

**BOROUGH OF SHILLINGTON MUNICIPAL
AUTHORITY
BOROUGH OF SHILLINGTON
BERKS COUNTY, PENNSYLVANIA**

**RULES AND REGULATIONS
GOVERNING WATER SERVICE**

**ADOPTED BY THE SHILLINGTON MUNICIPAL AUTHORITY
AT A MEETING HELD ON APRIL 21, 2009
AND
BY THE SHILLINGTON BOROUGH COUNCIL
AT A MEETING HELD ON MAY 14, 2009**

**AMENDED BY
THE SHILLINGTON MUNICIPAL AUTHORITY
AT A MEETING HELD ON JULY 17, 2012
AND FURTHER AMENDED BY
THE SHILLINGTON MUNICIPAL AUTHORITY
AT A MEETING HELD ON APRIL 15, 2014**

**AMENDED BY
THE SHILLINGTON MUNICIPAL AUTHORITY
AT A MEETING HELD ON APRIL 21, 2015**

**AMENDED BY
THE SHILLINGTON MUNICIPAL AUTHORITY
AT A MEETING HELD ON OCTOBER 20, 2015**

**AMENDED BY
THE SHILLINGTON MUNICIPAL AUTHORITY
AT A MEETING HELD ON APRIL 19, 2016**

SECTION I - DEFINITIONS

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in these Rules and Regulations shall be as follows:

- 1.1 **Authority** shall mean the Shillington Municipal Authority, a Pennsylvania municipal authority situated in the Borough of Shillington, Berks County, Pennsylvania and/or, in the appropriate instances, its authorized representatives acting by and/or through it.
- 1.2 **Borough** shall mean the Borough of Shillington, Berks County, Pennsylvania, a Pennsylvania political subdivision and/or, in the appropriate instances, its authorized representatives acting by and/or through it.
- 1.3 **Water Department** or **Department** shall mean the water department, if any, established by the Authority and/or the Borough.
- 1.4 **Water Service Line** shall mean the connecting line from any improved property abutting the **Water System** to said water system.
- 1.5 **Water System** shall mean all facilities, mains, etc., owned, maintained or operated by the Authority and/or the Borough which are being utilized or shall be utilized for the distribution of water in the Borough or any political subdivision in which water service is provided by the Authority and/or the Borough.
- 1.6 **Owner** shall mean any individual, partnership, company, association, society, corporation or other group or entity vested with ownership (legal and/or equitable; sole or joint) of any "improved property."
- 1.7 **Consumer** shall mean any owner who is supplied with water by the Authority and/or the Borough.
- 1.8 **Tenant** shall mean any person, partnership, company, association, society, corporation or other group or entity leasing or renting from any owner of any improved property abutting the "Water System" which is supplied with water by the Authority and/or the Borough.
- 1.9 **Engineer** shall mean an engineer licensed to practice within the Commonwealth of Pennsylvania.
- 1.10 The words **he**, **his**, **him**, and **men** when used in these Rules and Regulations represent both the masculine and feminine genders.

SECTION II - BILLING

2.1 Bills Rendered

All bills will be rendered at stated intervals, either monthly or quarterly at the option of the Authority, for water consumed during the previous month or quarter. Bills for metered water consumption shall be determined by meter registration or minimum charges, whichever is higher. In every case where meter or reader fails to register, a bill will be rendered based on average water consumption (a) for the previous four (4) quarters, or (b) for the total period of service, whichever period is shorter. Bills for new services will be computed on the actual consumption or a minimum, whichever is greater. The minimum bill shall be made on the basis of a full month's charge if service was furnished at least fifteen (15) days in the month.

