

RESOLUTION W-2002-07B

HOLLIDAYSBURG BOROUGH AUTHORITY

**A Resolution Amending and Restating the Rates, Rules and Regulations
for the
Hollidaysburg Borough Authority**

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Part 1
System Regulations

§101. Regulations Adopted. The following rules, regulations and rates are hereby established to govern the management and operation of the water supply and distribution system (the "water system") owned by the Hollidaysburg Borough Authority (the "Authority"). These rules, regulations and rates shall hereafter form a part of every contract for water service supplied by the Authority and every person taking water service agrees to be bound thereby.

Part 2
Application for Service Connections

§201. Application for Service Connections. Any property owner desiring the introduction of a service line or lines from the Authority mains into his premises must first make a written application to the Borough as agent for the Authority on the form furnished by the Borough, at least two weeks before the service connection is required, stating the street and house number or location, the name of the owner or tenant, the purpose for which service will be used, the exact time when the trench from curb to the property and his services will be ready for making the connection and shall guarantee that such service will be used continuously for at least one year.

§202. Signature on Application; Effect Thereof. The application must be signed by the owner of the premises, or his duly authorized agent which application together with the rules and regulations of the Authority shall regulate and control the service of water to such premises.

§203. Separate Agreement for Main Extension. In the event that no mains are available from which the required service can be rendered, the applicant may be required to enter into a separate agreement with the Authority in order to provide the necessary main extension.

§204. Service Connection Procedure; Repairs or Replacement. Whenever a supply of water is desired, or request for pipe replacement is made, the Borough as agent for the Authority shall, upon payment of the proper fee payable to the Authority, authorize the Water Superintendent, to lay a pipe from the main to a point within the curb line, if no curb exists, to the curb line, or the edge of the right-of-way, or in the case of mains located in alleys, to a point within the nearest property line of the applicant. At the terminus of said pipe a stop-cock shall be affixed, every such stop-cock shall be protected by a stop-cock box, which shall be covered with a lid of the same material, in such a manner that the stop-cock location may be readily found, and the cover of said box shall be even and level with the paving of the sidewalk.

All service lines from the main line to the curb cock shall be installed by the Borough as agent for the Authority. When it becomes necessary to relay, repair, or lower the service lines extending from the main line to the curb cock, the same shall be laid, relaid, lowered or repaired by and at the expense of the Authority, except that this provision shall not apply in the following instances:

1. Where the cost of repairs to a service line which has been laid or relaid by the Authority under the provisions hereof, and for the laying or relaying of which the Authority has not been paid by the owner or agent thereof
2. Where a service line has been laid to premises not heretofore supplied with water by the Authority.

The Authority reserves the right to determine the size and kind of the service line from the main to the curb stop, and from the curb stop to the customer being served.

The pipe from the curb stop to the customer shall be furnished, installed and maintained by the owner of the property.

The Authority's service line shall include the curb stop and curb box placed at a location inside the curb or curb line, or edge of highway.

§205. Service Connection Fees. The Borough, acting as the agent of the Authority, shall collect fees from all users before issuance of the permits for the connection. A Schedule of Fees shall be established, on an annual basis, by the Authority and shall be incorporated, herein, by reference.

§206. Customer's Responsibility Prior to Issuance of Permit. The Authority or the Borough of Hollidaysburg as its agent reserves the right to refuse to install service lines until the customer has first dug a trench as far as the curb or property line, and installed a service line, ready to be connected to the system.

§207. Authority Right to Defer Installation of Service Connections. The Authority or the Borough of Hollidaysburg as its agent reserves the right to defer the installation of service connections until such time as, in the judgment of the Authority or the Borough of Hollidaysburg as its agent, conditions are suitable for their expeditious and economical connections.

§208. Installation of Private Fire Protection Service Facilities. Private fire protection service facilities will be installed at the request of a consumer or prospective consumer where water main facilities are of sufficient size to permit same. Where water mains must be extended or smaller lines increased in size to furnish service, an agreement will first have to be entered into between the applicant and the Authority. Charges for private fire protection shall be negotiated with the Borough as agent for the Authority.

§209. Applicant's Responsibility to Provide a Lead-Free Plumbing Construction Certification Prior to the Connection of New Service or Turn-on of Repaired System. After completion of construction of the private plumbing system and service line, but prior to the connection of the new water service to the Water System, the applicant shall be responsible to provide, to the Authority or the Borough as its agent, a written certification that the plumbing system was constructed, in its entirety, of lead-free materials. Failure to provide such a certification shall result in the refusal of the Authority or the Borough to connect said service to the Water System.

§210. Separate Trench. No service line shall be laid in the same trench with the drain or sewer pipe, or any other facility of another public service company, nor within three (3) feet of any open excavation or walk unless an exception is granted in writing by the Authority. When allowed to be installed in the same trench with sewer, the service line must be shelved at least two (2') feet above the invert of the drain, sewer line or other facility, and three (3') feet to the center line, or as Pennsylvania Department of Environmental Resources Rules and Regulations apply.

The customer's service line is the line through which water is transmitted from the curb stop to the meter location and which provides water service for the property being served with Authority water.

All connections, service lines and fixtures furnished by the property owner being served by Authority water shall be maintained by the customer in good order; All valves, meters and appliances furnished or owned by the Authority and on the property of the owner shall be protected properly by said property owner. All leaks in the customer service line or any other pipe or fixture, in or upon the premises supplied, must be repaired immediately by the property owner. On failure to make such repairs with responsible dispatch, the Authority, with twenty-four (24) hours notice, will discontinue service.

The Authority shall, in no event, be responsible for maintaining any portion of the customer service line, or for any damage done by water escaping therefrom, or from lines or fixtures on the customer's or owners property.

Part 3 Application for Water Service

§301. Application for Water Service. Any person owner or tenant desiring a supply of water must make a written application on the form furnished by the Authority or the Borough as its agent, at least two (2) weeks before service is required, which application must be approved by the Authority or its duly authorized agent before the water will be turned on. When requested in writing by the property owner, application for a supply of water may be received from a tenant under the condition that the owner act as guarantor for the payment of all bills as rendered. If tenant neglects to make payments within the time specified, it will be the responsibility of the owner to make such payments.

