

Chapter 26

Water

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Part 1**Water Services****§26-101. Rules and Regulations Adopted.**

The rules and regulations applicable to the sale, supply and distribution of water by the Borough of Shillington, within and without said Borough, shall be as follows. (*Ord. 609, 1/7/1974, §3; as amended by Ord. 610, 2/14/1974, §3*)

§26-102. Application for Service Connection.

Any property owner desiring the introduction of a service line or lines from the Borough main into his or her premises, must first make a written application on the form furnished, in the name of the owner and tenant, the purpose for which service will be used, and the guarantee that such service will continue for at least 1 year, and the exact time when the trench from curb to property will be ready for the connection.

(*Ord. 609, 1/7/1974, §3, Rule 1*)

§26-103. Application Rules and Regulations Controlling.

The application must be signed by the owner of the premises, or a duly authorized agent, which application shall together with the rules and regulations of the Borough regulate and control the service of water to such premises.

(*Ord. 609, 1/7/1974, §3, Rule 2*)

§26-104. Application for Water Service.

Any property owner desiring a supply of water must make a written application on the form furnished by the Borough at least 1 day before service is required, which must be properly approved by the Borough or its duly authorized agent before the water will be turned on.

(*Ord. 609, 1/7/1974, §3, Rule 3*)

§26-105. Definition of Consumer.

Each separate family and/or business, which to a major degree is a separate institution, shall each be a "consumer." Consumer, as used herein, shall be the party contracting for a supply of water to a property as hereinafter classified; i.e.,

- A. A building under one roof and occupied as one business or residence.
- B. A combination of buildings in one common enclosure occupied by one family or business.
- C. The one side house of a double house having a solid vertical partition wall.
- D. One side or part of a house occupied by one family even though the closet and/or other fixtures be used in common.
- E. A building of more than one apartment and using in common one hall and one entrance.

F. A building having a number of apartments and/or offices and/or businesses using in common one hall or one or more means of entrance.

(*Ord. 609, 1/7/1974, §3, Rule 4*)

§26-106. Written Permit for Consumer to Supply Persons or Families.

No owner or tenant of any premises supplied with water by the Borough will be allowed to supply other persons or families or other premises except by written permit from the Borough. Consumers who violate this rule may have their water shut off after a notice of 5 days, and it will be so until the Borough is satisfied that the rules and regulations will be observed.

(*Ord. 609, 1/7/1974, §3, Rule 5*)

§26-107. Service Line to Curb.

1. Upon the approval of the application of any property owner for a supply of water the Borough will tap the main, insert corporation cock, carry service pipe to curb and install curb stop and service box.

2. Borough will be responsible for the maintenance and repairs of the service line between the main and the curb line.

3. Service lines will not be installed when the service line passes over or through premises which at the time may be the property of persons other than the owner of the premises to be supplied, unless the owner of the premises supplied assumes the liability.

(*Ord. 609, 1/7/1974, §3, Rule 6*)

§26-108. Service Lines from Curb to Premises.

The service line beyond the curb stop shall be installed and maintained by and at the expense of the consumer. The portion of the service line installed by the consumer shall be not less in size and quality than the service line in the street laid by the Borough, and shall be laid not less than 4 feet below the surface, and shall not be covered until the tap on the main is made and service line tested. If any defects in workmanship are found the service shall not be turned on until such defects are remedied. All plumbing connections shall be able to withstand a pressure of at least 125 pounds per square inch.

(*Ord. 609, 1/7/1974, §3, Rule 7*)

§26-109. Responsibility for Condition of Service Line from Curb to Premises.

The service line from the curb to the premises shall be kept in good condition by the owner under penalty of discontinuance of service by the Borough.

(*Ord. 609, 1/7/1974, §3, Rule 8*)

§26-110. Opening and Closing Valve and Stop Cocks.

Under no circumstances shall any person not authorized by the Borough open or close the stop cocks or valves in any public or private line.

(*Ord. 609, 1/7/1974, §3, Rule 9*)

§26-111. Two or More Consumers on Same Service Line.

In case two or more consumers are supplied with water from the same service pipe, a distinct and separate stop cock and curb box will be provided for each consumer, if practical.

(*Ord. 609, 1/7/1974, §3, Rule 10; as amended by Ord. 704, 11/12/1981, §3*)

§26-112. Violation of Rules Where Two or More Consumers are on Same Service.

When two or more consumers are supplied through a single service, any violation of the rules of the Borough by either or any of said consumers shall be deemed a violation as to all, and the Borough may take such action as could be taken against a single consumer, except that such action shall not be taken until the innocent consumer who is not in violation of the Borough's rules has been given a reasonable opportunity to attach his pipes to a separately controlled service connection.

