

ORDINANCE NO. 121

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF NEW MILFORD, SUSQUEHANNA COUNTY, PENNSYLVANIA, MAKING, REGULATING AND ESTABLISHING WATER RATES, RENTS AND CHARGES FOR FURNISHING WATER SERVICE TO CONSUMERS LOCATED IN THIS BOROUGH; PROVIDING FOR PAYMENT OF WATER RATES, RENTS AND CHARGES; ADOPTING CERTAIN RULES AND REGULATIONS; AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS.

SECTION 1 - DEFINITIONS

A. "Authority" shall mean New Milford Municipal Authority, a Pennsylvania municipality authority.

B. "Borough" shall mean the Borough of New Milford, Susquehanna County, Pennsylvania, a Pennsylvania municipal corporation, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

C. "Comapny" shall mean The New Milford Water Company, a Pennsylvania public utility corporation.

D. "Consumer" shall mean a Person who, prior to, upon or after the effective date hereof, has contracted or shall contract for water service for a Consumer Unit and/or a Person who, upon or after the effective date hereof, is receiving or shall receive water service for a Consumer Unit, with respect to the Water System.

E. "Consumer Unit" shall mean:

1. A building under one roof and occupied by one family or business; or
2. A combination of guildings in one enclosure or group and occupied by one family or business; or
3. One side of a double building or house having a solid vertical partition wall; or
4. A guilding, house or other structure, or any room, troupe of rooms or part thereof, occupied by more than one family or business, the water fixtures of which are used in common; or

E. "Consumer Unit" (cont'd)

5. Each room or group of rooms in a building occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of Persons living together or by a Person living alone, the water fixtures of which are not used in common; or

6. Each trailer occupied by one family or business.

7. Each school building.

F. "Lease" shall mean the Agreement of Lease, dated for convenience as of January 1, 1972, between the Authority and this Borough, with respect to the Water System.

G. "Person" shall mean an individual, a partnership, an association, a corporation, a joint stock company, a trust, an unincorporated association, a governmental body, a political subdivision, a municipality, a municipality authority or other group or entity.

H. "Quarter Annum" shall mean the period ending March 31, 1972, and thereafter, each 3 month quater annum period.

I. "Water System" shall mean the water works, water supply works and water distribution system facilities, together with all appurtenant facilities and properties, including all property, real, personal and mixed, whcih will be acquired by the Authority from the Company, together with all other appurtenant facilities which the Authority shall acquire, including all property, real, personal and mixed, rights, powers, licenses, easements, rights of way, privileges, franchises and all other property or interests in property of any nature, for use in connection with constructing, operating and maintaining said water facilities, and all additions, extensions and improvements which hereafter, from time to time, may be made thereto, and which facilities shall be leased by the Authority to this Borough under and pursuant to the Lease for operation and use.

SECTION 2 - WATER RATES, RENTS AND CHARGES

A. The following water rates, rents and charges are made, fixed, adopted, established and imposed upon each Consumer served or to be served by the Water System, for use thereof, applicable on and after the effective date of the Lease.

1. SCHEDULE OF METER RATES

(Applicable to all metered Consumers)

MINIMUM CHARGE

Metered Consumers shall be subject to the following minimum charges per Quarter Annum:

<u>Size of Meter</u>	<u>Rate Per Quarter Annum</u>
5/8 inch	\$10.65
1 inch	\$18.45
2 inch	\$26.50

CONSUMPTION CHARGE

In addition to the foregoing applicable Minimum Charge, all metered Consumers shall pay a Consumption Charge per Quarter Annum for consumption of water, as follows:

<u>Quantity per Quarter Annum</u>	<u>Rate Per 1,000 Gallons</u>
For the first 3,000 gallons	\$ 3.55
For the next 4,000 gallons	\$ 1.35
For the next 200,000 gallons	\$.80
For the next 207,000 gallons	\$.58

2. SCHEDULE OF FLAT RATES FOR SPECIAL CLASSIFICATIONS

(a) For fire hydrants connected to the Water System for public fire protection service:

(1) For the first 25 or less fire hydrants,

\$175.00 per Quarter Annum billing period.

(2) For each fire hydrant in excess of 25,

\$7.00 per fire hydrant per Quarter Annum

billing period.

(b) For private sprinkler or fire service system:

(1) Charge for each connection:

<u>Size of Connection</u>	<u>Per Quarter Annum Billing Period</u>
2 inch	\$25.00
3 inch	\$35.00
4 inch	\$50.00
6 inch	\$65.00
8 inch	\$75.00

(2) Additional charge per sprinkle head

per Quarter Annum Billing Period.

\$.30

(c) For consumption of water for building construction purposes, \$15.00 per Quarter Annum, or portion thereof, per Consumer Unit under construction, and a minimum charge of \$15.00 payable upon application for service.