§302. Certain Charges to be Paid Before Service Furnished. No service will be furnished by the Authority to any applicant, whether owner or tenant, until all arrears for water rents, water repairs, or other charges now or heretofore incurred or

owing by him shall have been paid or satisfactory arrangements for payment have been made.

§303. Extension of Water Mains. The following are the rules and regulations for the extension from the existing water mains of the Water System.

1. Main Extensions -

A. The Authority will extend existing distribution mains a distance of thirty-five feet (35') for each bona fide prospective customer making application for water service therefrom for a period of one year or more under these rules and regulations. Such extensions will be made without cost to such customer(s).

B. When an extension greater than thirty-five feet (35') in length for each bona fide prospective customer is required or requested, such extension will be made under the terms of an "Extension Deposit Agreement, the terms of which shall be established by resolution. The Authority shall have the exclusive right to determine the type and size of mains to be installed and the other facilities required to render adequate service; provided, however, that where the Authority decides to install pipe larger than eight inches (8") in diameter, and an eight inch (8") pipe would render adequate service throughout the extension, all estimated or actual cost figures referred to in the "Extension Deposit Agreement" shall include the estimated material cost for pipe eight inches (8") in diameter. All estimated or actual cost figures referred to in the "Extension Deposit Agreement" shall include a reasonable allowance for overhead costs.

C. In determining the length of and necessity for any extension required pursuant hereto, the terminal point of such extension shall, in all cases, be at that point in the curb line which is equidistant from the side property lines of the last lot for which service is requested, and a street connection will be provided only for customer service lines from the curb to the premises to be served which are laid in a straight line at right angles to the curb line.

D. For the purpose of this rule:

(1) "bona fide prospective customer" shall mean any owner or lessee who is or will be the occupant of an existing developed premises having a curb line abutting on that part of a street or public highway in which there is, or is to be, located a distribution main of the Authority, who shall file a signed application for a new street service connection to such premises and for water service to begin immediately following installation of the street service connection.

(2) "street service connection" shall mean a pipe with appurtenances used to conduct water from a distribution main of the Authority to the curb line of the premises.

§304. Water Used for Building Purposes.

1. If water is required for building purposes, a service connection charge as set for this Section 205 of this resolution and a charge for the first month shall be made at the time application is made for water service. Each additional month will be on the same basis. Charges for water consumption under this Section shall be paid in advance.

2. Water furnished for building purposes will be used only for actual construction and shall not be used to facilitate landscaping or other purposes.

3. The charges for water supplied under this Section shall be set at \$ 25.00 per month for residential construction and \$30.00 per month for commercial construction. In the event that service is connected for less than twenty (20) days in a month, the charge shall be prorated on a daily basis.

Part 4

"Consumer" Defined; Multiple Users on Same Line

§401. Definition of "Consumer". Each separate family and/or business which to a major degree is a separate unit, shall be a "consumer". Types of consumers include but are not limited to the following:

1. A building under one roof and occupied as one business or residence.
2. A combination or buildings in one common enclosure occupied by one family or business.
3. Each side of a double house having a solid vertical partition wall.
4. Each side or part of a house occupied by one family even though the closed and/or other fixtures be used in common.
5. A building of more than one apartment and using in common one hall and one entrance.
6. A building having a number of apartments and/or offices and/or businesses using in common one hall or one or more means of entrance.

§402. Written Permit for Consumers to Supply Other Persons or Families. No owner or tenant of any premises supplied with water from the Water System will be allowed to supply other persons or families or other premises, except by written permit from the Authority. Consumers who violate this rule, may have their water shut off after a notice of one (1) day, and it may remain so until the Authority is satisfied that the rules and regulations will be observed.

§403. Provision of Separate Stop Cock and Curb Box. In case two (2) or more consumers are supplied with water from the same service pipe, a distinct and separate stop cock and curb box will be provided for each consumer, except by special permission of the Manager of the Water System, or other authorized representative of the Authority.

§404. Separate Service Pipe Installed When Certain Repairs Required. Whenever such service pipe shall, for the purpose of repairs, require the main stop to be closed, it shall be replaced by a separate service pipe with curb stop and curb box for each supply at the expense of the property owner.

§405. Premises Under Separate Ownership Not to be Served from Same Service. Under no circumstances shall two premises under different ownership be served from the same service lines. Where such instances are brought to the attention of the Authority or the Borough as its agent, it will immediately give notice to the affected parties to correct the condition within thirty (30) days. In determining which consumer shall be disconnected and requested to pay the cost of a new connection, the Authority shall adjudge the owner of the premises on which the curb box is installed as being properly connected; provided, however, that said owner shall be required to arrange for and pay the cost of disconnecting the second party, where such connection is located on his premises.

Part 5 Installation and Maintenance of Service Line

§501. Service Line Beyond Curb Box. The service line beyond the curb box shall be installed and maintained by and at the expense of the consumer. All leaks between curb box and meter must be repaired on discovery by the property owner. The portion of the service line installed by the consumer shall not be less in size and quality than the service line in the street laid by the Authority, shall be laid not less than three feet six inches (3'6") 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 or material are found, the service shall not be turned on until such defects are remedied. All plumbing connections must be able to withstand a pressure of at least one hundred twenty-five (125) pounds per square inch (psi).

§502. Special Permission Required to Lay Service Line in Same Trench with Sewer or Gas Service Connection. No service line shall be laid in the same trench with a sewer or gas service connection, without the approval of the Authority

Manager or other authorized representative of the Authority.

§503. Responsibility for Condition of Service Line, Curb or Property Line to Premises. The service line from the curb or property line to the premises shall be kept in good condition by the consumer under penalty of discontinuance of service by the Authority, upon forty-eight (48) hours' notice; provided, however, that in the case of serious leaks on the consumer's premises which may affect the Authority supply, the Authority reserves the right to discontinue service without notice until such time as the condition is corrected.

Part 6
Authority; Nonliability

§601. Authorization to Turn Stop Cocks On and Off; Removal of Meters; Use of Plumbers' Names. The Authority reserves the sole right to turn the curb stop cock on or off, except in case of repairs to service lines, pipes or fixtures on the premises; in such case, the consumer or the plumber may close the curb stop cock and the consumer or plumber must at once notify the Authority or the Borough as its agent, of such action. Nor shall any plumber or person in his employ remove a meter from any premises. Should it be necessary to remove a meter from the premises, notice shall immediately be given to the Authority or the Borough as its agent, who shall remove the same; nor shall any plumber allow his name to be used by any person or party either for the purpose of obtaining permission or doing any work connected with the Authority or the Borough acting as its agent.

