

CHAPTER 26

WATER

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PART 1

WATER RATES AND CHARGES

§26-101. Rates and Charges.

Effective the date of delivery of the deed covering the water system from Towanda Township to Towanda Municipal Authority, the water rates and charges shall be imposed and collected as follows:

- A. Private Fire Protection. For connection by direct lines with main for automatic sprinklers, fire-hose outlets or other devices for fire protection, the charge per opening per quarter year shall be as follows:

| Size of Line Connection (inches) | Charge |
|---|---------------|
| 4 | \$50.00 |
| 6 | \$112.00 |
| 8 | \$162.00 |
| 10 | \$308.00 |

- B. Building and Construction. Other flat rates for buildings and construction purposes shall be as follows:

| | |
|--|---------|
| For each frame dwelling house, 8 rooms or less, per quarter | \$15.00 |
| For each brick or stone dwelling house, 7 rooms or less, per quarter | \$30.86 |
| For all other construction purposes: | |
| Brick masonry, per 1,000 bricks | \$0.26 |
| Stone masonry, per perch | \$0.13 |
| Concrete masonry, per cubic yard | \$0.13 |
| Plastering, per 100 square yards | \$1.34 |

- C. Meter Rates. A minimum charge shall be made as follows, which shall include the first 100 gallons of water delivered:

| Meter Size (inches) | Per Quarter Year |
|----------------------------|-------------------------|
| 5/8 | \$6.30 |
| 3/4 | \$10.15 |
| 1 | \$14.00 |

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| Meter Size (inches) | Per Quarter Year |
|------------------------|------------------|
| 1 1/4 | \$20.00 |
| 1 1/2 | \$24.00 |
| 2 | \$40.00 |
| 3 | \$80.00 |
| 4 | \$122.00 |
| 6 | \$243.00 |
| 8 | \$324.00 |
| 10 | \$648.00 |

D. Water Delivered. For water delivered in excess of that allowed under minimum charge: \$2.10 per 1,000 gallons of water delivered.

(Ord. 2-1983, 3/29/1983, §1)

§26-102. Application, Contract, etc., for Service Lines or Extensions Thereto.

1. Any property owner desiring the introduction of a service line or lines from the Borough of Towanda and Towanda Municipal Authority's main into his or her premises, or an extension or alteration to any of the existing service pipes, must first make a written application on the form furnished by the Borough of Towanda stating fully the purpose for which the new service or extension is desired and the name of the plumber selected to do the work.
2. The application must be signed by the owner of the premises or his duly authorized attorney, which application shall, together with the rules and regulations of the Borough of Towanda, regulate and control the service of water to such premises.
3. The plumber designated in the application will be considered as the agent of the owner while employed in the prosecution of the work of introducing water into the premises.

(Ord. 2-1983, 3/29/1983, §2)

§26-103. For Supply of Water.

1. Any party desiring a supply of water must have a written application of the form furnished by the Borough of Towanda which must be properly approved by the Borough of Towanda or its duly authorized agent before water will be turned on. The party making application will be considered the consumer under contract and

will be held responsible for all water bills and the proper observance of the rules and regulations of the Borough of Towanda. All tenants making application for water shall be required to pay a deposit of \$50 before the water is turned on and supplied by the Borough of Towanda. The said \$50 deposit will be returned by the Borough of Towanda to the tenant at the termination of the lease upon full payment of all water bills.

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

(Ord. 2-1983, 3/29/1983, §3)

§26-104. Service Lines to Curb.

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

| Size of Service (inches) | Charge |
|-------------------------------------|---|
| 3/4 | \$500 |
| 1 | \$550 |
| 1 1/2 | Actual cost to the Borough, but not less than \$550 |

- 2. In addition to above charges, the applicant must reimburse the Borough of Towanda for cost of any paving permit required and the cost of repaving such opening or openings as may be made in any street or highway in connection with the installation or the service line covered by the application.
- 3. The Borough of Towanda will be responsible for the maintenance and repairs of the service line between the main and the curb line.
- 4. Service lines will not be installed when the service line passes over or through premises which at the time may be the property of persons other than the owner of the premises to be supplied, unless the owner of the premises supplied assumes the liability.
- 5. The owner shall at his own expense dig and fill the trench furnish and install the service line from the curb stop to the premises to be supplied and in all respects be

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responsible for any and all injury or damage in consequence thereof and resulting therefrom.

