

BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 310

AN ORDINANCE ESTABLISHING RATES, DEPOSITS, CHARGES AND ESTABLISHING RULES AND REGULATIONS APPLICABLE TO CONSUMERS SERVED OR TO BE SERVED BY THE WATER DEPARTMENT OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA; AND FIXING THE EFFECTIVE DATE AND APPLICABILITY OF SUCH RULES AND REGULATIONS; AND SUPERSEDING ORDINANCE NOS. 165, 231, 236, 263, 265 and 275.

BE IT ENACTED and ORDAINED by Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by the 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 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 water 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 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, institutional, commercial, manufacturing establishment, or

8. Any trailer.

E. "OCCUPIED BUILDING" means a structure designed for continuous or periodic human occupancy in or about which water is consumed, and includes, without limiting the generality of the foregoing, dwellings, flats, apartments, stores, shops, offices and business or industrial establishments whether occupied or not.

F. "WATER DISTRIBUTION MAIN" means facilities (including any parts of, but not necessarily the entirety of, a system of such facilities) owned and operated by the Borough for the distribution of water within the Borough, but shall not include a water main not customarily used to provide direct connection to

an occupied building of the type which otherwise would be required by this Ordinance to connect thereto.

G. "PROPERTY ACCESSIBLE" to a water distribution main means property which is located within Four Hundred Feet (400') of a water distribution main.

H. "SCHEDULE OF FEES" all fees relating to water services shall be as set forth in the Schedule of Fees as adopted from time to time by Resolution of the Borough Council of the Borough of Orwigsburg.

I. "EQUIVALENT DWELLING UNIT" or E.D.U. is as explained under definition "D" in this section whether metered separately or as one with the exception that certain commercial, industrial and institutional establishments are charged additional E.D.U.'s based on volume of water used and/or an additional E.D.U. for every ten (10) employees and institutional customers or attendees.

J. "BUY IN FEE" is to cover a fair portion of the system that is already in place or being built to service the Borough and therefore eliminates the necessity to drill a well.

K. "CUSTOMER'S SERVICE LINE" is that part of the water service pipe extending from the Borough's service connection at the main to the customer's building including the curb stop or service valve, curb box or valve box and meter box or meter and outside read-out and if required, a back flow preventer or any other device requested by the Borough.

L. "STANDBY SERVICE". Water service intended to supplement service provided from a reserve maintained by the Borough for emergencies.

M. "METER". A device for measuring the quantity of water used, which is a basis for determining charges for water service to a customer.

N. "REMOTE READ-OUT", a device to be mounted on the outside of a structure so that the meter can be read more conveniently.

SECTION 2 - RULES AND REGULATIONS

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 the premises within Four Hundred Feet (400') of a main pipe of the Borough's distribution system, the owner of the property shall, at his own expense, connect with a service line all occupied buildings upon such property only after such application has been approved. The application must be made at least four (4) weeks before such service is required. The application for service shall state the purpose for which the water will be used, the person or business installing the service and such other appropriate information as shall be required by the Borough. The service line as described in Section 1-K shall be installed and maintained by and at the expense of the owner. Any person desiring stand-by service shall so state on his application.

2. All Consumers receiving water service and any future Consumers applying for service, by continuing to be served shall be bound by these Rules and Regulations and the water rates, rents, charges, fees and fines of the Borough, as well as any changes enacted from time to time pursuant to proper action of the Borough. Each Consumer, by the taking of water, agrees to be

bound by the above whether service is based upon contract, agreement, signed and accepted application, or otherwise.

3. Any modification, repeal, supplement, resolution or amendment of these Rules and Regulations shall be applicable to and shall govern Consumers already receiving water service upon the effective date of such modification, repeal, supplement, resolution 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 proposed use of water service required by the Consumer. It shall be the obligation of the landlord, lessor or seller to inform the tenant or buyer of the obligation to make such application at the Borough Office within Ten (10) days of change and the landlord, lessor or seller shall also be obligated to inform the Borough Office of the change within the same time period. A tenant may enter into a contract for water service providing that the contract is co-signed by the owner and that the owner acts as guarantor for the payment of all bills rendered on the account. Failure by either or both parties to fulfill the above obligations shall be deemed a violation of this Ordinance by both parties, which calls for a fine as set in this Ordinance. The Borough, upon Ten (10) days written notice to the violator or violators, may discontinue water service until such new application has been made and approved and fine or fines paid.

