

ORDINANCE NO. 2014-1

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD RELATING TO THE SUPPLY OF WATER, THE WATER SYSTEM, AND AUTHORIZING BOROUGH COUNCIL TO MAKE APPROPRIATE REGULATIONS RELATING THERETO.

Be it ORDAINED and ENACTED by the Council of the Borough of Rockwood, and it is hereby Ordained and Enacted by the authority of the same as follows:

ARTICLE I - ADMINISTRATION

Section 1.1 Short Title:

This Ordinance may be commonly referred to as the Rockwood Borough Water Ordinance.

Section 1.2 Effective Date; Severability

A. This Ordinance is a reenactment and revision of the original Rockwood Borough Water Ordinance, Ordinance No. 95-3, which had an effective date of January 1, 1995, and incorporates various amendments and revisions. This Ordinance has an effective date of March 1, 2014, regardless of the date of actual enactment.

B. If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional or otherwise illegal, invalid or unenforceable, such a finding shall not affect or impair any of the other sentences, clauses, sections, or parts of this Ordinance. It is the express intention of this Borough that the Ordinance would have been adopted had such provision not been included herein.

Section 1.3 Management; Exclusive Right.

The Council shall have exclusive charge and management of the water system and shall elect or appoint such personnel as shall be deemed necessary for the operation and protection thereof.

Section 1.4 Personnel

A. Council reserves the right to appoint an appropriate Water Operator in Charge to have full charge of the water system, all its buildings and appurtenances, and have full charge of all of the employees and work pertaining to the water system. It shall be the duty of said employee to see that all Ordinances, rules and regulations governing the water system, that now or may hereafter be adopted, be properly executed; to ensure that the conditions of all contracts by or with the Borough pertaining to said water system are faithfully complied with; to see that the assessment of water rents are made by having water meters read and such readings turned into the Borough Secretary/Treasurer for billing; and to employ such regular and temporary labor or

assistance at such rates or wages as may be necessary to operate the water system successfully as authorized and approved by Council. The Water Operator in Charge shall have general supervision over all operations and interests of the water system, shall report to Council at least once a month as to the condition of the entire water system, and shall make an annual report of said system and perform such other duties as the Council may prescribe or direct.

B. Council shall appoint the Borough Secretary/Treasurer or other designee who shall: bill out and receive water rent monies according to the schedule of rates made from time to time, post said payment to appropriate accounts and deposit into appropriate bank account, send delinquent and shut off notices and shall report to Council and the Water Operator in Charge of such situations, notify water customer of any unusually high water meter reads so said customer can readily investigate any leaks, and perform other functions as assigned by Council.

#### Section 1.5 Borough to Supply Water.

The Borough of Rockwood will supply water to the public under the provisions of this Ordinance and not otherwise. Additionally, each and every consumer within the Borough of Rockwood must be connected with the Rockwood Borough Water system, and cannot privately supply water.

### ARTICLE II - RULES AND REGULATIONS

#### Section 2.1 Applicability of regulations.

This Ordinance and any rules and regulations adopted pursuant to this Ordinance shall be a part of the contract with every person, firm, organization or corporation who takes water and, by taking water, each agrees to be bound thereby.

#### Section 2.2 Application for service connections.

A. Any property owner desiring the introduction of a service line or lines from the Borough main into a property must first make a written application on the form prescribed by the Borough, at least one (1) week before service is required, stating the street and lot number or location, the name of the owner, the purpose of which service will be used and the guaranty that such service will continue for at least one (1) year.

B. The application must be signed by the owner of the property. This application shall, together with the rules and regulations of the Borough, regulate and control the service of water to such premises.

C. Upon approval of the application of any property owner for a supply of water and the payment of charges hereinafter set forth, the Borough will tap the main, carry service pipe to curb and install curb stop and service box.

D. The Borough will be responsible for the maintenance and repair of the service line between the main and the curb stop.

### Section 2.3 Application for water service by property owner.

A. The owner of each property is responsible for the payment of all bills and to make payment of any water bill within the time prescribed.

B. Requests for service from any applicant will not be granted until all arrearages and charges due at any premises owned by the applicant, now or heretofore occupied by the applicant or tenants, shall have been paid or satisfactory arrangements made in regard thereto.

C. Upon written request filed with the Borough Secretary (or other designee by Section 1.4 B), a tenant will be provided a copy of any shut-off notices served upon a property owner.

