

CHAPTER 26

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Part 1

Millheim Borough Water Company Rules and Regulations

§101. Rules and Regulations. The rules and regulations of the Millheim Borough Water Company shall be as follows as set forth in the tariff as established and amended from time to time, said rules and regulations shall be a part of the contract with every person who applies for water service, and every such person by accepting such service agrees to be bound thereby.

1. Applications for Service. No connection for any premises for water service to and upon said premises shall be made or permitted to be made with the water line and mains of the Millheim Borough Water Company except upon request to the duly appointed agent of the Millheim Borough Water Company by application in writing signed by the owners of such premises or his duly authorized agent, which application shall, together with other rules and regulations, control the service of water to said premises. A new application must be made upon any change in ownership or tenancy of the property.

2. Rate Schedule. The schedule of rates for the Millheim Borough Water Company shall be as set forth in the tariff as may be established and amended from time to time.

3. Connections and Repairs.

A. All taps shall be made by the Millheim Borough Water Company which shall furnish and lay the service pipe to and including the curb cock. The Millheim Borough Water Company shall not be required to make or furnish a tap until an established service charge is paid.

The owner shall, at his own expense, dig and fill trenches and furnish the pipe from curb cock to the house or building, and in all respects be responsible for any and all injury or damage to consequence thereof or resulting therefrom. All service lines shall have a covering of not less than three feet (3') and it shall not be permissible to lay any service pipe in the same trench with a sewer pipe. The Millheim Borough Water Company reserves the right to inspect, before covering, that portion of the line installed by the owner.

No person shall open any water line to supply water to any premises whether through an old or new installation, nor shall any person lend any key for turning the water on or off without the consent of the Millheim Borough Water Company except in case of breaks or accidents.

B. Water Main to Curb Cock. From and after the effective date of this Part, the Millheim Borough Water Company shall be responsible for all costs of installation and maintenance of all existing service lines from main line to curb cock with the exception of frozen water lines in which case the owner shall be solely responsible for all costs of maintenance and repairs of service line to main.

4. Meters. A meter may only be installed at the option of the Millheim Borough Water Company and then only under such terms, conditions and provisions as shall be prescribed by the Millheim Borough Water Company.

5. Bills Due and Payable.

A. All bills for water service shall be due at the end of the semi-annual period for which service has been rendered, and if remain unpaid for thirty (30) days thereafter, service may be discontinued after due notice of delinquency. The end of the semi-annual periods shall be April 1 and October 1 of each year.

B. Any service disconnected on account of non-payment of water rent will not be turned on until arrearages and a penalty fee in addition to the cost of turning off and on are paid.

C. The property owner shall be held responsible for the payment of all service rendered regardless of to whom it is requested the bills be mailed.

6. Practices Forbidden.

A. No branch shall be allowed to be inserted in any service line without prior permission from the Millheim Borough Water Company and this will only be issued on condition that a stop cock will be provided that will be under control of the Millheim Borough Water Company at all times. In case of default of payment of water rent by any one (1) consumer, where branches already exist not provided with stop cocks, the service may be cut off until charges and arrearages are paid except that such action shall not be taken until the innocent consumer has been given a reasonable opportunity to attach his pipe to a separately controlled service connection.

B. Not more than one (1) dwelling or business structure shall hereafter be supplied with water from one (1) service line and no building shall be supplied by more than one (1) service line except when otherwise approved by the Millheim Borough Water Company. Water shall be furnished to certain specified premises for a certain specified sum. If consumers furnish other persons with water or permit them to take it without the consent of the Millheim Borough Water Company or if they use it for purposes not stated in their permit, it is a violation of the contract, and the water may be shut off after due notice until the Millheim Borough Water Company is satisfied that the contract and its rules and regulations will be observed. A charge will be made for turning the water off or on in such cases.

7. Control of Supply. The Millheim Borough Water Company reserves the right to suspend the use of the fountain and hose for any purposes whatsoever whenever, in their opinion, public exigency requires it. The Millheim Borough Water Company will not be liable for failure to supply water at any time provided that such failure shall not be due to negligence on its part. The Millheim Borough Water Company will not be liable for any claim made against it for interruption or curtailment of supply by reason of drought or other causes beyond its control nor will the Millheim Borough Water Company be in any manner liable for any injury or damage resulting in leaks or breaks of the service pipes or of any pipe or fixture.

8. Consumer's Repairs. All leaks in service pipes in and upon the premises supplied must be promptly repaired by the owner and upon failure to make such repairs with reasonable dispatch, the service may be disconnected after due notice and will not be resumed until all necessary repairs are made. In such cases a charge will be made to cover the cost of turning the water off and on.

9. Vacancies. Consumers desiring to discontinue service shall report the same in person or in writing to the agent of the Millheim Borough Water Company. All vacancies shall date from the date same are reported. When a vacancy is properly reported, an allowance will be made for the period of vacancy but not for less than six (6) months.