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. All water received must be metered. Receiving and using unmetered water from the system is a violation of this Ordinance.

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.

6. "MANDATORY WATER CONNECTION" within Ninety (90) days after aquisition or construction of any public water distribution main or when brought to the Borough's attention, the Borough shall cause notice to be sent to owner or owners of occupied property within Four Hundred Feet (400') and accessible to a water distribution main of the requirement to make connection of the property therewith for the purpose of connecting Borough water to such property. The Borough shall send such notice by Certified Mail, together with a copy of this Section of the Ordinance and a list of the charges then in effect. Owner or Owners shall make arrangements for connection, at the Borough Office, within Ten (10) days and make arrangements for hook-up or they will be in violation of this Ordinance and shall be fined accordingly. In the case of any person failing to make connection in Ninety (90) days after notice is served, the Borough may proceed, as provided by law, to enter upon property, to make such connection and to collect the costs thereof by municipal lien or otherwise in the name of the Borough. The

costs shall include all fees, charges, costs, plus overhead, fines, attorney and court fees.

DEPOSITS

7. Deposits will be required from temporary Consumers taking water service for contracted service, development or redevelopment in an amount equal to the estimated gross bill or the estimated gross bill for two (2) quarters, whichever is applicable. The Consumer shall also leave a deposit equal to the customer charge for a meter or supply a Borough certified meter of his own. The Consumer shall be responsible for any repair or damage to a Borough supplied meter and upon completion of the use shall be refunded Eighty Percent (80%) of the deposit upon return of the water meter and payment of the water bill in full. The deposit for water usage shall be a minimum as set in the Schedule of Fees for short term users. No interest will be paid on deposits.

8. Starting with the date of the enactment of this Ordinance, any new tenants or owners shall be required to make a deposit equal to two (2) quarters normal billing, at the time of application for water service. This deposit will be returned when the need for water service is ended and all bills, fines and/or charges have been paid in full. The normal billing amount will be determined by number of family members and type of usage with a minimum deposit as set in the Schedule of Fees. No interest will be paid on deposits. All bills shall be paid as rendered and the deposit shall not be considered as payment on the account of a bill.

SERVICE CONNECTIONS AND LINES

9. The Borough shall have control over all connections to water mains except as outlined in Rule 45. Upon approval of an application for water service and upon compliance with Rule 12 of these Rules and Regulations, the approved contractor will tap the main, insert corporation cock, install 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. When installed by the approved contractor, the work must be inspected by the Borough before the lines are covered. All of the necessary materials will be purchased from the Borough and the cost of all labor, material and any other costs, including restoration of the street, any required permits, plus repairs of any subsidence for one year, Borough expenses and overhead will be the expense of the owner. There will be a fee for this inspection.

10. All service lines to the structure (and thru 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, and shall be of Borough approved material, shall be laid at least four feet (4') 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 to the structure to be served shall be covered up in the process of installation until inspected and certified by the Borough. If any defects in such workmanship are found, the service shall not be turned on until such defects are remedied. There will be a fee for this inspection. The minimum

size service connection shall 3/4" copper Type K with flare or compression fittings. No water service will commence until certification is given in writing that no lead or lead solder has been used and that low flow fixtures have been used as called for by Borough Ordinance No. 310. Piping 3" diameter or larger shall be ductile iron with push-on or mechanical joints.

11. 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 four feet (4') from any such facility. No service line shall be laid within four feet (4') of any open excavation or vault.

12. Service connection will be made only after the Consumer has completed installation of his service line from the structure to be served to the main or has given assurance, satisfactory to the Borough, of his intention so to do and has paid the Borough all fees and deposits as called for in the Schedule of Fees. No service connection from the main to the curb box shall be installed when street or highway openings are prohibited or when, in the judgment of the Borough, working conditions are unreasonable for such installation. All work will be paid for by the Consumer.

13. Service lines shall not be installed when the service line passedover 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 and a right-of-way for the Borough is secured.

14. The size of the service connection from the main to the structure 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, the Borough, in its discretion, may allow to be installed such service connection in accordance with the request of such applicant. The size of the service connection will determine the cost of the meter and water rate as set forth in the schedule of fees.

15. When it is necessary to replace an existing service connection from the main to the curb box, the Consumer 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 all expenses of cutting off the old service connection at the main and any other additional expenses incurred by the relocation including street restoration at both locations and upkeep of the area for one (1) year in complying with said request, then the Borough may allow the new service connection at the location desired, if said location is approved by the Borough Council upon receiving a written request.