6. Notice must be left at the office of the Borough of Towanda at least one day before any service is to be installed, stating the street and lot number or location, the name of the owner and tenant and the exact time when the trench will be ready for making the connection.
7. The service line from the curb to the premises shall be kept in good condition by the owner under penalty of discontinuance of service by the borough.
8. Under no circumstances shall any person not authorized by the Borough of Towanda turn the stop cock on or off.
9. All service lines shall be laid to a depth of not less than 3 1/2 feet, and shall not be lain in the same trench with s sewer connection, nor within three feet of any open excavation or vault.
10. In case two or more consumers are supplied with water from the same service pipe, a distinct and separate stop and waste cock and curb box must be provided for each consumer or the owner of the premises will become liable for the payment of all water rents to customers served through the said service pipe.
11. Where more than one tenant on any property is being supplied with water through the same service pipe so that water cannot be turned off from one tenant without stopping service to other persons, the landlord will be billed for the water rent and sewer charge for all such tenants served through one service pipe unless the landlord requests that the tenants be billed separately and accompanies this request with an unconditional guaranty of payment of the water and sewage rentals on notice of the failure of the tenant to pay within 30 days, which agreement shall authorize the entry of judgment by confession for the amount of the unpaid rental on affidavit filed by the Borough of Towanda Secretary of failure of the tenant to pay and the amount due.
12. Unless each tenant is supplied by a separate water service line so that the water can be turned off at the curb without stopping service to other persons or unless a guaranty of payment and agreement for judgment is filed, as required in subsection (11), above, then the property owner shall be liable for the water rent, together with the sewer rent which shall be billed together, and if not paid when due as herein provided for they may be recovered from the property owner by action of assumpsit, municipal lien or by turning off the water which shall remain turned off until all arrears are paid.

(Ord. 2-1983, 3/29/1983, §4)

§26-105. Meters.

In general, all industrial consumers, hotels and garages will be served at meter rates.

- A. The Borough of Towanda reserves the right to install a meter in any case without the consent of the consumer where there is a wastage or other excessive use of water.
- B. The cost of the meter and installation will be paid by the Borough of Towanda. The size and type of meter to be installed will be decided by the Borough of Towanda in all cases.
- C. The service line to which the Borough of Towanda will attach a meter must be a separately controlled service line supplying a single consumer.
- D. Meters shall be placed within the property lines and in a convenient location within a building. In no case shall any person other than an authorized representative of the Borough of Towanda change or alter or interfere with the meter or the dials thereof.
- E. In cases where it is not convenient to place a meter within a building, a concrete or brick pit with a suitable cover with a lock and key shall be built inside the property line at the expense of the property owner.
- F. A lever-handle stop and waste must be properly placed at the expense of the consumer ahead of the meter, so as to drain the meter and pipes when the water is shut off.
- G. In all cases where steam or hot water under pressure is used, a swing check valve must be placed at the expense of the consumer directly in back of the meter and before any outlets are taken off the service pipes, to prevent injury to the meter.
- H. The consumer must, at all times, properly protect the meter from injury by frost or any other cause and will be held responsible for repairs to meter made when necessary by negligence of himself.
- I. In case a meter stops registering, it will be promptly changed or repaired and the bill will be estimated on the basis of the amount charged on a previous corresponding period.
- J. Should any consumer doubt the correctness of the meter measuring the water delivered to his or her premises, he or she may, upon application to the Borough of Towanda and making deposit to defray the costs, as set forth in the schedule below, have said meter tested. Should the test show the meter in question to be correct within 4%, the consumer shall forfeit the deposit made. On the other hand, should the test show the meter to be registering incorrectly beyond 4% said deposit shall be refunded and the account ad-

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justed accordingly, and the entire cost of the test shall be borne by the Borough of Towanda. Deposits required with requests for meter test are as follows:

| Size of Meter (inches) | Deposit |
|-----------------------------------|-----------------------------------|
| 5/8 to 1 | \$10.00 |
| 1 1/4 to 2 | \$20.00 |
| Above 2 | Actual cost to Borough of Towanda |

(Ord. 2-1983, 3/29/1983, §5)

§26-106. Leaks, Defective Plumbing and Waste.

1. The Borough of Towanda shall not be liable for any damage resulting from leaks, broken pipes or from any other cause occurring to or within any house or building. It is expressly stipulated by and between the Borough of Towanda and the consumers that no claims shall be made against the said Borough on account of the bursting or breaking of any main or service pipe or any attachment to said waterworks.
2. Under no circumstances will the water be allowed to run in any hydrant, faucet, water closet, urinal, bath or other fixture, except when in actual use.

(Ord. 2-1983, 3/29/1983, §6)

§26-107. Inspection and Access to Properties.