2.2 Bills Due and Payable

- (a) All bills, except those for municipal and private fire protection, are due and payable upon presentation, and if not paid within thirty (30) days from date of bill, a penalty of ten percent (10%) will be charged. ***Once incurred, a penalty will not be waived or removed.*** If not paid within sixty (60) days from date of bill, the Authority may shut off water service at any time after providing five (5) days notice to the consumer. An additional charge, as established in the Fee Resolution, will be assessed to the consumer for turning on water after all bills are paid in full.
- (b) Should the consumer, in a residential property, wish to establish a payment plan for the payment of his bill, he must contact the Borough Manager no later than the date established on the Payment Plan Notice. After this date, no payment plan will be accepted.
 - (1) Each consumer will be entitled to a one time only free payment plan. For every additional payment plan, an Administrative Fee of \$25.00 will be charged. (fee is payable at time of Agreement).
 - (2) If a consumer defaults on a payment agreement (does not pay the agreed amount by the due date) that consumer will not be permitted to enter into a payment agreement thereafter.
 - (3) Payment plans are *not* available for commercial properties. For the purpose of this Section, rental units are considered commercial properties.
- (c) In the event the Authority must collect the consumer's bill at his property, the consumer will be charged a Service Charge, as established in the Fee Resolution. Collection at the property will be limited to checks or credit card payments only. No cash will be collected.

- (d) All bills for private fire protection are due and payable upon presentation, and if not paid within thirty (30) days from date of bill, a penalty of ten percent (10%) will be charged. If not paid within sixty (60) days from date of bill, the Authority may shut off water service at any time after providing five (5) days notice to the consumer. An additional charge, as established in the Fee Resolution, will be assessed to the consumer for turning on water after all bills are paid in full.

2.3 Investigation of Bills of Doubtful Accuracy

Any consumer, upon receipt of a bill, having reason to doubt its accuracy, shall contact the Borough's Water Department for investigation no later than five (5) days prior to the due date of the bill. A decision shall be rendered regarding the bill prior to the customer's next billing period.

2.4 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 the Rule.

2.5 Deposits

- (a) Deposits may be required from all consumers in an amount equal to the estimated gross bill for any single billing period plus one (1) month, with a minimum of five dollars (\$5.00).
- (b) Deposits may be returned to the depositor when he has established his credit to the satisfaction of the Authority. The deposit will not bear interest.
- (c) Any consumer having a deposit shall pay bills for water service as rendered in accordance with the Rules of the Authority, and the deposit shall not be considered as payment on account of a bill during the time the consumer is receiving water service.

2.6 Responsibility of Property Owner

Primary responsibility for the payment of water service to any premises rests with the property owner. In the event of failure to pay any charge due the Authority by a tenant or in the event that the tenant shall leave the premises with a water bill remaining unpaid, service will be discontinued and will not be resumed until all previous charges and a reconnection charge shall have been paid by the property owner or duly authorized agent.

SECTION III - SERVICE CONNECTIONS

3.1 Applications

(a) Any owner desiring water service from the Authority's main into his premises shall make written application on forms furnished by the Authority at least ten (10) business days before service is required. The application must be signed by the property owner or his duly authorized agent and be accompanied by the required subscriber's fee and connection fee in effect at the time the application is made. If the application is for an apartment building, commercial facility, or industrial facility, the owner must also provide the Authority with the following information:

- (1) Estimated average daily usage and peak flow rate for the domestic/production water system
- (2) Design point for any on-site fire suppression system(s). The flow rate and required residual pressure must be provided.

(b) Separate application must be made in the following cases:

- (1) For each building owned or leased by one party and occupied as one residence or business; or
- (2) For each combination of buildings owned or leased by one party and occupied by one family or business; or
- (3) For each side of double house having a solid vertical partition wall; or
- (4) In such other case as the Authority shall deem proper and advisable under the circumstances.

3.2 Definition of "Tap"

Upon (a) notification by any owner that such owner has constructed his service line in compliance with the remainder of this Section and is therefore ready to connect said service line with the Water System; and (b) the payment by such owner of such subscriber's fees and connection fees as are set forth in the attached Fee Resolution, the Authority will tap the main, insert the corporation stop, carry service pipe to curb or property line and install a curb stop and curb box. The Authority will be responsible for the maintenance and repairs of the service line between the main and the curb stop only. The owner shall be responsible for the curb stop and curb box, which must be maintained in working order and visible. The owner shall also be responsible for the payment of all costs associated with obtaining any required street opening or road occupancy permits to allow the construction of the water service line. The Authority, at its discretion, may allow or require the owner to tap the water distribution main and construct the water

service line to the owner's property. In this instance, the owner shall deposit with the Authority the amount set forth in the attached Fee Resolution to cover inspection of this work by Authority's engineer.