(d) For service line installation and meter installation:

<u>Size of Connection</u>	<u>Charge For Each Service Line Installation</u>	<u>Charge For Each Meter Installation</u>
5/8 inch	\$ 70.00	\$ 60.00
3/4 inch	\$ 95.00	\$ 80.00
1 inch	\$110.00	\$ 90.00
1 1/4 inch	\$120.00	\$110.00
1 1/2 inch	\$150.00	\$125.00
2 inch	\$300.00	\$300.00
3 inch and larger	actual cost	actual cost

2. SCHEDULE OF FLAT RATES FOR SPECIAL CLASSIFICATION (cont'd)

- (e) For each cutting or turning off of service and for each turning on of service \$5.00

B. Where more than one Consumer Unit is located in one building, house or other structure owned by one Consumer and such building, house or other structure, at the discretion of this Borough, is served by one service connection, multiple charges per quarter annum shall be imposed upon such Consumer equal to the number of Consumer Units located in such building, house, or other structure.

The multiple charge per Quarter Annum shall be computed in the following manner:

(1) the total consumption of water through such common water meter shall be divided by the number of Consumer Units served thereby; (2) the Schedule of Meter Rates for computing water rates, rents and charges established under subsection A of this Section 2 shall be applied to the resultant quotient; and (3) the resultant pro-rata rental and charge for each Consumer Unit shall be multiplied by the number of such Consumer Units receiving water service through such common water meter to arrive at the total bill for all such Consumer Units served through the common meter; Provided, however, that there shall be charged the minimum rate, rental and charge per Quarter Annum for each Consumer Unit computed on the same basis as if each Consumer Unit was served by a separate meter.

C. Nothing herein shall be construed to prevent this Borough from entering into separate agreements with building contractors for the furnishing of water service at rates, rents and charges other than as set forth in subsection A of this Section 2.

SECTION 3 - BILLING AND PAYMENT

A. Bills for Consumer Units shall be rendered for water service supplied on the first days of January, April, July and October of each year or as soon after the first day of each of said months as is possible, and shall represent the amount due for water service rendered during the preceding Quarter Annum.

SECTION 3 (cont'd)

B. Except as provided otherwise in Section 2, all bills for Consumer Units for water service shall constitute the net bill and shall be due and payable as of the date thereof. If any such net bill for water service shall not be paid within 15 calendar days after the same shall become due and payable, such net bill shall be deemed delinquent and a penalty of 5% shall be added to such net bill, which net bill, plus such penalty, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such 15 day period, as above set forth, shall constitute payment within such period. If the end of such 15 day period shall fall on a legal holiday or a Sunday, payment made or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such 15 day period.

C. If a bill for a Consumer Unit shall remain unpaid for a period of 60 days after the same shall have become due and payable, water service may be discontinued by this Borough upon 5 days' written notice to the Consumer whose bill is delinquent, in which case water service will not be restored until the gross bill, together with the turn-on charge in effect at the time, shall have been paid.

D. Except for the Quarter Annum ending March 31, 1972, whenever water service to any Consumer Unit shall begin after the first day or shall terminate before the last day of any Quarter Annum period, the water rates, rents and charges for such period shall be pro-rated equitably for that portion of the quarter annum period during which service was provided.

E. Each bill for a Consumer Unit for water service shall be made out in the name of the Consumer. Each Consumer initially shall provide this Borough with, and thereafter shall keep this Borough advised of, his correct address. Failure to receive a bill for water service shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which such bill shall be payable without penalty.

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SECTION 3 (cont'd)

F. A Consumer desiring abatement of a water bill due to a vacancy shall give notice in writing to this Borough requesting water service to be shut off. All vacancies shall date from the day the required notice is received by this Borough or from the date specified in the notice requesting water service to be shut off, whichever is later. Allowance shall be made for the period of vacancy in computing the bill of the Consumer; Provided, however, that no abatement shall be made for a period of less than 1 month.

SECTION 4 - ENFORCEMENT

Proper officers of this Borough are authorized and directed to do all things and to take all legal action necessary, including the filing of municipal claims in accordance with law, to enforce collection of water rates, rents and charges established and imposed hereby and otherwise to carry out provisions hereof.

SECTION 5 - RULES AND REGULATIONS

A. This Borough, from time to time, in accordance with law, by appropriate ordinance or resolution, may adopt such additional rules and regulations as, in the opinion of the council of this Borough, may be desirable, beneficial or necessary for or in connection with use and operation of the Water System and which shall govern and control the distribution and supply of water by this Borough to Consumers.

B. Any such rules and regulations shall be construed in conjunction with provisions hereof and shall become effective upon the date fixed by this Borough upon adoption thereof.

SECTION 6 - EFFECTIVE DATE AND APPLICABILITY

This Ordinance shall become effective upon the date when this Borough shall enter into possession and operation of the Water System under and pursuant to the Lease and shall be applicable to all Consumers then connected with or thereafter to be connected with and served by the Water System.

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SECTION 7 - CONSTRUCTION AND SEVERABILITY

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

SECTION 8 - DECLARATION OF PURPOSE

It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Borough.

SECTION 9 - REPEALER

All ordinances or parts of ordinances inconsistent herewith expressly are repealed.

DULY ENACTED AND ORDAINED this 17th day of January, 1972, by the Council of the Borough of New Milford, Susquehanna County, Pennsylvania, in lawful session duly assembled.

Carlton C. Bailey President

Paul R. Walworth Mayor

Agnes M. Jones Secretary