting from leaks, broken pipes or any other cause, occurring to or within any house or building; and it is expressly stipulated by and between the Borough and the Consumer that no claims shall be made against the Borough on account of the bursting or breaking of any main or service pipe or any attachment to the water system being operated by the Borough.

64. No officer, agent or employee of the Borough shall have the right or authority to vary these Rules and Regulations or to bind the Borough by any promise, agreement or representation contrary to the letter or intent of these Rules and Regulations.

65. The Borough reserves the right to repeal, alter, modify, supplement or amend these Rules and Regulations in the manner provided by law.

SECTION 3 - RATES AND BILLING

RATES AND FEES

1. Metered rates for those Consumers whose service was metered on the date of enactment are as follows:

For the first 5,000 gallons or less, per quarter	\$3.25
The next 15,000 gallons per quarter	0.45 per 1,000 gal.
The next 60,000 gallons per quarter	0.27 per 1,000 gal.
The next 100,000 gallons per quarter	0.18 per 1,000 gal.
The next 2,320,000 gallons per quarter	0.135 per 1,000 gal.
The next 7,500,000 gallons per quarter	0.10 per 1,000 gal.
All over 10,000,000 gallons per quarter	0.09 per 1,000 gal.

No bill shall be for less than the minimum quarterly amount.

Bills for metered service shall be rendered quarterly in January, April, July, and October of each year for the quantity used during that preceding quarter.

2. Semi-annual rates for those Consumers whose service was un-metered on the date of enactment are as follows:

1 Spigot	\$8.00	Fountains	\$2.70
2 Spigot	1.35	Water Pump	6.60
3 Spigot	1.35	Factory Closets	6.60
Additional Spigots	.70	Heating Boiler	.50
Hose Attachment	.70	Urinals	3.00
Bath	2.65	Stable-3 head	4.00
Closet	4.00	More than 3 head, each	1.50

Wash Stand	1.35	Laundry-Automatic	3.00
Shower Bath	2.65	Swimming Pools	8.00
Private Garage	4.00	Hotel and Public Garages	
Hotel or Public Garage	8.00	25% additional	
Dishwasher	3.00		

Bills for un-metered service shall be rendered in advance in April and October of each year for the following semi-annual period.

3. A metering surcharge will be applied to all those having water services as of the date of enactment for a period of five years. This surcharge will be \$10 per annum and will be applied as a \$2.50 charge per bill for those receiving quarterly bills and a \$5.00 charge per bill for those receiving semi-annual bills. The surcharge will commence being added in January 1967 for quarterly bills and thereafter for 20 quarters until the Consumer has paid a total of \$50.00; the surcharge will commence being added in April 1967 for semi-annual bills and thereafter 10 semi-annual periods until the Consumer has paid a total of \$50.00. Any Consumer connecting to the water system after the metering has been added, who pays a metering charge as a part of the Tapping Fee will not be required to pay the metering surcharge. Any Consumer who initially pays \$45.00 for his meter at the inception of the program or who presently has a meter shall not be required to pay the metering surcharge.

4. Private fire protection, whether for sprinkler systems or private fire hydrants, which water is un-metered in accordance with the Rules and Regulations, no matter whether one or more hydrants or sprinkler systems are located on the same service connections, shall be billed quarterly at the following annual rates per service connection:

<u>Size Service Connection</u>	<u>Annual Rate</u>
2" or smaller	\$20
3"	\$40
4"	\$60
6" or larger	\$80

5. Tapping fees for service connection or meter or both shall be as follows:

<u>Meter Size</u>	<u>Service Line Fee</u>	<u>Meter Fee</u>	<u>Total Tapping Fee</u>
5/8"	\$ 60.00	\$ 70.00	\$130.00
3/4"	65.00	80.00	145.00
1"	100.00	105.00	205.00
1-1/4"	110.00	130.00	240.00
1-1/2"	125.00	175.00	300.00
2"	300.00	330.00	630.00
3" and larger	Actual Cost	Actual Cost	Actual Cost

The Meter charge includes meter-setting equipment and remote-reading register in addition to the meter itself.