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

17. 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.

18. All leaks in service lines from the service connection 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 forty-eight (48) hours, the Borough may repair the leak at the owner's expense or 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, plus a fine as called for in this Ordinance. If the Borough finds the leak to be excessive or to create an emergency condition, the Borough may take any steps deemed necessary to reduce or repair the leak in order to protect the public. The cost of such emergency steps taken with regard to the customer service line shall be billed to the owner.

19. The Borough shall not be responsible for maintenance of any service line or any other line, pipe or fixture nor shall the Borough be responsible for any damage resulting from escape of water from any service line or any pipe fixture. The Consumer at all times shall comply with all state and municipal regulations relating to service lines and any pipe or fixtures, including certification of no lead used in the water line and low flow fixtures, as required by the state and the Borough, shall not be required to deliver water service thereto unless so approved and certification received.

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.

20. 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. A fine as called for in this Ordinance will be imposed and Borough water shut off until such interconnection is removed. Everyday that the interconnection is allowed to exist after owner is notified shall be deemed as a separate violation. All inspection fees, turn-off and turn-on fees plus all fines shall be paid before water is turned on.

21. A separate service connection, curb box, meter and remote readout shall be installed for each Consumer. Where two or more customers are now served through a single service line, the Borough may require separation so that each customer is served through an individual line. The separation shall take place thirty (30) days after notice is received. Failure to comply with such notice will be considered a violation of these Rules and Regulations.

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 having paid all applicable fees has installed a separate connection to the water system, being operated by the Borough, at the owners expense.

22. 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, material and overhead for tapping the main and installing and maintaining the street service connection, plus the cost of restoring and maintaining the street area for one (1) year and pay all applicable fees and permits and a deposit as called for under Rule #7.

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.

23. Effective with the adoption of this Ordinance, any future extension of water mains for service to dwellings not now accessible to existing water mains, all costs involved for the engineering, permits, fees, construction, legal fees and inspection of such extensions shall be divided among the property

owners who benefit by the front foot method, which shall be assessed against each property owner, in addition to the buy-in fee based on the number of dwelling units and the connection fee.

Where one or more mains are extended beyond Four Hundred Feet (400') of a fire hydrant, a blow-off valve or fire hydrant shall be installed at the end of the line or lines. The water extensions shall be pressure tested and disinfected in accordance with D.E.R. regulations prior to being placed in service.

METERS:

24. All Consumer services shall be metered. In all new or remodeled multi-unit buildings, all units shall have separate meters, if feasible. The Borough Council shall decide as to whether separate meters are feasible or not in case of dispute. The installation shall consist of a meter with meter setting device and a remote register installed on the outside of the premises. All of the above shall be purchased from the Borough and shall only be installed by the Borough. All material shall be installed at the consumer's expense and shall include labor charges and overhead. The meter will not be installed until all monies due for fees, rates, charges, and assessments for both water and sewer have been paid in full, proof of inspection of all lines by the Borough is given and certification of no lead used in lines and low flow fixtures is given on Borough forms. 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. A stop or valve with drain shall be placed in the line before and after the water

meter. The Borough may, in certain instances, require a group or bank of meters to be installed instead of one meter if, in the opinion of the Borough engineer, it will result in greater accuracy of actual water use. As with all meters, this would be at the consumer's expense. All water consumption will be measured.

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

26. No connections or outlets will be permitted on the service pipe or pipes supplying the premises, from the corporation cock through to the meter. All water shall be metered. The Borough may require all fire protection to be metered if it so desires. 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 water must pass through a meter.

27. 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 pre-cast concrete vault provided with a suitable cover, lock and key. Said vault shall be at least two feet six

inches (2'6") 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.

28. Meters will be maintained by the Borough 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.

29. The charge for the reinstallation or changing of a meter when removed because of damage in any way due to the negligence of the Consumer shall be the labor charge plus the cost of the meter and any other parts replaced plus overhead.

30. 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 highest actual reading on the meter on three (3) previous corresponding billing periods.

31. In case of a disputed account involving accuracy of a meter, such meter shall be tested upon at 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, the 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 the Borough.

32. 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 listed in the Schedule of Fees.

If the meter so tested shall be found to be correct within the 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.

33. 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.

