

BUFFALO TOWNSHIP MUNICIPAL AUTHORITY

Buffalo Township, Butler County, Pennsylvania

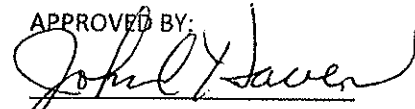
RATES and RULES

Governing the furnishing of water

In

The Township of Buffalo,
Butler County, Pennsylvania

APPROVED BY:


Chairman

EFFECTIVE DATE:

September 1, 1982

UPDATED

May 17, 2018

RULES AND REGULATIONS

GENERAL

1. These Rules and Regulations are a part of the Contract of every Consumer and every such Consumer, by the taking of water, agrees to be bound thereby.
2. Buffalo Township Ordinance No. 36 Titled Mandatory Water Tap-In is incorporated herein as part of these Rules and Regulations.

APPLICATION FOR WATER SERVICE

3. Any Consumer required to make connection to the Authority's water system shall do so by application on forms furnished by the Authority.
4. The application must be signed by the owner of the residence or his duly authorized agent and tenant, which application shall together with the Rules and Regulations of the Authority, regulate and control the service of water to such residence. The party making the application will be considered the Consumer under this contract and will be held responsible for all water bills and the proper observance of the Rules and Regulations of the Authority.
5. With the approval by the Authority or its duly authorized agent of the application and service connection as described hereinafter, the water to the residence will be turned on.
6. Each Consumer/Owner shall be serviced by one meter unless in the case of an owner having a tenant or several tenants and electing to have each tenant metered separately.
7. A new application is required for each new tenant or owner of each property.
8. Temporary service shall be granted, when requested, to any property only in that the property shall not be used steadily or permanently. This may be done only with the special written authorization of the Authority and at the Consumer's expense at the prevailing rate for water usage.

SUPPLYING OTHER RESIDENCE

9. No owner or tenant of any single family residence supplied with water by the Authority will be allowed to supply water to any other person or residence.

CROSS CONNECTIONS AND BACK FLOW PREVENTION

10. Private water supplies or water not supplied by the Authority shall not be connected or cross connected with the water service supplied by the Authority as per Ordinance #51 of the Township.
11. Commercial and industrial establishments shall use an approved backflow preventor.

SERVICE LINES – MAIN TO CURB

12. With the approval of the application by the Authority or its duly authorized agent, the Authority shall tap the main line and extend a service line from the main to just inside the curb, all of which shall remain the property of the Authority. The curb shall be the limits of the road right-of-way. The service line shall include a corporation cock at the main, service line to the curb, a curb stop and curb box. The curb box shall extend from the curb stop to just above the ground level so that the top of the curb box is exposed at all times. If a change in elevation of the ground, sidewalk or the like is proposed which shall cover the top of the curb box, the Consumer shall notify the Authority prior to the change so that proper adjustments may be made to the curb box.

13. Any changes in the location of the service line of the Authority requested by the Consumer shall be at the expense of the Consumer.

SERVICE LINE – CURB TO RESIDENCE

14. The owner of the residence shall at his own expense furnish and install the service line from the curb to the residence. The service line shall be of Type "K" soft copper at a depth of a minimum of 42 inches.

15. The Authority shall furnish and install the meter at a location approved by the Authority or its duly authorized representative.

16. The applicant and/or consumer shall be responsible for damage of any nature to the Authority's meter and the cost related thereto.

17. The service line from the curb to the residence shall be kept in good condition by the owner or applicant under penalty or discontinuance of service by the Authority.

18. The service line of the consumer shall not (a) occupy the same trench with or be placed within eighteen (18) inches of any sewer line or any facility of any other public utility; (b) be placed within three (3) feet of any open excavation or vault; (c) pass through any other line; or (d) be laid at a depth of less than forty-two (42) inches below the surface of the ground.

19. All repairs to service lines shall be at the expense of the Consumer and shall require the inspection of the lines by the Authority before back filling can be started. There shall be a charge for this type of inspection and service.

