

Chapter 20

Part F: *Comprehensive Water Service* (OR1-2003) (OR3-20200)

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

101.00 Domestic Unit:

101.10 A separate dwelling, apartment, room or group of rooms, used for separate dwelling purposes and equipped for the preparation of food.

101.20 Institutional uses such as hospitals, churches, schools, and public buildings shall be considered to be a domestic unit.

101.30 The determination of the Borough as to what constitutes a separate dwelling unit shall be final.

102.00 Non-Domestic Unit:

102.10 A separate building, group of buildings, or room or group of rooms on a parcel of land held in single and separate ownership and used for any purpose other than as a residential unit.

102.20 The determination of the Borough as to what constitutes a separate non-domestic unit shall be final.

103.00 Improved Premises:

103.10 Any parcel or property upon which a domestic or non-domestic unit is located.

104.00 Borough:

104.10 Borough of Saegertown.

200.00 MANDATORY CONNECTION TO WATER SYSTEM:

200.10 All the owners of any improved premises located or to be constructed within the Borough and situate so that water service is available shall be required to connect said premises to the water system serving the Borough.

200.20 No owner of any improved premises shall be permitted to construct, operate, utilize and/or maintain a private well and/or water system.

- 200.30 All owners of any improved premises required to connect to the Borough water system shall pay a "connection fee" per domestic unit and/or non-domestic unit situate on the improved premises in accordance with the following schedule:
- 200.40 In the case of an existing parcel of ground held in separate ownership for which an application is filed for connection to the Borough water system, the connection fee shall be paid at the time of application. This fee to be set by resolution of Council from time to time.
- 200.50 In the case of a Subdivision or Land Development Plan, the connection fee shall be paid to the Borough prior to the time a Subdivision or Land Development Plan is given final approval by Borough Council.
- 200.60 Payment of the connection fee shall entitle the owner of the improved premises, and the owner's successors or assigns, to connect the domestic or non-domestic unit(s) contemplated by the Subdivision or Land Development Plan on the improved premises to the water system operated by the Borough.
- 200.70 No person shall shut the water off or on at the curb box valve without prior permission from the Borough. Person who do so shall be fined per the provisions of this ordinance, and be responsible for any damages to the box, valve or system.
- 300.00 TAPPING FEE:**
- 300.10 All owners of any improved premises required to connect to the Borough water system shall pay the Borough a "tapping fee" and any and all administrative fees as established and set forth by appropriate Resolution of the Borough Council, for each water service line to be connected to the water main from any improved premises.
- 300.20 The Borough, or its authorized representative, shall provide and install the service line tap into the water main together with the pipe from the tap to a point not more than 18 inches on the owner's side of the right-of-way line or street curb line, terminating at and including the curb stop and box or valve.
- 300.30 The tapping fees shall be used to pay the costs of the above-described tap into the main and installation of the water service lines by the Borough.
- 300.40 To the extent that the tapping fee exceeds the actual cost of the connection, the unused portion of the tapping fee will be refunded to the owner.

- 300.50 If the cost of the connection exceeds the tapping fee, the owner shall pay to the Borough the additional funds requested and shall make such payment to the Borough within 30 days, or a mutually agreed upon time frame, of the Borough's written demand therefore.
- 300.60 The Borough may install the service line from the water main onto the improved premises (as provided above) upon payment of the connection and tapping fees and at any time after the approval of the application for water service in the case of a single lot held in separate ownership, or at any time after the approval of the Subdivision or Land Development Plan in such a case;
- 300.61 PROVIDED, HOWEVER, that the service line shall be installed so as not to delay the owner's occupancy of the improved premises.
- 300.70 The Borough shall give the owner occupancy of the improved premises.
- 300.80 The Borough shall give the owner at least 15 days written notice of the time when the Borough proposes to make the connection and install the service line.
- 300.90 The tapping fee shall be paid to the Borough within 15 days of the Borough's notice and prior to the connection being made to the water main.
- 400.00 METERING:**
- 400.10 A water meter shall be installed in the water service line in a suitable protective pit directly opposite the point at which the tap is made into the water main.
- 400.20 In the alternative, the meter may be located inside the building, if the meter is equipped with an outside remote reading device which conforms to Borough standards.
- 400.21 If there is limited access to the meter, and there cannot be a remote reading device installed, the customer may, with permission from the Borough, elect to provide monthly readings, on the last three (3) business days of the month, to the Borough.
- 400.22 The Borough shall have the right to inspect the meter as needed.
- 400.23 Failure to provide a monthly reading as agreed shall result in the customer being charged an "estimate fee", as set by resolution of Council, in addition to the charge for usage.