10. Use of Fire Hydrants. No fire hydrant shall be used for any other purpose than the extinguishment of fire unless special permission in writing is obtained from the Millheim Borough Water Company. The operation of hydrant for such other purposes may be done only by the Borough employees.

11. Extensions.

A. Upon request for service from one (1) or more applicants, and in order to supply the service requested, it is necessary for the Millheim Borough Water Company to extend its present facilities, the Millheim Borough Water Company will extend the said line and facilities to the applicants provided the cost of the extensions, including materials, labor, engineering services and supervision shall be paid by the applicant in accordance with the tariff.

B. Extensions of the distribution system of said water works shall be completed in accordance with the tariff.

12. Supply of Water to High Elevations. The Millheim Borough Water Company will not guarantee to supply water to elevations which cannot be reached by using their present reservoir.

13. All taps shall be of a three-fourth inch (3/4") diameter or multiples thereof. Each three-fourth inch (3/4") diameter tap shall be considered one (1) tap. All tap fees shall be charged on the basis of each three-fourth inch (3/4") diameter tap.

14. From and after the effective date of this Part, any installation of new water lines or replacement of existing water lines which comprise a portion of the Millheim Borough Water Company must be made with water pipe being not less than six inches (6") in diameter and lined with non-corrosive material.

(Ord. 171, 7/10/1989)

§102. Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part and/or tariff shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part and/or tariff continues shall constitute a separate offense.

2. In addition to the penalty set forth in §102(1) above, the Borough Council is hereby authorized, or their properly appointed agents are hereby authorized to issue stop, cease, and desist orders to any persons, partnership or corporation who or which shall violate any provisions of this Part by the instituting of appropriate action or proceedings, at law or in equity, to enjoin and restrain any such persons, partnership or corporation, from violating any of the provisions of this Chapter.

(Ord. 171, 7/10/1989)

Part 2

Millheim Borough Water System

A. Introductory Matters.

§201. Authority. This Part is adopted in conformance with and pursuant to authority granted by §§1006(3), 1202(2), 1202(24), 2401 and 2461 of the Borough Code, 53 P.S. §§46006(3), 46202(2), 46202(24), 47401, 47461, as amended, and the provisions of the Plumbing System and Lead Ban Notification Act, 35 P.S. §723. 1 et seq., as amended. (Ord. 180, 6/20/1994, §1.01)

§202. Title. This Part shall be known and may be cited as the "Millheim Borough Water System Ordinance." (Ord. 180, 6/20/1994, §1.02)

§203. Purpose. This Part is necessary for the protection and preservation of the health, safety and welfare of the inhabitants of the Borough. (Ord. 180, 6/20/1994, §1.03)

§204. Definitions. Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings assigned below whenever they are used throughout this tariff.

APPLICANT - a person who applies to become a customer of the Borough in accordance with Part 2C. A person shall not be eligible to be a customer unless the person is an owner or occupies the property to be served under a written lease of at least twelve (12) months.

BONA FIDE, PROSPECTIVE CUSTOMER - any owner or lessee who is or will be the occupant of an existing premise owned or leased by him, which premise has a curb line abutting that part of a street or highway in which there is or is to be located a distribution main of the Borough and which premise will receive water upon application of the owner or lessee for water service to begin immediately following installation of the main and customer service line. This definition does not include applicants for temporary service.

BOROUGH - the Borough of Millheim, Centre County, Pennsylvania.

BOROUGH SERVICE LINE - the connection from the distribution facilities or pipeline extensions of the Borough which connects any main with the inlet connection of the customer service line at the hypothetical or actual curb line or the actual property line, including the control valve and valve box. The control valve and box determine the terminal point for the Borough's responsibility for the street service connection.

CROSS-CONNECTION - a cross-connection is any pipe, valve or other physical connection or other arrangement or device connecting the pipelines or facilities of the Borough to and with pipes and fixtures by which any contamination might be admitted or drawn into the distribution system of the Borough from lines other than the Borough's.

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CUSTOMER - a person who is an owner or occupant and who (i) contracts with the Borough for water service; or (ii) take or receives water service without a contract.

CUSTOMER SERVICE LINE - the service line extending from the end of the Borough service line or connection to the point of consumption, or the customer's premises.

DEVELOPER - any owner, promoter, broker, builder or contractor or similar individual or entity engaged in the development or improvement of real estate or in the construction of residences, as opposed to a person who will occupy the subject property or premises at the time permanent water service is established.

EDU - equivalent dwelling unit, as defined and further described in the attached schedule in this Part relating to rates and charges imposed by the Borough in connection with this water system.

EXTENSION DEPOSIT AGREEMENT - an agreement between the Borough and either a bona fide customer or a developer which includes (i) the specifications for the main extension to be installed; (ii) amounts to be paid; and (iii) any other reasonable terms and conditions.