20. Any meter found to have a seal broken shall be removed by the Authority, tested, reset and resealed. All costs to the Authority shall be borne by the consumer. Should a consumer notify the Authority of a broken seal immediately, the Consumer may be exempt from the foregoing.

21. No consumer/owner/tenant shall remove or disconnect any meter without the consent of the Authority.

SERVICE LINE INSPECTION

22. The consumer shall notify the Authority at least one (1) day prior to any Consumer service line installation providing the street and lot number or location, the name of the consumer and the exact time that the service line, trench and connection to the curb stop shall be ready for inspection by the agent of the Authority. Backfilling of the trench shall not be made until the inspection is completed.

23. With the approval of the installation by the agent of the Authority, the meter shall be installed and the water service turned on by the agent of the Authority.

LENGTH OF SERVICE LINES – CURB TO RESIDENCE

24. When a service line installed by the owner or Consumer exceeds 200 feet in length, the owner or Consumer shall be required to construct, at his expense, a meter pit in accordance with the requirements of the Authority. The meter pit shall be installed inside the property beyond the curb box and shall be provided with a frost proof cover furnished by the Authority, at the expense of the owner or consumer.

WATER SYSTEM APPURTENANCES

25. Under no circumstances shall any person not authorized by the Authority open, close or operate any valve, stop cock or fire hydrant.

26. It shall be the responsibility of the consumers to keep the curb box clear and accessible at all times.

SERVICE CHARGES

27. The Authority will read its meters at scheduled regular intervals and shall render bills in accordance with consumption indicated by the meter, based on the size of the meter, all in accordance with the rate schedule of the Authority.

28. For authorized multi-services from one meter (such as multi-unit dwellings, office complexes or mobile home parks), the charge for water service shall be the minimum use multiple by number of tenants plus the charge for excess water consumed.

29. The Consumer/Owner shall notify the Authority promptly relative to any changes in the number of premises. The number at any time always being subject to determination by the Authority.

30. Domestic, Commercial, Industrial Service Connection (single and multiple premises):

a. One service connection only will be permitted to a single premise.

b. A single premise is herein construed to cover a structure used by one family or occupant or where used by more than one family or occupant, not adaptable to subdivision.

c. In all multiple premises, separate water meters must be provided for each and every tenant or occupant. It shall be the responsibility of the owner to provide a meter setting location, which has been approved by the Authority, in some manner guaranteeing to the Authority ingress and egress to the said premises during working hours of the Authority in order that it may turn on or off any or all individual

meters. A separate inlet valve must be provided for each and every meter, and prior to the installation of the manifolds for the meter installation, the same must be approved by the Authority. If difficulty is experienced in gaining access to any multiple premises, the Authority will immediately shut off the water and require a separate curb stop cock and separate service line to service each of the meters installed in the premise.

31. All Consumers thirty (30) days delinquent in payment will be notified by letter to bring the account current plus interest charges. All consumers remaining delinquent for an additional thirty (30) days will be notified again by letter, and if payment is not made within ten (10) days, the account will be turned over to the Authority's Attorney for proper handling.

32. In the absence of a reliable meter registration due to the failure of the meter to properly function or to the absence of a meter reading, the billing will be according to estimated consumption on the basis of meter registration during a similar preceding period.

33. Deleted – Replaced by Rule 73

34. Bills paid by mail shall be considered paid as per the date of the postmark on the envelope.

35. Any Consumers upon receipt of a bill having just reason to doubt its accuracy shall bring the bill to the Authority's office within ten (10) days for investigation.

36. Failure to receive a bill by the Consumer shall be their responsibility to notify the Authority and shall not entitle any Consumer to miss payment.

37. For all checks used in payment of water charges not honored by the bank, there shall be a charge of \$10 plus bank charges.

