

EAST BERLIN AREA JOINT AUTHORITY
ADAMS COUNTY, PENNSYLVANIA

ORDINANCE NO. 1-2010

AN ORDINANCE TOGETHER WITH THE RULES AND REGULATIONS AMENDED BY RESOLUTION FROM TIME TO TIME BY THE EAST BERLIN AREA JOINT AUTHORITY PURSUANT TO THIS ORDINANCE, SHALL FORM AND BECOME PART OF THE CONTRACT WITH EVERY CONSUMER WITHIN THE SERVICE AREA WHO UTILIZES THE **WATER SYSTEM**, AND EVERY SUCH CONSUMER, BY UTILIZING THE WATER SYSTEM, AGREES TO BE BOUND THEREBY.

BE IT ENACTED AND ORDAINED by the Board of the East Berlin Area Joint Authority in and for Adams County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

[HISTORY: Adopted by the EAST BERLIN AREA JOINT AUTHORITY, Ordinance 1-2008, dated March 6, 2008; Resolution 2007-7, dated December 6, 2007; Resolution 2008-2, dated August 7, 2008]

GENERAL REFERENCES

Municipal Authorities Act 58 Pa C S §§ 5601-5623
International Building Code 2009 edition as amended
International Plumbing Code 2009 edition as amended

Section 1: Declaration of Purpose

This ordinance is enacted to put forth the General provisions and Rules and Regulations applicable to: Application for Service, Connection to the Water System, Adoption of Connection Charges and Rates, Collection of Rent, Severability and Violations and Penalties.

Section 2: Definitions

The following words and/or phrases, as used in this ordinance and the Rules and Regulations, shall have the following meanings:

AUTHORITY - The East Berlin Area Joint Authority, a municipal authority organized under the Municipality Authorities Act, as amended, 53 Pa. C.S. §5601-5623, acting through its properly authorized officers, agents and employees.

BUILDING MAIN - An extension from the water system of any structure to the lateral of a main.

CONSUMER - The party contracting for service to a property as hereinafter classified, i.e.:

- A. A building under one (1) roof and occupied by one (1) family or business. For the purpose of this ordinance, a motel or hotel shall qualify as a single business, provided that no guest,

customer or user shall remain upon the premises for any one (1) period in excess of six (6) months.

- B. A combination of buildings in one (1) common enclosure, occupied by one (1) family or business.
- C. One (1) side or part of a house occupied by one (1) family or business, having a solid vertical partition wall.
- D. One (1) side or part of a house occupied by one (1) family or business, even though the water closet and/or other fixtures may be used in common.
- E. Each apartment building having more than one (1) apartment.
- F. Each apartment, office or business in a building having a number of apartments and/or offices and/or businesses.

IMPROVED PROPERTY – Any property within the service area upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

INDUSTRIAL ESTABLISHMENT – Any improved property located within the service area and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article.

LATERAL: (Service Line)

- A. Part of the water system extending from a main to the shut off valve, if there shall be no curb line, extending to the property line; or
- B. If no such lateral shall be provided, “lateral” shall mean that portion of or place in a main, which is provided for connection of any building main.

MAIN – Any pipe or conduit constituting a part of the water system used or usable for water distribution purposes.

OWNER – Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON – Any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority or other group or entity.

WATER SYSTEM – All facilities, as of any particular time, for production, transmission, storage and distribution of water in the service area.

Section 3 Application for Service

- A. Before service is initiated, the owner desiring such service shall make written application for service on a form to be provided by the Authority; and upon approval of such

application by the Authority; such application, together with the rules and regulations, shall become the service contract; and the applicant and the Authority shall thus become the contracting parties.

- B. The new application shall be executed in any instance involving a change in the contracting parties, consumer's location or in the class or scope of service to be taken.
- C. Application from a tenant to use the water system must be signed by the owner as guarantor for the payment of all bills rendered.
- D. No owner or tenant of any premises connected to the water system of the Authority will be allowed to permit another person or premises to use or connect with his service line, except upon written permit from the Authority. See Section 6.
- E. Any violation of the Rules and Regulations of the Authority shall render the contract between the consumer and the Authority void. After due notice, water service may be cut off, remaining so until such time as the Authority is satisfied that the consumer will observe the Rules and Regulations.

