

BOROUGH OF OAKLAND

Susquehanna County, Pennsylvania

ORDINANCE NO. 1983-2

AN ORDINANCE OF THE BOROUGH OF OAKLAND,
SUSQUEHANNA COUNTY, PENNSYLVANIA,
ESTABLISHING WATER RATES, RENTS AND
CHARGES FOR FURNISHING WATER SERVICE TO
CONSUMERS LOCATED IN THE BOROUGH OF
OAKLAND; PROVIDING FOR PAYMENT AND
COLLECTION OF SAID WATER RATES, RENTS
AND CHARGES AND THE ENFORCEMENT THEREOF;
ADOPTING CERTAIN RULES AND REGULATIONS
APPLICABLE TO THE WATER SYSTEM AND
AUTHORIZING ADOPTION OF ADDITIONAL RULES
AND REGULATIONS APPLICABLE TO THE WATER
SYSTEM.

The Council of the Borough of Oakland,
Susquehanna County, Pennsylvania, hereby ordains
and enacts as follows:

SECTION 1. DEFINITIONS

Unless the context specifically indicates
otherwise, the meaning of terms used in this
Ordinance shall be as follows:

- A. "Borough" means Borough of Oakland, Susquehanna County, Pennsylvania, a municipal subdivision, acting by and through its Council or, in appropriate cases, by and through its authorized representatives, under the provisions of the Borough Code, approved February 1, 1966, P.L. _____, as amended and supplemented, and such other laws of the Commonwealth of Pennsylvania as are applicable.
- B. "User" means a person who, prior to, upon or after the effective date hereof, has contracted or contracts for and/or is receiving or shall receive water service for each User Unit.
- C. "User Unit" means:
1. Domestic User Unit -
 - a. A building under one roof and occupied by one family; or
 - b. A combination of buildings in one enclosure or group and occupied by one family; or
 - c. One side of a double building or house having a solid vertical partition wall; or

- d. A building, house or other structure, or any room, group of rooms or part thereof, occupied by more than one family, the water fixtures of which are used in common; or
- e. Each room or group of rooms in a building occupied or intended for occupancy 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
- f. Each apartment, office or suite of offices in a building or house having several such apartments, offices or suites of offices and using in common one or more hallways and one or more means of entrance.

2. Commercial User Unit -

- a. Commercial establishments such as, but not limited to, stores, offices, garages, with less than 20 employees, will be assessed as one user unit. If a commercial establishment is housed in the same structure or dwelling as a Domestic User Unit or Units, each use will be assessed as one User Unit.

- b. Commercial establishments with 20 employees or more will be assessed one User Unit per 20 employees or portion thereof.

3. Industrial User Unit -

Industrial Users will be reviewed by the Borough on an individual basis and will be assessed such number of User Units as in accordance with their particular requirements.

4. Other User Units -

Any other Users not coming within any one of the above categories or having multiple uses, will be reviewed by the Borough on an individual basis and will be assessed such number of User Units as in accordance with their particular requirements.

D. "Owner" means any Person having an interest, whether legal or equitable, sole or partial, in any Property.

E. "Person" means any individual, firm, partnership, company, association, society, corporation, trust, governmental body or an agency, department or political subdivision thereof or any other group or entity.

F. "Property" means any building, group of buildings or land upon which buildings are to be constructed which is or may be served by the Water System.

G. "Water System" means the water distribution facilities, including all related facilities to be constructed, installed or acquired by or for the Borough, including all property, real, personal and mixed, rights, powers, licenses, easements, rights-of-way, privileges, franchises and other property or interest in property of whatsoever nature used or useful in connection with such facilities, and together with all additions, extensions, alterations, improvements and betterments thereof or thereto which may be made, installed or acquired, from time to time.

SECTION 2. WATER RATES, RENTS AND CHARGES

The following water rates, rents and charges are fixed, adopted, established and imposed upon each User or Owner served or to be served by the Water System, for use thereof, which water rates, rents and charges shall be effective on April 1, 1983, and shall appear on bills rendered on or after June 30, 1983:

A. SCHEDULE OF RATES

1. This Schedule is applicable to all metered Users.
2. A Fixed Rate of \$235.00 per annum, payable quarterly, will be assessed against each User Unit. The Fixed Rate includes an allotment of 8,000 gallons of water per month.

3. An Excess Use Rate of eighty-four cents (\$.84) per 1,000 gallons of water or portion thereof will be assessed against each User Unit for every 1,000 gallons of water or portion thereof used per month over the initial allotment of 8,000 gallons of water.

4. All water service provided by the Borough to any User shall be metered, except in those cases where the Borough shall otherwise provide, in which event the Borough shall apply the Fixed Rate.

B. BUILDING CONSTRUCTION PURPOSES

The rates, rents or charges for construction purposes shall be the same as the Fixed Rate per unit of construction; the first quarterly payment shall be payable upon application to the Borough for water service. Such charge per quarter shall cover service until the particular unit of construction is completed and metered.