Turn-on, turn-off and other fees shall be as follows:

- a. Turn-on fee for other than a new service shall be \$5.00.
- b. Turn-off fee for services discontinued temporarily at the written request of the Consumer shall be at no charge.
- c. Turn-off fee for discontinuing water service due to reasons in Rules 33 and 34 or when permanently discontinuing a service shall be \$5.00.
- d. Collection fee when a payment check is returned by the bank due to insufficient funds or when payment is refused for any other reason shall be \$2.00.
- e. Tampering fee of \$20.00 may be levied at the option of the Borough when a meter seal is found broken, whether the seal be attached to the meter or remote-

reading register.

6. The above fees shall be collected in the following manner:

- a. Tapping fees (for service line and/or meter) shall be paid before the meter is installed and the service is turned off.
- b. Turn-off fee and turn-on fee, when levied in conjunction with Rules 33 and 34, plus any delinquent charges, penalties, or other accounts due the Borough shall be paid before the service is turned on.
- c. Turn-on fee, when service is requested by the Consumer, shall be paid before the service is turned on.

7. Billing payment of any undisputed bill shall be: (a) payment of the bill on or prior to thirty (30) days following the date thereof: or (b) payment of a disputed bill for which payment is withheld beyond the aforementioned period and the dispute is terminated substantially in favor of the Consumer and payment is made within ten (10) days after settlement of the dispute. If any undisputed bill is not paid within 30 days after the date of the bill, a penalty of five (5%) percent of the Total bill will be added and collected as a part thereof.

8. Failure to receive a bill shall not be considered an excuse for non-payment nor permit an extension of the date when the account considered delinquent. Consumers are responsible for furnishing the Borough with their correct address.

9. Any check received in payment of any bill due the Borough is received subject to final payment of the check by the payer's bank. When any check is returned to the Borough marked "insufficient funds, no account" or payment is refused for any other reason, the Borough may, at their election and without waiving any other rights which the

SECTION 7 - ADDITIONAL RIGHTS RESERVED BY BOROUGH

This Borough hereby reserves the right to authorize the Water Committee of Borough Council or any other properly constituted body to operate as an agent of this Borough, the water system facilities in order to furnish water service to Consumers.

SECTION 8 - CONSTRUCTION AND SEVERABILITY

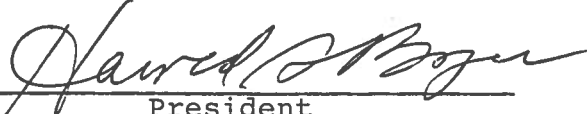
In the event any provision, section, sentence, clause or part hereof, or the application of any provision, section, sentence, clause, or part hereof, shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part hereof, it being the intention of this Borough that such remainder shall be and shall remain in full force and effect.

SECTION 9 - REPEALER

All Ordinances or parts of Ordinances, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED this 28th day of September, 1966, by the Council of the Borough Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG



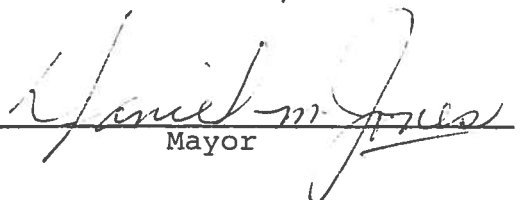
President

ATTEST:



Secretary

APPROVED THIS 28th DAY OF SEPTEMBER, 1966



Mayor

SECTION 2 — RULES AND REGULATIONS

This Borough hereby establishes and adopts the following Rules and Regulations which shall govern and control the operation of the water system facilities and property and the distribution and supply of water to Consumers:

CONDITIONS OF SERVICE AND APPLICATION FOR SERVICE

1. Upon written application by the prospective Consumer or his proper agent, duly authorized in writing, on forms furnished by the Borough for the continuous supply of water to premises abutting a public thoroughfare in which a main pipe of the Borough's distribution system is located, the Borough will install, own, and maintain the service only after the application is approved. Application must be made at least one week before service is required. The application for service shall state the purpose or purposes for which water will be used and such other appropriate information as shall be required by the Borough.