§602. Inspection by Authority Employees. All service lines, meters and fixtures, including any and all fixtures within the premises receiving the supply of water, shall at all reasonable hours, be subject to inspection by any duly authorized employee of the Authority or the Borough as its agent.

§603. Nonliability of Authority. Neither the Authority nor its agent shall in any event be responsible for maintenance of, or damage done by, water escaping from the service line or any other pipe or fixture on the outlet side of the curb box cock, and the consumer shall, at all times, comply with the State and Authority regulations in reference thereto and shall make any changes therein required on account of change of grade, relocation of mains or otherwise.

§604. Right of Authority or Borough Acting as its Agent to Refuse Connection or to Turn Water On. The Authority reserves the right to refuse to make any connection to the Authority Water System when the new service applicant, or his designated agent, fails to provide, to the Authority, certification that the service line and all plumbing of a facility was constructed of lead-free materials. The Authority also reserves the right to refuse to turn water on, or restore service to an existing water customer following repairs made to said system, when the customer fails to provide a certification that all repairs to the plumbing systems of a facility, including service line, were performed using lead-free materials.

Part 7
Rates

§701. Water Service to be Metered; Exceptions. All water service delivered to customers by the Authority shall be metered, excepting that water sold and delivered for fire purposes only shall be arranged for by separate contract with the Authority. All meters installed shall remain the property of the Authority.

§702. Rate Established.

A Schedule of Fees shall be adopted, on an annual basis, by Resolution of the Authority, which shall establish the rates charged for water service and water usage and shall establish the fees charged for each service provided by the Authority. The Borough, acting as agent for the Authority, shall collect said fees and charges on behalf of the Authority. Said Schedule of Fees shall be incorporated herein by reference.

Part 8
Billing

§801. Monthly Payment of Bills; Exception. Users who connect to the Water System during any monthly period shall pay, in addition to the connection charge payable, a pro rata charge for service for the balance of the period. Water rentals for fire protection shall be paid quarterly, and the bills for same shall be rendered on or about the first day of January, April, July and October of each year.

§802. Reading of Meters; Estimation of Bills Where Access to Meter Not Gained. The Authority will read or cause to be read its meters on quarterly periods as regularly scheduled as possible. In the event that scheduled reading of meters cannot be obtained because of inability to gain access to the meter location, the Authority reserves the right to estimate the amount of the bill. The bills so determined shall have the same force and effect as if the meter had been read and shall be paid in accordance with the terms of the applicable schedule. The bills so rendered may be subject to review in the case of unusual circumstances reported by the consumer or wherever irregularity in use is readily apparent to the Authority; provided however, that the Authority is under no obligation to make such adjustments when the reported discrepancies are not readily apparent.

§803. Penalty Added to Delinquent Bills; Discontinuance of Service; Lien of Delinquent Water Rates and Charges. If the above water rents are not paid when due, to wit, within thirty (30) days after the date that the same are rendered, there shall be charged a penalty of one and one quarter percent (1-1/4%) per month. The Authority shall have the right to refuse to continue to serve delinquent premises at any time after the bills have become delinquent for more than sixty (60) days and not to serve such premises until all delinquent bills against the same, and a charge of thirty dollars (\$30.00) for terminating and restoring service, shall have been paid. All rentals and charges shall be a lien on the premises served, and all delinquent bills for rentals and charges shall be entered as a lien against the premises served, and such lien shall be filed and collected in the manner provided by law for the filing and collection of municipal claims.

§804. Deposit of Revenue. All receipts and revenue from the operation of the Water System, including water source charges, tapping fees, penalties and other income shall be promptly deposited in the Revenue Fund established under the Authority's Trust Indenture.

Part 9 Meters

§901. Ownership and Maintenance of Meters. The Authority will furnish all meters, up to a one (1) inch meter, for normal service. All meters will be maintained and replaced by the Authority so far as ordinary wear and tear is concerned but the owner will be held responsible for maintenance and replacement costs in the case of meters damaged by freezing, hot water, negligence or carelessness.

§902. Authority to Determine Location of Meters. The Authority will determine the location for all meters.

§903. Meters Located Inside Buildings. If the Authority decides that the meter is to be placed within the building, the consumer will provide, free of charge and expense to the Authority, a readily accessible place in the cellar or basement near the entrance of service pipes, with a stop and waste cock at the inlet side of the meter.

§904. Meters Located Outside of Buildings. If the Authority decides that the meter is to be placed outside the building, it must be placed in an approved meter box furnished by the Authority at the expense of the consumer and must have suitable stop and waste valves approved by the Authority.

§905. Access to Meters. Access to same for reading of meter, inspection, testing, repairs, etc., must be permitted at all reasonable times by the consumer.

Part 10 Meter Readings and Tests

§1001. Meter Reading Schedule; When Bill May be Estimated. All meters shall be read quarterly, insofar as possible, and the quantities recorded by the meter shall be considered conclusive on both the customer and the Authority, except when the meter has been found to register incorrectly or has ceased to register. In such event, the Authority will estimate the bill taking into consideration average past registrations, or by any fair or reasonable method, and the finding thus determined shall be final and binding upon both parties.

§1002. Meter Tests on Request of Property Owner or Consumer. At the written request of an owner or a consumer, the Authority will make a test of the accuracy of the meter supplying his premises. A deposit of thirty dollars (\$30.00) will be required before the meter is tested, which sum will be returned if the meter is found to be registering more than three percent (3%) against the consumer on a flow equal to one-eighth of the diameter of the service; otherwise, the deposit will be retained by the Authority to cover the cost of the test.

§1003. Authority Right to Test Meters. The Authority reserves the right to test any meter when deemed necessary.

§1004. Consumer to Arrange for Access to Meter. The consumer shall be responsible for arranging the access to the property by the meter reader. The Authority reserves the right to disconnect service to any customer who refuses or persistently neglects to arrange for access for the reader.