3.3 Rights-of-Way

Service lines may not be installed where a proposed service line would pass over or through premises which at the time may be the property of persons other than the owner of the premises to be connected unless the Authority **and/or the Borough agree**, in writing, otherwise and then only if an appropriate easement or right-of-way has been acquired for the service line at the expense of the consumer. A copy of any necessary easements must be presented to the Authority prior to the construction of the service line.

3.4 Period of Installation

No service connection shall be installed during the period that street openings are prohibited, nor at any time when in the judgment of the Authority, working conditions are unreasonable for such installation.

3.5 Service Lines from Curb to Premises

The service line including the curb stop and curb box shall be installed and maintained by and at the expense of the owner. The portion of the service line installed by the owner shall not be less in size and quality than the service line in the street laid by the Authority, and shall be laid with a minimum of 4 (four) feet of cover and shall terminate in a brass stop and waste cock of approved pattern within the premises at a point easily accessible to the occupants for the protection against leaks and freezing in the piping of the premises and to facilitate repairs thereto. The service lines 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 will not be turned on until such defects are remedied. All plumbing connections should be able to withstand a pressure of at least one hundred twenty-five (125) pounds per square inch. The owner shall be responsible for securing any necessary permits from the Borough and/or the municipality in which the property is located to allow construction of the service line.

3.6 All water service lines shall be equipped with a double check valve backflow prevention device in accordance with Authority specifications. The Authority or the Borough may specify a higher level of backflow protection on any service line (through the use of a reduced pressure zone or "RPZ" device) as may be deemed necessary to protect the Authority's water system. The owner shall be responsible to annually test and certify the operation of any RPZ device required on a water service line, and maintain records of these tests for inspection by the Authority or the Borough at their discretion. Failure of the owner to perform the required testing and certifications shall be sufficient cause for the Authority to terminate water service.

3.7 Location of Service Lines

The location of the service shall be designated by the Authority , and no service line shall occupy the same trench with sewer pipe or any facility of another service company, nor be within three feet of any open excavation or vault.

3.8 Renewal of Services

When it is necessary to renew an existing service line from the street main to the curb, the Authority will renew said service line at the same size in the same location as the old one; but if the owner for his own convenience desires the new service line at some other location and agrees to pay all expenses of cutting off the old service line at the main, the Authority will lay the service line at the location desired. When an owner desires a change in location or size of an existing service line, the cost shall be borne by the owner.

3.9 Repair of Leaks

All leaks in service pipes and fixtures, in and upon the premises connected shall be repaired promptly by the owner at his own expense. Upon failure of such owner to make such repairs within a reasonable time as determined by the Authority, the Authority, upon seven (7) days notice, may discontinue water service until all necessary repairs have been made and the fee, as established in the Fee Resolution, is paid to cover the cost of discontinuing and restoring water service.

3.10 Private Water Supply

No person obtaining water from a private water supply, under any circumstances, shall construct or maintain, or cause or permit to be constructed or maintained, any connection, directly or indirectly, between such private water supply and the water system being operated by the Authority.

3.11 Control of Curb Stop

Under no circumstances shall any person not authorized by the Authority open or close the curb stops or valves in any public or private line.

3.12 Separate Connections

A separate service connection and curb box shall be installed for each consumer unit provided, however, that if a building, house or other structure contains two or more consumer units, and the owner or owners thereof so shall request or the Authority shall deem it advisable, the Authority, at its discretion, may install a single service connection and curb box for such building, house or other structure. A water meter may also be required for each unit within the building, house, or structure, and the owner or owners thereof shall provide individual water service lines (with shutoff valves) to each consumer unit from the point of connection to the Authority's water service line .

3.13 Violation of Rules

When two or more consumers are supplied through a single service, any violation of the rules of the Authority by either or any of said consumers shall be deemed a violation as to all and the Authority 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 Authority rules has been given reasonable opportunity to install a separate service line in compliance with these rules and regulations.