IMPROVED PROPERTY - a lot of land within the Borough possessed for continuous or periodic occupancy or use by a human being or animal requiring water for such occupancy or use.

LEAD FREE - when used with respect to solders and flux, refers to solders containing no more than two-tenths (0.2) percent lead and, when used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than eight (8) percent lead.

METER - any device used by the Borough for the purpose of measuring water consumption.

NONREFUNDABLE CONTRIBUTION AGREEMENT - an agreement between the Borough and a developer which is essentially identical to an extension deposit agreement, except that the Borough will not be required to pay refunds pursuant to a nonrefundable contribution agreement.

OWNER - a person vested with ownership, legal or equitable, sole or partial, of a property.

PERSON - a natural individual, firm, partnership, association, corporation or other group or entity which is the subject of legal rights and duties. Whenever used in any clause prescribing or imposing a penalty, person, when applied to a firm, partnership or association, shall mean the partners or members thereof and, when applied to a corporation, the officers thereof.

PLUMBING SYSTEM - all piping, fixtures and appurtenances used to transport water to, within and from a building, including all residential facilities and sources, transmission, treatment and distribution facilities.

PRIVATE FIRE PROTECTION SERVICE - water service provided exclusively for the purpose of fire protection that is available to particular customers only and not to all customers or the general public, and that is provided through automated sprinkler systems, fire hydrants or similar mechanisms.

PROPERTY - a residence, commercial establishment or other facility or lot or other parcel of land to which water is provided or for which the Borough has installed a Borough service line.

PUBLIC FIRE PROTECTION SERVICE - water service provided exclusively to a political subdivision for the benefit of the public, for the purpose of fire protection.

RESIDENTIAL SERVICE - utility service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto. Neither utility service provided to a hotel or motel, nor service provided to a property leased for a period of twelve (12) months or less will be considered for residential service.

SERVICE CONNECTION - the Borough water line from the water main to the curb stop or property line with any related fittings, valves and curb stop.

WATER MAIN - a pipe or main of the water system used to distribute water.

WATER SYSTEM - the integrated facilities of the borough for obtaining, treating, storing and distributing water.

(Ord. 180, 6/20/1994, §1.04)

B. Required Connection to and Use of Water System.

§211. Connection to Water System. Every owner of an improved property within the Borough boundaries shall connect the improved property to the water system in the manner required by the Borough within forty-five (45) days after notice from the Borough. (Ord. 180, 6/20/1994, §2.01)

§212. Use of Water System. After connection to the water system, all water used on the improved property shall be from the water system, subject to such limitations, restrictions and exceptions as are established by this Part or by resolution from time to time. (Ord. 180, 6/20/1994, §2.02)

§213. Connection Notice. The notice of required connection shall be in writing, shall specify the forty-five (45) days for connection and shall be accompanied by a copy of this Part and any effective amendments, a copy of any rules and regulations and a copy of the Schedule of Fees and Rates.¹ The notice may be given at any time the water system can supply water to the improved property. The notice shall be served on the owner by personal service, certified mail or any other method provided by law. (Ord. 180, 6/20/1994, §2.03)

§214. Failure to Make Required Connection. If the owner of an improved property fails to connect it to the water system in accordance with this Part after forty-five (45) days notice from the Borough, the Borough may make the connection and charge the costs and expenses of connection to the owner. In such case, the Borough shall, upon completion of the connection, send an itemized bill of the costs and expenses to the owner of the improved property, which bill shall be due and payable immediately. (Ord. 180, 6/20/1994, §2.04)

¹Editor's Note: The Schedule for Fees and Rates is on file at the Borough office.

C. Application for Service.

§221. General Rule. All applications for service must be in the form provided by the Borough and signed by the owner or owners of the property to which water service can or will be provided; except that, where a lessee or property occupier or uses the property under a lease having a fixed term of more than twelve (12) months, a lessee may make application for service in his, her or its name. The Borough may also, at its sole discretion, require that a separate contract for service be signed by the applicant. (Ord. 180, 6/20/1994, §3.01)

§222. Change In Ownership or Tenancy. A new application must be made to the Borough upon any change in ownership where the owner of the property is the customer, or upon any change in the identity of a lessee where a lessee of the property is the customer. The Borough shall have the right to discontinue water service upon three (3) days notice if a new application has not been made for the new customer. (Ord. 180, 6/20/1994, §3.02)

§223. Acceptance of Application. An application for service shall be considered accepted by the Borough only upon oral or written approval by the Borough. The Borough may provide service to the applicant pending review and acceptance of the application. (Ord. 180, 6/20/1994, §3.03)

§224. Application Forms. Application forms can be obtained at the Borough's office, presently located at 225 East Main Street, Millheim, Pennsylvania 16854. (Ord. 180, 6/20/1994, §3.04)