The Borough of Towanda, by its duly authorized agents shall at all reasonable hours have access to the water pipes, fixtures and meters upon the premises or within the house for the purpose of turning the water on or off, examining the water pipes and fixtures and for repairing, reading or replacing the meter.

(Ord. 2-1983, 3/29/1983, §7)

§26-108. Opening and Closing Valves and Stop Cocks.

No person or persons, except the Towanda Borough's duly authorized agents, shall open or close the stop cocks or valves in any public or private line.

(Ord. 2-1983, 3/29/1983, §8)

§26-109. Use of Fire Hydrant.

All persons are forbidden to open any fire hydrant or to use any water therefrom for sprinkling street, for building or any purpose without permission in writing from the Borough of Towanda, under the penalty prescribed by law, except in case of fire and by fire company to test the fire apparatus; provided, that the fire company requests permission from the Borough of Towanda 12 hours in advance of the time and place, under which conditions the Borough of Towanda will grant permission at any reasonable time and have a Borough of Towanda representative present to care for the Borough property.

(Ord. 2-1983, 3/29/1983, §9)

§26-110. Water to be Turned Off.

1. The Borough of Towanda reserves the right at all times, after due notice of 10 days, to shut off the water for nonpayment of water bills or for neglect or refusal to comply with the rules and regulations of the Borough of Towanda.
2. Service under an application may be discontinued for any of the following reasons:
 - A. For misrepresentation in application as to property or fixtures to be supplied or the use to be made of the water supply.
 - B. For the use of water for any other property or purpose than that described in the application.
 - C. For the waste of water through improper or imperfect pipes, fixtures or otherwise.
 - D. In case of vacancy of the premises.
 - E. For violation of any rules of the Borough of Towanda.
3. The Borough of Towanda shall have the right to cut off the water without notice in case of breakdowns or for other unavoidable causes or for the purpose of making necessary repairs, connections, etc. Reasonable notice will be given when practicable.

(Ord. 2-1983, 3/29/1983, §10)

§26-111. Deficient Supply.

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

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the supply of water in case of scarcity or whenever the public welfare may require it.

2. The Borough of Towanda reserves the right to change or amend from time to time these rules and regulations and the rates for the use of water, in accordance with law, and to make special rates or contracts in all proper cases.

(Ord. 2-1983, 3/29/1983, §11)

§26-112. Vacating the Premises.

1. When the premises are vacated, the consumer must give notice at the office of the Borough of Towanda that the water may be shut of, and he will be responsible for the water rent until such notice is given.
2. A new application must be made on any changes in occupancy of property, as described in any application, and the Borough of Towanda shall be at liberty to discontinue the water supply until such new application has been made and approved.
3. Application may be canceled by the Borough of Towanda for proper cause, at any time, upon giving five days notice of such cancellation.
4. Consumers desiring an abatement from water bills shall report the same in writing at the office of the Borough of Towanda. All vacancies shall date from the day the same are reported at the office of the company. When a vacancy is properly reported, an allowance will be made for the period of vacancy, but not for less than one month.

(Ord. 2-1983, 3/29/1983, §12)

§26-113. Payment of Water Bills.

1. All flat rate bills are due and payable on the first day of January, April, July and October of each year, covering water service for the previous three months respectively.
2. No meter rate consumer shall be billed more than four times each year. All meter rate bills are due and payable on the first day of the month following the end of the three month period of water service for which the bill is being sent.
3. Should flat rate bills or meter rate bills remain unpaid for 30 days after their respective due dates, the Borough of Towanda reserves the right to turn off water from any consumer after 10 days notice of this intention.

4. All bills will be made out in the name of the consumer whom the Borough of Towanda will hold responsible for their payment.
5. Failure to receive a bill shall not exempt any consumer from the provisions of subsection (3), above. The presentation of a bill to the consumer is only a matter of accommodation and not a waiver of this rule. The rule does not apply to meter rate bills.
6. Any service discontinued on account of nonpayment of water rent will not be turned on again until all arrearages are paid, and a fee of \$5 for turning off the water and a fee \$5 for turning it on again are paid.
7. As used herein, "consumer" shall be the party contracting for water as hereinafter classified:
 - A. A building under one roof and occupied by one family or business.
 - B. A combination of buildings in one common enclosure occupied by one family or business.
 - C. One portion of a double or block house having solid partition walls, occupied by one family or business.
 - D. One side or part of a house occupied by one family or business, though the water is supplied through fixtures that are for use in common with other consumers.
 - E. A building of more than one living apartment having in common one set of halls or entrances.
 - F. A building having a number of apartments and/or offices and/or businesses, having in common one set of halls or entrances.
8. Each metered consumer will be supplied through a separate meter; except, however, in the case of subsection (7)(D), (7)(E) and (7)(F), as above defined. Should the landlord or owner desire that the Borough of Towanda deal with the tenant, he must first provide means of supplying and controlling the supply and housing the metering device for each tenant, the controlling device to be outside of the building and the measuring device or meter to be properly and conveniently housed either outside or within the building.

