

ORDINANCE NO. 2003-02

**AN ORDINANCE OF THE TOWNSHIP OF PLUMSTEAD ESTABLISHING WATER RENT; BILLING CYCLES AND PAYMENT TERMS; AUTHORIZING WATER SHUT-OFF FOR NON-PAYMENT OF WATER RENTS; ESTABLISHING REGULATIONS GOVERNING CONNECTIONS TO THE WATER SYSTEM; AND AUTHORIZING THE FILING OF MUNICIPAL LIENS**

**Preamble**

The Plumstead Township Board of Supervisors, pursuant to the Second Class Township Code, 53 P.S. §67604 and the Municipal Claims and Tax Liens Law, 53 P.S. §7106, hereby ordains:

**Section I. The Short Title.**

This Ordinance shall be known as the "Township of Plumstead Water Charges and Rents Ordinance".

**Section II. Water Rents – Terms of Payments.**

1. Bills for water furnished for all purposes shall in general be rendered on a quarterly basis, a quarter to consist of any period of approximately ninety (90) days. A fractional part of a quarter equal to or exceeding one-half quarter shall be considered a full quarter for the purpose of determining the minimum charge. Upon request of any user, the Township will remove the water meter from the person's property and discontinue minimum charges thereon, and will thereafter upon request and payment of a re-connection charge, established pursuant to a Resolution of the Plumstead Township Board of Supervisors, reinstall the meter or a similar meter at the property and re-establish service.

2. Usage, service and minimum charges shall be payable at the Municipal Building to the date shown on the bill rendered. Thereafter the bill, with penalty, shall become due and payable. Failure to receive a bill shall not entitle an owner or user to extension of time for payment. Any owner or user whose account for utility service is in arrears shall pay the amount of each bill with penalty until all outstanding indebtedness is paid.

3. If an employee of the Township collects the amount of delinquent bill at the user's or owner's premises prior to termination of service, a collection charge established pursuant to a Resolution of the Plumstead Township Board of Supervisors, shall be collected therewith.

4. Failure to pay either usage, service, or minimum charges on any bill where the gross amount due is in excess of \$500.00 within ten (10) days after the gross bill becomes due shall be cause for termination of water service until payment is made of all outstanding charges for water service; provided, in no case shall the water supply be shut off until ten (10) days after written

notice of an intention so to do has been mailed, by first class mail, postage prepaid, to the person liable for payment and a written notice has been posted at a main entrance to the premises where the water supply is to be shut off. If during such ten (10) day period the person liable for payment delivers to the Township a written statement which states under oath or affirmation that such statement is not executed for purpose of delay and that the person has a just defense to the claim for payment or to part of such claim, and sets forth the defense with specificity, the water supply shall not be shut off until such claim has been judicially determined. Any termination of service to a "landlord ratepayer", as that term is defined in the Utility Service Tenants Rights Act, shall comply with provisions of said Act, 68 P.S. Section 399.1 et. seq., as amended.

5. If service is terminated under the conditions set forth in 4 above, a re-connection charge established, pursuant to a Resolution of the Plumstead Township Board of Supervisors shall be paid before service is restored. Prior to restoration of any service, any owner or user whose account for utility service is in arrears shall pay the entire arrears. If an employee of the Township collects the amount of a delinquent bill at the user's or owner's premises prior to termination of service, a collection charge established, pursuant to a Resolution of the Plumstead Township Board of Supervisors shall be collected therewith.

6. If the Township has agreed to provide water service through a separate meter and separate service line to a residential dwelling unit in which the owner does not reside, the owner shall be liable to pay the tenant's bill for service rendered to the tenant by the Township only if the Township notifies the owner and the tenant within thirty (30) days after the bill first becomes overdue. Such notification shall be provided by first class mail, postage prepaid to the address of the owner provided to the Township by the owner and to the billing address of the tenant, respectively. If the owner has failed to provide a mailing address, the notice to the owner shall be sent to the address of the owner of the property maintained by the Bucks County Board of Assessment Appeals. Nothing herein shall be construed to require the Township to terminate service to a tenant, provided that the owner shall not be liable for any service which the Township provides to the tenant ninety (90) days or more after the tenant's bill first becomes due unless the Township has been prevented by court order from terminating service to that tenant or if the Township was prevented from terminating service pursuant to 4. above.