Section 4: Connections to the Water System

- A. No water connection or disconnection shall be made except under the supervision, control and approval of the authorized representative.
- B. Upon the approval of an application for water service, a service pipe of such size as the Authority or its duly authorized agent shall prescribe, with necessary appliances, shall be installed by the Authority from the main to the shut off valve. Such service pipe and appliances shall be under the exclusive control of the Authority.
- C. The service line from the main to the shut off valve shall be maintained at the expense of the Authority. The service line and all appliances installed therein or thereon from the shut off valve shall be installed and maintained at the expense of the consumer.
- D. Any service line from the curb line to the consumer's property improperly installed or maintained shall constitute a reason for discontinuance of service until the defect is remedied.
- E. No service line will be installed in, over or through premises not owned by the consumer unless and until the consumer shall procure an easement therefore in form satisfactory to the Authority.
- F. Each customer for water service from the Authority shall be required to have separate water meters, (including apartment and rental units).
- G. A suitable meter and couplings will be furnished by the Authority at cost to any customer or property owner who must install a meter in order to comply with this ordinance.
- H. In the installation of the meter, the customer or property owner shall provide at his own expense a valve at the inlet and a valve at the outlet ends of the meter conforming to the

standard of the International Plumbing Code, 2009 edition as amended.

- I. The location of the meter at or in the property must be approved by the Authority.
- J. The meter must be installed by a plumber, permitted by the Authority, and comply with the International Plumbing Code 2009 edition as amended, and in such a manner that all water used by the customer passes through the meter.

Section 5: Operation of Valves and Stopcocks

Any unauthorized person apprehended in opening or closing the valves or stopcocks in any public or private line shall be liable for prosecution and be subject to the penalties prescribed by this ordinance.

Section 6: Multiple Consumers on Same Line

In case two (2) or more consumers have already been supplied with water from the same service pipe, a distinct and separate stopcock will be provided for each consumer, if practical. If the installation shall be deemed by the Authority to be practical, the expense of installation shall be borne by the consumer.

Section 7: Miscellaneous Provision

Regulation of Supply:

- A. The Authority may at any time restrict or regulate the quantity of water used by consumers if, in the sole discretion of the Authority, such restrictions and regulations should become necessary in the public welfare. **In case of necessity, the Authority shall be at liberty to shut off the supply of water for the purpose of making repairs.**
- B. The Authority may shut off the supply of water service and remove its equipment from the premises upon reasonable notice if, in the judgment of the Authority, the consumer's installation has become hazardous or defective, or if the Authority has received a notice from the proper authorities that the consumer's equipment is dangerous or defective, or if the consumer's equipment or use thereof injuriously affects the equipment of the Authority or the Authority's service to other consumers

Billing procedure:

The billing procedure and rates shall be according to the Rules and Regulations.

Discontinuance of service:

The Authority may discontinue water service after due notice for any of the following reasons:

- A. Misrepresentation in application as to premises or fixtures to be supplied or the use to be made of the water supply.
- B. The use of water for any other property or purpose than that described in the

application.

- C. Waste of water through improper or imperfect pipes, fixtures or otherwise.
- D. Failure to maintain in good order connections, service pipelines or fixtures required to be maintained by the consumer.
- E. Tampering with any service line, meter or other appliance supplied or required by the Authority
- F. Any violation of the provisions of the Rules and Regulations of the Authority.
- G. Failure to allow Authority agent/employee/ or personnel access to property to inspect and/or make repairs.

Severability:

The provisions of this ordinance and the rules and regulations amended from time to time by the Authority by resolution are severable, and if any of its provisions shall be held illegal, such illegality shall not affect or impair any of the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of Authority that this ordinance would have been adopted had any such illegal provision not been included herein.

Violations and Penalties:

Any person, firm or corporation which violate any provision of this ordinance shall, upon conviction thereof before a District Justices be sentenced to pay a fine of not less than two hundred fifty dollars (\$250) or more than seven hundred fifty dollars, (\$750) and the cost of prosecution.

When two (2) or more consumers are supplied through a single service and a violation of this ordinance and the Rules and Regulations occurs by either or any of the said consumers, thereafter such consumers shall be prohibited from using such single service, and the consumer who shall be determined by the Authority to have violated this ordinance and/or the Rules and Regulations shall be required, at his own expense, to obtain a separately controlled service connection. The provisions of this section shall be in addition to all other remedies available to the Authority and to other penalties provided in this ordinance.

