

**CHAPTER 26**

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**PART 1**

**WATER CONNECTIONS AND CHARGES**

**A. Mandatory Connection and Water Charges.**

**§101. Definitions.**

For purposes of this Part, the following words and phrases shall have the following meanings:

**ACCEPTABLE CROSS-CONNECTION** — a connection having all of the following characteristics:

- (1) The source of the supply other than the lines of the Borough to which it is directly connected is a source approved by the Pennsylvania Department of Environmental Protection (DEP) and the Environmental Protection Agency (EPA) as an acceptable, safe and sanitary source of public water supply at all times when the cross-connection is in existence; and,
- (2) Installed or continued in existence with the Borough's knowledge and specific consent, and when installed on the customer's premises or installed by a customer, the consent shall be evidenced by proper written agreement or written approval executed by the Borough.

**AIR GAP** — the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved air gap shall be at least double the diameter of the rim of the vessel; and, in no case less than one inch. When an air gap is used at the service connection to prevent the contamination or pollution of the public potable water system, it is required that an emergency bypass be installed around the air gap system and an approved reduced pressure principal device shall be installed in the bypass system.

**APPROVED** — accepted by the Borough as meeting an applicable specification stated or cited in this Part or in any rules and regulations as suitable for the proposed use. The term "approved" as used in reference to a backflow prevention device shall mean that the backflow prevention meets the requirements of the American Water Works Association's Standard C506 or a competent testing laboratory.

**AUTHORITY** — the Western Berks Water Authority, a body corporate and politic organized and existing under the laws of the Commonwealth of Pennsylvania.

**BACKFLOW** — the flow of water or other liquids, mixtures or substances into the Borough's distribution system from any source or sources other than its intended source. Back siphonage and back pressure are examples of two types of backflow.

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**BACKFLOW PREVENTION DEVICE** — a reduced pressure principal device (RRPD), double check valve assembly (DCVA), or an air gap (AG), which are designed to prevent the occurrence of backflow.

**BOROUGH** — the Borough of Wyomissing.

**CONTAMINATION** — an impairment of water quality to a degree which creates an actual or potential health hazard such as, but not limited to, chemical poisoning or spread of diseases or impairs the composition and odor of the water to an extent that it is considered by the odor or composition to be not acceptable by the Borough and/or Authority for human consumption.

**CROSS CONNECTION** — a physical arrangement whereby a public water system is connected with another water system, public or private, in a manner that a flow of water into the public water supply system from another water system is possible.

**CUSTOMER** — the owner or tenant contracting for or using water service on a premises.

**DATE OF PRESENTATION** — the date upon which a bill or notice is mailed, as evidenced by the United States Post Office mark.

**D.E.P.** — the Pennsylvania Department of Environmental Protection.

**DISTRIBUTION SYSTEM** — the water distribution system that furnishes water for general use, is owned and operated by the Borough and is recognized by regulatory agencies as a community potable water supply system.

**DOUBLE CHECK VALVE ASSEMBLY** — a device composed of two independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus necessary appurtenances for testing. This device shall be approved by the Borough. The device shall be readily accessible to maintenance and testing and installed in a location where no part of the device will be subject to outside flooding. The device shall be used on service connections which may be subject to backflow and where there is a possibility of pollution that constitutes an actual or potential pollution hazard.

**E.P.A.** — the Environmental Protection Agency.

**HEALTH HAZARD** — an actual or potential threat of contamination or pollution to the Borough's water system to a degree or intensity that there would be a danger to the public health of the Borough's water system customers.

**IMPROVED PROPERTY** — any property within the Borough 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 Borough and used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article.

**INTERCONNECTION** — a plumbing arrangement other than a cross connection by which contamination might be admitted or drawn into the Borough's distribution system or into the lines connected therewith used for the conveyance of potable water.

**MAINS** — distribution pipelines which are located in streets, highways, public ways or private rights-of-way and which are used to serve the general public.

**MAIN EXTENSIONS** — extensions of distribution pipelines beyond existing facilities and exclusive of service connections.

**NONPOTABLE WATER** — water which is not safe for human consumption or is of questionable potability.

**OWNER** — the person, firm, corporation or association having an interest as owner, or a person, firm or corporation representing itself to be the owner, whether legal or equitable, sole or only partial, in any premises which is or is about to be supplied with water by the Borough.

**PLUMBING CODE** — the Borough's current Plumbing Code; i.e., the International Construction Code (ICC) Plumbing Code, dated 2009, or as updated periodically.

**POTABLE WATER** — water which is safe for human consumption according to recognized State and Federal standards.

**PREMISES** — the property or area, including improvements, to which water service is or will be provided through a separate service connection, a separate service line and through a separate meter and shall include:

- (1) A building under one roof owned or leased by one customer and occupied as one residence or one place of business.
- (2) A group or combination of buildings owned by one customer, in one common enclosure, occupied by one family or one organization, corporation or firm as a residence or place of business or for manufacturing or industrial purposes, or as a hospital, church, public or private school or similar institution, except as otherwise noted herein.
- (3) The one side of a double house having a solid vertical partition wall.

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- (4) Each side of each part of a house or building occupied by one family, including a one person family, even though the closet and/or other fixtures are used in common.
- (5) Each apartment, office or suite of offices and/or place of business located in a building or group of buildings, even though these buildings in a group are interconnected by a tunnel or passageway, covered area way or a patio or by some similar means or structure.
- (6) A public building devoted entirely to public use, such as a town hall, school-house, fire engine house.
- (7) A single vacant lot or park or playground.
- (8) Each house in a row of houses.
- (9) Each dwelling unit in a row of houses, a dwelling unit being defined as a building or a portion thereof with exclusive culinary facilities designed for occupancy and used by one person or one family (household).
- (10) Each individual and separate place of business and/or occupancy located in one building or group of buildings commonly designated as shopping centers, supermarket areas and by such other terms.
- (11) Each dwelling unit in a public housing development owned and operated by the United States of America, a municipal subdivision of the Commonwealth of Pennsylvania, or an agency or instrumentality of the United States or the Commonwealth of Pennsylvania, by a philanthropic foundation or organization or similar body or organization; or operated under private ownership.
- (12) Each mobile home, whether located on, owned or leased land.

POLLUTION — the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its qualities to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual public health hazard but which does adversely or unreasonably affect water for domestic use.

POLLUTION HAZARD — an actual or potential impairment to the physical properties potability of the distribution system which constitutes a nuisance or is aesthetically objectionable or can cause physical damage to the distribution system but would not be dangerous or threatening to public health.

RATE SCHEDULE (TARIFF) — the effective rates, rentals, charges and regulations of the Borough.

**REDUCED PRESSURE PRINCIPAL DEVICE** — a device that incorporates two or more check valves and an automatically operating differential relief valve located between the two check valves, two tightly closing shut-off valves and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the Borough's potable water supply system side of the device. At cessation or normal flow, the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief shall operate to maintain this reduced pressure by discharging to the atmosphere, thereby providing an air gap in the device. This device shall be approved by the Borough. The device must be readily accessible for maintenance and testing and installed in a location where no part of the device will be subject to outside flooding. The device shall be used on the service connections which may be subject to backflow and where there is a possibility of contamination that constitutes an actual or potential health hazard.

**SERVICE, COMMERCIAL** — provision of water to premises where the customer is engaged in trade and/or commerce.

**SERVICE, INDUSTRIAL** — provision of water to premises for use in manufacturing or processing activities.

**SERVICE, METERED** — provision of water to premises in measured quantities.

**SERVICE, MULTIPLE** — provision of water through one meter installation to more than one premises, billing therefore to be in accordance with the principle of multiple billing.

**SERVICE, PRIVATE FIRE PROTECTION** — provision of water to premises exclusively for fire protection.

**SERVICE, PUBLIC FIRE PROTECTION** — the furnishing of service through public fire hydrants.

**SERVICE, PUBLIC OR MUNICIPAL** — provision of water to a municipal subdivision of the Commonwealth of Pennsylvania or agency thereof or to other similar public bodies.

**SERVICE, RESIDENTIAL** — provision of water for office or household residential purposes, including water for sprinkling lawns, gardens (not commercial) and shrubbery, watering livestock, washing vehicles and other similar and customary purposes.

**SERVICE, TEMPORARY** — a service for circuses, bazaars, fairs, construction work, irrigation of vacant property, trailers or trailer camps and similar uses that because of their nature will not be used steadily or permanently.

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**SERVICE LINE CONNECTIONS** — the pipe, valves and other facilities by means of which the Borough conducts water from its distribution mains to the curb stop to be located at the curb line or property line of the premises, and specifically includes the corporation stop or other means of connection to the main, the service line connected to the corporation stop and extending to the point of connection to the curb stop, and curb stop the service box and other facilities.