§225. Water Used for Construction Purposes. Where water is required for construction purposes, the application shall so indicate. Only metered facilities may be used for construction purposes. (Ord. 180, 6/20/1994, §3.05)

§226. Temporary Service. In the case of temporary service for short term use, the Borough may require the customer to pay all costs of making service connection and removing the material after the service has been discontinued, or to pay a fixed amount in advance to cover such expenses. However, if the material is removed, the customer shall be credited with the reasonable salvage which the Borough will receive on discontinuance of service. (Ord. 180, 6/20/1994, §3.06)

§227. Certification of Lead Free Materials. Before connection of a plumbing system to the water system certification must be made to the Borough on a form acceptable to it, that the materials used in the construction of the plumbing system are lead free. The certification shall be made by a person knowledgeable about the plumbing system. The Borough shall refuse connection to the water system if certification is not made. (Ord. 180, 6/20/1994, §3.07)

§228. Independent Connection. Each improved property shall be connected with the water system through a separate and independent building connection, except when, under special circumstances for good cause shown and subject to the rules, regulations and conditions of the Borough, special permission, in writing, has been given by the Borough. (Ord. 180, 6/20/1994, §3.08)

D. Construction and Maintenance of Facilities.

§231. Customer Service Line. The Borough reserves the right to determine the size, kind and depth of customer service lines. The customer service line shall be furnished, installed, maintained and/or replaced, when necessary, by and at the sole expense of the customer. (Ord. 180, 6/20/1994, §4.01)

§232. Separate Trench. The customer service line shall not be laid in the same trench with drain or sewer pipe, the facilities of any other public utility or of any municipality or municipal authority that provides a public utility service, or within three (3) feet of any open excavation or walk, unless a written exception is granted by the Borough. (Ord. 180, 6/20/1994, §4.02)

§233. Customer's Responsibilities. All service lines, connections and fixtures furnished by the customer shall be maintained by the customer in good working order. All valves, valve boxes, meters and appliances furnished by the Borough and on the property owned or leased by the customer shall be protected properly by the customer. All leaks in the customer service line or any pipe or fixture in or upon the property supplies must be repaired immediately by the customer. (Ord. 180, 6/20/1994, §4.03)

§234. Right to Reject. The Borough may refuse to connect any piping system or furnish water through service already connected if such system/service is not properly installed or maintained. The Borough may also refuse to connect if lead based materials, as defined in the Safe Drinking Water Act, have been used in any plumbing beyond the Borough's curb control valve. It shall be the customer's responsibility to provide the Borough with any such certification which may be required to verify the absence or removal of such materials. (Ord. 180, 6/20/1994, §4.04)

§235. Water Conservation Standards for Certain Plumbing Fixtures.

1. This rule recommends maximum water use for certain plumbing fixtures installed in all new construction or renovation. Such standards have been implemented to achieve maximum efficiency of water use which the borough has determined is technologically feasible and economically justified.

<u>Plumbing Fixture</u>	<u>Maximum Water Use</u>
Showerheads	3.0 gallons/minute
Lavatory Faucet	3.0 gallons/minute
Kitchen Faucet	3.0 gallons/minute
Water Closets	1.6 gallons/flush
Urinals	1.5 gallons/minute

2. Re-Evaluation of Water Use Standards. Upon the order or recommendation of the Borough or other State instrumentality with the requisite authority, the Borough may, at any appropriate time, amend any of the water standards listed above. Amendments will apply only to new construction and renovation.

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3. Exemptions. The Borough may exempt particular customers or classes of customer when it is determined that the water use standards for plumbing fixtures listed above are unreasonable, inappropriate or cannot be accommodated by existing technology.

(Ord. 180, 6/20/1994, §4.05)

§236. Meters.

1. Generally. All service provided by the Borough shall be metered, except for public fire protection.

2. Location of Meters. The meter will be set after the customer has had the plumbing arranged to receive the meter at a convenient point approved by the Borough so as to measure all water being supplied. Protection for the meter shall be provided by the customer. In cases where it is not practical to place the meter within the building, or if the customer so desires and the Borough approves, or in cases where the service line is longer than one hundred fifty (150) feet, an outside setting will be installed at a position selected by the Borough, at the customer's expense. The Borough's standard for an outside meter setting shall be used. Relocation of meters for the customer's convenience shall be at the customer's expense.

3. Damage to Meters. Meters shall be maintained by the Borough so far as ordinary wear and tear are concerned, but damage to meters caused by freezing, hot water or other negligent or willful acts of the customer, including the actual cost of removing, replacing, repairing or testing damaged meters.

4. Notification to Borough of Nonworking of Damaged Meter. The customer shall notify the Borough of a nonworking or damaged meter as soon as the customer has actual or constructive notice of either such condition.