3.14 Service Connections to Unimproved Properties

The Authority will not construct a water service line to any unimproved property. However, the Authority, at its discretion, may allow a property owner to construct a service line(s) to an unimproved property in accordance with Section 3.2 of these Rules and Regulations. Water service to the unimproved property shall not be guaranteed unless the owner shall pay the appropriate tapping fee in effect at the time said service line(s) is constructed. Water service to the property must begin within three (3) years of the date of the tapping fee payment, or the tapping fee shall be forfeited to the Authority. Should the final use of the unimproved property require a higher subscriber's fee payment than was initially paid by the owner, the owner must pay the additional amount due prior to the Authority activating water service. The Authority will not refund any portion of a subscriber's fee payment if the final use of the property requires a lower subscriber's fee than that initially deposited by the owner.

SECTION IV - METERS

4.1 Metered Service

The Authority shall specify the size and type of water meter for all water services for installation by the owner. All meters shall be accessible to and under control of the Authority and shall be and remain the property of the Authority. The owner/consumer shall bear the cost for furnishing and installing the meter specified by the Authority. Depending on availability, the Authority may furnish meters up to 2" in size to the owner/consumer, the cost for which shall be reimbursed to the Authority as set forth in the Fee Resolution.

4.2 Size of Meter

- (a) The Authority shall determine the size and the style of the meter to be installed, but in no case shall the meter be more than one (1) commercial size below the size of the service line.
- (b) A 5/8" x 3/4" meter shall be the smallest meter to be installed on service lines for domestic use, but this size meter shall only be considered as being adequate for one (1) consumer or occupancy. Where multiple consumers receive their supply

through a single meter, the meter size shall be at least 1". Consumers in this situation shall be required to furnish the Authority with peak water flow rates based on a drainage fixture unit analysis in order to properly size the meter and service line.

4.3. Installation of Meters

- (a) A meter, up to 1" in size, will be furnished by the Authority to each property owner who has paid the required subscriber's fee and connection fee.
- (b) The location of all meters shall be at an easily accessible place approved by the Authority. All meters shall be installed in accordance with the Authority's specifications for meter installations. At the discretion of the Authority, the consumer may be required to provide a pit to house the water meter. The Authority shall provide the consumer with specifications for the water meter pit.
- (c) All new connections made to the Water System shall include by the owner the installation of a double check valve assembly, as described in paragraph 3.6, to be installed at a point between the water meter and the first point of water distribution in the dwelling, thus preventing the water from being drained from the dwelling in the event of system failure or main break. All service lines shall include a valve, approved by the Authority, installed just after the point of entry of the water service line into the structure being served.

4.4 Inaccurate Meters

The quantity of water recorded by the meter shall be conclusive on both the consumer and the Authority except when the meter has been found by the Authority to be registering inaccurately or has ceased to register. In either case excepted above, the meter will be repaired or replaced promptly by the Authority, and the quantity of water consumed for the billing period when the meter was out of service or registering inaccurately shall be estimated by the average registration of the meter on four (4) previous corresponding billing periods. The Authority shall bear the cost for replacement of meters up to 1" in diameter. The consumer shall bear the cost for the replacement of any meter larger than 1". The failure of a consumer to replace a defective or inaccurate meter after being directed to do so by the Authority shall constitute sufficient cause for the Authority to terminate water service to the property. Water service shall not be restored until the water meter has been replaced, and a fee as established in the Fee Resolution, has been paid to the Authority.

4.5 Protection of Meter

- (a) 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. Meters will be maintained by the Authority so far as ordinary wear is concerned.

- (b) The charge for the reinstallation or changing of a meter when removed because of damage in any way due to the negligence of customer shall be the current cost of a meter plus labor.

4.6 Meter Tests

At the request of a property owner, the Authority will make a test of the accuracy of the meter supplying his premises. An initial fee will be required before the meter is tested, which will be returned if the meter is found to be registering more than four percent (4%) against the consumer of a flow equal to one-eighth of the diameter of the service; otherwise the deposit will be retained by the Authority to cover the cost of the test. The property owner shall be responsible for the payment of all testing fees that may be incurred by the Authority beyond the initial fee.

4.7 Liability of Authority

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

4.8 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.

4.9 Access to Meter

The Authority shall have the right of free access at all reasonable times to the premises in or on which a meter is installed for purposes of setting, reading, testing, inspecting or repairing.