**SERVICE LINE EXTENSIONS (CUSTOMER SERVICE LINE)** — the pipe, valves and other facilities by means of which water is conducted from the curb stop to the premises, and specifically includes the service line extending from a point of connection to the curb stop to a point inside the walls of the premises or meter box, where approved, a ball valve and backflow preventer on the line at this point, connections for the inlet and outlet sides of the meter, a ball valve on the outlet side of the meter and other facilities.

**STREET** — includes any street, road, lane, court, cul-de-sac, alley, public way or public square.

**TENANT** — anyone other than the owner occupying the premises and obtaining water from the Borough's mains.

(Ord. 1178, 12/12/1995, §1; as amended by Ord. 1343, 10/09/2012, §1)

### **§102. Use of Public Water Required.**

1. The owner of any improved property accessible to and whose principal building is within 150 feet from the community water system or distribution system shall connect his or her improved property with and shall use this community water system or distribution system, in the manner as the Borough may require, within 60 calendar days after notice to the owner from the Borough to make this connection; subject, however, to any limitations and restrictions as shall be established herein or otherwise shall be established by the Borough, from time to time.
2. The notice by the Borough to make a connection to the water main shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each Section, and a written or printed document requiring the connection in accordance with this Part's provisions and specifying that a connection shall be made within 60 calendar days after the date the notice is given or served. This notice may be given or served at any time after a water main is in place which can distribute water to particular improved property. This notice shall be given or served upon the owner personally, via certified mail, or in any other manner permitted by law.
3. No consumer, except with the written consent of the Borough previously obtained, may furnish water to other persons; provided, however, water may be supplied without written consent to temporarily relieve consumers having frozen or broken pipes or whose supply may be cut off temporarily by a similar emergency.



4. No water purchased from the Borough may in any way be sold or resold with a profit accruing directly or indirectly to the Borough's metered customer. Any apportionment of the cost of water purchased through auxiliary metering or otherwise is subject to approval by the Borough.

(Ord. 1178, 12/12/1995, §2)

### **§103. Charges for Water.**

The charges for using, tapping or connecting to the distribution system, including the setting of connection and tapping fees, shall be set from time to time by resolution adopted by the Borough.

(Ord. 1178, 12/12/1995, §3)

### **§104. Water Mains and Connections.**

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any water main or any part of the community water system or distribution system without first obtaining a permit, in writing, from the Borough.
2. Application for a permit required under §105, "Service Connections," shall be made by the owner of the improved property served or to be served or by the duly authorized agent of the owner.
3. No person shall make or shall cause to be made a connection of any improved property with the distribution system until each of the following conditions have been fulfilled:
  - A. The person shall have notified the Borough of the desire and intention to connect the improved property to the distribution system.
  - B. The person shall have applied for and shall have obtained a permit as required by this Section.
  - C. The person shall have given the Borough at least 72 hours notice of the time when the connection will be made so that the Borough may supervise and inspect, or may cause to be supervised and inspected, the connection work and necessary testing.
  - D. If applicable, the person shall have furnished satisfactory evidence to the Borough that any tapping or connection fee which may be charged and imposed by the Borough against the owner of each improved property to the distribution system has been paid.

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4. Except as otherwise provided in this Section, each improved property shall be connected separately and independently with the distribution system through a building water service line. Grouping of more than one improved property on one building water service line shall not be permitted, except under special circumstances and for good health reasons or other good cause shown, but then only after special permission of the Borough, in writing, shall have been secured and only subject to any rules, regulations and conditions as may be prescribed by the Borough.
5. All costs and expenses of construction of a building water service line and all costs and expenses of connection of a building water service line to the distribution system shall be paid by the owner of the improved property to be connected; and, the owner shall indemnify and save harmless the Borough from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building water service line or of connection of a building water service line to the distribution system.
6. A building water service line shall be connected to the distribution system at the place designated by the Borough.
7. If the owner of any improved property located within the Borough and accessible to and whose principal building is within 150 feet from the distribution system, after 60 calendar days notice from the Borough, in accordance with §102, "Use of Public Water Required," shall fail to connect the improved property, as required, the Borough may enter upon the improved property and construct the connection and may collect from the owner the costs and expenses thereof in the manner permitted by law.

(Ord. 1178, 12/12/1995, §4)

### **§105. Service Connections.**

1. **Installation of Service Line Connection.** The customer will install at its own cost all service line connections, make all connections to the main lines, furnish, and install all service lines from the mains to and including the curb stop and service box which will be placed inside the curb or property line. The maintenance of the service line from the curb box to the building shall be the responsibility of the customer. Maintenance of the service line from the curb box to the main shall be the responsibility of the Borough. The service line connection shall be the Borough's property and remain under its control. Only duly licensed contractors will be permitted to install a service line connection from the Borough's mains to the customer's premises. The installation of all service line connections is subject to the submission of a written application to the Borough, approval by the Borough and to the payment of charges for the meter setting as are in effect at the time of the application, said charges to be payable in advance. The Borough reserves the right to deny the installation of service connections during inclement weather until

such times as, in the judgment of the Borough, conditions are suitable for an expeditious and safe installation. The Borough reserves the right to determine the size and the kind of the service line connections. When meter boxes are located at the curb, the entire installation including box, cover, riser pipe and other appurtenances, except the meter, shall also be installed by and at the customer's expense. Meters 1" in size or smaller shall be furnished initially by the Borough at the Borough's expense. Larger meters shall be furnished initially by the customer. [Ord. 1343]

2. **Maintenance-Service Line Connection.** Service line connections meeting current Borough specifications will be maintained by the Borough at the Borough's cost. If a service line connection is found which does not meet current Borough specifications, replacement of the service line shall be done in accordance with Borough specifications at the Borough's expense. This work shall only be performed from the Borough's water main to the curb box; all facilities from the curb box to the building remain the responsibility of the customer. Only duly authorized Borough employees, agents or licensed contractors shall be permitted to replace a service line connection from the Borough's mains to the customer's premises. When meter boxes are located at the curb, the riser pipes and connections shall be installed by and at the customer's expense. No customer or worker shall alter, change or in any way tamper with the meter box, meter or piping and connections without the Borough's permission. Prior to laying of new concrete sidewalks, making changes in grade or other changes in sidewalk construction, the customer shall notify the Borough for purposes of relocation by the Borough of the curb box at the proper grade. Meter box height shall be adjusted by the Borough. If said notice is not given and the box or boxes are covered or concreted over, resulting in additional Borough expense for finding and relocating the same, the customer shall be billed for any such additional expense. The Borough shall, under no circumstances, be responsible for damages to the sidewalk. In cases where services are frozen, the Borough shall, at its own expense, thaw out the service connection to the curb stop. The thawing out of the service pipe from the curb stop to the premises shall be done by the customer at the customer's expense. To avoid a recurrence of freezing, the Borough shall inspect customer's service pipe and if it is not at a depth of four feet (4') as required, the Borough shall have the right to require it to be relocated before service is resumed. [Ord. 1216 and Ord. 1343]
  
3. **Installation; Service Line Extension.** The service line extension, that is, the service line extending from the curb stop to the premises, and all required appurtenances, shall be installed by and at the customer's expense. The installation shall be in accordance with the following:
  - A. **General.** The installation shall include a connection of the service line to the curb stop, extension of the service line from the curb stop to a point within the building wall or facilities housing the meter, the installation of a ball valve, without waste, the same size as the service line, on the street side and immediately before the meter, and a ball valve and backflow preventer on the outlet side of the meter. All facilities inside the building shall be located to be readily accessible, protected from freezing and to provide proper

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drainage for the piping in the building. The installation shall be made by skilled and qualified workers. The customer's contractors shall notify the Borough when the service line extension will be installed, to permit the Borough to schedule its work and install the service line connection. The service line extension shall be laid in a straight line between the curb stop and the premises unless otherwise approved in writing by the Borough.

- B. Material. Service lines two inches or smaller shall be copper tubing conforming to ASTM B88, Type K, heavy wall. Larger services shall be ductile iron cement lined or other types as approved by the Borough. The service line shall be not less than one inch in diameter and shall be in keeping with the service for larger diameters. The Borough exercises the right at any time to revise these requirements and to stipulate the diameter and weight per foot of pipe, kind and quality of all materials laid between the curb stop and the premises, which are to be furnished and installed by the property's owner.

### 4. Installation and Testing Requirements.

#### A. Installation.

- (1) The service line extension must be laid in a straight line, at right angles to the street where possible, and at a depth to provide not less than four feet cover, and as necessary to secure proper alignment and avoid obstacles. The bottom of the trench shall be excavated to conform to the pipe's curvature and afford good bearing surface. Where rock is encountered the excavation shall be carried below the bottom of the pipe for the distance required and the excavation backfilled with earth or clay well tamped to the proper grade.
- (2) No metal pipe shall be placed in contact with cinders or other corrosive material. No service pipe shall be laid in the same trench with a gas pipe, drain or sewer pipe, or any other facility of another public service company or within three feet thereof, nor within three feet of any open excavation or vault, nor pass through premises other than serviced by the consumer's service line unless approved by a special written agreement with the Borough.
- (3) The joints in all copper tubing and pipe laid underground shall be made with a flared or a mechanical coupling of a design and material satisfactory to the Borough. No soldered joint shall be used, and no joints shall be made within a distance of less than five feet from the premise's exterior wall. All pipe passing through foundation or bearing walls shall be provided with suitable plastic sleeves and the annular space between the sleeve and pipe made watertight. The sleeves shall be the size specified by the Borough.