5. Fees for Meter Tests. The schedule of fees for testing meters is as shown in the Schedule for Fees and Rates.² If the meter shows an error of four (4) percent or more overage, the testing fees will be reimbursed to the customer.

6. The owner of an improved property having more than one (1) occupancy unit may elect to have a separate meter supplied and installed by the Borough at the owner's expense for each unit, in which case the minimum quarterly water service charge will be made for each meter in addition to the charge for each one thousand (1,000) gallons in excess of the minimum.

(Ord. 180, 6/20/1994, §4.06)

§237. Construction Materials and Methods. The materials and methods used in constructing the building connection shall be subject to approval or rejection by the Borough. See the Borough's detailed specifications. (Ord. 180, 6/20/1994, §4.07)

²Editor's Note: The Schedule for Fees and Rates is on file at the Borough office.

§238. Procedure During Excavation. Every excavation for a building connection shall be guarded adequately with barricades and lights to protect persons and property from harm. Streets, sidewalks and other public property disturbed while making a building connection shall be restored at the cost and expense of the owner of the improved property in a manner satisfactory to the Borough. (Ord. 180, 6/20/1994, §4.08)

§239. Backflow Prevention Device. On service lines for commercial or industrial service, the installation of a backflow device of the type approved by the Borough may be required by the Borough if, in the Borough's opinion, such a device is needed to protect the integrity of the system. The backflow prevention device shall be installed, owned and maintained by the customer, at his expense. The location of the backflow prevention device shall be approved by the Borough. The Borough recommends the installation of approved double check valves for service pipes providing service to residential units. (Ord. 180, 6/20/1994, §4.09)

§240. Pressure Regulators. The customer may be required to install and maintain a pressure regulator or valve on his premises, if necessary, at the customer's sole expense. The pressure regulator shall be installed on the inlet side of the meter when the static pressure in one hundred (100) psi at the customer's premises. (Ord. 180, 6/20/1994, §4.10)

§241. Cross-Connections. No cross-connection shall be installed or continued. A cross section maybe considered to be eliminated if the method of backflow prevention is approved by the Borough, in writing. (Ord. 180, 6/20/1994, §4.11)

§242. Inspection. The Borough shall have the right to inspect an improved property to determine compliance with this part and the rules and regulations governing service from the water system. (Ord. 180, 6/20/1994, §4.12)

§243. Service Prohibited In One Hundred (100) Year Floodplain. Water service shall not be provided to new customers located within the one hundred (100) year floodplain as defined in Zones A, AE, AH or AO on the Flood Insurance Map for Millheim Borough, Community Panel Number 4202650001B, dated June 5, 1989, or updated versions of said map. (Ord. 180, 6/20/1994, §4.13)

§244. Service Prohibited In Wetlands. Water service shall not be provided to new customers located in wetlands. All customers located in hydric or hydric included soils, as defined by the "Soil Survey of Centre County, Pennsylvania," prepared by the U. S. Department of Agriculture shall provide a wetland delineation prepared by a qualified wetlands expert showing the construction of roads and structures are located outside the delineated wetland areas prior to the approval of water service to the customer. (Ord. 180, 6/20/1994, §4.14)

§245. Service Prohibited In Agricultural Important Farmland. Water service shall not be provided to new customers located in agricultural important farmlands outside the project impact area identified on maps prepared by the Borough. Agricultural important farmland is defined by soil types identified as "Prime Farmland" or "Additional Farmland of Statewide Importance" for Centre County. These soil types have been identified by the

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Centre County Conservation District. The map prepared by the Borough identifies these areas based on the above. (Ord. 180, 6/20/1994, §4.15)

E. Fees, Rates and Charges.

§251. Connection Fee Required. Before connection to the water system, the owner of the improved property shall pay the Borough a connection fee, which fee shall be either an amount that does not exceed the actual cost of the service connection for the improved property or an amount that is the average cost for previously installed connections of similar type and size. (Ord. 180, 6/20/1994, §5.01)

§252. Customer Facilities Fee Required. Before connection to the water system, the owner of the improved property shall pay the Borough a customer facilities fee, which fee shall not exceed the actual cost of the building connection and the meter supplied and installed by the Borough. The Borough shall not charge a customer facilities fee for any facilities the owner of the improved property supplies and installs. (Ord. 180, 6/20/1994, §5.02)

§253. When Certain Fees Not required. In lieu of the payment of the connection fee, and/or a customer facilities fee, the Borough may require the owner of an improved property to construct and dedicate to the Borough the service connection, to construct the building connection or special purpose facilities necessary for the improved property, as the case may be. (Ord. 180, 6/20/1994, §5.03)

§254. Rates and Charges. Every owner of an approved property connected to the water system shall pay charges for water service at reasonable rates for periods not longer than a calendar quarter. Each charge shall be due and payable not less than thirty (30) days after billed and shall be increased by a penalty of ten dollars (\$10.00) per month if not paid when due. (Ord. 180, 6/20/1994, §5.04)