2. All Consumers receiving water service, upon the effective date of these Rules and Regulations, by continuing to be thus served, shall be bound by these Rules and Regulations and the water rates, rents, and charges of the Borough in effect from time to time, pursuant to proper action of the Borough. With respect to future Consumers, the application of such Consumer, these Rules and Regulations and the water rates, rents and charges of the Borough in effect from time to time, pursuant to proper action of the Borough, shall constitute a part of the contract between the Consumer and the Borough. Each Consumer, by the taking of water, agrees to be bound by these Rules and Regulations and the prevailing water rates, rents and charges of the Borough in effect from time to time, pursuant to proper action of the Borough, whether service is based upon contract, agreement, signed and accepted application, or otherwise.

3. Any modification, repeal, supplement or amendment of these Rules and Regulations shall be applicable to and shall govern Consumers receiving water service upon the effective date of such modification, repeal, supplement or amendment, as well as future Consumers.

4. A new application must be made to and approved by the Borough upon any change in identity of a Consumer or upon any change in type or purposed of water service required by a Consumer. The Borough, upon seven (7) days written notice, may discontinue water service until such new application has been made and approved.

5. No Consumer receiving a supply of water will be permitted to use the water for any other purpose than that for which they shall have contracted to pay as shown by their application, nor shall they supply water in any way to any other party or parties without written permission from the Borough.

An accepted application for water to any premises shall constitute a license to the applicant to take and receive a supply of water for said premises, but only for the uses specified in such application, and the supply shall not be used except for the premises specified in the application.

DEPOSITS

6. Deposits may be required from temporary Consumers taking water service for a period of less than ninety (90) days, in an amount equal to the estimated gross bill for such temporary service. Deposits may be required from permanent Consumers in an amount not in excess of the estimated gross bill for two quarterly billing periods; provided, however, that the minimum deposit shall be Fifteen Dollars (\$15.00).

7. The deposit of any Consumer taking water service for a period less than ninety (90) days shall be returned when he shall have paid the undisputed bill for water service. The deposit of any permanent Consumer shall be returned when he shall have paid the undisputed bills for water service for a period of twelve (12) consecutive months or for the full period of service rendered, whichever is less; and any such Consumer who shall have secured the return of his deposit shall not be required to make a new deposit unless his water service has been discontinued and the Consumer's credit standing impaired through failure to comply with provisions of these Rules and Regulations or the prevailing water rates, rents and charges then in effect or any other resolution adopted by the Borough with respect to the water system being operated by the Borough.

SERVICE CONNECTIONS AND LINES

8. The Borough shall make all connections to water mains except as outlined in Rule 45. Upon approval of an application for water service and upon compliance with Rule 11 of these Rules and Regulations, the Borough, for the tapping fee rates, will tap the main, insert corporation cock, install a service line to the curb or, if no curb, to the property line, and insert a curb stop with curb box, all of which facilities shall be and shall remain the property of the Borough. The tapping fees shall include a turn-on fee.

9. All service lines from the curb box to the structure (and through the wall of the structure and housing facility for the meter, if any) to be served shall be installed by the Consumer, at his own expense, shall be copper or iron pipe, or in emergencies other material approved by the Borough, shall be laid at least three and one-half feet (3½') below the surface of the ground and shall be kept in good repair at the expense of the Consumer. No service line or other connection facility between the curb box and the structure to be served shall be covered up in the process of installation until inspected and approved by the Borough, or until the tap on the main is made and service line tested. If any defects in workmanship are found, the service shall not be turned on until such defects are remedied.

10. No service line shall be laid in the same trench with a gas pipe, drain or sewer pipe or any other facility of a public service company, but must be laid in a separate trench and not less than two feet (2') from any such facility. No service line shall be laid within four feet (4') of any open excavation or vault.

