

BOROUGH OF POINT MARION
FAYETTE COUNTY, PENNSYLVANIA

ORDINANCE NO. ~~##~~ 5 of 2022

AN ORDINANCE SETTING FORTH THE WATER AND SEWAGE RULES AND
REGULATIONS FOR THE BOROUGH OF POINT MARION, FAYETTE COUNTY,
PENNSYLVANIA

WHEREAS, through the Pennsylvania Borough Code as amended, Boroughs are authorized to adopt all or any portion of standard recognized codes as an ordinance of the Borough; and;

WHEREAS, the Point Marion Borough, Fayette County, Pennsylvania, wishes to set forth the Water and Sewage Rules and Regulations of the Borough and;

WHEREAS, the Borough Council of Point Marion, Fayette County, Pennsylvania wishes to regulate this activity; and;

WHEREAS, the Borough does heretofore enact the following:

NOW THEREFORE, BE IT ENACTED and ORDAINED and it is hereby ENACTED and ORDAINED by the Borough Council of The Borough of Point Marion as follows:

1. Definitions: The following terms shall have the meaning indicated, unless a different meaning clearly appears from the text.
 - a. Borough: The Borough of Point Marion, Fayette County, Pennsylvania.
 - b. Building Main: Extension from the water or sewer system of any structure to the lateral of a main.
 - c. Consumer: Any natural person, company, business, association, firm, corporation, or municipal subdivision, using for a fee the municipal services of Point Marion Borough.
 - d. Dwelling Unit: A single dwelling unit providing complete independent living facilities for one family or one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
 - e. Final or Shut Off Notice: A document served on delinquent customer(s) notifying the customer(s) that water will be terminated if bill is not paid in full. A \$25.00 fee will be assessed for this posting and will be included as a charge on the next billing cycle.
 - f. Improved Property: Any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings.

g. Lateral: Part of the water or sewer system extending from a main to the curb line or, if there shall be no curb line, extending to the property line.

h. Main: Any part or conduit consisting of a part of the water or sewer system used or usable for water and sewer distribution purposes.

i. Occupant: A person who resides or is present in a dwelling for any given period of time.

j. Property Owner: Any person vested with ownership, legal or equitable, sole or partial, of any improved property as per the Fayette County, Pennsylvania, Recorder of Deed's Office.

k. Religious churches, commercial or industrial establishment: A separate building, group of buildings, or room or group of rooms, on a parcel of land held by single ownership wherein a religious, commercial, or industrial activities are carried on by a person or group. The determination of the Borough as to what constitutes a separate establishment for billing purposes shall be final. Bills for services rendered to separate parcels of land shall not be combined for the purpose of obtaining quantity rates where one meter serves multiple church, commercial, or industrial buildings or persons.

l. Sewer System: All facilities, as of any particular time, for transmission, storage and treatment of sewage.

m. Tenant: A person who occupies land or property rented from a landlord. A tenant is not a user as per these regulations.

n. User: Any person as defined above, owning, occupying, or using any property served with water and sewage from the water or sewage system of the Borough.

o. Water System: All facilities, as of any particular time, for production, transmission, storage and distribution of water.

2. All property owners having properly connected to the Water and Sewer System shall pay water and sewage charges based on water consumption for metered water purchased from the Borough. Said water and sewage charges based upon water consumption shall be billed at the rate of \$30.00 minimum for water and \$20.00 minimum for sewage and at a rate of \$9.48 per 1000 gallons of water and \$7.10 per 1000 gallons of sewage usage. Additionally, each property will be billed \$13.50 per month for solid waste collection. There shall be no exception for sewage fees associated with swimming pools.

A. Notwithstanding the above, the rate charged for all water, sewage, and/or waste collection furnished, supplied, or sold by the Borough of Point Marion to any person, firm or corporation for any purpose whatsoever shall be as adopted by regulation by the Borough from time to time. ✓

3. Each dwelling unit within a house, in a double house, in a row of connecting houses, in a trailer, or in an apartment building shall be billed as a separate entity.

4. Any office, store, shop, motel, hotel, restaurant, barber shop, service station, or other establishment selling a product or rendering a service, and any religious, fraternal, or governmental establishment, including schools, and any industrial establishment in a house or

building or complex of buildings shall be billed as a separate entity, even though located in a house or building with one or more residential units which are also being billed. As long as water is supplied by the Borough to any premises, the proper officials of the Borough of Point Marion shall at all reasonable times have free access to the meters and/or service pipes to inspect, test, read, repair, remove, or replace the same, whether or not the owner/occupant of the premises/building is a water user, and such access shall not be impeded in any manner. Failure to provide such free access shall be cause for termination of service until suitable access is provided as well as any other penalty specified in this ordinance.