§1005. Seals on Meters Not to be Tampered With. No seal placed by the Authority shall be tampered with or defaced. It shall not be broken except upon authorization from the Authority. Where the seal is broken, the Authority reserves the right to remove the meter for test at the expense of the customer. It is a violation of Clause 6, Section 34, Act of 1874 of the Laws of Pennsylvania Criminal Code of Pennsylvania (18 Pa. C.S.A. § 3962), to break or deface the seal of, or otherwise damage a water meter.

§1006. Review of Complaints of Unusual Meter Readings.

1. The Authority may authorize the Water System Manager, or his designee, to make equitable adjustments in bills resulting from unusual consumption based when the unusual water meter reading which the Committee is authorized to consider shall be such reading as exceeds by twenty-five percent (25%) the average reading of the preceding four (4) periods; and where such unusual reading does not result from the negligence or carelessness of the customer or property.

2. In making the determinations set forth in §1006(1) above, the Water System Manager shall consider whether or not a reasonable person acting in a normal and prudent manner should have been able to determine the cause of the excessive consumption and corrected any defects in the internal plumbing system or any customer service lines or other external plumbing facilities such that the excess consumption would have been avoided. The fact that certain facilities are located in a cellar, basement or other portion of a building that may not be occupied on a regular basis may not relieve the customer or the property owner from the responsibility for the consumption recorded by the meter. Provided further, that the customer's or owner's absence from the building during the period in which the excessive consumption occurred shall not relieve the customer or owner from responsibility for the charges in connection with the excessive consumption. Provided further, in buildings where tenants do not have access to certain portions of the building, and where excessive consumption on water is the result of a defect in any fixtures located in those portions of the building where tenant access is denied, the property owner or customer shall not be relieved in any manner for the responsibility of the charges resulting from said excessive consumption.

3. The prompt action by the customer or owner to correct any defects that resulted in the excessive consumption shall be relied upon in making determinations as to the customer's or owner's negligence in excess

consumption of water.

4. The Water System Manager or his designee shall consider the report of the plumber who examined the customer's premises, the water bill computation for the period in question, and all relative facts, and shall make such equitable adjustments as the circumstances warrant. The water customer shall have the privilege to submit all facts concerning the unusual reading. In making any adjustments under this paragraph, the Water System Manager shall be guided by the following principles:

- a. Excessive consumption that results from a leaking water line or plumbing fixture that is located underground, in a crawl space area or other area that is incapable of being occupied, and where such leak is in a location where it would be virtually impossible for the customer or property owner to knowledge of the leak prior to a meter reading or a change in surface conditions that indicate a water leak may be present, may be adjusted by calculating the average consumption over the four (4) periods immediately preceding the period during which the leak occurred, and adjusting the bill to reflect this average.
- b. Excessive consumption that results from a plumbing fixture that is located in a part of the building where the customer or property owner does not normally occupy, and provided that the customer or owner has adequately demonstrated that they acted in a normal and prudent manner to take all reasonable actions to investigate the cause of the excessive consumption, and to correct the defect causing the excessive consumption once the cause was discovered, may be adjusted by calculating the average consumption over the five (5) most recent periods, including the period during which the leak occurred, and adjusting the bill to reflect this average.

4. A customer's complaint and request for adjustment of a bill must be filed in writing with the Manager of the Water System within seven (7) days of the rendering of the bill for water and sewer service in question, and shall be acted upon by the Manager or his designee within thirty (30) days of the receipt by the Authority of the complaint. During the time of the consideration of the complaint, the collection of bill rendered and any penalty thereon shall be suspended. The Manager or his designee shall notify the accounting section of the Authority or the Borough as its agent of the filing of the complaint, the action taken thereon, and such adjustment of the bill and penalty as may be made.

5. Any adjustments in water bills made under this section may be credited to the next bill for the account, or the Authority may cause a reimbursement to be issued directly to the customer if the adjustment shall result in a credit that is more than the estimated charge for the next billing period.

Part 11 Leaks and Defective Plumbing

§1101. Authority and Borough Not Liable for Certain Damage. Neither the Authority nor the Borough shall be liable for any damage resulting from leaks, broken pipes, or from any other cause, occurring to or within any house or building, and it is expressly agreed that no claims shall be made against the either the Authority or the Borough for damage caused by the bursting or breaking of any main or service pipe or of any attachment thereto.

§1102. Authority May Require Installation of Protective Apparatus. The Authority may at any time require an owner or tenant to install in connection with his service pipes such valves, regulators, tanks, or other apparatus as may be, in the

opinion of the Authority Engineer, required for the safeguarding and protection of the Water System.

§1103. Determination of Responsibility for Leaks. In the case of leaks, the location of which are not readily apparent, the Authority will, upon request of the property owner, open the line in and about the curb box for the purpose of determining the responsibility for same. The Authority shall assume the costs of work incidental thereto if it is found that the leak is located between the curb box and main; provided, however, that when the leak is determined to be between curb box and premises, the customer shall reimburse the Borough for the actual costs of the work engaged in to determine responsibility.

§1104. Leaks and Waste. All water passing through a meter shall be charged for at the regular rate and no allowance will be made for excessive consumption due to leaks or waste.

Part 12 Use of Hydrants

§1201. Conditions for Use of Fire Hydrants.

1. Except for fire, only persons authorized by the Authority shall take water from any fire hydrant, and no fire hydrant shall be used for any other purpose, except with the written approval and consent of the Authority. Should any person use water for any other purpose than for fire or testing, then that person shall pay for the gallons of water used or estimated to be used, in accordance with the rates as published or filed at the time of use.

2. All persons except an authorized representative of the Authority or the Borough of Hollidaysburg as its agent are forbidden to open any fire hydrant or to use any water therefrom for any purpose. Provided: this prohibition shall not apply to the opening of fire hydrants and the use of water therefrom in case of fire and, by fire companies, for testing the hydrants, but such tests shall be made only under the supervision of an authorized representative of the Authority or the Borough of Hollidaysburg as its agent.

§1202. Unmetered Water for Fire Protection Devices.

1. A fire protection system consisting of a sprinkler system or other fire fighting device may be connected to the Authority's system as provided in this section.