11. Service connection will be made only after the Consumer has completed installation of his service line from the structure to be served to the curb box or has given assurance, satisfactory to the Borough, of his intention so to do and has paid the Borough the Tapping Fee for installing a service line to the curb or, if possible, to the property line. No service connection from the main to the curb box will be installed by the Borough when street or highway openings are prohibited or when, in the judgment of the Borough, working conditions are unreasonable for such installation.

12. Service lines will not be installed when the service line passes over or through premises which at the time may be the property of persons other than the owner of the premises to be supplied, unless the owners of the premises to be supplied assume the liability.

13. The size of the service connection from the main to the curb box necessary to serve adequately a Consumer and the location of such service connection shall be determined by the Borough. If any applicant for water service shall request a service connection of a greater capacity than that determined by the Borough to be adequate, or if any such applicant shall request that a service connection be located in a location different than that determined by the Borough, the Borough, in its discretion, may install such service connection in accordance with the request of such applicant.

14. When it is necessary to replace an existing service connection from the main to the curb box, the Borough will replace said service connection in the same location as the old service connection; provided, however, that if the Consumer, for his own convenience, desires the new service connection at some other location and agrees to pay to the Borough all expenses of cutting off the old service connection at the main and any other additional expenses incurred by the Borough in complying with said request, then the Borough will install the new service connection at the location desired, if said location is approved by the Borough.

15. Only persons properly authorized by the Borough shall be permitted to make service line and service connection installations.

16. All Consumers shall keep and maintain their service lines, corporation cocks and apparatus in good repair and condition, shall protect the same from frost and shall prevent all waste of water.

17. All leaks in service lines from the curb box to, in and upon the premises supplied with water shall be repaired promptly by the Consumer, at his own expense. Upon failure of such Consumer to make such repairs within a reasonable time, the Borough, in its discretion, upon seven (7) days notice, may discontinue water service to such property, after which such water service shall not be restored until and after the Consumer shall have paid to the Borough the full amount of all proper and necessary expenses incurred by the Borough in discontinuing and again restoring water service, which shall include a turn-off and turn-on fee for discontinuing and then restoring water service.

18. The Borough shall not be responsible for maintenance of any service line or any other line, pipe or fixture on the outlet side of the curb box, nor shall the Borough be responsible for any damage resulting from escape of water from any service line or any pipe or fixture on the outlet side of the curb box. The Consumer at all times shall comply with all state and municipal regulations relating to service lines and any pipes and fixtures on the outlet side of the curb box and the Borough shall not be required to deliver water service thereto unless so approved. The Borough, at its expense, shall make any and all changes to such service lines, pipes and fixtures which shall be required or made necessary as a result of the Borough changing grade, relocating mains or distribution lines or otherwise.

19. No person obtaining water from a private water supply, under any circumstances, shall construct or maintain, or cause or permit to be constructed or maintained, any connection, directly or indirectly, between such private water supply and the water system being operated by the Borough, except when such private supply is under the control of the State Health Department.

20. A separate service connection and curb box shall be installed for each Consumer; provided, however, that if a building house or other structure contains two or more Consumers and the Owner or Owners thereof so shall request or the Borough shall deem it advisable, the Borough, in its discretion, may install a single service connection for such building, house or other structure.

When more than one Consumer is now supplied or hereafter is supplied through one service connection under control of one curb box, any violation of these Rules and Regulations by any Consumer so supplied shall be deemed a violation as to all and the Borough may take such action as could be taken against a single Consumer, except that such action shall not be taken until the innocent Consumer who is not in violation of these Rules and Regulations has been given a reasonable opportunity to make application for and have installed a separate connection to the water system being operated by the Borough.

21. Water for temporary, transient, or special purposes must be specifically applied for. Whenever a street service connection is made to the mains for such purposes, the applicant will bear the entire cost and expense of labor and material for tapping the main and installing and maintaining the street service connection.

Where the Borough is called upon to render water service of such a temporary or emergency character as to make the installation of a meter economically unfeasible, the Borough will estimate the quantity of water used, and bill for such usage in accordance with the meter rate schedule and applicable Rules and Regulations.