(*Ord. 609, 1/7/1974, §3, Rule 11*)

§26-113. Bills Rendered.

All bills will be rendered at stated intervals, either monthly or quarterly, at the option of the Borough. If bills are rendered monthly, they will be presented on the last day of each month and will cover a charge for service rendered during that month. If bills are rendered quarterly they will be presented on the last day of the month of each calendar quarter and will cover bill for service rendered during that quarter.

(*Ord. 609, 1/7/1974, §3, Rule 12*)

§26-114. Bills Due and Payable.

1. All bills for water service are due and payable at the close of the period for which the service has been rendered. On all water bills remaining unpaid 30 after the service has been furnished, a penalty of 1.25% per month simple interest, on the unpaid balance will be added. Delinquency in payment of bills for 60 days after the service is furnished warrants the Borough to disconnect the service after due notice, only after compliance with present effective PUC rules and regulations.

2. In cases involving rental dwelling units, the procedures to be followed to effect discontinuance of service for non-payment of bills shall be as set forth in the Pennsylvania Utility Service Tenants Rights Act, Act No. 299 of 1978, as amended and supplemented.

3. Remittance in payment of bills sent by mail, on or previous to the last day of the non-penalty period, as evidenced by the U.S. Post Office mark on the envelope in which they are received, will be accepted by the Borough as a tender of payment of the bill within such non-penalty period.

4. When the water is shut off for non-payment of bills, the same will not be turned on until all arrearages are paid together with the fee is an amount as established from time to time by resolution of Borough Council for turning on the water. [*Ord. 1025*]

(*Ord. 609, 1/7/1974, §3, Rule 13; as amended by Ord. 686, 8/14/1980, §1; by Ord. 704, 11/12/1981, Rule 13; and by Ord. 1025, 10/14/2004*)

§26-115. Investigation of Bills of Doubtful Accuracy.

Any consumer, upon receipt of bill, having reason to doubt its accuracy, shall bring or mail the bill, within 5 days, to the Borough for investigation.

(*Ord. 609, 1/7/1974, §3, Rule 14*)

§26-116. Size of Meter.

The Borough reserves the right to change any and all unmetered consumers to a metered basis. Consumers, with the exception of those receiving public or private fire protection, are also given the privilege to change from an unmetered basis to a metered basis. The Borough shall determine the size of meter to be installed.

(*Ord. 609, 1/7/1974, §3, Rule 15*)

§26-117. Ownership of Meters.

The Borough will furnish and set meters and connections free of charge. The meter and connection shall remain the property of the Borough, and access to same for reading the meter, inspection, testing, repairs, etc., must be permitted at all reasonable times by the consumer.

(*Ord. 609, 1/7/1974, § 3, Rule 16*)

§26-118. Location of Meters.

The Borough will determine the location for all meters. If the Borough decides that the meter is to be placed within the building the consumer will provide free of charge and expense to the Borough, an easy accessible place in the cellar near the entrance of service pipes to cellar, with a stop and waste cock on the inlet side of the meter and a stop and waste cock on the outlet side of the meter; the stop and waste cock on the outlet side of the meter will be furnished and installed at the expense of the consumer. If the Borough decides that the meter is to be placed outside of the building, it must be placed in an approved meter box at the expense of the consumer, and must have suitable stop and waste valves approved by the Borough.

(*Ord. 609, 1/7/1974, §3, Rule 17*)

§26-119. Protection of Meter.

The consumer must, at all times, properly protect the meter from injury by frost or any other cause and will be held responsible for repairs to meter made necessary due to their negligence. Damage due to freezing, hot water or external cause shall be paid for by the consumer.

(*Ord. 609, 1/7/1974, §3, Rule 18*)

§26-120. Meter Tests.

1. In case of a disputed account involving the accuracy of a meter, such meter shall be tested upon the request of the applicant, in conformity with the provisions of the rules and regulations pertaining to water service utilities of the Public Utility

Commission.

2. When meters are removed after installation, at request of applicant, for testing, the following rule of the Public Utility Commission shall apply:

A. "If the meter so tested shall be found to be accurate within the limits herein specified, a fee determined from the schedule indicated below, shall be paid to the utility by the customer requiring such test; but if not so found, then the cost thereof shall be borne by the utility furnishing the service. The amount of the fee shall be \$5 for each water meter having an outlet not exceeding 1 inch; for other water meters having an outlet not exceeding 2 inches, the test fee shall be \$10 per meter."