METER TESTS

38. The Authority shall, upon the written request of a Consumer, and if he so desires, in his presence or that of this authorized representative, make a test of the accuracy of his meter. If the meter so tested shall be found to be accurate within the limit herein specified, a fee determined from the schedule indicated below shall be paid to the Authority by the Consumer requiring such a test; but if not so found, then the cost thereof shall be borne by the Authority. The amount of the fee shall be \$10 for each water service meter having an outlet not exceeding one (1) inch; for the other water service meters having an outlet not exceeding two (2) inches, the test shall be \$20 per meter. The charge for request test of meters above two (2) inches shall be the actual cost incurred by the Authority.

39. If a meter be found to be fast at any test by more than four (4) percent, an allowance or credit shall be made to the Consumer by the Authority equal to all the excess charged the Consumer, figured back from the date of test to all the excess charged the consumer, figured back from the date of the test through the entire period of the current bill, unless it can be shown that the error is due to an accident or their cause, the exact date of which can be determined in which case it shall be figured back to such time.

DEPOSITS

40. Deposits shall be required from all Consumers provided that in no instance may deposits be required in excess of the estimated gross bill for any single billing period plus one (1) month (the maximum period not to exceed for (4) months) with a minimum of \$50 per residential dwelling and \$75 per commercial establishment.

41. Deposits will not bear interest.

42. A deposit shall not be considered payment on account of a bill for water service during the time the Consumer is receiving water service.

43. Upon the discontinuance of water service to a Consumer, the Authority may apply the deposit of such Consumer to the payment of any unpaid bill for water service of such Consumer and will return the unapplied balance of such deposit thereon to such Consumer.

PRIVATE FIRE PROTECTION SERVICE

44. Such private fire protection service as may be afforded to a metered Consumer through his service line for general service will not be the subject of private fire protection charges. Private fire protection service to a metered Consumer provided in excess of the above shall be through a separate metered service line solely for such purpose and subject to the flat rate charges for such service.

45. A service line with shut-off valve for private fire protection service only will be installed by the Authority from the main line to the curb. The Authority shall install and maintain the meter on said service at a place suitable and acceptable to the Authority. The site or place where the meter is located and the cost of the installation shall be provided and maintained by the Consumer.

46. All water passing through the meter on the private fire protection service line, except water used in the extinguishing of fires for which no charge will be made, and except water used for testing of fire protection equipment for which no charge will be made if prior notice is given to the Authority so that the meter can be rear promptly, shall be subject to consumption charge equal to those set forth by the Authority at the time of installation.

47. No connection or cross connection shall be made between Consumer's private fire protection service facilities and any point of opening communicating with the Authority's facilities other than the Authority's private fire protection service line or to any other independent source of water supply, without written approval by the Authority.

48. Private fire hydrants shall not be located at the sidewalk or in any open place of easy access to the public, except with the written consent of the Authority.

PUBLIC FIRE PROTECTION SERVICE AND OTHER USE OF HYDRANTS

49. Upon written instructions from the duly authorized officials of a municipality supplied by the Authority, the Authority, at municipality's cost, will install at the designated location a public fire

hydrant, together with a cast iron service pipe from the Authority's street main to the hydrant, provided that the size of the existing street main and surrounding distribution system and the available pressure in said street main are, in the judgment of the Authority, sufficient to provide proper service at the fire hydrant under normal and ordinary conditions.

50. All public fire hydrants will be maintained by the Authority at its own expense, provided that any expense for repairs caused by carelessness or negligence of the employees of the municipality or the members of the fire department or any other department thereof shall be paid for by said municipality.

51. The use of public fire hydrants shall be restricted to the taking of water for the extinguishing of fires, except that a permit may be issued by the Authority for a quarterly test of fire hose or apparatus or a drill of each fire company, but the use of water for such purpose shall be limited to the period specified by the permit.