5. The volume of water to be used for billing sewer service charges shall include any and all water purchased from public and/or private water companies and all water obtained from other sources (wells, springs, streams, etc.) as determined by meters installed and maintained by public or private water companies; by meters installed by the property owner as may be required and approved by the Borough; or by estimates or measurements made by the Borough should the Borough deem metering impractical.

6. Regulations Governing Building Mains and Connections to Mains

- a. No person shall uncover, connect with, make any opening into, use, alter or disturb in any manner, any main or any part of the water or sewer system without first obtaining approval in writing from the Borough.

- b. Application for a permit to connect to the main shall be made by the owner of the improved property served or to be served, or by the duly authorized agent of such owner.

- c. No person shall make or shall cause to be made a connection of any improved property to a main until such person fulfills each of the following conditions:

1. Notify the Borough water and/or sewer service of the desire and intention to connect such property to a main.

2. Apply for and obtain a permit as required by the paragraph (b) above.

3. Give the Borough water and/or sewer service at least forty-eight (48) hours notice before such connection will be made in order that a service employee may inspect or may cause to supervise and inspect the work of connection and necessary testing;

4. If applicable, furnish satisfactory evidence to the service office that any tapping (or connection) fee which may be charged and imposed by the Borough against the owner of each improved property who connects such improved property to the main has been paid. The tapping fee for water service will be \$1,250.00 and the fee for sewage will be \$1,250.00.

- d. Except as otherwise provided in this paragraph, each improved property shall be connected separately and independently with a main through a building main. Grouping of more than one improved property on one building main shall not be permitted, except under special circumstances and for good cause shown, but then only after special permission of the Borough Council.

- e. All costs and expenses of construction of a building main and all costs and expenses of connection of a building main to a main shall be borne by the owner of the improved property to be connected and such owner shall indemnify and shall hold harmless the Borough from all loss or damage that may be occasioned directly or indirectly, as a result of the construction of a building main or of connection of a building main to a main.
- f. Building mains shall be connected to a service connection at the place designated by a representative of the Water and/or Sewer Department.
- g. No building main shall be covered until it has been inspected and approved by a representative of the Water and/or Sewer Department. If any part of a building main 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 property to be connected to a main.
- h. Any street, sidewalk or other public property disturbed in the course of installation of a building main shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Borough.
- i. Failure to arrange for reading of water meter within ten (10) working days of receipt of notice may result in termination of service to the account.
- j. If any person shall fail or shall refuse, upon receipt of notice in writing from the Borough's Water or Sewer Service to remedy any unsatisfactory condition with respect to a building main within thirty (30) days of receipt of such notice, the Borough may refuse to permit such person to be served by the water system until such unsatisfactory condition shall have been remedied to the satisfaction of the Borough's Water and Sewer Service.
- k. The Borough reserves the right to adopt, from time-to-time, additional rules and regulations it shall deem necessary and proper relating to the connections with a main and with the water and sewage system, which additional rules and regulations, to the extent appropriate, shall be construed as part of this ordinance.
7. Water/Sewage/Solid Waste Collection Rate: The rate charged by the Borough for water, sewage, and solid waste collection furnished by it to the public shall be as established by Point Marion Borough Council by Resolution with at least thirty (30) days between adoption and effective date. The bill rendered by the Water and/or Sewage department to each user shall be the sum of the usage charged based upon the metered water and sewage used and/or applicable minimum charge.
8. Unmetered Multi Users: Where more than one dwelling unit, commercial, religious organization or industrial establishment is served by a single meter, a separate minimum charge for each additional user will be added to the charges for the metered user's bill. All multi unit structures of any kind shall be calculated on a per-unit basis and billed to the owner of the property.
9. Resale of Water: No person shall purchase water from the Borough and resell the same in any manner unless approved by the Borough Council.
10. Curtailment of Use: The Borough shall have authority in the event of an emergency

affecting the adequacy of the supply of water to domestic users of the municipal water system or the adequacy of the fire-fighting capacity of the system, either actual or imminent, to require any or all users to curtail or discontinue the use of water. Such curtailment or discontinuance shall remain in effect for the duration of such emergency. Verbal or other notice by the Borough to the user or his agent, or public advertisement in a newspaper, television, internet, and/or radio announcement circulated locally shall be deemed sufficient for the purpose of these rules and regulations. Any such curtailment may apply to all use of water for washing cars, watering the lawn or garden and heat transfer service, if the degree of the emergency shall warrant, include any or all uses.