METERS

22. All Consumer services shall be metered. The installation shall consist of a meter with meter-setting device, all as furnished by the Borough. All new future Services in addition to the meter and setting device shall include a remote-reading register, as furnished by the Borough, installed on the outside of the premises. All material shall be installed at the Consumer's expense. All meters, setting devices, and remote-reading registers shall be accessible to and under the control of the Borough and shall be and remain the property of the Borough.

23. The Borough reserves the right to determine when a meter shall be installed and the size of each meter installed.

24. No connections or outlets will be permitted on the service pipe or pipes supplying the premises, from the corporation cock through to the meter, except for sprinkler or fire hydrant lines. If the Consumer desires such fire connections, the Borough will require an application and if approved, will charge the Consumer an amount established in the water rates. All other water must pass through the meter.

25. Meters shall be conveniently located within the premises supplied, as near to the point of entry of the service pipe at a point approved by the Borough so as to control the entire water supply. The location shall be clean, protected and accessible, safe from freezing and mechanical damage. No meter shall be installed within a crawl space, coal bin, or other location inaccessible for reading. In any case where it is not convenient to place the meter within the structure, the Borough may permit the meter to be placed outside the structure in a concrete or brick vault provided with a suitable cover, lock and key. Said vault shall be at least two feet (2') six inches (6") inside measurement, with a cement floor, properly drained, and shall be built within the property line of the structure served at the expense of the Consumer.

26. Meters will be maintained by the Borough as far as ordinary wear and tear is concerned, but the Consumer shall be responsible to the Borough for any injury to or loss of any meter arising out of or caused by the Consumer's negligence or the carelessness of any person living upon or being upon his premises under his employment or by his consent or sufferance, whether such damage or loss shall be caused by freezing, hot water or other cause whatsoever. The Consumer shall permit no one, except an agent of the Borough or others lawfully authorized so to do, to remove, inspect or tamper with the meter or other property of the Borough on his premises.

27. The charge for reinstallation or changing of a meter when removed because of damage in any way due to the negligence of the Consumer shall be the same as listed herein as deposit due for meter tests. This charge shall include the testing of the repaired meter.

28. The quantity of water recorded by the meter shall be conclusive on both the Consumer and the Borough, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, excepted above, the meter will be repaired promptly by the Borough and the quantity of water consumed for the billing period when the meter was out of service or registering inaccurately shall be estimated by the average registration of the meter on the three (3) previous corresponding billing periods.

29. In case of a disputed account involving accuracy of a meter, such meter shall be tested upon the request of the Consumer. In the event the meter so tested is found to have an error beyond four per centum (4%) of the accurate amount, the bill will be increased or decreased accordingly by an estimate based upon the average registration of the meter on the three (3) previous corresponding billing periods. Where service is furnished with an additional remote reading register outside the building serviced, in the event of disagreement, final determination of water used shall be made from the inside meter, the remote-reading register being merely for the convenience of the Consumer and Borough.

30. Each request for test of a meter for accuracy must be made in writing and shall be accompanied by a deposit. If so desired, the Consumer shall request that he or his agent be in attendance when the test is conducted. The deposit shall be as follows:

For ½ inch to 1 inch meters	\$ 5.00
For 1-¼ inch to 2 inch meters	10.00
For 3 inch meters	15.00
For 4 inch meters	20.00
For 6 inch meters	25.00
For 8 inch meters	35.00

If the meter so tested shall be found to be correct within four per centum (4%) the deposit shall be retained by the Borough as compensation for such test; if the error in registration is found to be beyond four per centum (4%) of the accurate amount, then the cost of the test shall be borne by the Borough and the amount of the deposit shall be returned to the Consumer.

31. The Consumer at once shall notify the Borough of injury to or cessation in registration of the meter, as soon as it comes to his knowledge.

32. The Borough shall have the right of free access at all reasonable times to the premises in or on which a meter is installed for purposes of setting, reading, testing, inspecting and/or repairing.