5. Maintenance; Service Line Extension.
  - A. All service line extensions service lines and fixtures installed by the customer shall be maintained by the customer in satisfactory condition. All valves, meters and appliances furnished and owned by the Borough and on the customer's property shall be protected properly and cared for by the customer. When repairs, renewals, replacements or other necessary work are required on these facilities, the customer shall employ, without delay, licensed workers to do the work. All work shall be done at the customer's expense. All leaks in the service line from the curb stop to, and in and upon the premises supplied shall be promptly repaired. On failure to make these repairs within a reasonable time, the Borough may discontinue water service as provided in §114, "Service Discontinuance."
  - B. The Borough shall in no event be responsible for maintaining any portion of the service line or service line facilities owned by the customer, or for damage done by water escaping therefrom, or from lines or fixtures on the customer's property. The customer shall at all times comply with this Part and rules and regulations and make changes required on account of change of grade, relocation of mains or otherwise.
6. Meter Pits. Meter pits are required:
  - A. Where the length of the service line exceeds 100 feet for residential properties or 50 feet for other properties.
  - B. For all nonresidential buildings.
  - C. For all nonresidential sprinkler services.
  - D. In all other cases where the Borough deems one is necessary.

When meter pits are required, the customer shall furnish, at the customer's expense, an approved meter pit provided with a suitable cover and constructed in accordance with a plan furnished by the Borough. The meter pit shall be constructed at the property or curb line and be used for the housing of the meter required for the premise's service.

[Ord 1343]

7. Penalty for Placing Obstructions Over, In or Around Curb Boxes. If obstructions are placed over, in or around curb boxes in a manner to prevent normal operation of the curb stop or results in damage to the curb box, curb stop or service line, the Borough will shut the water off at the curb stop and plug the curb box or disconnect the service line, or turn the water off at the corporation stop or ferrule, as it may deem necessary. Before service will be renewed, the customer shall pay to the Borough the expenses incurred in shutting the water off and in turning it on, including the cost of necessary trenching and backfilling, or cutting and replacing pavement, sidewalk or curbing or any municipal permit or permits for opening the

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pavement, and also shall settle any unpaid bill for water or other service and make a satisfactory deposit to ensure the payment of future water bills.

8. One Service Connection for Each Customer. A service line will be used to supply a single customer only. No premises shall have more than one service connection except where impossible or impracticable to furnish an adequate water supply service through one service connection. In this event, the Borough may agree to the installation and use of more than one connection.
9. Single Service Line With Two or More Customers. Where two or more customers are supplied through a single service line, any violation of this Part or any rules and regulations by either or any customer shall be deemed to be a violation as to all. Unless the violation is corrected after reasonable notice, the Borough may take any action as can be taken for a single customer, except that this action shall not be taken until the customer who has not violated this Part or any rules and regulations has been given a reasonable opportunity to attach his or her service pipe to a separately controlled service connection.
10. Other Service Line Extension Requirements.
  - A. The Borough reserves the right to require any owner to install on or in conjunction with a service line, valves, stop cocks, check valves, relief valves, pressure regulator, air chamber, tank, float valve, backflow preventer or other apparatus of approved design, when and where, in the Borough's opinion, the conditions may require it for the safeguarding and protection of the Borough's property or the water supply.
  - B. Should the use of water through a service line connection become excessive during a period of peak use, and cause a substantial decrease in pressure in the Borough's distribution system to the extent that normal water service to other customers is impaired, the Borough may require the installation of properly designed and adequate storage and other required facilities on the system of the premises involved.
  - C. The facilities shall include all piping, valves, fittings, storage structures, pumps, automatic controls and any other appurtenances as are required to permit the storage of water and delivery during periods of peak water use on the premises, and thereby avoid a direct use from the Borough's system during these periods. The basic design of these systems shall be subject to the Borough's approval.
  - D. When steam boilers take a supply of water directly from the service pipe, depending upon the hydraulic or hydrostatic pressure in the pipe system of the Borough for their supply under working pressure, it will be at the risk of the parties making these attachments. The Borough will not be responsible for any accidents or damages to which these devices are frequently subject.

- E. House boilers for domestic use must in all cases be provided with vacuum valves to prevent collapsing when water is shut off from the distributing pipes. The Borough will in no case be responsible for accidents or damages resulting from failure to observe this or due to conditions in the distributing pipes, or from the imperfect action of any valves or due to any other causes.
- 11. Change in Location of Service Line Connection. The customer shall pay for the cost of relocation of all service line connections made at his or her request or for his or her convenience.
- 12. [Reserved.] [Ord. 1216]
- 13. Use of Curb Stops. Curb stops at the curb line shall not be used by the customer for turning on or shutting off the water supply. The control of the water supply by the customer shall be by means of a separate stop cock located, in general, just inside the building wall. Curb stops are for the exclusive use of the Borough. [Ord. 1216]

(Ord. 1178, 12/12/1995, §5; as amended by Ord. 1216, 5/8/2001, §§1, 2; as amended by Ord. 1343, 10/09/2012, §2)

#### **§106. Water Line Extensions.**

The extension of water lines from the Borough's system shall be in accordance with the following:

- A. Circumstances. All extensions shall be connected to main water lines owned by the Borough. A water line extension shall be required by the Borough in all or any one of the following instances:
  - (1) For the furnishing of water service to an individual premises whose property line does not abut a main water line installed in a public or private right-of-way and owned by the Borough.
  - (2) For the furnishing of water service to a group of individual premises whose property lines do not abut main water lines installed in a public or private right-of-way and owned by the Borough.
  - (3) For the furnishing of water service to a group of premises located within the limits of a recorded plan of lots where the developer of the plan is desirous of obtaining this service for the lots.
  - (4) For the furnishing of public or private fire service to a municipality or a private individual, firm or corporation or others requesting this service where no Borough-owned lines are installed in public rights-of-way, or where existing Borough owned lines are not capable of producing the requested fire flows.

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- (5) For the furnishing of a requested quantity of water service for a premises or group of premises which is beyond the capability of the existing Borough system in the area where service is required.
    - (6) Any other similar instances.
  - B. **Limit of Extension.** The extension of a water line shall include the entire quantity of pipeline and appurtenant facilities required to conduct the supply of water from the end of the existing distribution system of the Borough to and across the entire frontage of the last property for which the owner has requested water service. Where an individual premises for which service is requested is situated on land having extensive frontage on the public right-of-way beyond the premises, the limit of the required extension shall be based on the minimum frontage required for a buildable lot as set forth in the Borough's Zoning Ordinance [Chapter 27] in which the property is located.
  - C. **Application for Extension.**
    - (1) A written application must be submitted to the Borough for the purpose of requesting approval of a water line extension and water service. The application shall be accompanied by plans showing the proposed location of the extension and other pertinent conditions. The application may be signed by the owner or owners.
    - (2) Applicants for water line extensions shall be furnished a preliminary estimate of extension cost. At the time the agreement is executed, the applicant shall be required to deposit 100% of the preliminary estimate cost to cover all expenses incurred by the Borough in installing the extension.
  - D. **Extension Procedure.** Extensions of water lines may be made by the Borough. The person or persons requesting the extension shall be responsible for the payment of the total cost. Water line extensions required to serve residential, commercial, industrial or lot plant developments shall be approved by the Borough and shall comply with the following conditions:
    - (1) All extensions shall be located on dedicated streets or on rights-of-way dedicated for public use. Where required rights-of-way are not recorded, the Borough shall be provided with a written right-of-way suitable for recording.
    - (2) All extensions shall be designed in a manner to permit future extensions with rights-of-way dedicated whenever applicable.
    - (3) All water lines shall be constructed in complete accordance with the Borough's standards and specifications.



- (4) The owner shall post with the Borough under written agreement, an amount sufficient to pay for the water line extension.
  - (5) The contractor shall be required to provide the Borough with performance and payment bonds in the full amount of the work construction cost.
  - (6) The contractor shall provide the Borough with certificates of insurance in the amounts specified by the Borough.
  - (7) All work shall be inspected on a full-time basis by the Borough's representative, the owner to be responsible for the payment of all inspection costs.
  - (8) The owner shall be responsible for all Borough costs incurred in connecting to existing Borough facilities.
  - (9) Prior to acceptance of completed facilities, the contractor shall furnish the Borough with a two year maintenance bond in the full amount of the completed work.
- E. Cost Responsibility. The entire cost of the requested extension, including fire hydrants and other appurtenances, shall be paid by the person or persons requesting service. The Borough shall not be subject to any cost. The cost of a water main extension or installation shall include the following:
- (1) The cost of all design and/or plan review.
  - (2) The cost of water lines at least eight inches.
  - (3) The cost of connections to the existing main lines, including all costs incurred by the Borough.
  - (4) The cost of all valves, valve boxes, fittings, fire hydrants and all related work, including the testing of the extension.
  - (5) The cost of all land and rights-of-way.
  - (6) The cost of all inspection.
  - (7) The cost of all governmental permits and inspection.
  - (8) All engineering, legal, administrative and overhead costs.
- F. Payment of Costs. The owner shall deposit with the Borough prior to beginning any work a sum of money sufficient to pay all the estimated costs of the

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extension. The deposit shall be made upon the execution of an agreement between the Borough and the owner.