2. Connection may be made without passing through a meter, to an automatic fire sprinkler system, where no water can be drawn off except through a sprinkler head. Such system must be equipped with an automatic alarm device that will sound a fire alarm inside the building when water is passing through the sprinkler system. It must also be equipped with an automatic alarm system that will, when water is passing through the sprinkler system, either sound an alarm outside the building or convey an alarm through an alarm system monitored at the Public Safety Emergency Communication Center serving the jurisdiction where the system is located, or to a central station if such central station is monitored twenty-four (24) hours each day, and if such station reports each alarm to the fire company responsible for the jurisdiction where the system is located.

3. Connection may be made through a meter equipped with a bypass device to bypass the meter when quantities of water being used indicate the fire fighting system is using water. The system must be equipped with an automatic alarm device that will sound a fire alarm inside the building when water is passing through the bypass device. It must also be equipped with an automatic alarm system that will, when water is passing through the meter bypass device, sound an alarm outside the building or convey an alarm through an alarm system monitored at the Public Safety Emergency Communication Center serving the jurisdiction where the system is located, or to a central station if such central station is monitored twenty-four (24) hours each day, and if such station reports each alarm to the fire company responsible for the jurisdiction where the system is located.

4. If any alarm described in paragraph (2) or (3) of this section sounds when there is no fire to be fought by the fire protection system or sprinkler system, the Water System Manager shall be notified.

5. The Water System Manager shall make periodic inspections of all of the systems described in paragraphs (2) and (3) of this section, to make sure there are no leaks, to make sure the required alarms are in working order and to make sure all applicable laws and ordinances are being followed.

6. This section shall only apply to systems that are installed or replaced on or after June 1, 1994.

§1203. Purpose of Fire Protection Charge. The consumer understands that fire protection charges are mainly a compensation for "Standing Ready to Serve" and that for said charge the use of water is not contemplated except for the actual extinguishing of fires or for testing fire hydrants, systems and apparatus which shall not be done without first notifying officials of the Authority. If used otherwise, a consumption charge, in accordance with the rates published, will be imposed.

Part 13 Turning Off Water

§1301. Management. The Authority reserves the right to appoint and change from time to time, a managing agent for the Water System, which may be a corporation, including without limitation, the Borough or a firm or person qualified to manage such a system.

§1302. Authority to Shut Off Water. The Authority or the Borough as its agent reserves the right at all times, after due notice, to shut off the water for nonpayment of water bills, or for neglect or refusal to comply with the rules and regulations of the Authority and to charge thirty dollars (\$30.00) for the resumption of service, provided there is a serviceable curb cock and box in front of the premises. Where there is not a serviceable curb cock and box, the property owner shall pay all costs of shutting off the water in addition to the charge of thirty dollars (\$30.00) for the resumption of service.

§1303. Reasons for Discontinuance of Service. Service under an application may be discontinued for any of the following reasons:

1. Misrepresentation in application as to property or fixtures to be supplied or the use to be made of the water supply.
2. Use of water for any property or purpose other than described in the application.
3. Waste of water through improper or imperfect pipes, fixtures or otherwise.
4. Failure to maintain in good order connections, service lines or fixtures beyond the curb and owned by the applicant.
5. Altering any service pipe, meter, curb box or seal or any appliance of the Borough.
6. Vacancy of premises.
7. Violation of any rules of the Authority.
8. Failure to make payments of any charges against the property.
9. Refusal of access to property for purpose of inspecting or for reading, caring for or removing meters.
10. The Authority or the Borough as its agent shall have the right to shut-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. In no case shall the Authority or the Borough be liable for any damage or inconvenience suffered.
11. Failure to comply with mandatory water use restrictions or mandatory water conservation measures imposed by the Authority or any State or Federal Agency.

§1304. Authority to Shut Off Water by Direction of Owner or Agent; Charge for Restoration of Service. If directed by the owner of the premises or authorized agent, the Water Department will shut off or turn on water service. A fee for the shutoff of water shall be charged as set forth in the current Schedule of Fees established by the Authority; no charge will be made for turning on the water except in case of violations of the rules and regulations. There shall be a fee charged for changes in occupancy as set forth in the current Schedule of Fees established by the Authority. Where there is not a serviceable curb cock and box, the property owner shall pay all costs of shutting off the water.

Part 14
Supply of Water

§1401. Borough Not Liable for Deficiency or Failure in Supply of Water. The Authority shall not be liable for a deficiency or failure in the supply when occasioned by shutting off water to make repairs or connection or failure from any causes beyond control.

§1402. Authority Right to Reserve Supply of Water; Nonliability for Occurrences Affecting Plant or Equipment. The Authority reserves the right to reserve a sufficient supply of water at all times in its reservoirs to provide for public health, fire and other emergencies, and in the event of any accident or damage to any part of its works or equipment or breakdown of machinery, or bursting of any main or any other occurrence whatsoever affecting its plant or equipment or operation thereof, shall not be liable to any consumer of water for failure of pressure or of supply.

§1403. Authority Not Liable for Damage Resulting from Certain Causes. The Authority shall not be liable for any claim or damage arising from a shortage of water, the breaking of machinery, mains or other facilities or any cause beyond its control.

§1404. Authority to Prohibit Use of Water for Certain Purposes. The Authority or the Borough of Hollidaysburg as its agent shall have the authority to prohibit the use of hose for street, lawn or garden sprinkling or for any other purpose when, in its judgment, such action is necessary for the preservation of the water supply. In such event, due notice shall be given by publication in at least one newspaper with general circulation in the Borough. Should any consumer fail to comply with the requirements of said notice, water service to said consumer shall be discontinued and service shall not be restored until all the costs of shutting off and turning on the water shall have been paid. In addition thereto, the person so violating this requirement shall be guilty of an offense and upon conviction thereof, shall be subject to the penalty hereinafter provided.

§1405. Unlawful to Pollute or Swim in Waters of Water Supply.

1. It shall be unlawful for any person to put or place into any of the reservoirs or streams constituting the water supply system of the Hollidaysburg Water System any substance of any kind or character injurious or inimical to the public health or to animal or aquatic life, or to the uses of water for industrial purposes or drinking purposes.