### **Section 3. Regulations Governing Connections to the Water System.**

1. Ownership of Facilities and Responsibility Therefor. All piping from the main to the curb stop, including the curb shut-off and meter pit, if any, shall be installed for the owner by the Township at the owner's expense and shall remain the property and shall remain the property of the Township and shall be maintained by the Township. All piping from the curb stop to the property served shall be installed for the owner at the owner's expense by a plumber licensed by the Township of Plumstead and shall remain the property of the owner and shall be maintained by the owner, except that the Township of Plumstead reserves the right to repair at the owner's expense any leak on a customer's service pipe between the municipal main and the water meter. A water meter shall be installed in such piping, located in a suitable protective pit directly opposite the point at which the connection is made to the main or where the meter can be located inside the building, if the meter is equipped with an outside remote reading device which conforms to Municipal standards. Each new water meter shall be furnished by the Township of Plumstead at the expense

of the owner, and the Township of Plumstead will credit the property owner the amount equivalent to the cost of a plain standard ¾ inch water meter. The water meter and remote shall remain the property of the Township. The Township shall have the right to remove any such water meter for testing or for maintenance and may furnish in its place another meter substantially or equal thereto as the need for such replacement may occur, without incurring liability therefor to the owner.

The Township of Plumstead shall inspect, test, adjust, maintain and/or replace such meters at its own expense, except that any meter damaged in service through the negligent act or omission of the property owner or the owner's tenant or agent, shall be replaced by the Township of Plumstead at the expense of the property owner. Meter damage resulting from freezing or backflow of hot water shall be considered to be the result of negligence on the part of the owner or tenant. Where water meters are presently installed inside buildings, the Township of Plumstead may at its option require the installation of a meter with the approved outside remote reading device. In such cases, the Township of Plumstead will contribute an amount equal to one-half the cost of necessary materials and all of the labor expense occurred by the installation.

2. Meter Accuracy - The accuracy of the water meters on the Township's systems shall be determined in accordance with the rules and regulations of the Public Utility Commission of the Commonwealth of Pennsylvania. Upon request of any user the Township will remove the meter from the user's premises and test the accuracy thereof. If the said meter is found to register a greater quantity of water than passes through it, to a degree exceeding the tolerance of accuracy prescribed by the Public Utility Commission for such cases, no charge shall be made for such test, and the bills for rendered on the basis of the registration of said meter for a period of not more three (3) months preceding the removal thereof may be adjusted on an equitable basis. If the said meter is found to register a smaller quantity of water than that passed through it, or to be within the prescribed tolerances of accuracy, a charge shall be paid by the user for the testing of the meter in accordance with the schedule of charges adopted from time to time by the Board of Supervisors of the Township of Plumstead. Upon prior request, the water user may witness the water test during normal working hours.

3. Access to Premises - As long as water is piped to any building, the proper officials of the Township of Plumstead shall at all reasonable times have free access to the meters or service pipes to inspect, test, read, repair, remove or replace the same, whether or not the occupant of the building is a water user, and such access shall not be impeded by coal, ashes or rubbish, nor in any other manner. Failure to provide such free access shall be cause for termination of service until suitable access is provided.

4. Estimated Bills - In the event that a customer's water meter fails to register or is not read at the scheduled time, the Township may issue an estimated bill for the period involved based upon the records of the same customer's usage for comparable past periods. Any inaccuracy resulting from failure to read a user's meter at the regularly scheduled time will be corrected and the preparation of the bill based upon the next reading of the meter.

**Section 4. Filing of Municipal Claim.**

1. Any account for water rents or service that is in arrears in excess of \$500.00 shall be liened against the property serviced or connected to the public water supply in the name of the property owner in accordance with the Pennsylvania Municipal Claims and Tax Liens Law, 53 P.S. §701, at et. seq., as amended.

2. When the Township files a lien, it shall be entitled to add to the amount of arrears its attorney's fees pursuant to the schedule of attorney's fees then effect with its Solicitor.

**Section 5. Repealer.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.


**Section 6. Severability.**

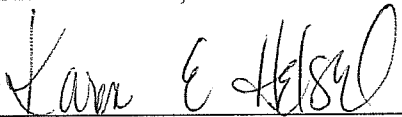
If any sentence, clause, section or part of this ordinance is for any reason found unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Plumstead Township Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

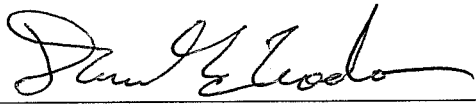
**Section 7. Effective Date.**

This ordinance shall become effective on March 4, 2003.

**PLUMSTEAD TOWNSHIP  
BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
Frank P. Froio, Chairman

  
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Karen E. Helsel, Vice Chairman

  
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Daniel E. Crooke