### Section 2.4 Liability for damages.

When an application has been made for a new service or for reinstatement or change in an existing service, it is assumed that the piping and fixtures which the service will supply are in order to receive the same, and the Borough will not be liable in any case for any accident, breaks, or leakage arising in any way in connection with the supply of water or failure to supply same, nor the freezing of pipes or fixtures nor for any damage to the property which may result from the usage or non-usage of water supplied to the premises.

### Section 2.5 Definitions.

A consumer is the party contracting for a supply of water to a property and may include but not be limited to the following:

A. A building under one (1) roof, owned or leased by one (1) party and occupied as one (1) residence or business.

B. A house trailer, mobile home, or manufactured home, or similar such structure.

C. The one (1) side of a double house, each side having a separate meter and curb stop.

D. An apartment complex consisting of two or more units.

### Section 2.6 Setting and location of meters.

A. In all cases where water is supplied, the service will be through meter only, no flat rate being allowed, and all consumers taking water shall be liable for any damage to meter through any negligence of themselves or their employees, or by reason of heat caused by thawing of meter or by action of frost.

B. The Borough reserves the right to approve the setting of all meters and their connections.

C. Before the water is turned on at the curb stop, the meter shall be set where the line first enters the foundation wall of the building supplied, and a proper place and protection therefore shall be provided by the applicant. A round way stop, waste cock, and back flow preventive valve shall be placed on the street side and near the meter before the setting of the meter, and all pipes in the building must be drained by said stop and waste cock .

D. On all meters one (1) inch in size or over, suitable stop and waste cocks or gate valves shall be placed both on the inlet and outlet side of the meter.

E. All meters shall be placed in areas where they may be easily read and will at all times be protected from any damage by exposure or frost.

F. Where a double house is supplied water from the main, a separate curb stop must be installed for each unit, and the piping of said double house must be arranged that each side is separate and independent. Each meter shall be read separately, each owner billed accordingly, and in no case shall the consumption registered by a group of meters be added together for the purpose of obtaining a lower rate.

G. A five-eighths inch meter shall be the smallest size meter to be installed on a service line for domestic use, but this size meter shall only be considered as being adequate for one (1) consumer's occupancy.

H. Meters and connections shall remain the property of the Borough, and access to the same for the reading of the meter, inspection, testing, repairs, etc., must be permitted at all reasonable times by the consumer.

## Section 2.7 Rendering and payment of bills.

A. All water bills shall be a charge against the property owner and shall be mailed to and paid by said property owner. Municipal claims shall be filed, as provided by law, against the property for delinquent accounts.

B. Charges for water service shall be billed and paid monthly. All bills for water service shall be due and payable monthly by the 25<sup>th</sup>. If said bills for water service are not paid on or before the 25<sup>th</sup>, such account shall be considered delinquent, and a penalty shall be added to the bill in an amount established, from time to time by resolution of Borough Council. Service will be discontinued after ten (10) days' notice for nonpayment of any account.

C. The quantity of water furnished as recorded by any meter shall be conclusive on the part of the consumer and the Borough. Each water meter is owned and maintained by Rockwood Borough and is a highly accurate and dependable water measuring device. It registers all the water used in gallons. Some of the meters have electronic reading devices which allow the meter reader to do meter reading remotely. The design of the water meter does not allow Rockwood Borough to adjust the dials or the accuracy of the meter. Like other mechanical devices, the meter slows down with age and eventually can stop registering completely, but it cannot arbitrarily run faster than it was designed to run. The mechanical parts are not capable of

“speeding up” or registering a significantly higher reading than actual. All meters are calibrated and tested in the factory before they are shipped.

In case of a disputed account involving the accuracy of the registration of a meter, the meter shall be tested by a third party, by which the consumer will be charged all costs incurred in the third party testing with the third party to be determined, from time to time, by resolution of Borough Council. Any discrepancies found will be addressed by a vote of council.

D. When a meter has ceased to register, the meter will be replaced by the Borough at no cost to the property owner.

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

F. Failure to receive a bill shall not exempt any consumer from loss of discount or the accruing of a penalty as the case may be. The presentation of a bill to the consumer is only a matter of accommodation and not a waiver of this rule.

#### Section 2.8 Water supplied by consumers restricted.

No owner or tenant of any property supplied with water by the Borough will be allowed to supply any other person or entity with water except by written permit from the Borough and upon payment of appropriate charge as established by Borough resolution. Owners or tenants who violate this rule may have their water shut off after a notice of five (5) days and remain so until the Borough is satisfied that the rules and regulations will be observed, and upon payment of the appropriate fee as determined by Borough resolution.