2. It shall be unlawful for any person to wade, swim, or fish in any of the reservoirs or streams constituting the water supply of the Hollidaysburg Water System and to tamper with, break, or remove any gate, bar, lock or valve in or upon the water shed lands, reservoirs and pipes constituting the said water supply system.

Part 15
Restricting Use of Water

§1501. Water to be Used Only on Premises Served. The right to use water furnished by the Authority shall be restricted to use on the premises supplied. The owner or tenant of said premises permitting said water to be used by any unauthorized person shall be sufficient ground for the Authority to discontinue all water service.

§1502. Payment for Unnecessary Flow of Water. If any person shall permit water to flow unnecessarily from part of a private pipe or fixture thereof on his, her or their premises, either within a building or in any street or alley, the person so offended upon determination of the Authority shall forfeit and pay to the Authority an amount not exceeding two hundred fifty dollars (\$250.00) to cover its loss. Failure to make said payment shall be sufficient reason to discontinue water service.

on the premises until said amount is paid and the conditions complained of be corrected.

§1503. Access to Premises Where Water Served. The Water System Manager and/or any authorized agent of the Authority or the Borough of Hollidaysburg as its agent is hereby authorized and empowered to enter at all reasonable times into any building, or enter any premises where water is served, for the purpose of making an examination of the pipes, stop cocks and fixtures, to see whether there is any waste of water and also for turning off the water where delinquencies occur in the payment of the water rents, or for the purpose of reading meters; and any person who shall obstruct or oppose any authorized agent of the Authority or the Borough in the performance of their duty, shall be prosecuted according to law, and should the Authority so determine, the water service shall be discontinued on said premises.

§1504. Water Conservation and Contingency Plan. The Authority hereby adopts a water conservation a contingency plan as follows:

1. General - If the Authority is experiencing a short term supply shortage in the Authority system, or within any subsystem of the Authority system, the Authority may request general conservation of water uses and may impose mandatory conservation measures to reduce or eliminate nonessential uses of water.

2. Voluntary Conservation - The Authority shall first request voluntary curtailment of all nonessential uses of water.

3. Mandatory Conservation - If voluntary cooperation does not achieve satisfactory results, mandatory compliance will be imposed. If any customer refuses to comply with such mandatory measures, the Authority may at its discretion:

- a. Adjust the outside water valve (curb valve) in a manner which will restrict water flow by up to ½, or restrict flow by insertion of a plug or other flow control device, or
- b. Assess a surcharge of \$100 for each violation, for each day that a violation continues after notice of such violation has been given, shall constitute a separate violation, or
- c. Discontinue water service to said customer following continuation of a violation for a period of five (5) or more days, occurring either consecutively or separately, during any ninety (90) day period.

4. Nonessential uses of water shall include:

- a. The use of any water for watering of grass, except:
 - (i) Water may be applied to grass areas approved prior to or during the mandatory water use restrictions as part of a sewage or storm water treatment system utilizing spray irrigation which system was approved in a permit issued by the Borough or the Authority prior to the drought emergency proclamation.
 - (ii) Water may be used to establish and maintain newly seeded and sodded grass areas when applied between the hours of 5 p.m. and 9 a.m. by means of a bucket, can or hand held hose equipped with an automatic shut-off nozzle, or when applied between the hours of 7 p.m. and 11 p.m. by any other means designed and operated to ensure effective conservation. Newly seeded or sodded grass areas shall only include those newly seeded or sodded areas within the forty-five (45) days prior to the restriction. This exception shall not apply after forty-five (45) days from the time the grass area was seeded or sodded.
 - (iii) Water may be applied by a professional landscaper to establish and maintain newly seeded and sodded grass areas during working hours by any means designed and operated to ensure effective conservation, and as defined in Section 1504 (4) (a) (ii).
 - (iv) Water may be used by professional landscapers or irrigation contractors for the purpose of testing newly installed or repaired irrigation equipment for a period not to exceed 15 minutes per irrigation zone.

(v) Water may be applied for the purpose of grub control one time during the effective period of the mandatory use restrictions.

(vi) Water may be used, in a manner that ensures effective conservation, to implement revegetation following earthmoving, where revegetation is required under an erosion and sedimentation control plan adopted under state law or regulation. Revegetation use shall comply with applicable best conservation management practices for revegetation prescribed by the Pennsylvania Department of Environmental Protection and the Blair County Conservation District.

b. The use of any water for watering athletic fields, except:

(i) Water may be applied to athletic field grass areas approved prior to or during the mandatory water use restrictions as part of a sewage or stormwater treatment system utilizing spray irrigation, which system was approved in a permit issued by the Pennsylvania Department of Environmental Protection prior to the drought emergency proclamation.

(ii) Water may be applied to maintain grass tennis courts, by means of a bucket, can or hand-held hose equipped with an automatic shutoff nozzle or by means of an irrigation system that is designed and operated to restrict the timing or total volume of water, when applied between the hours of 5 p.m. and 9 a.m. in a manner that ensures effective conservation.

(iii) Water may be applied to athletic field grass areas, other than sand-based athletic field grass areas, by a means and in a manner that ensures effective conservation, between 5 p.m. and 9 a.m. during 1 night per calendar week, beginning 2 weeks prior to use of the athletic field for practice, regular season play or other organized use and continuing through the end of the same practice or regular season or other organized use, in accordance with a schedule that has been submitted, at least 7 days prior to implementation, to the Commonwealth Drought Coordinator and to the Authority.

(iv) Water may be applied to sand-based athletic field grass areas in accordance with a plan approved by the Commonwealth Drought Coordinator. Approval of the plan shall be in accordance with the following:

(A) The quantities of water applied shall be measured by means of a volumetric meter, and reports of weekly total water use shall be submitted electronically to the Commonwealth Drought Coordinator on a monthly basis during the emergency, in a form acceptable to the Commonwealth Drought Coordinator.

(B) Water may be applied at an average daily rate that does not exceed 54,300 gallons per acre per week.

(C) Water shall be applied by a means and in a manner that ensures effective conservation.

(D) All meters and meter records shall be made available by the athletic field operator for inspection by representatives of the local law enforcement agency or of the Commonwealth Drought Coordinator, at all times.

(E) A copy of the approved plan shall be submitted to the local law enforcement agency and, if applicable, to the public water supply agency from which the water is obtained, prior to implementation.