- 400.24 Failure to provide a reading for two (2) consecutive months shall result in the water service being terminated after proper notification, until a remote system is installed at the expense of the customer.
- 400.25 Termination shall result after a ten (10) day notice.
- 400.26 Water service shall not be turned back on until all costs associated with the shut-off, construction, turn-on, usage, fees, penalties and interest have been paid in full by the customer.
- 400.27 Borough may require cash, certified check or money order for payment, at the Borough's discretion.
- (The following 2 sections were added 12-14-2020 by OR3-2020)*
- 400.28 On the next water meter reading after an estimation fee has been assessed, if the previous month reading is less than the estimation, a credit will only be issued for the estimation that is more than 10% of actual usage. Any amount up to and including 10% shall be considered a penalty and shall not be returned to the customer.
- 400.29 On the next meter reading after an estimation fee has been assessed, if the previous month reading is more than the estimation, any usage "over" the amount estimated shall be included in the next bill. The customer shall not be charged any penalty or interest on that amount, nor shall the Borough be responsible for any interest on that amount.
- 400.30 Each new water meter shall be furnished by the Borough at the sole expense of the property owner.
- 400.40 The Borough shall inspect, test, adjust, maintain, and/or replace such meters at the sole expense of the property owner and any meter damaged in service through the negligent act or omission of the property owner or his tenant or agent, shall be replaced by the Borough at the expense of the property owner.
- 400.50 No person shall change, remove or tamper with a water meter without prior permission from the Borough.
- 401.00 Accuracy of Meters:**
- 401.10 The accuracy of the water meters on the Borough system shall be determined in accordance with the Rules and Regulations of the Public Utilities Commission of the Commonwealth of Pennsylvania.

- 401.20 Upon request of any owner, the Borough will remove the meter from the owner's premises and test the accuracy thereof.
- 401.30 If the said meter is found to register a greater quantity of water than passed through it, to a degree exceeding the tolerance of accuracy prescribed by the Public Utilities Commission for such cases, no charge shall be made for such test, and the bills for water rendered on the basis of the registration of such meter for a period of time of not more than three (3) months preceding the removal thereof may be adjusted on an equitable basis.
- 401.40 If the meter is determined to be accurate and within the accuracy prescribed by the Public Utilities Commission, then the Borough is responsible for any and all charges.
- 401.50 If said meter is found to register a smaller quantity of water than passed through it, or to be within the prescribed tolerance of accuracy, a charge equal to the costs incurred by the Borough in having the meter tested shall be paid by the owner for the testing of the meter.
- 401.60 If the meter is found to register a smaller quantity of water than passed through it, then the bills for water rendered on the basis of the registration of such meter for a period of time not more than three (3) months preceding the removal thereof may be adjusted on an equitable basis.
- 401.70 Upon request the owner may witness the test made of the meter.
- 401.80 All Non-Domestic Unit meters for all users using over 600,000 gallons per year shall require mandatory certification and approval by the Borough in accordance with the Rules and Regulations of the Pennsylvania Utilities Commission of the Commonwealth of Pennsylvania.
- 401.90 This mandatory certification and approval shall begin in the year following approval of this Ordinance and shall be required, at a minimum, every five (5) years thereafter.
- 500.00 SERVICE LINE INSTALLATION:**
- 500.10 No water service line shall be covered until it has been inspected and approved by the Borough.
- 500.20 If any part of a water service line is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved premises being connected to the water mains.