34. 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. Refusal of access shall be a violation of these Rules and Regulations and shall call for a fine as set in this Ordinance and the Borough shall take any appropriate action to gain access. An actual meter reading must be received by the Borough no less than once per year.

35. Within one (1) year of adoption of this Ordinance, all dwellings not having but capable of having an outside read-out register shall be notified and shall make arrangements to purchase and have such read-out installed by the Borough, within ninety (90) days of notice.

The cost shall include the outside read-out register and cost of installation. Any refusal to comply shall be a violation of these Rules and Regulations and the owner shall be fined and water service can be discontinued.

DISCONTINUANCE OF WATER SERVICE:

36. After ten (10) days notice, in writing, water service to any Consumer may be discontinued and fines imposed 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 fixtures to be supplied or the use to be made of water supplied.

(b) 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.

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

(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 to the Borough, without regard to the manner incurred, relative to operation and maintenance of the water system being operated by the Borough.

(i) Change of occupant not reported to the Borough as required by the Rules and Regulations by both the occupant and the rentor, lessor or owner.

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

(k) Refusal to permit access for inspection of water facilities on the premises served or for installing, setting, reading, testing and/or repairing the meter.

— 37. After discontinuance of water service for any of the reasons set forth in Rule 36 of the Rules and Regulations, water service shall not be restored until the violation has been cured, all fines, fees, 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.

38. Any Consumer terminating his usage of water because of relocation or sale shall give written notice to the Borough ten (10) days in advance, so that a final reading can be taken allowing a final charge to be made. The Consumer shall remain liable for water furnished to the premises until such written notice is given and a reasonable time for the Borough to get a final reading has passed. If the Consumer has made a deposit, such deposit shall be returned after payment in full of any fees, charges, liens and fines due to the Borough have been made.

FIRE PROTECTION:

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

40. 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

Consumer shall make any connection to the distribution system that is required, and the Consumer shall pay the Borough the Connection Fee and any and all other fees and charges as established in the Schedule of Fees. The Borough shall determine the size of the service connection required.

41. The Borough shall have the right to require a compound-type meter for installation in the private fire line, if it deems it necessary. Waiver of the requirement for installation of a meter at the time 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 and outside register or pit with the labor and materials and overhead for installation to be borne by the owner.

42. 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 or bank of meters is installed between the main and the connection for such line.

43. 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 apparatus, such test 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. A testing fee will be called for in the Schedule of Fees.

44. Every Consumer, by the taking of water, understands and agrees that the Borough assumes no liability as an insurer of property or person 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:

45. A person or persons developing a new tract of land will extend the mains using a contractor of his choice. The developer shall submit, to the Borough, engineered-design, lay out, plans and specifications for review by the Borough water engineer, fire committee and planning commission for review, recommendations and final approval by Borough Council before any construction shall begin. The Borough water engineer shall monitor the construction of system extension so that the work will conform to the specifications of the Borough. The water extension shall be pressure tested and disinfected in accordance with D.E.R. regulations and be approved by the Borough Engineer prior to

placing the lines in service. All of these costs, including legal fees shall be borne by the developer and paid to the Borough upon proper invoice. The developer will install the service line including corporation cock, service pipe, curb cock and box at his expense. However, in all cases, the Borough will reserve the right to approve extension and to withhold the rendering of service until all expenses due the Borough are paid. Upon final approval of development, the developer shall become responsible for the minimum quarterly payment for each lot or E.D.U. reserved for the development until units are constructed and occupied and the new owner becomes responsible for payment of metered usage. No matter what line, services, etc., the developer installs, the Borough will provide and install the meter, meter setting device and outside read-out hereinbefore outlined and charge the developer or customer for the above plus materials, labor and overhead expenses. In all cases, the Borough shall retain ownership of stops, outside read-out and meter plus appurtenances. Every new customer will also pay all connection fees, buy-in fee, application fee, turn on fee and deposit.

46. On private property, extensions will only be allowed after right-of-way has been granted to the Borough and recorded in the Recorder of Deeds' Office. 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 be maintained by the Borough after ^{acceptance and} a warranty period. The individual or developer must produce an escrow account, letter of credit or performance bond in accordance with Acts 247 and 536 before approval to proceed is given.

47. The Borough shall determine the number of valves and fire hydrants, the size of the pipe to be installed for transmission and distribution mains to any development (six (6) inch minimum size pipe). All construction shall be in accordance with the standard specifications for water extensions or subdivisions as established by the water department.