3. Rates for testing meters not included in the above classification, or which are so located that the cost is out of proportion to the fee specified, will be furnished by the Commission.

4. If a meter to be found in error at any test by more than 4%, an allowance or charge shall be made to the customer by the utility, equal to the excess or deficiency in quantity charged the customer, figured back from the date of test through the entire period of the current bill, unless it can be shown that the error is due to an accident or other cause, the exact date of which can be determined, in which case it shall be figured back to such date.

(*Ord. 609, 1/7/1974, §3, Rule 19; as amended by Ord. 704, 11/12/1981, Rule 19*)

§26-121. Leaks and Defective Plumbing.

The Borough 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, or between curb stop and meter, and it is expressly stipulated by and between the Borough and the consumer, that no claims shall be made against the said Borough on account of the bursting or breaking of any main or service pipe or any attachment to said water works.

(*Ord. 609, 1/7/1974, §3, Rule 20*)

§26-122. Leaks or Waste.

All water passing through a meter shall be charged for at the regular rate, and no allowance will be made for excessive consumption due to leaks or waste.

(*Ord. 609, 1/7/1974, § 3, Rule 21*)

§26-123. Use of Hydrants.

1. All persons are forbidden to open any fire hydrant or to use any water therefrom for sprinkling streets, for building or any purpose without permission in writing from the Borough, under the penalty prescribed by law, except in case of fire, and by fire companies to test the hydrants. Such tests shall be made directly under the supervision of an authorized agent of the Borough.

2. The consumer will understand that fire protection charges are mainly a compensation for "standing ready to serve" and that for said charge the use of water is not contemplated except for the actual extinguishing of fires or for testing fire hydrants, systems and apparatus which shall not be done without first notifying

officials of the Borough. If used otherwise, a consumption charge, in accordance with the rates published, will be imposed. The Borough referred to herein is the Borough of Shillington.

(*Ord. 609*, 1/7/1974, §3, Rule 22; as amended by *Ord. 704*, 11/12/1981, Rule 22)

§26-124. Turning Off Water.

1. The Borough reserves the right at all times, after due notice, to shut off the water for non-payment of water bills, or for neglect or refusal to comply with the Rules and Regulations of the Borough and to charge a fee, as established from time to time by resolution of Borough Council, for the resumption of service. [*Ord. 1025*]

2. Service under application may be discontinued for any of the following reasons:

A. For misrepresentation in application as to property or fixtures to be supplied or the use to be made of the water supply.

B. For the use of water for any other property or purpose than that described in the application.

C. For waste of water through improper or imperfect pipes, fixtures, or otherwise.

D. For failure to maintain, in good order, connection, service lines or fixtures beyond the curb and owned by the applicant.

E. For molesting any service pipe, meter, curb stop, or seal, or any appliance of the Borough.

F. In case of vacancy of the premises.

G. For violation of any rules of the Borough.

H. For neglecting to make payments of charges for water service within the period herein specified or failure to pay any other fee or charge herein provided.

I. For refusal of access to property for purpose of inspecting, or for reading, caring for, or removing meters.

J. The Borough shall have the right to cut off the water without notice in case of breakdowns, or for other unavoidable causes, or for the purpose of making necessary repairs, connections, etc. Reasonable notice will be given when practicable. In no case shall the Borough be liable for any damage or inconvenience suffered.

(*Ord. 609*, 1/7/1974, §3, Rule 23; as amended by *Ord. 704*, 11/12/1981, Rule 23; and by *Ord. 1025*, 10/14/2004)

§26-125. Supply of Water.

1. The Borough shall not be liable for a deficiency or failure in the supply when occasioned by shutting off water to make repairs, or connections, or failure from any cause beyond control.

2. The Borough reserves the right to restrict the supply of water in case of scarcity, or whenever the public welfare may require it.

(*Ord. 609*, 1/7/1974, §3, rule 24)

§26-126. Vacating the Premises.

1. When the premises are vacated, the consumer must give notice at the office of the Borough, so that water may be turned off, and he will be responsible for the water rent until such notice is given.

2. A new application must be made on any change in occupancy of property, as described in any application, and the Borough shall be at liberty to discontinue the water supply until such new applications have been made and approved.

3. Any applications may be cancelled by the Borough for proper cause, at any time, upon giving 5 days notice of such cancellation.

4. Consumers desiring an abatement from water bills during a temporary vacancy shall report the same in writing at the office of the Borough. All vacancies shall date from the day the same are reported at the office of the Borough. When a temporary vacancy is properly reported an allowance will be made for the period of vacancy, but not for less than 3 months.