DISCONTINUANCE OF WATER SERVICE

33. After seven (7) days notice, in writing, water service to any Consumer may be discontinued for any of the following reasons:

- (a) Misrepresentation, of a substantial nature, in the application for service, including, but not limited to, misrepresentation as to property or fixtures to be supplied or the use to be made of water supplied.
- (b) Failure to make payment of a bill for water service within thirty (30) days after presentation.
- (c) Failure to properly maintain the connections, service lines and other fixtures of the Consumer or to protest the meter or connections, service lines and other fixtures of the Consumer from freezing and other damage.
- (d) Use of water for any property or purpose other than as stated in the application for service.
- (e) Willful waste of water through improper or imperfect pipes, fixtures or otherwise.
- (f) Tampering with or molesting any service connection, pipe, meter, curb box, curb stop or seal, stop cock, valve seat or any other appliance operated by the Borough in the supply of water and/or controlling or regulating the supply of water.
- (g) Failure to make or renew deposits.
- (h) Failure to pay any bill properly due the Borough, without regard to the manner incurred, relative to operation and maintenance of the water system being operated by the Borough.
- (i) Vacancy of premises not reported to the Borough as required by these Rules and Regulations.
- (j) Violation of any of these Rules and Regulations.
- (k) Violation of any resolution of the Borough pertaining to the water system being operated by the Borough.
- (l) Refusal to permit access for inspection of water facilities on the premises served or for installing, setting, reading, testing and/or repairing the meter.

34. After discontinuance of water service for any of the reasons set forth in Rule 33 of these Rules and Regulations, water service shall not be restored until the violation has been cured, all damage and loss to the Borough occasioned by such violation has been paid, and proper assurance, satisfactory to the Borough, has been given that the violation shall not occur again. All proper and necessary expenses incurred by the Borough in discontinuing and restoring water service shall be paid by the Consumer in advance of the re-establishment of water service, which shall include both a turn-off and turn-on fee for discontinuing and then restoring water service.

35. Any Consumer may terminate his contract with the Borough and have his water service discontinued, upon giving written notice to the Borough. Upon a lapse of a reasonable time thereafter, the Borough will take final meter readings and attend to other details in connection with such discontinuance of service. The Consumer shall remain liable for water furnished to the premises described in his application until the Borough has received written notice from him and the termination of service has taken effect as above stated. The Borough shall charge a turn-off fee for discontinuing the service.

36. When premises will be temporarily unoccupied, the Consumer shall notify the Borough, in writing, and water service will be discontinued. When the premises are again occupied, the Consumer shall notify the Borough, in writing, and water service will be restored. No refund or allowance will be made for an unoccupied property when written notice, both at time of vacancy and at time of resumed occupancy, has not been given as above provided, and then the allowance will not be made for periods covering less than three (3) months. The Borough shall charge only a turn-on fee for discontinuing and then restoring water service, which action is a result of the Consumer's written request.

FIRE PROTECTION

37. Fire hydrants for public fire protection service will be located, installed and maintained by the Borough.

38. Where private fire service connections are made to the Borough's system, either as sprinkler system or fire hydrant, the Borough shall have the right to approve the plans for such installations, prior to approval of the service application. The Borough shall make any connection to the distribution system that is required, and the Consumer shall pay the Borough the Tapping Fee as established. The Borough shall determine the size of the service connection required.

39. The Borough shall have the right to require a compound-type meter for installation in the private fire line, if it deems necessary. Waiver of the requirement for installation of a meter at the time the connection is made shall not prohibit the Borough from requiring a meter installation at a future date, if such installation is warranted in the opinion of the Borough. Any meter required will be supplied and installed by the Borough with the cost for the meter, together with labor and materials for installations, to be borne by the owner or applicant as established in the Tapping Fees.

40. Where a private fire connection is approved by the Borough, NO other connection, for domestic, commercial or industrial use, shall be made to the fire connection line unless a compound-type meter is installed between the main and the connection for such line.