- G. Agreement. The owner shall enter into an agreement with the Borough, prior to the execution of any work, the agreement to contain the following:
- (1) The cost of all work to be paid by the owner.
  - (2) The materials and work to be in accordance with the Borough's specifications.
  - (3) The highway, streets, alleys and lanes in which the extension is to be located shall be dedicated to public use, the lines and grades thereof established and the rough grading completed. Where a line is located in a private right-of-way, the right-of-way shall be dedicated for utility use.
  - (4) The ownership title to all installations shall be conveyed to and vested in the Borough.
  - (5) The Borough shall have the right to make further extensions beyond or laterally from the extensions, which extensions shall not be considered as connections subject to any refund.
  - (6) The payment of refunds to the applicant for additional new customers connected to the extension to be subject to conditions as set forth in the agreement, and to limiting the number of years for the payment of refunds to 10. No refunds are to be made unless monies are received from other consumers for the privilege of obtaining service from the extension.
  - (7) Any other related requirements.
- H. Installation Specifications. All water lines shall be installed in accordance with the Borough's detailed specifications, including:
- (1) The minimum pipe size for any new water line extension shall be eight inches in diameter and shall be constructed of minimum Class 52 ductile iron, unless otherwise approved. The Borough may require installation of larger diameter mains depending upon the existing water main sizes and service area. All pipe shall conform to the current Borough's specifications.
  - (2) All valves shall conform to the Borough's current specifications.
  - (3) All fire hydrants shall conform to the Borough's current specifications.

- (4) All water lines shall be laid with a minimum depth of cover of four feet, properly bedded, backfilled, blocked, subjected to a hydrostatic test for leakage and subject to any other requirements.
- (5) All connections to existing mains shall be completed by a licensed Contractor at the cost of the applicant and with a minimum of seventy-two (72) hours notice of the time when the connection will be made so that the Borough may supervise and inspect, or may cause to be supervised and inspected, the connection work and necessary testing.
- (6) All extensions shall be subjected to a hydrostatic test and shall be disinfected in accordance with A.W.W.A. Specification C601 – Standard for Disinfecting Water Lines.

(Ord. 1178, 12/12/1995, §6; as amended by Ord. 1343, 10/09/2012, §3)

### **§107. Swimming Pools.**

The filling of swimming pools shall be subject to the following:

- A. The rate of filling shall not be excessive and/or cause any disturbance or serious pressure drop in the existing Borough system, and be subject to the Borough's approval.
- B. The lines extending to and around the swimming pool shall be thoroughly flushed until the water is clear and, if necessary, the water shall be passed through the pool filters prior to discharge into the pool or pools. The pool shall be thoroughly flushed and cleaned before closing of the drain valves.
- C. No chlorine shall be applied to the pool water during the initial filling, except ahead of the filters, and the filter and recirculating systems shall be maintained in constant use during filling. If no filter system exists, the owner and/or operator must accept full responsibility for causing, through the use of chlorine, the precipitation of iron and manganese and any other constituents, and possibly causing discoloration of the water.
- D. No swimming pool shall be filled except through a metered connection.
- E. There shall be an approved backflow preventer on all swimming pool fill lines or a visible air gap.

(Ord. 1178, 12/12/1995, §7)

**§108. Cross Connections and Interconnections.**

It is the purpose and intent of this Part and any rules and regulations to protect the Borough's distribution system from the possibility of contamination or pollution by isolating within its customers private water distribution system or systems, the contaminants or pollutants that could backflow into the Borough's community water system or distribution system.

- A. Responsibility. The customer shall take proper precaution to protect the distribution system from contamination or pollution due to backflow through the water service connection. The Borough shall determine the degree of hazard to the distribution system and require, at the customer's expense, installation of an approved backflow prevention device at the water service connection commensurate with the degree of hazard. The Borough also shall give notice, in writing, to the customer to install an approved backflow prevention device at each service connection. The Borough or its agent shall require at the customer's expense annual or more frequent testing, proper maintenance and repair and adequate records of each test and subsequent repair, including material or replacement parts for each installed, approved backflow prevention device. The customer, as a condition of service or continued service, shall send to the Borough the written test results and/or repair information on forms supplied by the Borough. Failure, refusal or inability on the part of the customer to install, test, maintain, repair or keep record of safe devices shall constitute a ground for the Borough to discontinue the customer's water service. The testing of backflow prevention devices shall be done only by individuals who are deemed as qualified and approved prior to testing by the Borough. Backflow prevention devices shall be in accordance with the Pennsylvania Department of Environmental Protection's Rules and Regulations, Title 25, Pa. Code, Chapter 109, § 109.709. Each water service equipped with a backflow prevention device shall also be equipped with a thermal expansion relief valve located along the pipe between the backflow prevention device and the hot water heater. [Ord. 1343]
  
- B. Prohibition.
  - (1) No water service connection to any customer shall be installed or maintained by the Borough unless the connection is protected as required by this Part and any rules and regulations. Service of water to any customer shall be discontinued by the Borough if any approved backflow prevention device is: (a) improperly installed; (b) not installed; (c) not regularly tested and maintained; or (d) removed, bypassed or inaccessible to the Borough for the purpose of inspection or testing. Water service to any customer shall be discontinued by the Borough if adequate records of test results for approved backflow prevention devices are not kept and forwarded in writing to the Borough.
  
  - (2) Delivery of water shall be discontinued immediately and without notice to the customer if a regulatory agency determines that the Bor-

ough water distribution system is being or is in immediate danger of being contaminated or polluted.

- (3) In the case of discontinuance of service for violating this Section, the notice shall state the condition or defects which must be corrected and the date on or after which delivery of water will be discontinued.
- (4) The customer's water system shall be open for inspection at all reasonable times to the Borough's representatives or its agents, to determine the adequacy of backflow prevention device records, whether cross connections or violations of this Part and any rules and regulations exists, the degree of hazard to the Borough water distribution system, or for the inspection and operational testing of backflow prevention devices.
- (5) An approved backflow prevention device shall be installed at the customer's expense on each service connection after the water meter or immediately inside the building being served, but, in all cases before the first branch line leading off the service connection lines.
- (6) The type of backflow prevention device required shall depend upon the degree of hazard, as determined by the Borough, which exists as follows:
  - (a) In the case of health hazards, a reduced pressure principal device (RPPD) or air gap (AG) shall be installed in the customer's service line or lines at the customer's expense.
  - (b) In a case of pollution hazards, a double check valve assembly (DCVA) shall be installed in the customer's service line or lines at the customer's expense.

[Ord. 1343]

- C. It shall be the responsibility of the customer at any premises where a backflow prevention device or devices are installed or already in place to have a thorough inspection of the operational test performed at least once a year, or more often if previous inspections indicate a need. Inspection and operational tests shall be performed immediately following installation of or maintenance and repair to a backflow prevention device. Each device shall be repaired, overhauled or replaced at the customer's expense whenever it is found to be necessary.
- D. All presently installed backflow prevention devices not meeting the requirements of an "approved" device which can be shown to have been adequately inspected, tested and maintained, shall be acceptable and approved as long as the Borough is assured that these devices can adequately protect the distribution system. If, however, the existing device is moved from its

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present location, requires more than minimum maintenance, or maintenance will constitute a health hazard, the device shall be replaced by an approved device.

- E. No customer shall alter, bypass or render ineffective or inoperable any back-flow prevention device.

(Ord. 1178, 12/12/1995, §8; as amended by Ord. 1343, 10/09/2012, §4)

### **§109. Meters.**

All meters, unless otherwise indicated, will be furnished and installed by the Borough, subject to any fees, and will remain the Borough's property and be accessible to and subject to its control and maintenance. The Borough will furnish meters up to and including 1 inch by 1 inch size at no cost to the customer. Meters for commercial, industrial, or large public facilities that are either new or have an existing meter pit for services larger than 1 inch diameter shall be furnished by the customer upon approval by the Borough or the Borough's duly appointed representative. Meters of the fire type will not be installed for general service. A meter will be required for each premises and for each separate service line connection supplying a premises except as otherwise provided in this Part or in any rules and regulations. [Ord. 1343]

- A. **Size of Meter.** The Borough reserves the right to stipulate the size and type of the meter to be installed on each service line and to require the installation of a larger size meter in any case where the peak use of water places any meter under undue or unusual strain and/or exceed the recommended meter capacity, and reserves the right to charge the fees in effect for the larger meters. The minimum size of a meter installed shall be the same size as the service line, except that, on a 3/4 inch or one inch line serving a domestic customer, the privilege of using a 3/4 inch by 5/8 inch meter may be allowed by the Borough.
- B. **Location.** The meter's and/or remote reading equipment's location shall be subject to the Borough's approval. It shall be at a convenient and accessible point, shall permit control of the entire supply and shall allow proper protection of the meter from freezing or other harm. No fixture shall be attached to, or any branch made in, the service pipe between the meter and the street main. In cases where it is not practical to place the meter within a building, the Borough may require the property owner to furnish, inside the property line, an approved meter pit with a suitable cover. This installation shall be made in accordance with a plan furnished or approved by the Borough. The design of the meter pit shall permit adequate access to the meter and its ready installation or removal.