52. No public fire hydrant shall be used for sprinkling streets, flushing sewers or gutters, showering streets, contractors or builders' purposes, or for any other than fire purposes, except with the written approval of the Authority. The Authority's approval of the use of water from fire hydrants for such purposes may be granted where such use is deemed necessary by the Authority and other means of obtaining water are not available. Any permit so granted may be revocable at the discretion of the Authority and shall be charged at a rate to be determined by the Authority when the permit is issued.

53. Upon written instructions from the duly authorized officials of a municipality supplied by the Authority directing a change in the location of the public fire hydrant, the Authority will make such change at the expense of the municipality.

54. Upon request of the duly authorized officials of any municipality, the Authority will make inspections at convenient times and at reasonable intervals to determine the condition of the fire hydrants, such inspections to be made by the Fire Chief or other duly authorized representative of the municipality.

DISCONTINUANCE NOTICE

55. A Consumer desiring the discontinuance of water service shall give written notice to the office of the Authority.

56. Service may be discontinued by the Authority after five (5) days notice to the consumer for any one of the following reasons:

- a) use of water service by a Consumer, or with his consent, for any purpose or at any location or property other than those or that described in the application;
- b) failure of a Consumer to maintain and repair his Consumer's service line;
- c) waste of water by a Consumer or with his consent;

- d) failure of a Consumer to pay a bill for water service within thirty (30) days after the due date thereof;
- e) a vacancy of the premises;
- f) violation by a consumer, or with his consent, of any of these Rules and Regulations.

57. The actual cost, but not less than twenty (\$20) dollars payable in advance, will be made for turning on water in restoration of service after discontinuance for any of the reasons specified in the preceding rule.

58. At no time will discontinuance of water service to Consumers eliminate them from the minimum charge.

59. In all cases when a dwelling is sold or changes tenants, the Authority shall discontinue water service at the curb stop. This may be suspended if both parties contact the Authority, in writing, of such change in service. If the service is discontinued, a charge of twenty (\$20) dollars will be made when the service is restored.

EMERGENCY DISCONTINUANCE

60. The Authority may, without notice if an emergency reasonably requires it, discontinue water service in order to make necessary repairs or connections or to meet any other emergency; however, the Authority will give notice of any discontinuance of service if it is reasonably possible to do so.

61. The Authority reserves the right to restrict the supply of water in case of scarcity or whenever the public welfare may require it.

NEW DEVELOPMENTS

62. Any new subdivisions or extensions to the Authority water system shall require an authorization and a written agreement between the Authority and the developers.

LIMITATION OF LIABILITY

63. The Authority shall not be liable for any damage or injury to any person or property caused by the discontinuance of water service for any of the reasons stipulated above or for the purpose of making necessary repairs or connections to maintain Consumer's service line or caused by water escaping from Consumer's service or pressure for any cause beyond the control of the Authority. The Authority shall be under no liability for damage or injury by fire to any person or property caused by the total or partial failure of water service or pressure for any cause whether within or beyond the control of the Authority.

GENERAL

64. Any authorized agent of the Authority, upon presentation of credentials shall have access at all reasonable hours to any residence supplied with water service for the purpose of reading meters, access

for the making of inspections, repairs or securing such information as the Authority may deem necessary for the proper and efficient conduct of its business shall be granted after proper written notice.

65. No agent or employee of the Authority shall have authority to bind it by any promise, agreement or representation not provided for in these Rules and Regulations, unless such authority is given in writing signed by its manager.

66. The Authority maintains the right to make changes in the Rate Schedule, Rules and Regulations as may be deemed necessary.

67. All charges under the Rules and Regulations are hereby made a charge against the property and a lien thereon, to be levied and collected against the property in the name of the owner or reputed owner, occupier, mortgagee, or anyone beneficially interested therein, as claims are levied and collected under the Municipal Claims Law of the Commonwealth of Pennsylvania or by suit in assumpsit and not as an alternate, but as an additional cumulative remedy. The Authority may shut off the water supply until all charges are paid to the Authority in accordance with the provisions of the Act of April 14, 1949, P.L. 482 (53 P.S. 2261) and its supplements and amendments.