41. Water from public or private fire hydrants or other fire protection systems shall be used only in case of fires, except that water from public fire hydrants may be used, in a reasonable amount, for the purpose of testing the hydrants and fire fighting apparatus, such tests to be conducted only by the properly authorized agents or employees of the Borough, under supervision of the Borough. No private fire hydrant shall be used for the sprinkling of streets, roads or alleys, for the flushing of sewers or gutters or for any purpose other than fire protection, unless specifically permitted in writing by the Borough for the particular time and occasion.

42. Every Consumer, by the taking of water, understands and agrees that the Borough assumes no liability as an insurer of property or persons and that the Borough, by providing public and/or private fire protection service, does not contemplate any special service, pressure, capacity or facility other than that ordinarily provided in normal operation. The Borough declares and each and every Consumer agrees that the Borough shall be free and exempt from any and all claims for injuries or damage to Persons and/or property by reason of fire or water, or failure to supply water, pressure or capacity.

MAIN EXTENSIONS

43. When application has been received for water service requiring an extension of main to provide such service, or where application has been received for extension of mains into newly developed tracts of land, the applicant shall pay at the discretion of the Borough, prior to commencement of work, a sum equal to and covering the entire estimated cost of installing the necessary pipe lines and appurtenances other than service connections, and including but not limited to engineering and legal fees as determined by the Borough.

44. If the actual cost of installing the necessary pipe lines and appurtenances, other than service connections, is greater than the estimated cost this difference shall be paid by the applicant before service shall be rendered. Should the estimated cost of said pipe lines and appurtenances, other than service connections, and including but not limited to engineering and legal fees, be greater than the actual cost this difference shall be returned to the Consumer.

45. Should a person developing a new tract of land wish to extend the mains using a contractor of his choice, the Borough and Developer shall agree on the choice of an Engineer to design, lay out, prepare plans and specifications, and supervise construction of the system extension, all costs to be borne by the Developer. All work shall conform to the specifications of the Borough. These applicable costs shall include but not be restricted to construction, engineering, or legal expenses. The Developer may desire to install the service line including corporation cock, service pipe, and curb cock with box at his expense. However, in all cases the Borough will reserve the right to approve extensions and to withhold the rendering of service until all expenses of the Borough are paid. No matter what lines services, etc., the Developer installs, the Borough will still provide the meter as hereinbefore outlined and charge the Developer or Consumer a meter fee. In all cases the Borough shall retain ownership of the service line, stops, and meter, plus appurtenances.

46. On private property, extensions will only be allowed after right-of-way has been granted to the Borough. For newly developed land or other than private property, extensions will only be allowed where there has been a dedication of streets and ways and where all plot plans have been previously approved by the local planning commission and such other planning commissions as shall be in existence at the time of application. All extensions shall conform to the specifications of the Borough. All main extensions shall become the property of and maintained by the Borough.

47. The Borough shall determine the size of the pipe to be installed for transmission and distribution mains to any development (6 inch minimum size pipe).

48. In determining the length of and necessity for any extension requested pursuant hereto, the terminal point of such extension shall in all cases be at the farthest extremity of the most distant lot to be served.

GENERAL

49. The granting of a particular application or an exception to these Rules and Regulations shall not operate as a precedent in any other case. The Borough may by special action of the Council grant an exception or exceptions to any Rule, Regulation or charge.

50. All waste of water is prohibited. No Consumer shall allow water to run to waste or to run merely to prevent freezing. Each Consumer shall keep his faucets, valves, hydrants, service lines and hose in good order and condition at his own expense. Sprinkling of any kind whatever must be done with ordinary garden type sprinkler and spraying nozzles generally in use.

51. As necessity may arise in case of break, emergency or other unavoidable cause, the Borough shall have the right to temporarily cut off or limit water supplied in order to make necessary repairs and connections and for other necessary purposes. The Borough will use all reasonable and practicable measures to notify the Consumer in advance of such discontinuance or limitation of service. The Borough shall not be liable for any damage or inconvenience suffered by the Consumer, nor in any case for any claim against it at any time, for interruption in service, lessening of supply, inadequate pressure, poor quality of water or any cause beyond its control. The Borough shall have the right at all times to restrict or regulate the quantity of water used by Consumers in case of scarcity or whenever the public welfare may require such control.