C. CUT-OFF AND TURN-ON CHARGE

The Borough shall charge a fee for cut-off and turn-on services at the rate of \$ 5.00 for each service. *Between 3:30 p.m. to 11:00 p.m. the rate is \$10.00, Between 11:00 p.m. and 7:00 A.M. the rate is \$25.00.*

D. MULTIPLE USER UNIT

Any Property having multiple uses or users but serviced by one meter shall be charged and shall receive one bill for the quarter, which bill shall be for the amount computed by multiplying the Fixed Rate by the number of User Units assessed by the Borough, plus the Excess Use Rate Charge. The Borough shall bill the Owner or the Owner and the User whose name or names appear on the records of the Borough.

SECTION 3. BILLINGS AND PAYMENT

A. All bills for water service furnished to Users shall be rendered quarterly on the last day of March, June, September and December of each year, or as soon after the last day of said months as is practicable, and shall represent the amount due for water service rendered during the preceding three months.

B. All bills for water service furnished to Users shall be due and payable as of the date thereof. A discount of 10% will be provided if paid within fifteen (15) days of the billing date. If bills for such water service shall not be paid within thirty days after such shall become due and payable, such bills shall be deemed delinquent and a penalty at the rate of 10% per centum per annum shall be added to such delinquent bills and collected as a part thereof together with a collection fee of Five Dollars (\$5.00).

When bills are paid by mail, the date of the postmark will be considered the date of payment.

C. Whenever any bill including penalty, for water service furnished to a User shall remain unpaid for a period in excess of sixty (60) days after the date thereof, the Borough, five (5) days after mailing a delinquency and termination notice to the User at his latest recorded address on the books of the Borough, which notice shall inform the User of the delinquency and the amount due and owing and shall declare the intention of the Borough to shut-off and discontinue water service if the bill is not paid within ten (10) days of the date of the letter, may, ten (10) days after the date of the letter discontinue water service. Water service will not be restored until the bill, including penalties, together with any turn-off, turn-on and collection charge has been paid.

D. Whenever water service to any User Unit, or unit of construction, as applicable, shall begin after the first day or shall terminate before the last day of any billing period, the water rates, rents and charges for such period shall be for actual use, provided that if actual use is less than the Fixed Rate, User shall be charged for actual use and not the Fixed Rate.

E. Each bill for water service shall be made out in the name of the User. Each User initially shall provide the Borough with, and thereafter shall keep the 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.

F. No allowance or rebate will be made for unoccupied Property unless and until: (1) the User shall have notified the Borough of such vacancy in writing; and (2) such vacancy shall continue for at least thirty days. In any such event, service shall be restored only upon the execution of a new application therefor.

SECTION 4. APPLICATION FOR WATER SERVICE

A. Where the User is also the Owner of the Property to be served, the application to the Borough for water service shall be made by such Owner.

Where the User is not the Owner of the Property to be served, the application to the Borough for water service shall be made jointly by the Owner and the User. In such case the Owner shall be legally responsible for all bills rendered to a User occupying Property of the Owner.

Such application for service shall be made on a form to be provided by the Borough and shall be accompanied by such maps, reports or other data as may be required by the Borough.

B. Borough's acceptance of User's application to the Borough for water service shall constitute an Agreement for Water Service by the applicant or applicants and a agreement to comply with all rules and regulations of the Borough relating to the Water System and shall constitute a grant to the Borough of authorization for its properly authorized and identified representatives to have full and free access to the Property to be served at all reasonable times for the purpose of reading meters, for inspection and repairs, for removal of property of the Borough or for any other purpose incident to rendering water service.

SECTION 5. SERVICE TO BE RENDERED

A. USE OF WATER - Water supplied by the Borough may be used for all residential, business, industrial, agricultural, public or other legal purposes; Provided, however, that the Borough reserves the right to impose at any time such restrictions in the use of water as may become necessary due to accidents, breakdowns, shortages of water, temporary discontinuance of water service to make necessary repairs, removals or replacements or other unavoidable

emergencies which rights Users agree to under the terms of the agreement for water service.

Every effort will be made to notify Users before service is interrupted. However, no deduction in water rates will be allowed for failure on the part of the Borough to supply water and the Borough shall not be responsible for any losses due to inability to supply water. Users shall agree to the above as part of the terms of the agreement for water service.

B. METER SERVICE - Except for those Users being charged for water service at a Fixed Rate, as provided in this Ordinance, each User Unit shall be required to have installed a water meter to measure the quantity of water consumed. Each such meter shall be furnished by the Borough and shall be installed by the Borough, or by the Owner in accordance with rules and regulations to be adopted by the Borough. All meters shall remain the property of the Borough.

SECTION 6. DEPOSITS

A. Deposits may be required from a User taking service for a period of less than thirty days, in an amount equal to the estimated gross bill for such temporary period. Deposits may be required from all other Users provided that in no instance may deposits be required in excess of one

quarter of the Fixed Rate.