§255. Turn Off and Turn On Fees. The Borough shall have the right, after at least five (5) days notice and opportunity for a hearing, to discontinue water service to an improved property for which fees or charges are delinquent. Whenever the Borough exercises such right, it shall charge and collect a turn off fee and a turn on fee, in addition to the delinquent fees and charges due, before restoring water service to the improved property. (Ord. 180, 6/20/1994, §5.05)

§256. Meter Testing Fees. The Schedule for Fees and Rates³ for testing water meters will be based on the direct costs for meter removal and testing. If the meter shows an error of four (4) percent or more overage, the testing fees will be reimbursed to the customer. (Ord. 180, 6/20/1994, §5.06)

§257. Schedule of Fees and Rates. From time to time, by resolution adopted at a public meeting, the Borough shall set the fees and rates imposed under this Part and shall adopt and keep available to the public a Schedule of Fees and Rates.⁴ (Ord. 180, 6/20/1994, §5.07)

³Editor's Note: The Schedule for Fees and Rates is on file at the Borough office.

⁴Editor's Note: The Schedule for Fees and Rates is on file at the Borough office.

F. Billing and Collections.

§261. Frequency. The Borough will bill each customer within fifteen (15) days of the last day of each billing period. (Ord. 180, 6/20/1994, §6.01)

§262. Billing Due Date. The due date for payment of a bill for all customers shall be thirty (30) days from the date of transmittal. If the last day for payment should fall on a Saturday, Sunday or bank holiday when the offices of the Borough are not open to the general public, the due date shall be extended to the next business day. For remittance of a bill, for all customers, by mail, the payment shall be deemed to have been made on the date of the postmark, or the Borough may grant a five (5) day grace period for receipt after the due date. (Ord. 180, 6/20/1994, §6.02)

§263. Late Payment Charge. All amounts not paid when due shall accrue a penalty as defined in the Schedule for Fees and Rates.⁵ (Ord. 180, 6/20/1994, §6.03)

§264. Change In Billing Address. When the customer changes his, her or its billing address and fails to notify the Borough, the customer shall remain liable to remit payment by the payment date. (Ord. 180, 6/20/1994, §6.04)

§265. Separate Checks. Payment made by check to the Borough shall not include any payments to other affiliated utilities or corporations. Failure to provide a separate check will result in the return of the check to the customer as if no payment had been made. (Ord. 180, 6/20/1994, §6.05)

§266. Returned Check Charges. The customer will be responsible for the payment of a charge of fifteen dollars (\$15.00) per incident where a check which has been presented to the Borough for payment of any bill is returned by the bank for any reason including, but not limited to, nonsufficient funds, account closed, payment stopped, two (2) signatures required, postdated, stale date, account garnished or unauthorized signature. The charge is in addition to any and all charges assessed by the bank. (Ord. 180, 6/20/1994, §6.06)

§267. Disputed Bills. In the event of a dispute between the customer and the Borough respecting any bill, the Borough promptly will make such investigation as may be required by the particular case and report the result to the customer. When the Borough has made such a report too the customer sustaining the bill as rendered, the customer shall have fifteen (15) days from the date of such report in which to pay the bill. If the Borough determines the bill originally rendered is incorrect, the Borough will issue a corrected bill with a new due date for payment. Any amounts received by the Borough in excess of the amount disclosed to be due by the Borough's investigation of the dispute shall be returned to the customer. (Ord. 180, 6/20/1994, §6.07)

⁵Editor's Note: The Schedule for Fees and Rates is on file at the Borough office.

§268. Deposits.

1. The Borough may require an existing rate payer to post a deposit to re-establish credit under the following circumstances:

A. Delinquent Accounts.

(1) Whenever a residential rate payer has been delinquent in payment of two (2) or more bills within the preceding twelve (12) months.

(2) Whenever an other than residential rate payer has been delinquent in payment of three (3) or mill bills within the preceding twelve (12) months.

B. As a condition to the reconnection of service following termination.

C. Whenever a customer fails to comply with a material term or condition of settlement or payment agreement, whether or not service has been terminated.