(F) Noncompliance by the water user with any term or condition of the approved plan shall cause the plan to be void, and any further use of water under this exception shall be prohibited.

- (v) Water may be applied to establish and maintain newly seeded or sodded grass areas by means and in a manner that ensures effective conservation.
 - (vi) Water may be applied to athletic field nongrass areas to control dust during an athletic event, by means and in a manner that ensures effective conservation, if dust control is necessary to protect health or safety.
 - (vii) Water may be used by professional landscapers or irrigation contractors for the purpose of testing newly installed or repaired irrigation equipment for a period not to exceed 15 minutes per irrigation zone.
- c. The use of fresh water for irrigation and watering of outdoor gardens, landscaped areas, trees, shrubs and other outdoor plants except that fresh water may be:
- (i) Used for irrigation for the production of food and fiber, and the maintenance of livestock and poultry.
 - (ii) Applied by means of a bucket, can, hand-held hose equipped with an automatic shut-off nozzle, or an irrigation system that is designed and operated to restrict the timing or total volume of water and to restrict the application to specific plantings and that ensures effective conservation, when applied between the hours of 5 p.m. and 9 a.m. Sources of water, other than fresh water, shall be used to the extent available.
 - (iii) Used by nurseries to maintain stock, by a means that ensures effective conservation, only to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use.
 - (iv) Used by public gardens of National, State or regional significance, or arboretums to preserve specimens, by a means that ensures effective conservation, only to the extent that sources of water other than fresh water adequate to supply needs are not available or feasible to use.
 - (v) Used by a professional landscaper or irrigation contractor during working hours, by a means that ensures effective conservation.
 - (vi) Used, in a manner that ensures effective conservation, to implement revegetation following earthmoving, where revegetation is required under an approved erosion and sedimentation control plan adopted under state law or regulation, to the extent that sources of water, other than fresh water, adequate to supply needs are not available or feasible to use. Revegetation use shall comply with applicable best conservation management practices for revegetation prescribed by the Pennsylvania Department of Environmental Protection and the Blair County Conservation District.
- d. The use of any water for watering any portion of golf courses, except water may be applied to greens, tees and fairways in accordance with a plan submitted by the golf course operator and approved by the Commonwealth Drought Coordinator no earlier than 3 years prior to the month of use during a period of mandatory water use restrictions. Approval of the plan shall be in accordance with the following:
- (i) The quantities of water applied shall be measured by means of a volumetric meter, and reports of daily total water use shall be submitted electronically to the Commonwealth Drought Coordinator on a monthly basis during the emergency, in a form acceptable to the Commonwealth Drought Coordinator.
 - (ii) Water may be applied at an average daily rate that does not exceed 70% of the calendar month basis quantity. The basis quantity shall be determined for each calendar month, as follows:

(A) Metered water use for the same calendar month, for each of the 5 years previous to submittal of the plan to the Commonwealth Drought Coordinator, shall be averaged, after deducting all water that was used for purposes other than irrigation of greens, tees and fairways.

(B) To the extent that metered data is not available for any year prior to July 7, 2002, or the date of installation of the current irrigation system, whichever is later, an application rate of 41,000 gallons per week per acre of greens, tees and fairways currently irrigated may be used in lieu of metered data.

(C) The basis quantity may not be less than 30,000 gallons per week per acre nor more than 54,000 gallons per week per acre.

(iii) Except as provided in subparagraphs (vi) and (vii), water shall be applied between the hours of 5 p.m. and 10 a.m.

(iv) Meters and meter records shall be made available by the golf course operator for inspection by representatives of the local law enforcement agency or of the Commonwealth Drought Coordinator, at all times.

(v) A copy of the approved plan shall be submitted to the local law enforcement agency and, if applicable, to the public water supply agency from which the water is obtained, prior to implementation.

(vi) Water may be applied between the hours of 10 a.m. and 5 p.m. with a hand-held hose equipped with an automatic shutoff nozzle, to syringe heat-sensitive grasses on tees, greens and fairways, in a manner that ensures effective conservation and so that water is applied to no grass area for a period exceeding 15 minutes in any 1 day.

(vii) Water may be used by professional landscapers or irrigation contractors during regular work hours for the purpose of testing newly installed or repaired irrigation equipment for a period not to exceed 15 minutes per irrigation zone.

(viii) Noncompliance by the water user with any term or condition of the approved plan shall cause the plan to be void, and any further use of water under this exception shall be prohibited.

e. The use of any water for washing paved surfaces, except water may be used:

(i) For prewashing in preparation for recoating and sealing.

(ii) At the minimum rate necessary for the maintenance of tennis courts composed of clay or similar materials, by means of a bucket, can or hand-held hose equipped with an automatic shutoff nozzle.

(iii) At the minimum rate necessary for sanitation of the premises of raw or processed food, pharmaceutical or vaccine processing, storage or vending establishments, including restaurants and grocery stores.

(iv) At the minimum rate necessary for the sanitation of the premises of waste handling, storage and disposal facilities.

(v) At the minimum rate necessary to comply with permit conditions or other regulatory requirements.

f. The use of any water for ornamental purposes, including fountains, artificial waterfalls and reflecting pools, except:

(i) Fountains or waterfalls may be operated to perform the primary and necessary aeration

function for a pond that supports fish life.

(ii) Water may be used to top off ornamental water gardens or fish ponds to the minimum extent necessary to maintain fish and aquatic life.

g. The use of any water for washing or cleaning of mobile equipment except that:

(i) An individual may wash personally owned or leased vehicles by buckets and may use a hand-held hose equipped with an automatic shutoff nozzle to prerinse and rinse (total spray period not to exceed 2 minutes) in accordance with the following schedule:

(A) Odd street addresses on first and third Saturdays of the month.

(B) Even or no street addresses on the second and fourth Saturdays of the month.

(ii) Water may be used by commercial car washes at the minimum rate necessary to ensure an effective wash.

(iii) Water may be used for cleaning of construction, emergency, public transportation or government vehicles if necessary to preserve the proper functioning and safe operation of the vehicle.

(iv) Water may be used for cleaning and sanitizing equipment used for hauling or vending raw or processed food, pharmaceuticals or vaccines for human or livestock use, or for handling waste products.