C. Installation of Meter.

- (1) All piping fittings, valves, check valves, gauges, bolts, nuts, meter pit structures, manholes or other accessories or materials, and the labor for installing, used in connection with meter settings within the property line of the premises, shall be at the applicant's expense. The customer shall employ for this work the services of skilled tradesmen, who shall cooperate with the Borough and install all the piping and appurtenances in accordance with the dimensions and requirements for each specific case, so that the meter or meters can be properly installed and connected by the Borough.
- (2) The customer shall furnish and install on the service line a ball gate valve, without waste, the same size as the service line on the street side and immediately before the meter, and a ball valve on the outlet side and immediately after the meter. A suitable backflow preventer shall be furnished and installed by the customer at a point between the meter and outlet ball valve.
- (3) Under certain conditions, where there is a demand or necessity for uninterrupted water service to eliminate inconvenience to the customer and the Borough when repairs to or replacement of the meter is necessary, the Borough may, at its option, require the installation of a battery of two or more meters on the one service line, with a combined capacity approximately equal to the capacity of the single meter requested. These installations shall be properly valved to control or cut any single meter out of service and permit its removal without interruption of service through the remaining meter or meters.

D. Maintenance, Care and Responsibility for Damage. The Borough will maintain all meters at its expense, except that the customer is liable and responsible for all damage to all meters while on its premises. In the event of the injury to or nonworking of the meter, the customer shall promptly notify the Borough. The Borough will furnish and set another meter to replace the one frozen or damaged and the cost of the repairs to the same, including replacement parts, labor and transportation charges, as well as the cost of testing and costs for reinstallation or changing of the meter, shall be billed to the customer and paid for by the customer.

E. Meter Tests.

- (1) All meters are tested before installation and thereafter are periodically tested. Should the customer or the Borough at any time doubt the accuracy or correctness of the meter measuring water delivered to the customer's premises, the Borough will, upon a customer's written request, make a test of the meter's accuracy. If the meter tested shall be found to be accurate, a fee shall be paid to the Borough by the custom-

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er requesting the test. If not so found, then the cost shall be the Borough's responsibility.

- (2) The Borough reserves the right to remove and test any meter at any time at its own expense and, if the meter is found to be inaccurate, to substitute another meter of the same size in its place, either permanently or temporarily.
- F. Change in Location of Meters. The customer shall pay for the cost of relocation of all meters made at its request or for its convenience.
- G. Seals. No seal placed by the Borough for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken except upon authorization from the Borough or in the presence of a Borough representative. Where the seal is broken, the Borough reserves the right to remove the meter for testing at the customer's expense, even though the meter registers accurately.
- H. Leaks. Customers should give careful attention to their plumbing and fixtures and make immediate correction of all leaks. The Borough is not required to make an allowance for water used, lost, stolen or otherwise wasted through the water meter.
- I. Reading and Registration of Meters. Readings of meters shall be taken as determined by the Borough. The quantity recorded by the meter shall be taken to be the amount of water passing through the meter, which amount will be conclusive on the customer and the Borough, except when the meter has been found to be registering inaccurately or has ceased to register. In these cases, the quantity will be determined by the water consumed during a previous corresponding period as a basis for settlement.
- J. Access to Meters. The Borough at all reasonable times shall have access to a customer's premises and to meters, service connections and other property owned by it on the customer's premises, for the purpose of meter installation, maintenance, operation and reading. Upon notification, the failure to permit reasonable access shall be reason for discontinuance of service.
- K. Notification Relative to Condition of Meter. The customer shall notify the Borough of damage to or of a meter's nonworking or of the breaking of the seal wire, as soon as becoming aware of this condition.
- L. Minimum Charge. Every meter is installed subject to a fixed minimum charge in accordance with the applicable rates, for which certain quantities of water will be allowed without additional charge. Where more than one premises is furnished service through one meter, the same fixed minimum charges shall apply for each and every premises. The minimum shall be nonabatable for a nonuser of water, and noncumulative against subsequent



consumption. Fractional bills covering less than billing period shall be pro-rated.

(Ord. 1178, 12/12/1995, §9; as amended by Ord. 1343, 10/09/2012, §5)

**§110. Public Fire Service.**

A written application prepared on the form furnished by the Borough must be submitted by any person that is served water by the Borough, for the purpose of requesting the installation of public fire hydrants. The application must be accompanied by a plan showing the proposed location of each fire hydrant on the public highway or public property, showing the line and grade of the highway or area and other data. The Borough will determine whether proper service can be furnished at the fire hydrant under normal and ordinary conditions, subject to the size of the existing street main, to the sizes of the lines in the surrounding community water system or distribution system, to the available pressures and any other factors. The person will be advised relative thereto. The entire cost of a fire hydrant installation shall be paid in accordance with the agreement governing its installation. A fire hydrant installation is intended to include a tee and other fittings required in the main line, a branch eight inch line extending from the tee placed in the main line to the fire hydrant, proper blocking of the fire hydrant, the tee and other fittings, and any other work as is indicated on the standard plans of the Borough relative to fire hydrant installations. [Ord. 1185]

- A. Maintenance. All fire hydrants will be inspected annually by the Borough at its own cost and expense, provided that any expense for repairs caused by carelessness or negligence of the employees of the particular person shall be paid for by the person causing the damage.
- B. Permitted User. Only persons authorized by the Borough shall take water from any public fire hydrant or hose plug. However, a fire company may use a public fire hydrant for fire purposes or for the use of the fire company in the case of training or other purposes related to firefighting. No public fire hydrant shall be used for sprinkling streets, flushing sewers or gutters or for any other than fire purposes, except with the approval and issuance of a permit by the Borough. The permit shall be subject to revocation at any time.
- C. Change of Location. Whenever a person or persons desire a change in the location of any fire hydrant, the Borough, upon written notice, will make a change if determined feasible, at the expense of the person or persons, subject to the right of the Borough to refuse the relocation because of size of main pressure, condition of distribution system and other reasons.
- D. Inspection. Upon request of any person, the Borough will make inspections at convenient times and at reasonable intervals to determine the fire hydrant's condition. These inspections shall be made by a Borough representative.

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- E. Responsibility for Service. The Borough does not assume any liability for injury of persons or property and the Borough does not guarantee any special service, pressure, capacity or facility other than can be supplied by the Borough's ordinary and changing operating conditions, as the same exist from day to day. The Borough shall be free and exempt from any and all claims for injury to persons or property by reason of fire, water, failure to supply water pressure or capacity.
- F. Metered Service.
- (1) Where metered service is provided to any property owner, the Borough shall not be responsible for the quantities of water or pressure which may be available for any firefighting facilities or purposes where the customer installs these facilities or makes connections to his or her water system for these purposes, on the discharge side of the meter in his or her service line, and shall not be held liable for any claim based upon loss due to fire or firefighting.
  - (2) The Borough shall have the right to require a compound type meter for installation in any private fire line. Waiver of the requirement shall not prohibit the Borough from requiring a meter at a future date. This meter shall be supplied and installed by the Borough with the cost of the meter, together with labor and materials for installation, to be paid by the customer. Detector check valves will be required on fire service lines not equipped with a compound type meter. All meters for fire service shall be installed in accordance with the Borough's current specifications.
  - (3) The charges for separately metered fire service and water usage shall be set from time to time by resolution adopted by the Borough.

(Ord. 1178, 12/12/1995, §10; as amended by Ord. 1185, 5/13/1997)

### **§111. Water Hammer.**

No use of water will be permitted that may or does cause water hammer.

(Ord. 1178, 12/12/1995, §11)

### **§112. Application for Service and Contracts.**

1. Application for Water Service. A written application, prepared on the form furnished by the Borough, shall be submitted to the Borough to request water service. Applications are merely written requests for service line connections and/or water service. All applications are subject to the Borough's approval and the pay-

ment of all required fees and compliance with this Part and any rules and regulations prior to commencement of the work or service requested. The water service application shall be a contract between the customer and the Borough. Rates for water service shall accrue from the date the water supply service has been connected and water is available to the premises. The application shall be signed by the owner of the premises or a duly authorized agent. The application shall be submitted at least one week before water service is required. Where more than one premises is served by a single meter, the landlord shall be the applicant for service. All new services must certify that no lead exists within the premises.