11. Terms of Payment:

a. Bills for water furnished for all purposes shall in general be rendered on a monthly basis. A month consists of any period of approximately thirty (30) days. A fractional part of a month equal to or exceeding one-half ($\frac{1}{2}$) month shall be considered a full month for the purpose of determining the minimum charge. Water lost due to a leak between the meter and the house will be billed to the user.

b. Upon request of any user, the Borough will remove the water meter from the property and discontinue minimum water charges thereon and will thereafter upon request and payment of a reconnection charge of one hundred fifty dollars (\$150.00) reinstall the meter of a similar type to the property and reestablish service. Should any user wish to have their water shut off and discontinue minimum charges, there will be a fee of twenty five (\$25.00) dollars. Said request must be in writing and the user's bill must be paid in full before water can be voluntarily shut off. Upon service being resumed and water being turned back on there will be a twenty five (\$25.00) dollar fee to the Borough. Notwithstanding the above, there will be a water availability of service base charge fee of fifteen dollars (\$15.00) per month for each unit that has had its water voluntarily or involuntarily shut off.

c. Usage, service, and minimum charges shall be payable at the designated water and sewer service collection office on a net basis to and including the date shown on the bill rendered. Thereafter, the gross bill shall become due and payable. Failure to receive a bill shall not entitle an owner and/or user to an extension of time for the gross amount of each bill until all-outstanding indebtedness is paid.

d. Borough employees are not permitted to collect delinquent charges at user's or owner's premises prior to termination of service.

e. Payment shall be made in full for water, garbage, and/or sewer services, and any other miscellaneous fees by the due date. After the due date, a ten percent (10%) late fee will be assessed on the users next billing cycle. All water, sewage, and/or garbage accounts showing a delinquency of one (1) month must be paid within ten (10) days from the notification of delinquency or services will be discontinued. In the event a "shut off notice" is required to be served upon a delinquent user, a twenty five dollar (\$25.00) fee will be charged. Shut off notices shall be posted on the service address as provided on the water bill. Termination of service(s) by Borough employee may be conducted for any and all Borough utilities three (3) days delinquent following service of a shut off notice.

g. Services terminated under the conditions set forth in the paragraph 11.f above will require a reconnection charge of seventy-five dollars (\$75.00). ✓

h. Pursuant to the International Property Maintenance Code which has been previously adopted by the Point Marion Borough Council, any residence, building, or improved structure without water service is deemed uninhabitable. Therefore, upon the lapse of three (3) days after the termination of water and sewer services, the structure will be condemned. Each such condemned structure will be fully inspected by the Code Enforcement Officer and/or Borough Police and prior to restoration of water and sewer service and re-entry by the occupants all structural, mechanical, and aesthetic deficiencies as defined by the International Property Maintenance Code as adopted by the Borough of Point Marion, shall be corrected.

i. Reconnection after service termination: No partial payments will be accepted to restore service. Water and sewer service will be restored upon payment in full. Water and Sewer Service will be restore within 48 hours during normal business hours once payment is made in full. ✓

j. The owner of the property served shall be responsible to the Borough for payment for all water, sewer services, and solid waste fees furnished to the unit and the bill shall in all cases be rendered to the owner of the property.

k. Estimated bills. In the event that a customer's water meter fails to register or is not read at the scheduled time, the Borough may issue an estimated bill for the period involved based upon the records of the same customer's usage for comparable past periods. Any inaccuracy resulting from the failure to read a user's meter at the regularly scheduled time will be corrected in the preparation of the bill based upon the next reading of the meter.

l. A forty dollar (\$40.00) fee shall be automatically applied for all checks returned for insufficient funds. If an infraction occurs twice within a 12 month period of time, users will be required to pay via cash or money order only. ✓

m. All new users of the Boroughs water, sewage, and garbage services shall pay a one hundred dollars (\$100.00) processing fee payable prior to service initiation.

n. For the purposes of this section, should it become necessary to discontinue water service to any user, which said discontinuance interrupts service to other users on the same meter, it shall be the responsibility of the owner of the building or structure to pay or cause to be paid the amount of the delinquency so that service may be restored.