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 distance 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 hoses in good order and condition at his own expense.

Sprinkling of any kind whatsoever must be done with an ordinary garden-type sprinkler and spraying nozzles generally in use or commercially available timed sprinkler units.

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 on into any premises by any person not an agent or employee of the Borough.

54. The Borough will not be responsible for any loss or damage done by water escaping from a customer's service line. Under no circumstances shall a customer, plumber or any person not authorized by the Borough open or close the curb stops, corporation stop or service valve in any public or private line.

55. "Private Water Interconnections Prohibited". It shall be unlawful for any person to connect any private well or other private source of water to any line or system through which flows water from a public distribution main. Any such connection made in violation hereof is hereby declared to be a nuisance, which shall be abated as provided by law. In addition, any such connection shall be reported to the proper law enforcement authorities for prosecution under any other applicable law of the Commonwealth of Pennsylvania and the fine called for by this Ordinance.

No owner of a farm or industry having a separate system to supply water for uses other than human consumption shall be required to connect that system to a public water distribution main, provided that such separate system does not violate the provisions stated above.

56. The Borough reserves the sole right to turn on or off the curb stop cock, except in case of emergency. In such case, the Consumer or plumber may close any cock or valve and 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 at a reasonable hour, 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 as shown in the Schedule of Fees, 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 Borough will install and remove the meter at the cost of the requestor.

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 distribution 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 main or service pipes to be connected in any way to any piping, tank, vat or other apparatus containing liquid, 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 Fees, charges and penalties in effect at the time and no allowance 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 waive 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 whether verbal or written.

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

66. All water service provided by the Borough must be entered through approved connections complete with curb stops at the curb or property line if no curb, water meters, remote read-outs or meter pits. Any water taken through unmetered services, unapproved connections or lines without curb stops to the Borough main will cause the discontinuance of service and the imposition of penalties and other charges as filed herein. Upon locating any existing service lines without a curb stop, notice will be sent to the owner to have a curb stop installed within thirty (30) days or the owner will be in violation of these Rules and Regulations and shall be fined as called for herein. The installation must be inspected by the Borough before being covered. If the owner fails to comply, the Borough may, after thirty (30) days, install the curb stop and charge the owner for all costs involved.

67. Any use of water prohibited by the Borough Water Committee during any emergency or any prohibited non-essential use during a drought emergency will result in a fine as called for in this Ordinance or discontinuance of water service.

SECTION 3 - RATES AND BILLING

1. The fees for utility services including sewer, solid waste and water, as set forth in Ordinance Nos. 147, 222, 240, 243, 165, 231 and 263 are deleted and the following substituted therefore:

A. A schedule of fees, charges and penalties associated with sewer, solid waste, water and other municipal services shall be adopted from time to time by Resolution of the Borough Council of the Borough of Orwigsburg.

B. Said schedules may be revised and/or modified by Resolution from time to time by the Borough Council as it deems necessary.

C. That any fee or charge established elsewhere by Ordinance or Resolution not expressly included in said schedule shall remain in full force and effect.

2. The following charges shall be established by the Schedule of Fees, charges and penalties:

A. Minimum fee and rate per thousand gallons in excess of five thousand (5,000) gallons minimum. Fee to be set according to size of service.

B. Equivalent dwelling units for certain commercial, industrial and institutional users.

C. Charge for thawing water lines.

D. Application for change of use of water.

E. Turn on fee.

F. Turn off fee.

G. Application for service fee.

H. Connection fee.

I. Buy-in fee which represents the new Consumer's portion of the already existing facilities which allow the Consumer to receive water at his location without having to drill a well. This fee will be

deposited in the water improvement fund. The fee will be based on the number of E.D.U.s assigned to the property. Each single family dwelling will be assigned one (1) E.D.U., except where additional E.D.U.s are charged for an approved home, business, or other use. The E.D.U.s charged for multiple family dwellings, hotel, motels and rooming houses will be equal to the number of separate dwelling units contained. In the case of commercial, institutional or industrial development, the E.D.U.s shall be based on the volume of water used and/or the number of employees, patrons and attendees combined, whichever is higher.

If based on water volume, the number of E.D.U.s will be determined by dividing 350 G.P.D. into the volume of water used per day as determined by a written estimate submitted by a professional engineer. After the development is in full operation for two consecutive quarterly readings, an adjustment will be made based on actual usage.