(Ord. 609, 1/7/1974, §3, Rule 25)

§26-127. Connection or Outlets Between Main and Meter.

No connection or outlet will be permitted on the service pipe, or pipes, supplying any premises, between the street main and the meter. All water used must pass through the meter.

(Ord. 609, 1/7/1974, §3, Rule 26)

§26-128. Deposits from Consumers.

1. Deposits may be required from all consumers in an amount equal to the estimated gross bill for any single billing period plus one month with a minimum of \$5.

2. Deposits will be returned to the depositor when he has established his credit to the satisfaction of the Borough.

3. The deposit will bear interest at the rate of 9% per annum, without deduction for taxes thereon.

4. Any consumer having a deposit shall pay bills for water service as rendered, in accordance with the rules of the Borough, and the deposit shall not be considered as payment on account of a bill during the time the consumer is receiving water service.

(Ord. 609, 1/7/1974, §3, Rule 27; as amended by Ord. 704, 11/12/1981, Rule 27)

§26-129. Failure to Receive Bill.

Failure to receive a bill shall not exempt any consumer from the accruing of a penalty. The presentation of a bill to the consumer is only a matter of accommodation and not a waiver of this rule.

(Ord. 609, 1/7/1974, §3, Rule 28)

§26-130. Service.

All contracts for water shall continue in force from month to month, but either party may cancel contract by giving 10 days written notice that the contract shall terminate on the first day of the month succeeding date of notice. For service beginning

during a monthly period the minimum charge shall be prorated to the first day of the following month. In case when water is turned off at the curb at the end of any month no further charge for water service will be made until service is again requested.

(Ord. 609, 1/7/1974, §3, Rule 29)

§26-131. Changing of Rules and Regulations.

The Borough reserves the right to change or amend, from time to time, these rules and regulations and the rates for the use of water in the manner provided by the Public Utility Law.

(Ord. 609, 1/7/1974, §3, Rule 30)

Part 2**Water Conservation****§26-201. General Policy.**

No water shall be provided for internal or external use to any residential, commercial, industrial, agricultural, recreational, governmental, or public building or structure of any kind which is constructed or remodeled and in which plumbing, water piping or water fixtures are to be installed, extended or altered in any way, and for which construction a permit is required to be obtained from the Borough of Shillington (or would be required but for an exemption from a permit requirement for public or governmental agencies) unless the new, extended or altered plumbing, water piping and other water using fixtures therein conform to the requirements and standards of §26-202. The provisions of this Part shall apply to any such building or structure for which such a building permit is issued, or would otherwise be required to be issued but for such an exemption, on or after January 1, 1994.

(Ord 879, 1/3/1994, §1)

§26-202. Water Conservation Performance Standards for Plumbing Fixtures and Fittings.

1. *Water Closets and Associated Flushing Mechanisms.* The water consumption of water closets shall not exceed an average of 1.6 gallons per flush cycle over a range of test pressure from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of the ANSI A112.19.2M and ANSI A112.19.6m.

2. *Urinals and Associated Flushing Mechanisms.* Urinal water consumption shall not exceed an average of 1.5 gallons per flush cycle over a range of test pressures from 20 to 80 psi. The fixtures shall perform in accordance with the test requirements of ANSI A112.19.6M.

3. *Showerheads.* Showerhead discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1M.

4. *Faucets.* Sink and lavatory faucet discharge rates shall not exceed 3.0 gallons of water per minute over a range of test pressures from 20 to 80 psi. The fixture shall perform in accordance with the test requirements of ANSI A112.18.1 M.

(Ord 879, 1/3/1994, §2)

§26-203. Special Provisions.

1. *Special Purpose Equipment.* The performance standards of §26-202 shall not apply to fixtures and fittings such as emergency showers, aspirator faucets, and blowout fixtures that, in order to perform a specialized function, cannot meet the specified standards.

2. *Exemptions.* Any person(s) may apply to the Borough of Shillington for an exemption to the terms of this Part, which may be granted by the Borough Council, upon proof that some other device, system or procedure will save as much or more

water as those set forth herein, or that those set forth herein cannot be complied with, without undue hardship.

(*Ord 879, 1/31/1994, §3*)

§26-204. Official Review and Modification.

The Borough Council may, from time to time, modify, add to, or remove from the standards and restrictions herein.

(*Ord. 879, 1/3/1994, §5*)

§26-205. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 879, 1/3/1994, §5; as amended by Ord. 1025, 10/14/2004*)