52. The Borough will not be liable for any claim or damage arising from a shortage of water, the breaking of machinery or other facilities or any other cause beyond its control.

53. Water shall not be turned into any premises by any Person not an agent or employee of the Borough, except temporarily by a plumber to enable him to test his work, provided it shall be turned off again immediately after the test is made.

54. When the premises are to be vacated, the Consumer must notify the Borough, in writing, so that the water may be turned off. The Consumer will be responsible for the water rent until such notice is given.

A new application must be made on any change in occupancy of property, as described in Rule 1. The Borough shall be at liberty to discontinue the water service until such new applications have been made and approved.

55. No interconnection or cross-connection shall be made or permitted between the water system being operated by the Borough and any other water supply. No fixture, device or fitting shall be installed which will permit or provide a backflow connector between such water system and any well, drainage system, soil pipe or waste pipe which would permit or make possible the backflow of sewage or water into such water system.

56. The Borough reserves the sole right to turn on or off the curb stop cock, except in case of repairs to service lines, pipes, or fixtures on the premises or in case of emergency. In such case the Consumer or plumber may close any cock or valve and the Consumer must notify the Borough at once of such action.

57. Any duly authorized representative of the Borough, whose identification as such duly authorized representative has been duly established in a reasonable manner, upon reasonable cause shown, shall be authorized, upon reasonable notice and at reasonable hours, to enter in and upon and to have free access to premises then being supplied with water from the water system being operated by the Borough for the purpose of inspecting the facilities employed in connection with the use of water from such water system and for the purpose of installing, setting, reading, repairing or removing meters.

58. Water for building purposes will be furnished by meter measurements, after a suitable deposit has been made, the minimum deposit being \$15.00, the amount depending upon the size of the construction work contemplated. All water for building purposes as set forth in the permit, must pass through one and the same meter.

The deposit may be applied by the Borough to cover charges for water taken as shown by meter reading, the balance to be refunded. In case the charge should exceed the deposit, the entire deposit shall be applied and, upon presentation of the bill, the balance due must be paid immediately, and if such use has not been discontinued, the deposit must be renewed.

59. Consumers using the water supply for steam boilers and depending upon hydraulic or hydrostatic pressure in the pipe system of the water system for supplying such boilers will do so at their own risk. The Borough will not be responsible for any accident or damage to which such devices may be subjected.

60. House boilers for domestic use must be provided with vacuum valves in all cases in order to prevent collapsing when water is shut off from the distributing pipes. The Borough will not be responsible for accident or damage resulting from imperfect installation or operation of such valves. Whenever steam or hot water under pressure is used, the Consumer shall install at his expense, a swing check valve to be placed directly ahead of the meter.

61. No water will be furnished to any premises where any possibility exists of the mingling of the water furnished by the Borough with water from any other source; nor will the Borough permit its mains or service pipes to be connected in any way to any piping, tank, vat or other apparatus containing liquids, chemicals or any other matter which may flow back into its service pipe or mains and consequently endanger the water supply. An exception may be made to this Rule, at the option of the Borough, providing proper safeguards are installed, which shall be inspected and have the approval of the Borough, appropriate insurance underwriters and the Pennsylvania Department of Health, if required.

62. All water passing through a meter shall be charged for in accordance with the schedule of rates, rents and charges in effect at the time and no allowances will be made for excessive consumption due to leaks or waste.

63. The Borough shall not be liable for any damage resulting from leaks, broken pipes or any other cause, occurring to or within any house or building; and it is expressly stipulated by and between the Borough and the Consumer that no claims shall be made against the Borough on account of the bursting or breaking of any main or service pipe or any attachment to the water system being operated by the Borough.

64. No officer, agent or employee of the Borough shall have the right or authority to vary these Rules and Regulations or to bind the Borough by any promise, agreement or representation contrary to the letter or intent of these Rules and Regulations.

65. The Borough reserves the right to repeal, alter, modify, supplement or amend these Rules and Regulations in the manner provided by law.