2. The Borough may require any applicant for temporary service to post a deposit.

(Ord. 180, 6/20/1994, §6.08)

§269. Liens for Fees and Charges. Fees and charges imposed under this Part with respect to an improved property shall be liens on the improved property until paid. Such liens shall be promptly perfected by appropriate filings in the Office of the Prothonotary of Centre County, Pennsylvania, and shall be enforced in the manner provided by law for collection of municipal claims. (Ord. 180, 6/20/1994, §6.09)

§270. Civil Actions. The Borough may collect delinquent water fees and charges by civil actions. (Ord. 180, 6/20/1994, §6.10)

G. Discontinuance, Termination and Restoration of Service.

§271. Discontinuance by Customer. A customer who wishes to have service disconnected shall give at least five (5) days notice to the Borough, specifying the date on which service is to be discontinued. In the absence of proper notice, the customer shall be responsible for all service rendered until the time that the borough shall have notice of the customer's intent to discontinue service. The customer shall not turn water on or off at any curb stop, or disconnect or remove the meter or permit its disconnection or removal without prior written consent of the Borough. A customer discontinuing service retains the status as a former customer for the purpose of paying restoration fees for a period of nine (9) months. (Ord. 180, 6/20/1994, §7.01)

§272. Termination by Borough. Service to the customer may be terminated for good cause including, but not limited to, the following:

A. For making an application for service that contains material misrepresentations.

B. For willful or negligent waste of water through improper or imperfect pipes or fixtures, or for willful or negligent failure to repair leaks in pipes or fixtures.

C. For tampering with any service line, curb stop, meter or meter setting, or installing or maintaining cross-connections.

D. For theft of service, which shall include taking service without having made a proper application for service.

E. For failure to pay, when due, any charges accruing under this Part.

F. For refusal of reasonable access to the property for purposes of installing, inspecting, reading, maintaining or removing meters.

G. For receipt by the Borough of an order or notice from the Department of Environmental Resources, health authorities, plumbing inspectors or another similar agency to discontinue service to premises on the grounds of violation of any Federal, State or local law or local ordinance, or upon notice to the Borough from any such agency that it has ordered an existing violation on the premises to be discontinued and that such order has not been complied with.

H. For violation of any of the provisions of this Part not specified above.

(Ord. 180, 6/20/1994, §7.02)

§273. Restoration of Service. Whenever service is discontinued or terminated pursuant to the above Sections, service shall be restored only upon the payment by the customer of a turn off/turn on fee as specified in

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the Schedule for Fees and Rates⁶ and the curing of the problem that gave rise to the termination under §272. (Ord. 180, 6/20/1994, §7.03)

⁶Editor's Note: The Schedule for Fees and Rates is on file at the Borough office.

H. Extension of Mains.

§281. General Provisions. At the time any request is made to the Borough for a main extension, the Borough may request a site plan for the lot(s) to which service is to be provided. If such a request is made by the Borough, the site plan must be provided within the time specified by the Borough, which shall not be less than fourteen (14) days. (Ord. 180, 6/20/1994, §8.01)

§282. Bona Fide Customer Initiated Main Extensions.

1. The Borough will extend existing distribution mains a distance of thirty-five (35) feet for each bona fide, prospective customer making application in accordance with these rules and regulations for water service therefrom for a period of one (1) year or more. Such extensions will be made without cost to such customer(s).

2. When an extension greater than thirty-five (35) feet in length for each bona fide, prospective customer is required, such extension will be made under the terms of a water system extension agreement as set forth in §284, below. The Borough shall have the exclusive right to determine the type and size of mains to be installed and any other facilities required to render adequate service; provided, however, that where the Borough decides to install a pipe larger than eight (8) inches in diameter, and eight (8) inch pipe would render adequate service throughout the extension, at the Borough's discretion, estimated or actual cost figures contained in the water system extension agreement will include the material cost for pipe eight (8) inches in diameter. All estimated or actual cost figures will include a reasonable allowance for overheads.

3. In determining the length and size of, and necessity for, the terminal point of such extensions will, in all cases, be at the point in the curb line which is equidistant from the side property lines of the lot for which water service is requested. A Borough service line will be provided only for customer service lines which are laid at right angles to the curblines or which are otherwise approved by the Borough. Should it be necessary, in the borough's sole opinion, to extend beyond the last lot in any street to connect to an existing main to provide more adequate and reasonable service, this additional extension shall be considered part of the total and orderly system development so long as the last lot in the street is not more than one hundred fifty (150) feet from that existing main and may be included in the cost of the extension.

4. The Borough hereby agrees to refund to the bona fide, prospective customer, on or before February 28 of the subsequent year, the average cost of thirty-five (35) feet of main for each additional bona fide, prospective customer for whom a street service connection shall be directly attached to such main extension (as distinguished from extension or branches thereof) during the preceding calendar year. The refund period shall be five (5) years from the actual date of the payment of the extension; provided, however, that the total amount refunded shall not exceed the original deposit, without interest, and that all or any part of the deposit not refunded within the five (5) year period shall become the property of the Borough.

(Ord. 180, 6/20/1994, §8.02)

§283. Developer Initiated Main Extensions.