SECTION V - FIRE PROTECTION

5.1 Use of Fire Hydrants

- (a) All persons are forbidden to open any fire hydrant or to use any water there from for sprinkling streets, for building or any purpose without permission in writing

from the Authority, under the penalty prescribed by law, except in case of fire, and by Fire Companies to test hydrants. Such tests shall be made directly under the supervision of an authorized agent of the Authority.

- (b) 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 Authority. If used otherwise, a consumption charge, in accordance with the rates published, will be imposed.

5.2 Ownership of Fire Hydrants

The Authority shall own, operate and maintain fire hydrants of all types located within public rights-of-way and within easements granted to the Authority. All fire hydrants shall be located by the Authority, due consideration being given to local fire fighting authorities and requirements of insurance underwriters. Fire hydrants installed as a part of any land development project or privately funded water main extension shall be provided at the expense of the land developer or the party responsible for the water main extension. All fire hydrants located outside of public rights-of-way shall be owned, operated and maintained by the property owner. All private fire hydrants shall be registered with the Authority and the owner shall pay the appropriate fee for the private hydrant as set forth in the Authority's Fee Resolution.

5.3 Private Fire Service

- (a) Where private fire service connections are made to the Authority system, the Authority shall approve the plans for such installations, prior to final approval of the application. The Authority shall make any connection to the distribution system that is required and the owner shall pay to the Authority the actual cost for making such connections. The Authority, at its discretion, may allow the owner to make the required connection to the distribution system. In this instance, the owner shall deposit with the Authority the amount set forth in the Fee Schedule to cover inspection of this work by the Authority's engineer.
- (b) All private fire service lines shall be equipped with a double check valve assembly for backflow prevention, in addition to a flow-indicating meter to detect any flow passing through the private fire service line, all at owner's cost. The owner shall bear the responsibility to test and certify the correct operation of the backflow prevention assembly on an annual basis, and to keep records of such tests for inspection by the Authority at its discretion. Failure of the owner to perform the required tests and certifications shall be sufficient cause for the Authority to terminate water service for the private fire service line.
- (c) The Authority shall have the right to require a compound type meter for installation in the private fire line, if it deems necessary. Waiver of the requirement for

installation of a meter at the time the connection is made shall not prohibit the Authority from requiring a meter installation at a future date, if such installation is warranted in the opinion of the Authority. Any meter required will be supplied by the Authority, and installed by the owner, with the cost for the meter and installation to be borne by the owner.

- (d) Where a private fire connection is approved by the Authority, no other connection for domestic, commercial or industrial use, shall be made to the fire connection line, unless a compound type meter is installed between the Authority main and the connection for such line.

5.4 Fire Hydrant Flow Tests

The Authority will, upon request and with five (5) days notice, perform a flow test of any hydrant within its distribution system for an existing or perspective consumer. A fee, as established in the Fee Resolution, shall be charged for any such flow test. Hydrant flow tests shall be scheduled according to the availability of Authority personnel. No hydrant flow test shall be performed when the ambient air temperature is less than forty-five (45) degrees Fahrenheit, or when weather, safety, or other conditions otherwise preclude access to the fire hydrant to be tested. The requester of the test must be present to witness the test and record the results; the Authority will not provide written or verbal test results.

5.5 Liability of Authority

It is expressly understood and agreed that in authorizing and connecting any form of fire service, the Authority does not assume any liability as an insurer of persons or property and does not guarantee any particular service, pressure, capacity or facility other than the ordinary and changing conditions of the Authority as the same may exist from day to day. The consumer, by accepting and using water from the water system, releases the Authority from any and all claims for injuries to persons or property by reason of fire, failure of water supply, pressure or capacity, unless occasioned by the negligence of the Authority, its agents, servants or employees.

SECTION VI - MAIN EXTENSIONS

6.1 Cost of Extensions

- (a) Any and all main extensions shall be constructed with the approval of the Authority and only upon its own motion or upon private application.
- (b) All main extensions shall be constructed under the supervision of the Authority, its agents, servants, or employees and to the specifications of the Authority.
- (c) When a private application has been received for water service requiring an extension of street main to provide such service, or where application has been

received for extension of mains into a newly developed tract of land, the applicant must pay to the Authority, prior to commencement of work, a sum equal to and covering the entire estimated cost of installing the necessary pipe lines and appurtenances, and including but not limited to engineering and legal fees as determined by the Authority. The Authority, at its discretion, may allow the applicant to construct the main extension, provided that applicant posts security in a form acceptable to the Authority, equal to and covering the entire estimated cost of installing the necessary pipe lines and appurtenances, and including, but not limited to engineering and legal fees as determined by the Authority.

