

## **ORDINANCE 4-2018**

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF RIMERSBURG, CLARION COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY BENEFITED, IMPROVED, AND ACCOMMODATED BY ANY WATER MAIN CONSTITUTING A PART OF THE WATER SYSTEM CONSTRUCTED OR TO BE CONSTRUCTED BY THE RIMERSBURG BOROUGH MUNICIPAL AUTHORITY TO MAKE CONNECTIONS THEREWITH: REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THE BOROUGH TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF THE OWNER OF IMPROVED PROPERTY FAILING TO MAKE SUCH CONNECTION; ADOPTING RULES AND REGULATIONS PERTAINING TO THE WATER SYSTEM AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

**WHEREAS**, the Borough Council desires to adopt this Ordinance to replace Ordinance 4-2018

**WHEREAS**, since the adoption of Ordinances 2-69, 1-88, 7-93, 6-2013 and 4-2014 various changes have occurred including but not limited to an expansion of the system and changes in collection procedures;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL FOR THE BOROUGH OF RIMERSBURG**, Clarion County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

**SECTION 1. Definitions.** Unless the context specifically and clearly indicates otherwise, the meanings of the terms and phrases used in this Ordinance shall be as follows:

- A. "Authority" means the Rimersburg Borough Municipal Authority, a Pennsylvania Municipal Authority.
- B. "Borough" means the Borough of Rimersburg or Rimersburg Borough, Clarion County, Pennsylvania, a Municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.
- C. "Council" means the group of elected officials acting, from time to time, as the governing body of the Borough.
- D. "Improved Property" means any property located within this Borough which is benefited, improved, and accommodated by any water main constituting a part of the water system owned by the Authority, upon which there is erected a structure intended for habitation, occupancy or use by human beings or animals or used for commercial, industrial, or institutional purposes.
- E. "Owner" means any person vested with ownership, legal or equitable, sole or partial, of any Improved Property located within the area served by the Water System.
- F. "Person" means any individual, partnership, company, association, society, corporation, or other group or entity.
- G. "Water System" means all facilities as of any particular time for the treating, collecting, and transport of water to users situated in or adjacent to this Borough, owned by the Borough or the Authority, and maintained by the Borough or the Authority. The Term "Water System" includes water treatment, sewage. treatment and sewage disposal, the water works, water treatment works, waste water and sewage treatment works, water supply works, and water

distribution systems which are owned by the Borough or the Authority and leased to the Borough, including any alterations or additions from time to time made.

**SECTION 2.** The Authority and the Borough, as the operator of the Authority water system through a lease agreement with the Authority, have the authority to set rates for water and shall establish, by resolution, a schedule of fees for water service under the provisions of this ordinance. Such resolutions shall be duly recorded and such fee schedule shall be reproduced and made available upon request at the Borough Office. The resolution providing for the various fees shall be periodically reviewed and amended when necessary by resolution of the Borough Council.

**SECTION 3.** The Owner of any Improved Property abutting upon any street in which there is a water main constructed or acquired by the Borough or the Authority shall connect such Improved Property therewith, in such manner as the Borough or the Authority may require, within 90 days after notice to such owner to make connection.

**SECTION 4.** Upon failure of the owner to make such connection after having been given at least 90 days notice requiring such connection, the Borough or the Authority may make the same and collect the cost thereof from the owner by a Municipal Claim, or in an Action of Assumpsit, or other legal proceeding as may be permitted by law.

**SECTION 5.** The notice to make a connection to the Water System shall consist of a copy or summary of this Ordinance, including any amendments and/or supplements at the time in effect and a written or printed document requiring and regulating the connection in accordance with the provisions of this Ordinance and specifying that such connection shall be made within 90 days from the date such notice is given. Such notice may be served upon the owner personally, or by certified mail, or by posting such notice on the principle improvement erected on the Improved Property.

**SECTION 6.** No person shall uncover, connect with, make any opening into, or use, alter, or disturb any water main or any part of the Water System without first making application, obtaining an inspection from, and paying to the Borough any tapping fee charged and imposed against the Owner of each Improved Property who connects such Improved Property to the Water System.

**SECTION 7.** Every excavation for the purpose of connecting with the water main shall be guarded adequately with barricades and light to protect all persons from damage and injury. Streets, sidewalks, and other public property disturbed in the course of installation shall be restored at the cost and expense of the Owner of the Improved Property being connected in a manner satisfactory to the Borough or the Authority.

**SECTION 8.** The Borough reserves the right to adopt, from time to time, additional Rules and Regulations as it shall deem necessary and proper relating to connections with the Water System, as well as Rules and Regulations pertaining to the administration and collection of rentals, fees, and other charges in connection with the Water System, or to approve Rules and Regulations adopted by the Authority with respect thereto, which additional Rules and Regulations, to the extent appropriate, shall be construed as part of this Ordinance.

All charges for water shall be payable monthly at the office designated by the Borough, being due and payable on or before the 20<sup>th</sup> day of each month and shall be a lien on the properties charged with payment thereof from the date the charge first becomes due and payable. Each Customer who shall fail to pay in full any charge on or before the due date shall be subject to a penalty of six percent (6%) of the amount of such charge or the current rate as set by Resolution of the Borough Council. Rimersburg Borough shall have the right to terminate service in the event that any account shall not be paid in full within thirty (30) days of the due date. A Notice of Termination will be sent to

the consumer by U.S. First Class Mail with the specified date of termination of services. A \$35.00 (or the current rate as set by Resolution of the Borough Council) administrative/service charge will be added to the consumer's account at the time the Notice of Termination is mailed, which shall be at least five days from the mailing date. Service will not be restored until all charges are paid in full, including the administrative/service charge.

**SECTION 9.** Any person who shall violate this Ordinance and/or the Water Rules and Regulations shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or the current rate as set by Resolution of the Borough Council, together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken as a separate offense and shall be punishable as such.

All charges herein and provided for by Borough Council Resolution shall be a lien on the properties charged with payment thereof from the date the charges first become due and payable, and, if not paid by the due date, may be collected by an Action in Assumpsit in the name of the Borough against the owner of the property charged, or the user of the service, or by distress of personal property on the Premises, or by lien filed in the nature of a municipal lien which shall be collected in the manner provided by law for the collection of such liens, or action may be taken for collection of delinquent rental or charges by any other method permitted or authorized by law.

**SECTION 10.** All agreements between Rimersburg Borough, Rimersburg Borough Municipal Authority, and other towns, Boroughs and/or Townships are to be amended as necessary, with the Rimersburg Borough Council authorized to execute the necessary documents.

**SECTION 11.** This Ordinance shall become effective when recorded and advertised as provided by law.

**SECTION 12.** If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part hereof.

**SECTION 13.** This Ordinance specifically repeals Ordinances 4-2014, and any other provision of an ordinance which is contrary to or inconsistent with this Ordinance.

**SECTION 14.** Any Ordinance or any part of any Ordinance which conflicts with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

DULY ENACTED AND ORDAINED at a meeting of the Borough Council of the Borough of Rimersburg, Clarion County, Pennsylvania, this \_\_\_\_\_ day of September 2018.

ATTEST:

RIMERSBURG BOROUGH

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President of Borough Council

(Municipality Seal)

\_\_\_\_\_  
Mayor of Rimersburg Borough, Clarion County