2. **Delinquent Charges.** No agreement shall be entered into by the Borough with an applicant for water service until all arrears for water, rents, bills for meter repairs or other charges due from the applicant at any premises now or previously owned or occupied by him or her shall have been paid or until satisfactory arrangements for payment of these unpaid bills shall have been made. Payments shall include the minimum meter charge for each quarter the service was suspended.
3. **Term of Contract.** All contracts covering metered water supply service shall continue in force from month to month, unless 10 calendar days written notice is given by either party of a desire to terminate the service.
4. **New Application Upon Change in Ownership or Conditions of Water Use.** A new application shall be submitted and approved by the Borough upon any change in the property's ownership when the owner is the customer or upon any change in the service as described in the application. The Borough shall have the right, upon 10 calendar days notice, to discontinue the water supply until a new application has been made and approved.
5. **Renewal of Service.** Water service will be renewed under a proper application when the conditions under which the service was discontinued are corrected and upon the payment of all charges due.
6. **Condition of Plumbing System.** The piping and fixtures on the customer's property shall be in satisfactory condition at the time service facilities, including meters, are connected and water furnished. The Borough shall not be liable for any accidents, breaks or leakage that are due to the connection with the supply of water, or failure to supply the same, or for the freezing of piping and fixtures of the customer, nor for any damage to the property which may result from the usage or non-usage of water supplied to the premises. If piping fixtures are not suitable for a meter connection, the customer shall render them suitable.

(Ord. 1178, 12/12/1995, §12)

### **§113. Deposits.**

The following general conditions shall apply to deposits in connection with applications for water service:

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- A. Cash deposits are required from customers taking service for a period of less than 30 calendar days, in an amount equal to the estimated gross bill for the temporary period. Cash deposits may be required with all applications for service, provided that in no instance will deposits be required in excess of the estimated gross bill for any single billing period plus one month, the maximum period not to exceed four months with a minimum deposit as established by the Borough. Deposits shall be required from all applicants who are indebted to the Borough or who have impaired their credit with the Borough in any manner.
- B. The deposit shall not bear interest on the applicant's behalf.
- C. Any customer having a deposit shall pay bills for water service as rendered in accordance with this Part and any rules and regulations, and the deposit shall not be considered as payment on account of a bill during the time the customer is receiving water service.
- D. Where the customer may desire to discontinue service the Borough may apply the deposit to the final bill once a notice to discontinue service has been received.

(Ord. 1178, 12/12/1995, §13)

### **§114. Service Discontinuance.**

- 1. By the Customer. Any customer may terminate its service contract with the Borough by reason of moving permanently away from the premises, and have the water service discontinued upon giving notice to the Borough, and upon the lapse of a reasonable time thereafter to permit the Borough to take final meter readings and attend to other details in connection with the service discontinuance. The customer shall remain liable for water furnished to the premises as long as the customer remains the property's owner. Service discontinuance by the Borough for nonpayment of a bill or violation of this Part and any rules and regulations shall not cancel the application for service nor constitute a waiver
- 2. By the Borough. Service may be discontinued for any of the following reasons:
  - A. For misrepresentation in the application.
  - B. For the use of water for or in connection with, or for the benefit of, any other premises or purposes than those described in the application.
  - C. For willful waste of water through improper or imperfect pipes, fixtures or otherwise.

- D. For failure to maintain in good order the service lines and fixtures owned by the applicant.
  - E. For molesting or in any other way interfering with any service pipe, meter, meter box, curb stop, curb box or with any seal on any meter or other fixtures and appliances of the Borough.
  - F. In case of continued vacancy of the premises.
  - G. For refusal of reasonable access to the premises for purposes of inspecting the piping, fixtures and other water system appliances, or for installing, reading, caring for, repairing or removing meters.
  - H. For neglecting or refusing to make or renew advance payments where required or for nonpayment of water service, or for any other charge accruing under the application.
  - I. Where the contract has been in any way terminated by the customer.
  - J. For making or refusing to sever, upon notice, any cross connection between a pipe or fixture carrying water furnished by the Borough and a pipe or fixture carrying water from any other source.
  - K. For premises where the demand for water is greatly in excess of past average or seasonal use, or where excessive demands for water by the premises are or may be detrimental or injurious to, or make inadequate, or in any way impair water service furnished to other customers.
  - L. For premises where apparatus, appliances or equipment using water is dangerous, unsafe and not in conformity with any laws or ordinances.
  - M. For fraud or abuse.
  - N. For violation of this Part and any rules and regulations or other requirements governing the supply of water furnished by the Borough.
3. **Renewal After Service Discontinuance.** Service may be renewed under a proper application when the conditions under which the service was discontinued are corrected and upon the payment of all charges or amounts due the Borough.
  4. **Turn-Off Without Authorization.** The customer shall not turn the water off at any corporation stop or curb stop, or disconnect or remove the meter, or permit its disconnection or removal without the Borough's consent.
  5. **Suspension of Service Due to Emergency or Maintenance.** The Borough shall have the right in case of breakdown, emergency or for any other unavoidable reason, to cut off the water supply temporarily to make necessary repairs, connections and to do any other work. The Borough will use all reasonable and practical measures

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to notify the customer of the discontinuance of service. The Borough shall not be liable for any damage or inconvenience suffered by the customer or any claim against it at any time for interruption in service, lessening of the supply, inadequate pressure, poor quality of water or for any other causes beyond its control. A temporary shut-off of the water supply shall not entitle the customer to any abatement or deduction in or from the water service charges, nor the refund of any portion of service charges paid in advance during or for the time of the shut-off. When a supply of water is to be temporarily cut off, notice shall be given, when practicable, to all customers affected by the shutting off, stating the probable duration of the interruption of service and also the purpose for which the shut-off is made. Nothing in this Part or in any rules or regulations, however, shall be construed as the Borough's guarantee, covenant or agreement to give notice of any shut-off due to emergencies or otherwise.

6. Reserve Supply. The Borough shall have the right to reserve a sufficient supply of water at all times or may restrict or regulate the quantity of water used by customers in case of scarcity or whenever the public welfare may require it.

(Ord. 1178, 12/12/1995, §14)

### **§115. Bills, Payment and Service Termination.**

1. Place of Payment. All bills are payable at any office or any pay agency designated by the Borough.
2. Basis for Preparation of Bills. All bills for services furnished by the Borough shall be based on the Borough's rate schedule. All bills shall be rendered and are due and payable monthly or quarterly or any other period, at the Borough's discretion. Each premises will be subject to a fixed minimum charge for each meter, based on the size of the meter, the use of certain quantities of water being allowed for each size meter without additional charge. The minimum charge shall be nonabatable for a nonuser of water, and noncumulative against subsequent consumption. In the case of fractional bills covering less than a billing period, charges shall be pro-rated. The charges for the use of water in excess of the quantities allowed for each size meter shall be in accordance with the rate schedule, the allowance of water for the minimum charges to be deducted from the quantities set forth in the rate schedule. In accordance with the Municipal Claims and Tax Liens Act of April 17, 1929 as amended (53 P.S. §7251), the property owner shall be liable for the payment of all bills rendered, including those of tenants. [Ord. 1326]
3. Bills Rendered and Due. The Borough shall make regular meter readings as determined from time to time by the Borough. Bills shall be rendered as soon as practicable after the reading of the respective meters. All bills are due and payable within the number of days after the date of presentation as required by this Part and any Borough rules and regulations. Acceptance of remittance of bills on the last day of this period shall be determined by their receipt in the Borough's office designated for their receipt at the close of business on this date. Payment of

the bill after the expiration of the allowable period will incur a penalty equal to ten percent (10%) of the net amount of bill plus interest calculated at the rate of ten percent (10%) per annum from thirty (30) days after the date of the bill. Said interest and penalty shall be added to the bill until the bill is paid. The addition of penalties and interest shall not entitle an owner to an extension of time for payment. If bills are not paid within the required period during which the gross amount shown applies, a delinquent notice shall be served and service may be terminated. If the service is discontinued, it will not be restored until all unpaid bills and charges, including the turn-off and turn-on charges, penalty and interest, are paid or satisfactory arrangements made for payment. The Borough shall mail or deliver the bills and notices to the consumer at the address given in the application for service and the Borough shall not be responsible for their delivery. It shall be the duty of the owner to update the Borough with any address change. Failure to receive bills shall not be an excuse for nonpayment. The amount of any check received by the Borough in payment of any bill due the Borough which is returned unpaid by the drawee bank for any reason shall be recharged against the owners' account and, in addition, charges shall be made against this account for the cost of handling, for each call for collection, and for any other related costs incurred by the Borough. The Borough has the right to collect unpaid water accounts, in accordance with the Municipal Claims and Tax Liens Act of 1923, May 16, P.L. 207 as amended (53 P.S. 7101 et seq, 53 P.S. 7143) including but not limited to the filing of liens and assumpsit actions with the accrual of interest as set forth herein and recovery of all charges, costs, expenses and attorneys fees incurred in the recovery of the account. [Ord. 1326]

4. Water Service Connection. Water service termination shall be as follows:
  - A. The water charge must be due and owing to the Borough for over 30 calendar days from the date it was required to be paid.
  - B. A written notice shall be sent by the Borough to the person owing the delinquent water charge notifying the person that the water will be shut-off if the water charges are not paid as set forth in the notice.
  - C. The written notice must be mailed by the Borough at least 10 calendar days prior to the date that the water shutoff is to occur.
  - D. A written notice must be posted by the Borough at the main entrance of the premises to be shut-off indicating that the premise's water will be shut-off if the water charges are not paid.
  - E. The posted notice must be placed by the Borough at least 10 calendar days prior to the date that the water shut-off shall occur.
  - F. If the conditions in subsections (A) through (E), above, are met, the water may be shutoff by the Borough. However, if during this ten-day calendar period, the person liable for payment delivers to the Borough a written statement, under oath or affirmation, stating that the person has a just defense

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to the claim for water charges, then the water will not be shutoff until the claim has been litigated. The person must include in this statement a declaration under oath or affirmation that it is not being executed for delay purposes.