(v) Water may be used for the cleaning of new and used cars which are part of a dealer's sales inventory in accordance with the following restrictions:

(A) A vehicle may be washed in preparation for sale at the time the vehicle is received from the manufacturer or prior owner.

(B) A vehicle shall be washed no more than once every 7 days, to be determined as follows:

(I) Odd street addresses on Tuesdays.

(II) Even or no street addresses on Wednesdays.

(C) A vehicle may be washed following sale immediately prior to delivery to the purchaser.

(D) A vehicle may be washed only by a means designed and operated to assure effective conservation of water or in accordance with the procedures, excluding schedule, described in subparagraph (i).

(vi) Water may be used by professional mobile wash businesses, at the minimum rate necessary, for the washing of vehicles as part of normal business practices.

(vii) A nonprofit service organization or club may wash vehicles in conjunction with a fundraising activity in accordance with the procedures described in subparagraph (i), without restriction as to schedule.

h. The serving of water in restaurants, clubs or eating places, unless specifically requested by the individual.

i. The use of any water to fill and top off swimming pools, except that water may be used to fill

and top off:

- (i) Public swimming pools and residential swimming pools serving 25 or more dwelling units, if the pools have filtration equipment allowing for continued use and recycling of water over the swimming season.
 - (ii) Swimming pools operated by health care facilities used in relation to patient care and rehabilitation.
 - (iii) Other pools only if approved by the public water supply agency from which the water is withdrawn. If water is obtained from other sources, permission from the owner of the source is required.
- j. The use of water from a fire hydrant—including sprinkler caps—for any purpose, except for the following permissible uses:
- (i) Firefighting.
 - (ii) Testing of fire fighting apparatus or conducting water flow tests for fire insurance classification or reclassification, if approved by the public water supply agency from which the water is obtained.
 - (iii) Flushing sewers, water mains or hydrants when needed to protect public health and safety, if approved by the Authority.
 - (iv) The filling of tank trucks at designated facilities with the approval of the Authority.
- k. The use of any water that is not for a beneficial use.
- l. Any additional non-essential water uses that may be established, from time to time, in Chapter 119, Subsection 199.4 of Emergency Management Services Code, 35 Pa.C.S. § § 7101—7707; amended under the Emergency Management Services Code, 35 Pa.C.S. 7313

5. Water Rationing Plan - During periods of Drought Emergency as declared by the Governor of the Commonwealth of Pennsylvania, where mandatory water rationing is required, the “Local Water Rationing Plan of the Hollidaysburg Borough Authority,” adopted January 19, 1999, and as amended from time to time, shall be implemented by the Authority.

Part 16

Vacation of Premises; Change of Occupancy; Refusal of Application; Cancellation of Contract

§1601. Vacation of Premises. When the premises are vacated, the consumer must give notice at the office of the Borough of Hollidaysburg as agent for the Authority, so that water may be turned off and the customer will be responsible for all charges for water service until such notice is given.

§1602. Change of Occupancy. A new application must be made on any change in occupancy of property, as described in any application, and the Authority or the Borough of Hollidaysburg as its agent may discontinue the water supply until such new applications have been made and approved.

§1603. Refusal of Application. Applications may be refused by the Authority or the Borough of Hollidaysburg as its agent for proper cause.

§1604. Cancellation of Contract. Contracts may be canceled by the proper cause, upon giving five (5) days' notice of such cancellation.

Part 17
Miscellaneous Regulations

§1701. Connection or Outlets Between Main and Meter. In case of metered connection, no connection or outlet will be permitted on the service pipe or pipes, supplying any premises, between the street main and the meter. All water used must pass through the meter.

§1702. Special Service Charges. Where special services are required, the Authority or the Borough of Hollidaysburg as its agent shall fix the rate there for and the cost of service shall be paid at the time the application is submitted and before the service is granted.

§1703. Cross Connections. No connections shall be made between pipes or containers carrying water supplied by the Authority or the Borough of Hollidaysburg as its agent and pipes or containers carrying water from any other source.

§1704. Changing Rates, Rules and Regulations. The Authority reserves the right to change or amend from time to time these rates, rules and regulations for the use of water.

§1705. Lead Materials Prohibited in the Repair or Construction of Plumbing Systems. In accordance with the Pennsylvania Plumbing System Lead Ban and Notification Act of 1989, the use of lead-containing materials in the repair or construction of any plumbing system in a new or existing residential and non-residential facility is prohibited. All materials used in the repair or construction of plumbing systems must be lead-free. Lead-free materials include, but are not limited to, pipes and fittings containing not more than eight (8%) percent lead; and, solders and flux containing not more than 0.2% lead. In order for any new facility to be connected to the Hollidaysburg Water System, the owner, or the owner's agent, such building contractor or plumber, must certify to the Authority, that the plumbing system of that facility has been constructed using lead-free materials. Whenever water service has been turned off to an existing facility for the purpose of performing repairs to that system, the owner of that facility, or the owner's agent, such as a building contractor or plumbing, shall certify to the Authority that all repairs were performed using lead-free materials, only, prior to the restoration of water service to that facility.

Part 18
Penalties and Validity

§1801. Cancellation of Application or Discontinuance of Service for Violation of Regulations. Application may be cancelled or water service discontinued on forty-eight hours notice for violation of any of the rules and regulations herein set forth, or for any one or more of the following reasons:

1. Failure to pay water rent and other charges when due.
2. Tampering with any meter or the seal thereof or with any service pipe or curb stop or box, or permitting tampering by any other person.
3. Use of water prohibited for unauthorized purposes or premises
4. Failure to comply with mandatory water use restrictions or water conservation measures imposed by the Authority or under an Emergency Declaration of the Governor of the Commonwealth.

§1802 Penalties. Any person, firm or corporation who shall violate any provision of these regulations shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00); and/or to imprisonment for a term of not to exceed thirty (30) days. Every day that a violation of these regulations continue shall constitute a separate offense.

I hereby certify that the foregoing is a correct and complete copy of a Resolution adopted at a meeting duly called and held on July 18, 2002, which remains in full force on the date hereof.

HOLLIDAYSBURG BOROUGH AUTHORITY

Richard Mingle, Chairman

Attest:

Donald Donlan, Secretary

(SEAL)