#### Section 2.9 Water hammer.

No fitting, pumps, etc., shall be connected to the water system that, from the nature of their operation, may cause a water hammer or inconvenience to other consumers.

#### Section 2.10 Turn-on charge.

No charge will be made for turning on water except when the same has been shut off by the Borough for violation of rules and regulations or at the request of the consumer, in which cases a charge, to be established, from time to time, by resolution, shall be made and collected before water is turned on.

#### Section 2.11 Access to property served.

A. The Borough by its proper Water Officer in Charge or other employee or agent shall have access, at all reasonable hours, to all premises supplied to see that its rules and regulations are properly observed.

B. Any person obstructing or interfering in any manner whatsoever with any authorized employee of the water system of the Borough in the discharge of his duties shall be fined as hereinafter set forth for each and every offense.

#### Section 2.12 Shutting off water.

The Borough reserves the right to shut off the water at any time in its mains for the purpose of making repairs or extension or for other purposes. Steam boilers taking a supply of water directly from the service pipe, depending upon the hydraulic or hydrostatic pressure in the pipe system of the water system for supplying such boilers under working pressure will do so at the risk of the parties making such attachments, as the Borough will not be responsible for any accident or damages to which such device may be subject. House boilers for domestic use must, in all cases, be provided with vacuum valves to prevent collapsing when the water is shut off from the distributing pipes and for accidents or damages resulting from the imperfect action of any such valves the Borough will in no case be responsible.

#### Section 2.13 Service lines from curb to property.

A. The service line beyond the curb stop shall be installed and maintained by and at the expense of the consumer. The portion of the service line installed by the customer shall be not less than 3/4 inch line for new or replacement lines, and shall be laid not less than three (3) feet below the surface, and shall not be covered until the tap on the main is made and service line tested. If any defects in workmanship are found, the service shall not be turned on until such defects are remedied. All plumbing connections should be able to withstand a pressure of at least one hundred twenty-five (125) pounds per square inch.

B. Each house or building shall have a separate service pipe installed, in accordance with specifications of the Borough and no house or building shall have more than one (1) service. In the case of a double house, owned by one (1) person, a single service pipe will be installed to the curb where it will branch into approved curb stops, one (1) for each side of the house. From this point, both service lines shall be continued to a point within the house or buildings, connecting with the piping of the house or building, each side of which shall be entirely separate from the other.

C. Curb stops shall not be used by the consumer or his agent for turning on or shutting off the water supply. The control of the water supply by the consumer shall be by means of a separate stop, located just inside the building wall within three (3) feet beyond the meter. Curb stops are for the exclusive use of the Borough.

D. Whenever the Borough or its proper officers shall find any service pipe within the curb line or any fixture upon the consumer's premises is broken or not in serviceable condition, the owner shall at once be notified of the fact and ordered to repair the same at once. Should the Borough, in its excavations for repairs to a leaking pipe, find that the leak is on a service or private pipe, temporary main or abandoned service pipe, the owner of the property to which the pipe belongs shall be held responsible and shall reimburse the Borough for all expense incurred by reason of the leak.

E. Whenever the Borough or its proper employees shall find any service pipe upon private property to be leaking, the owner of the property upon which or in which the pipe exists shall be given five (5) working days to make appropriate and necessary repairs to stop said leak at their own expense. Upon failure to do so, the service shall be turned off by Borough employees in order to diminish the wasting or leaking of water, and the service shall be returned only upon satisfactory proof that necessary and appropriate repairs are made, and upon payment of the appropriate fee, said fee to be determined by Resolution, from time to time.

#### Section 2.14 Discontinuance of service.

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

(1) For any tampering with the meter so as to affect its proper operation and the registration of water supplied or with seals on the meter.

(2) Waste through broken or faulty pipe lines or fixtures.

(3) For nonpayment of any account for water supplied or for service maintenance.

(4) In the case of vacancy of the premises.

(5) For the violation of any of the rules and regulations.

(6) The Borough shall have the right to cut off the water supply without notice in the case of breakdowns or for other unavoidable causes; or for the purpose of making necessary repairs, connections, etc., on reasonable notice, when practicable.

(7) When two (2) or more consumers are supplied through a single service, any violation of these rules with reference to either or any of said consumers shall be deemed a violation as to all, and the Borough may take such action as could be taken as to a single consumer.