68. All Consumers and Owners shall be bound by all ordinances passed by the Township concerning the operations of the Municipal Authority.

69. Deleted

70. Per May 10, 1983, meeting, each water customer shall have a remote outside reader, the cost of the reader to be included in the meter set and inspection fees. The fee at the present time is \$100, which is subject to change at the Authority's discretion.

71. Deleted

AMENDMENTS TO RULES AND REGULATIONS

72. Delete Rule 33

73. Replace Rule 33. Bills rendered for water service are due and payable monthly. A penalty of 10 percent shall be added to those bills that are paid after fifteen (15) days from the date the bills were mailed out. A late charge of 1.5 percent per month shall be added to those bills paid after the 25th day of mailing.

74. Torn down houses. For properties where the house had been removed for whatever reason; torn down, burned, etc. the Authority will bill monthly and deduct that amount from the amount of the tap in fee paid originally until the tap fee is depleted. If the property owner wishes to retain this tap, he must pay the minimum fee monthly. In cases where a house is burned down and the property owner plans to rebuild within a year, no minimum will be charged against that tap and no monthly billing will be charged.

75. Additions to Rule 37. Customer will be notified of Non-Sufficient Fund Check and given two working days to pay in cash, money order or Certified check or service will be discontinued (minimum fee still applicable) and the account will be turned over to the magistrate for collection. A fee of \$20.00 will be charged to turn the water back on.

76. Addition to Rule 40. After one year property owners with good credit established will be refunded their deposit. No deposits will be refunded to renters until the renter moves out; refer to Rule 43.

77. All customers not having a remote reader installed will be surcharged \$2.00 a month to read the meter.

78. When new tenants come in to sign for water, application must also be signed by the Landlord before water will be turned on.

79. There will be an additional charge of \$10.00 when employees must collect delinquent accounts at residence.

80. TERMINATION PROCEDURES FOR MULTI-TENANT BUILDINGS AND TRAILER COURTS OR MOBILE HOME PARKS DUE TO A DELINQUENT BILL OF A LANDLORD RATE PAYER:

In any multi-family building, Landlord rate payer, mobile home park, residential building, trailer court or multi-family building, the Municipal Authority of Buffalo Township shall not terminate service to tenants where the Landlord rate payer is the sole individual responsible for the bill, under the following requirements:

A. Notification

1. Notification of Landlord Rate Payer – The Authority shall notify the Landlord rate payer thirty-seven (37) days prior to its intended date of shut-off. The notice shall include the amount due on the account or accounts, the date after which service will be terminated, and the date the Authority will notify the tenants of discontinuance of service and advise the tenants of their rights under the Act. Further, the Landlord shall be put on notice of said Landlord duty to give the Authority the names and addresses of every affected tenant or to pay the amount due or make reasonable arrangements for payment. The Authority will pursue any and all appropriate legal remedies to get a list of tenants.

2. Further Content of Notice – The notice shall further set forth that a list of tenants is to be provided or arrangements shall be made for payment, both required within seven (7) days after receipt of the notice. The notice shall also contain a listing of penalties and liabilities to the Landlord under Act 229 of 1978, 68 PS 399.1 et seq. The Authority shall also notify the Landlord of said Landlord's right to stop shut-off of service of filing a complaint with the Court of Common Pleas of Butler County for residents of Butler County. For residents of Armstrong County, the complaint would be filed in the Court of Common Pleas of Armstrong County.

3. Service of Notice – The Authority shall serve said notice by Certified mail, return receipt, to the Landlord or the agent of the Landlord. The Authority may also serve the Landlord by personal

service, and also make personal service as set forth below on the tenant. If service to the Landlord is unsuccessful by person delivery on two separate days, notice by First Class Mail and conspicuous posting at the Landlord's place of business shall constitute sufficient notice. The posted notice shall include the language under section 1532 of the Act making it a violation of law to tamper with said notice.