- 500.30 Every water service line of any improved premises shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- 500.40 Every excavation for a water service line shall be guarded adequately with barricades and lights to protect all persons from damage and injury.
- 500.50 Any street, sidewalk or other public premises disturbed in the course of installation of a water service line shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Borough.
- 500.60 The owner of an improved premises shall, at his expense, be responsible to repair, replace, and maintain the water lines on the owner's property from the point at least 18 inches on the owner's side of the street curb line or the right-of-way line where the service line connected to the water main ("curbstop").
- 500.70 If any person shall fail or shall refuse, upon receipt of a notice in writing of the Borough to remedy any unsatisfactory condition with respect to a water service line within sixty (60) days of receipt of such notice, the borough may refuse to permit such person to be served by the water system until such satisfactory condition shall have been remedied to the satisfaction of the Borough.
- 500.80 In the event that the water service line to the building or unit is in excess of 200 feet from the curbstop as defined in Section 500.400 above, then the meter for said building and/or unit shall be required to be placed at the curbstop.
- 500.90 The size of any additional or new water main line shall, at the connection site, be equal in size to that of the water main to which it is to be connected.
- 500.91 Provided, further, any additional or new water main shall be close-ended or looped so as not to be dead-ended.
- 500.92 Yard hydrants are not permitted to be installed without prior permission from the borough.
- 501.00 Additional Regulations:**
- 501.10 The Borough reserves the right to adopt, from time to time, additional rules and regulations it shall deem necessary and proper relating to connections with a main service lines, and with the water system, which

additional rules and regulations, to the extent appropriate, shall be construed as part of the Ordinance.

- 501.11 The owner of an improved premise shall, at his expense, be responsible to install a pressure regulator and approved backflow prevention device as required by Ordinance No. 5, 1990.

502.00 Fire Hydrants:

- 502.01 No person may use water from a fire hydrant with the exception of Borough employees, or fire department personnel during an emergency or training approved by the Borough, without permission from the Borough.

- 502.02 No person shall block a fire hydrant by any method, or plow snow around any hydrant that may hinder use of the hydrant at an emergency.

503.00 Unlawful use of Water (OR5-1910):

- 503.01 It shall be unlawful for any person or person, firms, associations or corporations to use water from the mains or service pipes of said borough without first complying with the following rules, regulations and schedules of water rates:

504.00 Use of Water (OR5-1910):

- 504.01 No person shall supply water in any way to any other person or persons without written permit for the water from Borough Council.

505.00 Frozen meters

- 505.10 Any customer that has a water meter that has been frozen and inoperable shall be responsible for the cost of a new meter and the installation of it.

- 505.20 Any meter being replaced must be purchased from the Borough, and the installation must be inspected.

- 505.21 The Borough shall not bill the customer *for more than* the actual cost of the meter plus 10%, plus the cost of installation.

506.00 Meters that cannot be read

- 506.10 Any meter that cannot be read for two (2) consecutive months due to damage, weather, moisture, malfunction, or any other reason, shall be required to be replaced at the customer's expense.

- 506.11 Conditions and regulations for replacement of an unreadable meter shall be the same as listed in section 505 (frozen meters).

600.00 RATES AND FEES:

- 600.10 The Borough reserves the right to establish and set new water rates and fee schedules annually by Motion and/or Resolution made and passed at a duly constituted meeting of Borough Council, a quorum being then and there present for the transaction of business.
- 600.20 It is further the intent of Borough Council that the annual water rate and fee schedule shall be imposed upon and be for water used during the month next billed.

700.00 BILLING & PAYMENT PROCEDURES:

- 700.10 Bills for water service furnished for all purposes shall be rendered on a monthly basis, a month to consist of any period of approximately thirty (30) days.
- 700.20 Upon request of any owner, if improved premises are anticipated to be vacant for any substantial period of time, the Borough will, upon payment of such fees as the Borough has established pursuant to Section 600 above, remove the water meter from the property, discontinue water service to the property, and discontinue the minimum charges requested.
- 700.30 The Borough will, upon request and payment of such fees as the Borough has established pursuant to Section 600 above, reinstall the meter or a similar meter at the property and re-establish service.
- 700.40 Usage, service, and minimum charges shall be payable at the Borough Office on a net basis at any time up until 15 days after the date of the bill.
- 700.50 Thereafter, a late payment penalty equal to 10% of the net amount of the bill (or an amount set by resolution of Council) PLUS interest calculated at the rate of 10.00% per annum (or an amount set by resolution of Council) from 15 days after the date of the bill shall be added to the bill and shall not entitle an owner or user to extension of time for payment.
- 700.60 Failure to pay the amount owed on a monthly water bill by the time the next succeeding monthly water bill goes into its late payment penalty period, shall be cause for termination of water service until payment is made of all outstanding charges for water service.