(8) When consumer fails to make needed repairs to any service pipe upon private property found to be leaking within allowed time frame.

(9) In case of fire, flood, structural damage, etc., where the Water Operator in Charge reserves the right to turn the water off.

B. When water is turned off from any consumer for unpaid bills, it shall not be turned on until all unpaid bills, fees, fines and penalties shall have been paid, and in case a lien shall have been filed therefore, the same shall have been satisfied.

#### Section 2.15 Renewal of service line.

Whenever the pressure of a consumer service has lessened to such an extent as to render inconvenience in the use of water and the consumer desires to have this condition remedied, the consumer shall first renew the service pipe between the curb stop and his house or building. In case this does not relieve the condition, the Borough will then renew the service from the main to the curb.

#### Section 2.16 Operating valves and hydrants.

A. No person except an authorized employee of the Borough shall open, close or in any manner whatsoever interfere with any valve in any water main or part of any water main.

B. No person or persons, except the Fire Department, shall use any fireplug without a written permit from the Borough. No person or persons shall obstruct the approach to any fireplug without a written permit from the Borough. No person or persons shall obstruct the approach to any fireplug by placing any debris, building materials or any other obstruction within a radius of fifteen (15) feet of same, so that it may be easily reached by fire apparatus.

#### Section 2.17 Damage to hydrants.

When damage or injury is done to a fireplug, the person or persons causing said damage shall be held liable and shall pay the Borough for all expenses incurred by reason of such damage or injury.

#### Section 2.18 Special conditions.

For all purposes not named in these rules and regulations and for all special or peculiar circumstances, special assessments or contracts, the decision of the Borough Council shall be final and conclusive.

#### Section 2.19 Cross connections.

No water will be furnished to any premises where any possibility exists of the mingling of the water furnished by the Borough with water from any other source. Nor will the Borough permit its mains or service pipes to be connected in any way to any piping, tank, vat or other apparatus containing liquids, chemical or any other matter which may flow back into the Borough's service pipes or mains and consequently endanger the water supply. An exception may be made to this rule at the option of the Borough, provided that proper safeguards are installed which shall be inspected and have the approval of the Borough, the insurance underwriters, and the State Department of Health.

#### Section 2.20 Extension of mains inside corporate limits.

When an application has been received for water service inside corporate limits of the Borough requiring an extension of the main to provide such service, the approval or disapproval of said application shall rest entirely in the discretion of the Borough Council.



Section 2.21 Extension of mains outside corporate limits.

A. When an application has been received for water service outside the corporate limits of the Borough requiring an extension of the main to provide such service, a deposit must be made by the applicant covering the entire estimated cost of installing the necessary pipeline and appurtenances, other than service connections, as determined by the Borough, said estimate to be made using current prices.

B. The applicant shall enter into a written agreement with the Borough providing for the making of the necessary deposit, the refund of any surplus or the payment by the applicant of any deficit upon completion of the work, and a statement that said pipeline shall be the property of the Borough absolutely.

Section 2.22 Insufficient static pressure.

Whenever the static water pressure of the distribution system is insufficient to provide an adequate supply of water for an applicant or consumer, it shall be the responsibility of the applicant or consumer to provide, at his own expense, necessary booster pump or other equipment which will provide for an adequate supply of water.

Section 2.23 Remote reading.

A. Except as may be impractical, in the opinion of the Water Operator in Charge, all new services shall be equipped with remote reading devices, the cost of which shall be included in the connection charge.

B. The remote reading device location shall be convenient to the meter reader and shall be selected by the Water Operator in Charge or his designee. Property owners shall be responsible for damage to remote reading devices.

C. Blocking of remote readers by vegetation, debris or other structures shall be prohibited. Remote readers cannot be relocated by the property owner or tenant.

Section 2.24 Lead-Free Fixtures

All new plumbing fixtures, materials and other equipment installed for use with the Rockwood Borough Water system, after January 1, 1995 shall be free from lead.

ARTICLE III - WATER RATES AND TAPPING FEES

Section 3.1 Rates for consumption.

All rates to be charged for customers shall be established, from time to time, by resolution by Borough Council and the same may be from time to time amended or adjusted by appropriate resolution of Borough Council.

### Section 3.2 Minimum billing for water consumed.

Despite any fees for actual consumption, there shall be a minimum billing for each consumer, which minimum billing shall be established by resolution. And, the same may be changed from time to time by appropriate resolution.