4. Notice to Tenants – The Authority shall provide notice to the tenants indicating the date on which the notice is rendered, the date of the service of the discontinuance notice, and the circumstances under which service can be continued. Said notice shall include the amount of the bill due and going for a thirty (30) day period of time. The tenant shall be notified of said tenant's right to deduct the amount of payment directed to the Authority from rents due and owing the landlord. Further, said tenant should be advised against his/her right to be protected against landlord retaliation and said tenant right to recover money damages under Act 299 of 1978, 68 PS, 399.1 et. seq. Tenants making payment in this fashion should pay directly by check or money order to the Authority. The notice shall also include the telephone number at the Authority where rights can be explained under the terms of this Act to the tenant.

5. Tenant's Ability to Continue Service – The tenant can continue service by application to continue service to the Court of Common Pleas of Butler County for Butler County residents and the Court of Common Pleas of Armstrong County for Armstrong County residents. Further, the tenant can continue service by paying the amount due thirty (30) days prior to the notice given the tenant, and after due notice each thirty days thereafter of the amount. The tenant shall make an accounting to the landlord of the amount paid on his behalf.

6. Tenants Individual Service – The Authority shall grant any tenant under the circumstance set forth herein individual service if said service is possible without major revision of service line connections.

B. Resolution Procedures

If there is a dispute concerning the amount or accuracy of a customer's water bill, then the customer is entitled to the following Resolution Procedures:

1. An inspection of the premises and the water meter by the Authority to determine the source of the problem.

2. An informal personal conference between a supervisory employee of the Authority and the customer. The customer has a right to be represented by counsel or a layperson at this conference. During this conference each party can present any information regarding the bill which is disputed.

3. The Authority must provide the customer with a written notice of its decision on the bill in dispute. The notice shall inform the customer of the findings and reasons upon which the decision has been based. The notice shall also inform the customer that he has thirty (30) days from the date of mailing of such notice in which to appeal the decision to court. All termination proceedings are stayed during this thirty (30) day period.

81. Amendment to Rule 73 – A late charge of 1.5 percent per month shall be added to those bills paid after the 25th* day of mailing (per the Authority's June 12, 1990, meeting).

82. Addition to Rule 57 – There will be a \$10.00 fee to turn water on and a \$10.00 fee to turn water off (per the Authority's November 19, 1991, meeting).

83. Amendment to Rule 37 – For all checks used in payment of water or sewer charges not honored by bank, there shall be a charge of \$25.00, plus bank charges 1/19/1993

84. Amendment to Rule 38 – METER TESTS – Fee for testing meters – The amount of the fee shall be \$20.00 for each water service meter having an outlet not exceeding one (1) inch; for the other water service meters having an outlet not exceeding two (2) inches, the test shall be \$40.00 per meter. The charge for request test of meters above two (2) inches shall be the actual cost incurred by the Authority. 1/19/1993

85. Amendment to Rule 84 – METER TESTS – Fee for testing meters – The amount of the fee shall be \$50.00 for all meters having an outlet not exceeding two (2) inches. The charge for test requested of meters above two (2) inches shall be the actual cost incurred by the Authority. 1/1/2018

86. Amendment to Rule 40 – The minimum deposit of \$75.00 for residential dwelling as approved 1/1/2018.

87. Amendment to Rules 57, 59 & 82 – Turn off and Turn on fees for vacation/seasonal customer is \$25.00. Turn off and Turn on fees for a delinquent account is \$50.00, with service to be restored within one business day as approved 1/1/2018.

88. Amendment to Rule 24 – Meter pit with frost cover to be provided at the expense of the owner or consumer (*add date*)

89. Amendment to Rules 73 & 81 – Late charges and penalty will be applied to any account when payment is received after the 7th day of each month for Freeport and the 20th day of each month for Buffalo.

90. Amendment to Rule 70 – Meter set and inspection fee for domestic meters are \$200.00. For meters larger than 5/8", the fee is the cost of the meter plus \$100.00 as approved 1/1/2018.