- 700.61 A penalty for late payment, in addition to interest, after the 15 days may be set by resolution of Council.
- 700.70 PROVIDED, HOWEVER, in no case shall the water supply be shut off until ten (10) days after written notice of an intention so to do has been mailed to the owner of the improved premises and a written notice has been posted at a main entrance to the premises where the water supply is to be shut off.
- 700.80 If during such ten (10) day period, the owner delivers to the Borough a written statement which states under oath or affirmation that such statement is not executed for purpose of delay and that he has a just defense to the claim for payment or to part of such claim, the water supply shall not be shut off until such claim has been judicially determined.
- 700.90 In the event that a judicial determination is not made within ninety (90) days of the filing of the written statement as required in this subsection, the owner shall deposit with the Borough the full amount of all outstanding charges for water service, which sum shall be held by the Borough until there has been a final judicial determination.
- 701.00 Termination:**
- 701.10 If service is terminated under the conditions set forth in Section 700.300, above, a re-connection charge as established by the Borough in accordance with Section 600 above shall be paid before service is restored.
- 702.00 Responsible Party:**
- 702.10 The *owner of the property* served shall be responsible to the Borough for payment for all water furnished and/or provided to the property irrespective of any agreement between the property owner and a third party, and the bill shall in all cases be rendered to the owner of the property.
- 702.11 If the owner of a rental property requires the tenant, by lease agreement, to pay the water, refuse or sewer bill, the owner must provide the tenant with a copy of the bill within 5 days of receiving the bill.
- 800.00 EMERGENCY CONDITIONS:**
- 800.10 The Borough shall have the authority in the event of any emergency affecting the adequacy of the supply of water to users of the municipal water system or the adequacy of the fire-fighting capacity of the system, either actual or imminent, to require any and all users to curtail or discontinue the use of water.

- 800.20 Such curtailment or discontinuance shall remain in effect for the duration of such emergency.
- 800.30 Verbal or other notice by the Borough to the user or his agent, or public advertisement in a newspaper circulated locally shall be deemed sufficient for the purposes of this ordinance.
- 800.40 Any such curtailment may apply to all use of water for washing of automobile(s) and watering the lawn or garden, and if the degree of the emergency shall warrant, include any or all uses.
- 900.00 BOROUGH ACCESS:**
- 900.10 As long as water services are provided to any unit or building, the proper officials of the Borough shall be permitted access to service pipes to inspect, test, read, repair, remove, or replace the same, whether or not the occupant of the building is a water user, and such access shall not be impeded by coal, ashes, or rubbish, nor in any other manner.
- 900.20 Failure to provide such free access shall be cause for termination of service until suitable access is provided.
- 1000.00 VIOLATION:**
- 1000.10 Except as otherwise specifically provided in Section 800, above, any person, firm or corporation who shall violate any provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a class B fine for each day of the violation, and in default of payment, to imprisonment for a term not to exceed an amount set by resolution of Council.
- 1000.20 In the case of an emergency as provided in Section 800 above, then any person, firm or corporation who shall violate provisions of this ordinance and an emergency as provided in Section 800 above, shall be sentenced to pay a class C fine as set by resolution of Council for each additional day thereafter in which the person, firm or corporation remains in violation of the provisions of this ordinance.
- 1000.30 For the purposes of this provision, a second offense shall mean an offense occurring within two (2) years from the date of any prior offense.
- 1000.40 Each additional day of violation shall constitute a separate offense.

1100.00 SEVERABILITY:

- 1100.10 If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.
- 1100.20 It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

1200.00 EXPANSION OR DECREASE IN USE:

- 1200.10 In the case of any expansion or decrease in the use of water by an owner of improved premises, i.e. customers using more than 600,000 gallons of water per year, then in the case of expansion of more than 10% increase of water usage, or decrease in water usage of more than 25%, the owner of the improved premises shall be required to notify the Borough Secretary at least ninety days prior thereto.
- 1200.20 Decreases in the use of water due to improved technology or planned downsizing shall only be eligible under the provisions of this Ordinance.
- 1200.30 Decreases in the use of water due to economic reasons shall not be eligible.
- 1200.40 Any and all violations of this provision shall be penalized in accordance with Section 1100 above.

1300.00 REPEALER:

- 1300.10 All Ordinances or Resolutions or parts of Ordinances or Resolutions, which are inconsistent herewith, are hereby repealed to the extent that the same are inconsistent with the terms of this Ordinance.

1400.00 EFFECTIVE DATE:

- 1400.10 This Ordinance shall become effective on the 14th day of April, 2003.
- 1400.20 Sections 503 and 504 are from ordinance (5-1910) approved Dec. 6, 1910
- 1400.30 Updated and revised 12-14-2020 by OR3-2020