If based on the number of people, the E.D.U.s will be determined by dividing the number of people by ten (10).

J. Borough Secretary's Certificate of Final Billing.

K. Fees for testing of meter and fire protection.

L. Deposit for temporary use of water.

M. Deposit for temporary use of meter.

- N. Deposit for full-time users of water.
- O. Fee for road restoration and one (1) year warranty.
- P. Charge for check returned for insufficient funds.
- Q. Fee for application for exemption from a rule or rules.
- R. Charge for inspection for change of use or unit charge and for connection or violation.
- S. Inspection fees.
- T. Charge for legal fees.
- U. Deposits for water users.
- V. Overhead expenses.
- W. Labor charges.
- X. Any other fees or charges necessary to the operation of the water system.
- Y. Application for change of units charged.
- Z. Restoration of water service after water turn off for non-payment of bill or violation.
- AA. Fire hydrant maintenance fee.
- BB. Fee for subdivision recommendation, review and approval during preliminary and final plan submission to planning and zoning and Borough for approval and for main extensions.
- CC. Escrow account, letter of credit or performance bond for main extensions and plan and or subdivision review and approval.

- DD. Stand-by service fee.
- EE. Street opening permit for Borough streets.
- FF. Fees for Pa. one calls.
- GG. Fee for standard specifications for water extensions and subdivisions.
- HH. Billing charge.
- II. Charges for water and sewer reserved for subdivision until units are constructed and occupied.
- JJ. Charge for PennDOT street opening permit and any associated PennDOT fees.
- KK. Tap-in fee.
- LL. Fee for checking meter accuracy.
- MM. Emergency service or after hour fees.
- NN. Fees for research time.
- OO. Final reading fee.
- PP. Charge for copies of Ordinance.
- QQ. Surcharge for excessive use of water during an emergency.
- RR. Late payment penalty.
- SS. Overdue account monthly interest charge.
- TT. Private fire connection quarterly charges.
- UU. Credit collection fees.
- VV. Engineering fees.
- WW. Surcharge for users served by a pumping station or pressure booster pump.
- XX. Lien filing and removal fees.

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

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

5. Private fire protection, whether for sprinkler system or private fire hydrants, which water is unmetered in accordance with the Rules and Regulations shall be billed quarterly per service connection as shown in the Schedule of Fees.

6. All users needing a pumping station to be served, will pay a surcharge on rates in order to cover the cost of electricity and maintenance and repair of the pumping station.

7. Any bill not paid within thirty (30) days of billing shall be subject to a late penalty as shown in the Schedule of Fees.

8. After the thirty (30) day period, an interest charge as shown in the Schedule of Fees shall be assessed for every month or portion thereof that the bill is overdue.

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

10. 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 shall assess a delinquent check charge as shown in the Schedule of Fees.

11. All fees, charges and costs shall be paid before the meter is installed and water turned on.

12. Any change in the number of dwelling units charged to a property must be requested in writing and approved by the Planning and Zoning Board before a change can be made in billing. An inspection will be made and a fee as shown in the Schedule of Fees will be charged.

13. All of the above charges and fees, including inspection fees, shall be paid to the Borough.

SECTION 4 - VIOLATIONS

Any person violating any provision of this Ordinance shall be served, either by person or by Certified Mail, by the Borough with written notice stating the violation and prescribing a reasonable time limit for correction thereof. Any person continuing such violation beyond such limits shall be subject to a fine in the amount up to Five Hundred Dollars (\$500.00) for each offense. Each separate building or dwelling unit in which a violation occurs and each day during which a violation continues shall be deemed a separate offense. During emergencies, fines will be imposed immediately for prohibited uses.

SECTION 5 - ALTERING AND AMENDING ORDINANCE

The Borough reserves the right to alter or amend these Rules and Regulations by resolution or Ordinance, as provided by law.

SECTION 6 - 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 7 - 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 provisions, 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 8 - REPEALER

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

ENACTED and ORDAINED into an Ordinance this 9TH day of OCTOBER, A.D., 1991, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF ORWIGSBURG

Kathleen M. Conruger, Borough Sec'y BY: Chas E. Hoyer COUNCIL
Secretary President PRESIDENT

EXAMINED and APPROVED this 14TH day of OCTOBER, A.D. 1991.

W.A. Bunne
Mayor of the Borough of Orwigsburg,
Schuylkill County, Pennsylvania