(Ord. 1178, 12/12/1995, §15; as amended by Ord 1326, 12/13/2011, §1)

### **§116. Turn-on Charge.**

Where there is no unpaid bill, water will be turned off and on without charge for customers who wish to discontinue or renew service. When water has been turned off because of an unpaid bill or violation of the terms of the application of this Part or any rules and regulations, a turn-on charge shall be paid before water service is restored.

(Ord. 1178, 12/12/1995, §16)

### **§117. Inspection.**

The Borough, its employees or representatives, shall have access to the customer's premises at all reasonable hours, for the purpose of:

- A. Turning water on or off.
- B. Inspection, repair and/or replacement of service lines and service line extensions.
- C. Inspections, setting, reading, repairing, replacing and removal of meters.
- D. For all other justifiable purposes.

(Ord. 1178, 12/12/1995, §17)

### **§118. Interference with Borough's Property.**

No worker, owner, tenant or other unauthorized person shall turn the water on or off at any corporation cock or curb cock or break the seals, disconnect or remove the meter or otherwise interfere with the Borough's property. For unauthorized operation of a street valve, curb stop, service cock or other service connection, the person owning the premises shall be required to pay the fee in effect and any costs required in connection with damage to these facilities.

(Ord. 1178, 12/12/1995, §18)

### **§119. Service Notices.**



All Borough notices and bills shall be deemed to have been properly served if left upon the customer's premises or if mailed to the customer, directed to or left at its address as shown on the Borough's records. Failure on the part of the customer to receive a notice or a bill following proper service by the Borough shall not excuse the customer for payment of all amounts due, including penalties for late payment. The Borough will send all notices and bills to the address given on the application for water supply until a notice or change, in writing, has been filed with the Borough by the applicant. All notices of a general character, affecting or likely to affect a large number of customers, shall be deemed to have been properly given or served if advertised in the newspaper designated by the Borough.

(Ord. 1178, 12/12/1995, §19)

**§120. Service Not Guaranteed.**

Nothing in this Part, any rules or regulations, nor any contract, nor representation, verbal or written, of the Borough or any of its employees shall be taken or construed in any manner to be or constitute a guarantee to furnish a given quantity of water through any service connection, whether for domestic, commercial, industrial, manufacturing or other general uses, or for public or private fire protection purposes, or for any other special purposes. The Borough shall have the right to temporarily cut off the water supply in the case of breaks, emergencies or for any other reason, to make necessary repairs, connections and do any other work. The Borough shall not be liable for any damage or inconvenience or any claim for interruption of service, lessening of supply, inadequate pressure, poor quality of water and any other reasons

(Ord. 1178, 12/12/1995, §20)

**§121. Supply Restrictions.**

1. Generally. The Borough reserves the right to restrict the supply of water in case of scarcity or whenever the public welfare may require it, and to reserve a sufficient supply of water at all times in its reservoirs to provide for fire and other emergencies.
2. Water For Sprinkling. The use of water for sprinkling purposes shall at all times be subject to the express condition that the Borough may, at any time, when in its opinion the condition of the public water supply demands it, limit the time each day when a hose may be used for sprinkling purposes, or the Borough may forbid the use of water for sprinkling purposes for any period deemed necessary.

(Ord. 1178, 12/12/1995, §21)

**§122. Acts of Borough Employees and/or Others.**

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No agent or employee of the Borough shall have the power or right to bind the Borough by any promise, agreement or representation contrary to this Part and any rules and regulations.

(Ord. 1178, 12/12/1995, §22)

### **§123. Rules, Regulations and Standards.**

The Borough may from time to time promulgate or adopt or amend by resolution any rules, regulations and standards including standard details it deems appropriate to apply this Part's provisions. Such rules, regulations, standards and standard details shall be incorporated herein and shall be applied and enforced as though stated in full herein and attached hereto as Appendices as adopted or amended.

(Ord. 1178, 12/12/1995, §23; as amended by Ord. 1343, 10/09/2012, §6 and §7)

### **§124. Failure to Comply.**

Should any person fail or refuse upon receipt of written notice from the Borough and/or the Authority to remedy any unsatisfactory condition immediately or within 30 calendar days, then the Borough or the Authority may refuse to permit this person to remain in the Borough's community water system or distribution system until the order of the Borough and/or the Authority shall have been fully implemented. (Ord. 1178, 12/12/1995, §24)

### **§125. Enforcement.**

Either the Borough or the Authority on its own behalf or jointly may enforce this Part's provisions or any rules or regulations promulgated under it.

(Ord. 1178, 12/12/1995, §25)

### **§126. Penalties.**

Any person who violates any of the provisions of this Part or its rules and regulations shall, upon conviction thereof, be sentenced to 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 is permitted to exist shall constitute a separate offense.

(Ord. 1178, 12/12/1995, §26; as amended by Ord. 1185, 5/13/1997)

**§127. Deduct Meters**

1. Definition.

(a) “Deduct Meter” shall mean a water meter designed and installed so as to measure, in cubic feet, that portion of the total water consumed by an improved property for purposes which will not result in such water ultimately being discharged into a sanitary sewer treatment system.

2. Uses. Deduct meters may only be utilized to measure water usage conveyed through plumbing facilities specifically designed and intended for the following uses:

A. air conditioning evaporation systems; and

B. built-in or subsurface irrigation systems having no facilities or connections for the attachment of hoses or other devices.

The filing of swimming pools shall be governed by Section 107 of this chapter and shall not be an approved purpose or use for deduct meters.

3. Prior Approval. Each request by a customer for the installation and use of a deduct meter shall require the prior approval of the Public Works manager. Any denial of such a request may be appealed to the Infrastructure Committee of the Borough Council for final consideration. A request made to the Infrastructure Committee shall be accompanied by such drawings, specifications and explanations as shall be deemed satisfactory by the Borough’s Consulting Engineer.

4. Non-Borough Water Systems. The approval required by the preceding Subsection 3 shall also be required in those instances where metered service of water to the improved property is provided through a water distribution system owned and operated by a party other than the Borough, so as to assure that satisfactory arrangements are made to confirm that the water metered through the deduct meter will not be discharged into a sanitary sewer system. In addition to such required prior approval by the Borough, the written approval of the water distribution system owner and operator will also be required in such cases.

5. Installation, Operation and Specifications.

(a) The provisions applicable to the installation, operation and specifications for a deduct meter shall be the same as those set forth in Section 109 and Subsection 105.6. of this Chapter (excluding Subsection 109.L. thereof); provided, however, that notwithstanding the provisions of said Subsection 105.6., the meter to be utilized as a deduct meter shall be purchased from the Borough. Furthermore, the location of a deduct meter shall be downstream of the primary borough water meter, which shall measure the full metered water service for the improved property, notwithstanding the provisions of Section 109 and Subsection 105.6 of this part. Lastly, any deduct meter installed pursuant to the terms contained

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herein shall have no other outlet than a hard piped irrigation system or an air conditional evaporator.

(b) The sale of any property utilizing a deduct meter pursuant to the terms contained herein shall prompt an inspection of the deduct meter and its appurtenances to ensure its property functioning and installation.

6. Billing. The Borough Council may from time to time establish and/or amend by resolution rates and charges for installation, use, inspection, repair and replacement of deduct meters and for review of deduct meter applications by the Borough's Consulting Engineer. Under no circumstances shall a deduct meter nor measurements provided by a deduct meter be utilized to reduce the calculation of the quantity of water delivered to an improved property and as to which water rates and charges are made applicable pursuant to Section 103, Section 110F.(3) and Section 131 of this Chapter.