12. Ownership of Facilities and Responsibilities:

a. Upon request of the owner of any property within the corporate limits of the Borough abutting upon a street where a water main exists or reasonably adjacent thereto, the Borough shall permit a service connection of the lateral line at the curb or property line to the main at the owner's expense. All piping from the main to the property served, including curb shut-off and meter pit, shall be installed by the owner at their expense and shall remain the property of the owner and shall be maintained by the owner, except the Borough reserves the right to repair at the homeowners expense, any leak on a customer's service pipe

between the municipal main and the water meter.

b. A water meter shall be installed in such piping, located in a suitable protective pit directly opposite the point at which the connection is made to the main or the meter can be located inside the building, if the meter is equipped with an outside remote reading device which conforms to municipal standards. Each new water meter shall be furnished by the Borough. The Borough shall have the right to remove any such water meter for testing or for maintenance and may furnish in its place another meter substantially equal thereto as the need for such replacement may occur.

c. The Borough shall inspect, test, adjust, maintain and/or replace such meters at its own expense, except that 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. Meter damage resulting from freezing or back-flow of hot water shall be considered to be the result of negligence on the part of the owner or tenant and a three hundred dollars (\$300.00) fee, plus the cost of the meter and installation, will be automatically applied by the Borough. Rate payers found to be tampering with cut off valves, meter seals, or removing meters will lose their service immediately and will be formerly charged by local and/or state police. In addition to a one thousand dollar (\$1,000.00) fine, Point Marion Borough Officials shall also be authorized to initiate criminal proceedings for theft of services against the property owner of record by a private criminal complaint through the district justice.

d. Where water meters are presently installed inside buildings, the Borough may at its option require the installation of a meter with the approved outside remote reading device. In such cases, the Borough will bear the cost of necessary materials and all of the labor expense incurred by the installation.

e. Access to premises. As long as water is piped to any building the proper officials of the Borough, police, and code enforcement officers shall at all responsible times, have free access to the meters or service pipes to inspect, test, read, repair, remove, 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, rubbish, nor in any other manner. Failure to provide such free access shall be cause for termination of service until such access is provided.

f. The Point Marion Borough Water Office shall require seventy two (72) hours advance notice to turn on, or off, water service.

g. Should a property owner question their meters accuracy, the Borough may conduct a review of the meter's reading capacity at a cost of fifty dollars (\$50.00) to the owner.

13. Illegal Service Connections:

In the event that Point Marion Borough determines that an illegal or unauthorized connection to the Point Marion Borough Water System or the Point Marion Borough Sewer System has been made, Point Marion Borough Officials shall impose the following penalties:

- a. The illegal or unauthorized service connection shall immediately be terminated or disconnected by removing the illegal connection; and
- b. The service may only be reconnected upon payment of all past due accounts and the payment of a ONE THOUSAND DOLLAR (\$1,000.00) civil penalty.
- c. In the event the customer thereafter makes an illegal or unauthorized connection at the same location then the Point Marion Borough Officials are authorized to remove the customer tap to the system and the service shall only be reconnected upon the payment of all past due accounts, the payment of a ONE THOUSAND DOLLAR (\$1,000.00) civil penalty, and full payment for a new tap in the amount set for a new tap in the Rules and Regulations.
- d. Point Marion Borough Officials, code enforcement officers, State and Borough Police, and Borough Constable shall also be authorized to initiate criminal proceedings for theft of services against the property owner of record by a private criminal complaint through the district justice for violations of section 13(c) above..

14. Violations and penalties:

- A. Any person who shall violate any provisions of this Article shall, unless otherwise provided, upon conviction thereof, be punishable by a fine not more than \$300 and costs of such proceedings or, upon default of payment of such fine and costs, by imprisonment in the county jail for a term of not more than 30 days; provided, however, that if the District Justice determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the District Justice deems to be just.
15. Notices to the public regarding billing procedures will be posted in the Water and/or Sewage Office.
 16. Any changes to the above rules require the approval of the Point Marion Borough Council by Resolution.
 17. Any former Rule or Regulation previously adopted by the Borough of Point Marion in conflict with these Rules is hereby repealed and of no further effect.

The aforesaid Rules and Regulations were adopted as an Ordinance of the Point Marion Borough Council at regular meeting on August 22, 2022 and will take effect immediately and will be in full force and effect from that date until further action of the Borough Council.

ADOPTED this 22nd day of August, 2022.

BOROUGH OF POINT MARION

BY: Joseph [Signature]

Joseph Corcoran, President

BY:

Carl Ables
Carl Ables, Mayor

ATTEST:

Harold Whyel
Harold Whyel, Secretary