- (d) If the actual cost of installing the necessary pipe lines and appurtenances is greater than the estimated cost, this difference shall be paid by the applicant before the service shall be rendered. Should the estimated cost of said pipe lines and appurtenances and including but not limited to engineering and legal fees, be greater than the actual cost, this difference shall be returned to the consumer.

6.2 Extension Rules

- (a) On private property, extensions will only be allowed after a right-of-way has been granted to the Authority. For newly developed land or other than private property, extensions will only be allowed where there has been a dedication of streets and rights-of-way, and where all plot plans have been previously approved by the Borough and local planning commission, and such other planning commissions as shall be in existence at the time of Application. Whenever possible, extensions should be within dedicated streets. All extensions shall conform to the specifications of the Authority.
- (b) When construction has been completed and costs secured, the consumer shall be entitled to a reimbursement agreement which shall provide for pro-rata reimbursement of the money advanced by the consumer.
- (c) The Authority shall have the right to connect users of the Authority System to the Water Supply System. Consumer shall be entitled to the provisions of Section 413(t) of the Pennsylvania Municipality Authorities Act of 1945, as amended, which permits the imposition of subscriber's or connection fees by the Authority and the refunding of said fees to a private person or corporation having constructed any water main at its own expense; provided that Authority shall enforce the provisions of said Section 413(t) for the benefit of consumer only with respect to properties fronting on the Water Supply System constructed under this Agreement. Such tapping or connection fees shall be calculated by dividing the total front footage into the money advanced by the consumer giving a rate per front foot. Consumer's right to the benefits of Section 413(t) shall terminate ten (10) years from the date of the reimbursement agreement.

6.3 Size of Mains

The Authority shall determine the size of mains to be installed as well as the number and location of valves, fire hydrants and other appurtenances to the mains.

6.4 Length of Extension

In determining the length of and necessity for any extension requested pursuant hereto, the terminal point of such extension shall, in all cases be at the farthest extremity of the most distant lot to be served.

6.5 Availability of Funds

Extensions of mains can be granted only, subject to the availability of funds when applicable.

6.6 Subscriber's Fees

In addition to the costs of construction herein provided, all consumers requesting water service are required to pay a subscriber's fee in accordance with the rate hereinafter set forth.

6.7 Precedents

The granting of a particular application of an exception to these rules and regulations shall not operate as a precedent in any other case. The Authority may, by special action, grant an exception or exceptions to any rule, regulation or charge.

SECTION VII - MISCELLANEOUS REGULATIONS

7.1 Supply of Water

- (a) The Authority 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.
- (b) The Authority reserves the right to restrict the supply of water in case of security, or whenever the public welfare may require it.

7.2 Vacating the Premises

- (a) When the premises are vacated and/or the property is transferred, the consumer must give notice at the office of the Authority. A final meter reading must be taken, and the consumer of record will be responsible for the water rent until such reading is taken.

- (b) A new application must be made upon any change of ownership of property, and the Authority shall be at liberty to discontinue the water supply until such new application has been made and approved.
- (c) Applications may be canceled by the Authority for proper cause at any time, upon giving five (5) days notice of such cancellation.
- (d) The Authority shall not provide an abatement of any consumer's water bill for the temporary vacancy of a residence.

7.3 Building Construction Water

Where a consumer obtains water from the water system during building construction, and where in the opinion of the Authority it is not convenient to install a meter, the consumer may be allowed to obtain water at the curb stop installed by the Authority, and pay a flat rate during construction, as specified in the Fee Resolution. A separate fee shall be paid for each separate unit under construction.

7.4 Cross Connections

No physical cross connection shall be made between the Authority water system and any private water system.

7.5 Two or More Parties or Families Using Water Through Same Meter

Where conditions make it difficult to install separate meters for each consumer, or where the property owner refuses to arrange his piping so that separate meters can be installed, a single meter may be installed and a minimum charge will be made for each consumer supplied through this single meter as listed for the size meter that would be required to serve each individual consumer. The water registered by the meter will be divided by the number of consumers, and any excess water above the several minimum allowance will be charged pro-rata to the several consumers.