1. A developer, as defined in §204, above, will be required to pay for all main extensions or offsite facilities undertaken by the Borough on his behalf, pursuant to either a nonrefundable contribution agreement or a refundable deposit agreement, the forms of which are set forth in §284, respectively. The Borough shall have the unqualified right to require that the requested extension be a nonrefundable contribution agreement if, in the Borough's sole judgment, use of a refundable deposit agreement is neither economically justified, nor otherwise in the best interest of the Borough or its taxpayers.

2. A developer who is party to a refundable water system agreement shall be eligible for a refund for each bona fide customer who connects to the main extension funded under this agreement, as distinguished from extension or branches thereof. In no event shall the total amount refunded exceed the original deposit, without interest. The developer may be eligible for refunds for a period of no more than five (5) years. The refund shall be made on or before February 28 of the subsequent calendar year. The Borough, with the mutual consent of the entity making the advance, may enter into an agreement specifying a different time or system for computing refunds, so long as the refund amount is based on factors such as average Borough investment, per customer, contributions made in the future by other developers who benefit by the facility or other relevant factors.

(Ord. 180, 6/20/1994, §8.03)

§284. Agreements. See the attached schedules for sample agreements for water system extension agreement, nonrefundable contribution and extension deposit agreement.⁷ (Ord. 180, 6/20/1994, §8.04)

⁷Editor's Note: The referenced schedules are on file at the Borough office.

I. Public Hydrant Service.

§291. Applicability. Public fire protection will be available when hydrants are installed and when the political subdivision in which the service will be provided applies to Borough for that service. Rates for public fire service will be determined at the time Borough decides to make such service available. (Ord. 180, 6/20/1994, §9.01)

§292. Conditions.

1. Water from fire hydrants shall not be used for purposes other than firefighting without the Borough's permission, in writing. Water taken with such permission will be limited to the filling of tank trucks for use by the public. The water so used shall be subject to charges at existing meter rates.

2. The Borough reserves the right to meter any fire line when evidence indicates that water is being taken from the line for purposes other than firefighting or as otherwise permitted by agreement, and such metered service shall then be billed in accordance with the regular schedule of meter rates in addition to the above rates, with proper allowance for water consumed in firefighting and other authorized use.

(Ord. 180, 6/20/1994, §9.02)

J. Service Continuity.

§299.1. Regularity of Service. The Borough may, at any time, shut off the water in the mains in case of accident or for the purpose of making connections, alterations, repairs, changes for other reasons and may restrict the use of water to reserve a sufficient supply for public fire service or other emergencies whenever the public welfare may require it. The Borough will, so far as circumstances permit, notify customers to be affected by any interruptions in water service. (Ord. 180, 6/20/1994, §10.01)

§299.2. Liability of Damages.

1. The Borough's liability for any loss or damage from any excess or deficiency in the pressure, volume or supply of water due to any cause other than willful misconduct by the Borough, its agents or employees, shall be limited to an amount equivalent to the customer charge for the period in question. In no event shall the Borough be liable to third parties. The Borough will undertake to use reasonable care and diligence in order to prevent and avoid interruptions and fluctuations in service, but it cannot and does not guarantee that such will not occur.

2. The Borough shall in no event be liable for any loss or damage caused by reason of any break, leak or other defect in a customer's own service pipe, line, fixtures or other installations.

3. The Borough shall maintain responsibility in maintaining mains or other pipes which were installed by the Borough and are/were built to the standards set forth in the Schedule for Construction Standards.⁸

(Ord. 180, 6/20/1994, §10.02)

⁸Editor's Note: The Schedule for Construction Standards is on file at the Borough office.

K. Waivers and Additional Rules and Regulations.

§299.11. Waivers. The Borough may, in its sole discretion, waive any of the rules or regulations of the Borough; provided, that no such waiver will be valid unless in writing and signed by the Borough; and, provided, that no waiver will be allowed where the waiver would constitute a violation of any applicable statute, law or regulation. (Ord. 180, 6/20/1994, §11.01)

§299.12. Additional Rules and Regulations. From time to time, by resolution adopted at a public meeting, the Borough may promulgate additional rules and regulations as it deems necessary and proper, which additional rules and regulations, to the extent appropriate, shall be construed as a part of this Part. (Ord. 180, 6/20/1994, §11.02)

L. Violations.

§299.21. Separate Offenses. Each violation of a separate provision of this Part, and each day of violation shall be a separate offense. (Ord. 180, 6/20/1994, §12.01)

§299.22. Penalties for Violation. A person who violates this Part shall, upon conviction thereof in summary proceedings, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and costs, or to undergo imprisonment in the Centre County Jail for a period not in excess of thirty (30) days for each separate offense. Such fine or imprisonment shall be in addition to any other penalty imposed by any other Section of this Part. (Ord. 180, 6/20/1994, §12.02)

M. Miscellaneous Provisions.

§299.31. Number and Gender. The use of the singular in this Part shall include the plural and the use of the masculine shall include the feminine and neuter. (Ord. 180, 6/20/1994, §13.02)