Section 8: Meter Installation and Service

- A. The Authority will furnish a suitable meter and couplings for installation thereof in a location at or in the property approved by the Authority. The consumer shall provide, at his expense, a valve at the inlet and a valve at the outlet ends of the meter, which valves shall conform to standards of the International Plumbing Code, 2009 edition as amended. In cases where steam or hot water under pressure is used, a swing check valve must be placed, at the expense of the consumer, between the meter and before any consumer outlets are taken off the service pipes running from the meter to the consumer's place of use, to prevent injury to the meter. The swing check valve shall be located directly ahead of the meter. The consumer must pay all damages done to meter by steam or hot water. No unauthorized person shall set, reset, adjust or remove any meter.

- B. No connection or outlet will be permitted on the service pipe between the main and the meter. All water used must pass through the meter.
- C. The quantity of water recorded by the meter shall be final and conclusive except when the meter shall fail to register or shall be determined by the Authority to be in error. In such instances the quantity of water delivered during the period in question shall be estimated, after due consideration of previous or subsequent properly measured deliveries.
- D. If for any reason, a meter must be replaced, the Authority will furnish a new meter at its expense and the consumer will have a registered plumber install the meter at their expense. The old meter shall be returned to the Authority.
- E. All metered consumers shall provide a readily accessible, safe, protected and suitable location for installation of meters so that they can be easily examined and read. In cases where it is not convenient to place a meter within a building a concrete or brick pit with suitable cover shall be built or an approved meter box shall be installed inside the property line, at the expense of the property owner. The consumer must at all times protect the meter from damage by frost or any other cause and will be held responsible for repairs to the meter made necessary by his negligence.
- F. The Authority shall not be liable for any damage resulting from leaks, broken pipes or from any other cause occurring to or within any house or building. **It is expressly stipulated by and between the Authority and consumer that no claims shall be made against the Authority on account of the bursting or breaking of any main or service pipe or any attachment to the Authority facilities.**

Section 9: Extension of Street Main; Deposit

- A. When application has been received for Water system service requiring improvements of the Water System, a bond or other approved financial security shall be required by the Authority from the applicant, covering the entire estimated cost, or part thereof as the Authority deems proper, of installing the necessary pipelines and appurtenances other than service connection, as determined by the Authority.
- B. Such bond or other approved financial security may bear interest.
- C. The provisions stated herein requiring a deposit shall not be affected by any rules, regulations or requirements adopted by a local Planning Commission or adopted by ordinance by a Municipal governing body designed to implement any recommendation of the Planning Commission.
- D. Upon completion of the improvements, release of bonding or other financial security shall be made to the applicant in amounts calculated as set forth in any agreement between the parties. No returns will be made in excess of the amount deposited and no part of the deposit remaining after five (5) years is to be returned.

Section 10: Time Limit: Work to be performed by Authority

Within three (3) months from the date upon which the Water System has been completed and service is available, any owner of improved property within the service area abutting on or adjoining any street, avenue, lane or other public highway in which the Water System is available shall connect therewith. Should such person fail to connect therewith, the Authority shall give such owner forty-five (45) days written notice of this ordinance, either by personal service or by registered mail sent to the last known address of such owner, and upon the failure of such owner to make the required connection within said forty-five-day period, the Authority may make such connection and collect the cost thereof from such owner by a municipal claim or in an action in assumpsit's. The amount collected shall be as set forth in the Rules and Regulations.

In the event that the Water System service becomes available to additional properties and the owner of any such property shall fail to connect his or her premises to the Water System with in three (3) months, the Authority shall likewise give such owner forty-five (45) days written notice of this ordinance, either by personal service or by registered mail sent to the last known address of such owner, and upon failure of such owner to make the required connection within the forty-five (45) days, the Authority may make such connection and collect the cost thereof from such owner by a municipal claim or an action in assumpsit's. The amount collected shall be as set forth in the Rules and Regulations.

ENACTED AND ORDAINED this 2nd day of September, 2010.