(Ord. 1279, 4/8/2008, §1)

### **B. Water Rates.**

#### **§131. Water Rates.**

A. The Borough Council shall establish by resolution charges for using the water distribution system.

Where water is served from one (1) or more meters to two (2) or more billing units, one (1) of the units being a dwelling unit, household, flat, condominium or apartment used as a primary residence, the unit rate rule shall apply. A billing unit shall be defined as a dwelling unit, household, flat, condominium, apartment, store, shop, office, business or similar type commercial unit but specifically excluding hotel, motel, motor inn or similar type establishment. A dwelling unit shall be defined as the space occupied by each family in the case of a building occupied by two (2) or more families using separate cooking and/or bathroom facilities. Under the unit rate rule, charges for water service shall be computed as if each billing unit, occupied or intended to be occupied, had a separate, independent connection and 5/8 inch meter. The charges shall then be totaled for the number of billing units and one (1) bill shall be rendered by the Borough of Wyomissing. The Borough of Wyomissing shall be notified of the total number of billing units upon the premises and of any change in the number of billing units upon the premises as the change may occur. This notification shall not be binding upon the Borough of Wyomissing in determining the number of units actually in existence on any premises. A false statement as to the number of units in existence may be cause for termination of water service until adjusted billings shall have been paid.

B. Rates for Fire Protection Service. The Borough Council shall establish by resolution charges for use of any water line which supplies water, metered or not, to

serve sprinklers, fire hydrant(s), and/or standpipe(s) on a premise regardless of whether such water line is combined with domestic water supply.

(Res. 12/10/1996-C; as amended by Res. 10/14/1997A; Res. 99-15, 10/12/1999; Res. 2013-08, 12/10/2013; Ord. 1363, 9/9/2014, §1; and Ord. 1402-2019, 6/11/19, §1)



**PART 2**

**WATER SYSTEM INSTALLATION**

**A. Standard Specifications.**

**§201. Reference to Standard Specifications**

All additions, extensions, and/or alterations to the Wyomissing Borough potable water system shall be performed in accordance with the Standard Specifications as may be adopted by Borough Council from time to time by Resolution.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**B. General Conditions.**

**§211. Bond and Insurance Required.**

No person shall disturb any street or alley without first giving to the Borough:

- A. Bond. A bond with an acceptable trust or surety company as surety or a letter of credit with an acceptable bank as issuer, in the sum determined by the schedule of fees, conditioned for the faithful performance of these provisions and also for any and all damages, claims, demands, suits, costs and counsel fees occasioned or arising from the digging up, opening or closing of said streets and alleys. Such bond or letter of credit shall be valid without need of renewal for a period of five (5) years from the date of issuance.
  
- B. Permittee's Liability Insurance. The permittee shall purchase and maintain insurance that will afford the following protection from claims:
  - (1) Coverage. For damages because of bodily injury, sickness or disease, or death of any person other than employees including claims insured by usual personal injury liability coverage; property damages and loss of use resulting therefrom; any or all of which may arise out of or result from the operations and completed operations of the contractor, whether such operations and completed operations be by the contractor or by any subcontractor or anyone directly or indirectly employed by any of them or for whose acts any of them may be legally liable. Before starting the work, the contractor will file with the Borough a certificate of such insurance, acceptable to the Borough. Insurance covering comprehensive general liability shall be maintained by the contractor for the duration of the work.

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- (2) Limits of Insurance. The permittee shall provide insurance in the following minimum amounts:

FORM	MINIMUM LIMITS
Comprehensive General Liability	
Bodily Injury	\$3,000,000
Property Damage	\$3,000,000
Personal Injury	\$3,000,000
Workers Compensation	Statutory Limits

Including premises operations, explosion and collapse hazard, underground hazard, products/completed operations hazard, contractual insurance, broad form property damage, independent contractors and personal injury, including employees.

- (3) Additional Insureds. This policy shall name both the Borough, Borough Engineer any Building Official or other person the Borough of Wyomissing may from time to time appoint by ordinance, resolution or other to carry the administration, enforcement and all other responsibilities of this Part as “additional insured.”

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§212. Contractor’s Responsibilities.**

1. Supervision and Superintendence. The contractor shall supervise and direct the work efficiently with the best skill and attention, and shall be solely responsible for the means, methods, techniques, sequences and procedures of construction. The contractor shall be responsible to see that the finished work complies accurately with the Borough’s specifications.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§213. Record Drawings.**

The contractor shall keep one record copy of all drawings at the site in good order. They shall be annotated to show all changes made during construction to reflect the “as-built” condition of the work. These shall be delivered to the Borough upon completion of the work. After the Borough has approved the “record set” drawings, the developer shall provide the Borough with reproducible mylars of all improvements and electronic copies in a format deemed suitable by the Borough’s designated representative.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)



**§214. Safety and Protection.**

1. The contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work. The contractor shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to: (a) all employees on the work and other persons who may be affected thereby, (b) all the work and materials or equipment to be incorporated therein, whether in storage on or off the site, and (c) other property at the site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures and utilities not designated for removal, relocation or replacement in the course of construction.
2. The contractor shall comply with all applicable laws, ordinances, rules, regulations and orders of any public body having jurisdiction for the safety of persons or property or to protect them from damage, injury or loss. The contractor shall erect and maintain, as required by the conditions and progress of the work, all necessary safeguards for safety and protection.
3. The contractor shall remedy all damage, injury or loss to any property caused, directly or indirectly, in whole or in part, by the contractor, any subcontractor or anyone directly or indirectly employed by them, or anyone for whose acts they are liable.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§215. Shop Drawings and Samples.**

After checking and verifying all field measurements, the contractor shall submit to the Borough for approval four copies of all shop drawings, three copies for the use of the Borough and one copy for return to the contractor, which shall have been checked by and stamped with approval of the contractor and identified as the Borough may require.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§216. Work Schedule.**

No work will be permitted at night, on weekends, on legal holidays, after eight hours have been worked in any day, or after 40 hours have been worked in any one week period, except upon written authorization of the Borough Public Works Director. Any work performed during the absence of the Borough Public Works Director will be done at the risk and responsibility of the contractor and may be subject to rejection upon later inspection.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§217. Cleaning Up.**

The contractor shall keep the premises free from accumulations of waste materials, rubbish and other debris resulting from the work, and at the completion of the work shall remove all waste materials, rubbish and debris from and about the premises as well as all tools, construction equipment and machinery, and surplus materials. The contractor shall restore to their original condition those portions of the site not designated for alteration by the drawings.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§218. Borough Engineer's Status During Construction.**

1. **Borough's Representative.** The Borough Engineer may be the Borough's representative during the construction period. This will be clarified at the mandatory preconstruction job conference, which shall be held a minimum of three days before any work commences. The conference shall be at the mutual convenience of the Borough and the contractor.
2. **Visits to Site.** The Borough Engineer will make periodic visits to the site to observe the progress and quality of the executed work and to determine, in general, if the work is proceeding in accordance with the drawings and the Borough's specifications. The Borough Engineer will not be required to make exhaustive or continuous onsite inspections to check the quality or quantity of the work.
3. **Rejecting Defective Work.** The Borough Engineer will have the authority to disapprove or reject work which is "defective" (which term is hereinafter used to describe work that is unsatisfactory, faulty or does not conform to the requirements of the drawings or Borough specifications or that does not meet the requirements of any required inspection, test or approval), whether or not the work is fabricated, installed or completed.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§219. Warranty and Guarantee.**

The contractor warrants and guarantees to the Borough that all materials and equipment shall be new unless otherwise specified and that all work shall be of good quality and free from faults or defects. All unsatisfactory work or all faulty or defective work shall be considered defective. All defective work, whether or not in place, may be rejected, corrected or accepted by the Borough Engineer and/or Public Works Director.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§220. Access to the Work.**

The Borough including but not limited to its Public Work Director and its Engineer will at all times have access to the work. The contractor shall provide proper facilities for such access and observation of the work and also for any inspection or testing thereof by others.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§221. Correction, Removal or Acceptance of Defective Work.**

1. Uncovering Work. If any work is covered without the approval of the Borough Engineer and/or Public Works Director, as applicable, it must, if requested by the Borough Engineer and/or Public Works Director, be uncovered for observation and replaced at the expense of the contractor.
2. Borough May Stop the Work. If the work is defective or if the contractor fails to supply sufficient skilled workmen or suitable materials or equipment, the Borough Engineer and/or Public Works Director may order the contractor to stop the work, or any portion thereof, until the cause for such order has been eliminated.

(Ord. 1185, 5/13/1997; as amended by Ord. 1358, 1/14/2014, §10)

**§222. Rules, Regulations and Standards.**

The Borough may from time to time promulgate or adopt or amend by resolution any rules, regulations and standards including standard details it deems appropriate to apply this Part's provisions. Such rules, regulations, standards and standard details shall be incorporated herein and shall be applied and enforced as though stated in full herein and attached hereto as Appendices as adopted or amended.

(Ord. 1343, 10/09/2012, §20 and §21; as amended by Ord. 1358, 1/14/2014, §10)