### Section 3.3 Charges for water service connection.

A. The charges for making water service connections shall be determined by resolution, from time to time, and the Borough does expressly reserve the right to establish one (1) charge for water connection for service inside the corporate limits of Rockwood Borough, and a different charge for water service connection for services outside the corporate limits of Rockwood, if the same may be otherwise allowed.

B. The charges for inspecting connections, as required by this Ordinance, shall be determined by resolution, from time to time as established by Borough Council.

C. For all service connection over one (1) inch, an amount equal to the actual cost of installation shall be charged if greater than the amounts specified in Subsection A.

### Section 3.4 Private fire service.

Private fire service may be furnished, but the applicant shall bear the full expense for the installation of said service from the water main, and the service pipe shall not be less than six (6) inches in diameter. No water shall be used through a private fire service line except for the purpose of extinguishing fires. No cross connection shall be made with the supply in a building.

## ARTICLE IV – PENALTIES

### Section 4.1 Fines and penalties.

A. A violation of this Ordinance shall be a summary offense. Any person who shall be convicted of a violation of any of the provisions of this Ordinance before a Magisterial District Judge shall be sentenced to pay a fine in the amount of \$250.00 for the first offense, in the amount of \$500.00 for a second offense, and in the amount of \$1,000.00 for a third offense or subsequent offense, together with the costs of prosecution. In default of payment of said fine, the person shall be sentenced to imprisonment by a Magisterial District Judge for a term not to exceed sixty (60) days.

B. In addition to fines and costs, any person found guilty shall be assessed all reasonable attorney fees incurred by the Borough in the enforcement proceedings.

### Section 4.2 Continuing Violations.

It is the precise intention of this Ordinance that each and every violation shall be a separate violation, and each and every day in which a violation continues shall be considered as a separate violation.

#### Section 4.3 Remedies not Exclusive.

In addition to or in lieu of prosecution as a summary offense as aforesaid, the Borough of Rockwood reserves the right to enforce this Ordinance through an action in the Court of Common Pleas in which case all court costs and all reasonable attorney fees incurred by the Borough in the enforcement proceedings shall be assessed against the violator.

### ARTICLE V - SERVICE OUTSIDE BOROUGH LIMITS

#### Section 5.1 Existing Customers.

It shall be the express intention of Rockwood Borough to maintain service to all customers who were in the water system as of December 31, 1994, regardless of whether same are within or without the corporate limits of Rockwood Borough. Further, it is the express intention that all customers as of December 31, 1994, shall remain in the same category they were in as of that date; and, all customers within each category shall be treated equally in regard to any fees, rates and similar charges.

#### Section 5.2 New Customers.

It is the expressed intention of Rockwood Borough that any services to be provided outside the Borough of Rockwood, to any new connections or customers, after January 1, 1995, shall be provided only to other municipalities or other municipal authorities. It is the precise intention that no service shall be supplied outside the corporate limits of Rockwood Borough to any individual, persons, entities, organizations, or corporations, other than by and through other municipal bodies. Rockwood Borough Council shall, from time to time, make appropriate resolutions in regard to the implementation of this Section.

### ARTICLE VI Miscellaneous Provisions

#### Section 6.1 Exoneration for Unoccupied Facilities:

If a user of water service wishes to be exonerated from the water charges for any reason, an application must be made to the Borough and include a signed affidavit as to the reason and proof of the above situation. Upon approval of the request by the Water Operator in Charge, the water will be shut off at the curb stop for a fee established by resolution of Borough Council from time to time. Water service will be turned back on at the curb stop when written request has been made to the Borough, all bills are current and the fee to turn water back on has been paid, which will be established by resolution of Borough Council from time to time.

ENACTED and ORDAINED this, 18<sup>th</sup> day of July, 2014.

Attest:

ROCKWOOD BOROUGH

  
Secretary

By   
President of Council

Examined and Approved this 18<sup>th</sup> day of February 2014.

By   
Mayor

I certify that Notice of the intention to enact the above Ordinance was given pursuant to the provisions of 53 P.S. Section 48301.2, by publishing a Notice of the intention to adopt, along with a brief summary thereof, in the Somerset Daily American on January 30, 2014, and by filing a copy of said Ordinance with the Recorder of Deeds of Somerset County on January 28, 2014.

William R. Carroll, Esq.  
Borough Solicitor 