BY: _____

Gerald L. Mummert, Chairman
East Berlin Area Joint Authority

ATTEST:

Hannelore B. Furst, Secretary
East Berlin Area Joint Authority

EAST BERLIN AREA JOINT AUTHORITY
P.O. BOX 37
EAST BERLIN, PA 17316

RESOLUTION NO. 2010-4

BE IT RESOLVED, that the East Berlin Area Joint Authority, Adams County, Pennsylvania, adopt the following Rules and Regulations pertaining to the supply of Water Service in the service area, provided by the East Berlin Area Joint Authority (Authority), pursuant to Ordinance No. 1-2010 of the East Berlin Area Joint Authority.

APPENDIX A

Rules and Regulations

1. Connection Fee.

The initial fee to connect to the East Berlin Area Joint Authority's water system is payable with the application for service pursuant to Ordinance 1-2010 dated September 2, 2010. The fee is set by Resolution.

2. Water Rents

Quarterly water rents are hereby fixed, imposed and collected from each owner of improved property, Residential or Commercial, which shall be connected with the water system. The rent rates are set and amended by Resolution.

3. Collection of Water Rents

- A. Water rents shall be billed within the first five days of January, April, July and October each year service is supplied, for the three (3) month period preceding the date of such bill. A penalty of ten (10%) percent will be added after fifteen (15) working days from the due date of the bill. If not paid within thirty (30) days thereafter, the bill, plus the penalty, shall bear interest at the rate of one (1%) percent per month or fraction thereof until paid. Payment must be in the Authority's office by the close of business on the due date; otherwise a penalty will be assessed.
- B. Procedures for handling Delinquent Accounts: Any water service account in the arrears by one quarter (90 days) shall be considered delinquent and will receive a written notice.
 1. The notice will contain the full amount due for water service plus penalties and interest. The customer has twenty working days (20) from date on the letter to settle the account.

2. After ten (10) working days if no contact is made by the customer another notice will be sent stating that if the account is not paid in full within ten (10) working days from the date of this notice, the water may be shut off and the overdue account will be turned over to the District Justice for collection. If the water is turned off, there is a Fifty (50) dollar fee to have it turned back on.
 3. Final Notice: If no contact was made by the customer within five (5) working days of the of the written notice mentioned in section two above, a final notice will be given stating the month, day and time payment for the past due account must be received in the Authority's office.
 4. If the delinquent account is a rental property, the owner of the property shall be responsible to the authority for payment. Copies of the written notices mentioned in sections two and three above will be sent the tenant(s). Tenant(s) may suspend shut-off by paying all billing in arrears. Tenant(s) will also be advised to seek legal opinion on whether they can withhold this amount from rent.
 5. The Authority may terminate service Monday through Thursday, as long as the Authority can accept payment and restore service the following day. The Authority must be made aware of any exceptional circumstances occurring in the home.
- C. All bills for water rent will be rendered to the property owner applying for water service, but failure to receive a bill shall not excuse any consumer from payment thereof or from any of the penalties herein above provided. The presentation of a bill is a matter of accommodation only and not a waiver of the Authority right to payment thereof or to penalties.
- D. No allowance or rebate will be made for unoccupied property unless and until the consumer notify the authority of such vacancy in writing, and such vacancy continued for at least three (3) consecutive months. In any such event, service shall be restored only upon the execution of a new application.
- E. No allowance or rebate will be made for or on account of the discontinuance of any service or fixtures set forth in the application for service unless and until the consumer notifies the Authority in writing of such discontinuance.
- F. Properly authorized and identified representative of the authority shall have full and free access to the consumer's premises at all reasonable times for the purpose of reading meters, for inspection and repairs, for removal of property of the authority or for any other purpose incident to the service.

4. Meter Reading

Cards will be mailed to each property owner during the first five days of March, June, September and December for the purpose of documenting the meter reading. In the event the property owner does not return his meter-reading card on or before the 23rd day of the aforementioned months, the Authority shall computer estimate the account and shall further impose a penalty of twenty (20) dollars to be paid by the property owner at the time payment is rendered on the original bill.

ENACTED AND ADOPTED this 2nd day of September, 2010.

BY: _____

Gerald L. Mummert, Chairman
East Berlin Area Joint Authority

ATTEST:

Hannelore B. Furst, Secretary
East Berlin Area Joint Authority