7.6 Turning Off Water

After due notice the Authority reserves the right at all times to shut off the water for nonpayment of water bills, or for neglect or refusal to comply with the Rules and Regulations of the Authority and to charge the fee as established in the Fee Resolution for the resumption of service.

- (a) Service may also be discontinued for any of the following reasons:
 - (1) For the use of water for any other property.
 - (2) For waste of water through improper or imperfect pipes, fixtures, or otherwise.

- (3) For failure to maintain in good order, connection, service lines or fixtures including the owner's curb stop and/or meter pit. Upon owner's refusal to make the required repairs, the Authority has the right to make the repair and charge the owner for all materials, labor and administrative costs.
 - (4) For molesting any service pipe, meter, curb stop, or seal, or any appliance of the Authority.
 - (5) In case of vacancy of the premises.
 - (6) For violation of any rules of the Authority.
 - (7) For neglecting to make payments for any charges against the property.
 - (8) For refusal of access to property for purpose of inspecting, or for reading, caring for, or removing meters.
 - (9) For failure to make application for service.
 - (10) Under an agreement with the Township of Spring, Township of Cumru and the Borough of Mohnton for any unpaid sewer bills owed to the Township of Spring, Township of Cumru or Borough of Mohnton.
- (b) Any consumer who has had his service discontinued for any reason, as listed above, has the right to provide defenses, as provided by law.
 - (c) The Authority shall have the right to shut off the water without notice in case of breakdowns, or for other unfavorable causes, or for the purpose of making necessary repairs, connections, etc. Reasonable notice will be given when practicable. In no case shall the Authority be liable for any damage or inconvenience suffered.
 - (d) If the consumer requests that his water service be discontinued/restored during working hours in order to make emergency repairs, the consumer shall be charged a Service Charge, as established in the Fee Resolution.
 - (e) If the consumer requests that his water service be discontinued/restored after working hours in order to make emergency repairs, the consumer shall be responsible for all service fees, as established in the Fee Resolution and for all overtime incurred at the current billable rate..
 - (f) Prior to any action being taken on a request by a landlord for voluntary discontinuance of service at this property, the landlord shall state in a form bearing his notarized signature that all of the affected dwelling units are

either unoccupied or the tenants affected by the proposed discontinuance have consented in writing to the proposed discontinuance. Such form shall conspicuously bear a notice that false statements are punishable criminally.

7.7 Restoring Water Service

- (a) Should the water service be discontinued, for reasons listed above, the service will not be restored until the nonpayment, repair, violation, etc. has been resolved to the Authority's complete satisfaction.
- (b) Should the water service be discontinued due to nonpayment, payment must be received by 3:00 p.m. in order to be restored that same day.
- (c) When the conditions for discontinued service are corrected, a responsible person must be present and able to provide access to the meter when the water is turned on.

7.8 Payments made by Check

Once a consumer issues three (3) checks to the Borough and/or the Authority, that are returned unpaid by the bank for any reason, the consumer shall be placed on "cash only" status. The consumer may only be removed from this status at the discretion of the Borough Manager.

7.9 Extent of Connection Fees

Connection fees shall cover the actual cost to the Authority for tapping the main, installing a corporation stop, installing service pipe to the curb, installing curb stop and curb box, and furnishing water meters, including inspection of the connection when installed by others.

7.10 Changing of Rules and Regulations

The Authority reserves the right to change, or amend, from time to time the Rules and Regulations and the Rates for the use of water.

7.11 Enforcement

Any person found in violation of these Rules and Regulations promulgated thereunder shall be liable upon summary conviction, for the first offense and upon summary conviction for each subsequent offense, for a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) plus costs. Each day that a violation continues is considered a separate offense.

7.12 Hold Harmless: Indemnification

The owner and/or his tenant shall indemnify and/or hold harmless the Borough and/or the Authority from any loss or damage that may be directly or indirectly the result of construction of the aforesaid water or service line, and/or the construction of a water service line by the owner to the water system or by the connection effected by the owner or the Borough and/or the Authority.