B. Deposits secured from a User shall be returned to the User when he shall have paid all undisputed bills without incurring penalty charges for twelve consecutive months; and any such User, having secured the return of a deposit, shall not be required to make a new deposit unless the service has been discontinued or the User thereafter incurs penalty charges.

SECTION 7. CHANGE IN OWNERSHIP OF PROPERTY

When the ownership of a Property changes from one Person to another, the Owner shall notify the Borough in writing and in advance of the date of discontinuance of the service under his ownership. Should the Owner fail to give such notice, he shall be responsible for all charges up to and including the date the new Owner makes application for service. The new Owner shall make application for service in the same manner as for a new service.

SECTION 8. TESTING METERS

A. The Borough reserves the right to remove and test any meter at any time and, if such meter is found to be inaccurate, to substitute another meter of the same size in its place, either permanently or temporarily.

B. In case of a disputed account involving the accuracy of a meter, such meter will be tested by the Borough upon the written request of the User. In the event the meter tested is found to have an error in the registration greater than two per cent, plus or minus, the cost of the test will be borne by the Borough, and the bills will be adjusted accordingly. Should the meter be found to be correct, the cost for testing shall be billed to the User on the next quarterly bill submitted.

SECTION 9. TEMPORARY WATER SERVICE

A. Temporary water service for any purpose may be furnished, at the Borough's discretion, from fire hydrants or any other source at rates determined by the Borough. Such services will be rendered only upon application to the Borough. No hydrant connection shall be used at other than the designated location without permission from the Borough.

B. The User shall take care not to waste water through a temporary connection. Should it be found that an unnecessary amount of water is being used, the Borough reserves the right to eliminate the connection at once, or it may place a meter thereon, in which case the expense of the change shall be paid by the User. Thereafter, the water rates, rents and charges set forth in Section 2 shall be applicable to such service.

C. The Borough may meter any temporary connection. Wherever this is done, the rates, rents and charges set forth in Section 2, hereof shall thereafter be applicable to such service.

D. The User shall be responsible for the care and condition of a meter placed on temporary connections and shall place it in a meter box if considered necessary by the Borough.

E. Temporary service from hydrants or any other source for private use may be furnished by the Borough upon application; such service shall be under the supervision of the Borough, and in accordance with the applicable rates, rents and charges set forth in Section 2.

SECTION 10. CANCELLATION OF SERVICE

Subject to the provisions of Section 3C, upon failure of any User to comply with any provision set forth herein or with any additional rules and regulations adopted by the Borough relating to the Water System, the Borough may shut-off the supply of water; Cut-off and Turn-on rates set forth in Section 2, hereof shall apply in such cases.

SECTION 11. ENFORCEMENT

A. Water rates, rents and charges imposed by this Ordinance, to the extent permitted by law, shall be a lien on the property connected to and served by the Water System; and any such water rates, rents and charges which shall be delinquent, to the extent permitted by law, shall be filed as a lien against the property so connected to and served by the Water System, which lien shall be filed in the Office of the Prothonotary of Susquehanna County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

B. Proper officers of the Borough are authorized and directed to do all things and to take all legal action necessary to enforce collection of water rates, rents and charges established and imposed and otherwise to carry out provisions of this Ordinance.

SECTION 12. RULES AND REGULATIONS

A. The 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 the Borough, shall be desirable, beneficial or necessary for or in connection with use and operation of the Water System.

SECTION 13. EFFECTIVE DATE AND APPLICABILITY

This Ordinance shall become effective after publication as provided by law, and shall be applicable, as provided herein, to all Users then connected with or thereafter connected with and served by the Water System.

SECTION 14. RIGHTS RESERVED BY BOROUGH

The Borough reserves the right to repeal, amend, supplement or modify this Ordinance or any part thereof, or to change the water rates, rents and charges established and imposed by this Ordinance in such manner and at such times as, in the opinion of the Council of the Borough, shall be necessary or desirable, all after due legal procedure.

SECTION 15. CONSTRUCTION AND SEVERABILITY

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

SECTION 16. REPEALER

All other ordinances and parts of ordinances inconsistent herewith hereby expressly are repealed.

DULY ENACTED AND ORDAINED this 3rd day of February, 1983, by the Council of the Borough of Oakland, Susquehanna County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF OAKLAND
Susquehanna County, Pennsylvania

By: Gerald W. Balmer
President of Council

ATTEST:

G. Larson
Secretary

Approved: Arnell C. Drake
Mayor

CERTIFICATE

I, the undersigned, Secretary of the BOROUGH OF OAKLAND, Susquehanna County, Pennsylvania (the "Borough"), certify that the foregoing is a true and correct copy of an Ordinance of the Council of this Borough which was duly enacted by the affirmative vote of a majority of all members of said Council of this Borough at a meeting thereof duly convened and held on the 3rd day of February, 1983; that said Ordinance has been duly recorded in the Ordinance Book of the Borough; that said Ordinance was duly published as required by law; and that said Ordinance remains in full force and effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal of the Borough, this 3rd day of February, 1983.


Secretary