(Ord. 2-1983, 3/29/1983, §13)

§26-114. Extension of Street Mains.

1. When application has been received for water service requiring an extension of the main to provide such service or where application has been received for exten-

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sion of mains into a newly developed tract of land, a deposit must be made by the applicant covering the entire estimated cost of installing the necessary pipe lines and appurtenances other than service connections, as determined by the Borough of Towanda.

2. Such deposit will be used to pay the cost of installation.
3. After inspection of the completed water main extension and the acceptance of the extension by the Borough of Towanda, the extension of the water main will become part of the Borough water system.

(Ord. 2-1983, 3/29/1983, §14)

§26-115. Contract.

All consumers who continue to accept water service from the Borough of Towanda shall be conclusively deemed to have a contract with the Borough of Towanda for water service in accordance with the rules and regulations set forth in §§102 through 114 hereof and at the rates set forth in §101 hereof, and no new application for service between the consumer and the Borough of Towanda shall be required.

(Ord. 2-1983, 3/29/1983, §15)

§26-116. Drought.

Whenever a drought or water famine is imminent the Towanda Borough Council may in its discretion authorize the Mayor to issue a proclamation prohibiting the use of water from the waterworks for other than mere human consumption and sanitary domestic needs.

(Ord. 2-1983, 3/29/1983, §16)

§26-117. Offenses and Penalties.

1. From and after the effective date of this Part, it shall be unlawful for any consumer, person or corporation within the Township of Towanda:
 - A. To pollute any of the reservoirs or any water supply course of the water system.
 - B. To damage any part of the water system.
 - C. To open any fire hydrant contrary to §108.

- D. To willfully or negligently allow water to flow unnecessarily from the building or buildings of any consumer or consumers.
 - E. To supply water to any person for the use of the premises of the consumer contrary to §102(2).
 - F. To refuse access to the duly authorized agents of Towanda Borough to consumer's premises to §106.
 - G. To tamper with, break or destroy any water meter or part thereof.
 - H. To change the location of any water meter.
 - I. To make a connection to the water system without first having obtained a connection permit.
 - J. To add any additional outlets, fixtures, spigot or private fire plug to any private system where unmetered service is rendered without first obtaining a permit therefor.
 - K. To use water from the water system for other than necessary human consumption and sanitary domestic needs to in defiance of a proclamation of the Mayor in accordance with §115.
 - L. To take water for human consumption or for regular domestic or commercial use within the Township of Towanda from any surface or underground source other than the system owned by the Towanda Municipal Authority.
2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 47]

(Ord. 2-1983, 3/29/1983, §17; as amended by Ord. 47, 7/9/2001)

§26-118. Separate Curb Box.

In order to enable the Borough of Towanda to enforce the collection of joint water rates and sewer charges, no tenant will be served with water unless his service pipe is equipped with a distinct and separate stop and waste cock and curb box, so that the premises occupied by the tenant can be shut off without interfering with the service to any other consumer, except as provided in §104(11)(12).

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(Ord. 2-1983, 3/29/1983, §19)

§26-119. Bills Due.

All bills for sewer service are due and payable at the same time as bills for water service for the same period.

(Ord. 2-1983, 3/29/1983, §20)

§26-120. Penalty Charge.

In all cases where water or sewer rentals are not paid within 30 days after they become due, a penalty of 10% shall be added.

(Ord. 2-1983, 3/29/1983, §21)

§26-121. Allowance.

Should any joint bill for water and sewage service remain unpaid for 14 days after it is due, the right is reserved to turn off water from any consumer after five days notice of the intention so to do, except in case of bills to the Commonwealth of Pennsylvania or any department or institution thereof, where an allowance of a 30 period will be made.

(Ord. 2-1983, 3/29/1983, §22)

§26-122. Applicability.

This Part shall only apply to those areas of Towanda Township which are served by a sewage collection system which is connected to the sewage treatment plant of the Towanda Municipal Authority, and only those areas referred to in the Agreement referred to herein in Paragraph "a," thereof.

(Ord. 2-1983, 3/29/1983, §23)