

ORDINANCE NO. 141

AN ORDINANCE OF THE TOWNSHIP OF QUINCY, FRANKLIN COUNTY, PENNSYLVANIA, ESTABLISHING COSTS FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL USERS TO CONNECT TO THE TOWNSHIP'S WATER SYSTEM; ESTABLISHING AND REGULATING WATER USER FEES AND CHARGES FOR FURNISHING WATER SERVICE TO CUSTOMERS SERVICED BY THE TOWNSHIP'S WATER FACILITIES; PROVIDING FOR PAYMENT OF SUCH WATER RATES AND CHARGES; AND ADOPTING CERTAIN RULES AND REGULATIONS FOR THE CONTROL AND ENFORCEMENT OF THIS ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Quincy Township, in accordance with the authority conferred on it by the Commonwealth of Pennsylvania pursuant to the provisions of the Second Class Township Code, as amended, do hereby establish the following costs for residential, commercial, and industrial users to connect to and use water from the Township's Public Water System:

SECTION 1 – DEFINITIONS:

- A. Township: The Township of Quincy, Franklin County, Commonwealth of Pennsylvania; a second class township.
- B. Connection Fee: A fee imposed upon each owner of improved property who connects to the water system. This fee is based upon the actual cost of the facilities installed between the water main and the property line of the property being connected.
- C. Customer: An owner of any improved property who prior to or after the effective date of this Ordinance has contracted or has been issued a letter of system availability for public water service from the Township to connect to the water system within a certain specified period of time.
- D. Customer Facilities Fee: This fee is based upon the actual cost of facilities serving the connected property from the property line or curb stop to the proposed dwelling or building to be served, and is chargeable only if the Township installs the customer facilities. This fee shall include the cost of a water meter and all appurtenances and installation thereof if the Township supplies or installs the meter/appurtenances.
- E. Customer Unit: A building or group of buildings or any combination thereof served through one meter.
- F. Equivalent Dwelling Unit (EDU): An EDU is defined as 162.5 gallons of water consumption per day. Each connection shall be assessed a minimum of one (1) EDU. An EDU is the average water use per household as defined in the Municipality Authorities Act, as amended.

- G. **Improved Property**: Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals, except those industries and farms which have their own water supply for uses other than human consumption.
- H. **Minimum Charge**: A fee charged to all customers for access to the Township's water system, whether or not there is metered water use. The minimum charge is based upon the meter size.
- I. **Property Owner**: Any individual, partnership, association, government body, political subdivision, municipality, municipal authority or other group or entity, having legal and/or equitable title to the premises being provided with water service by the Township.
- J. **Service Termination**: Either temporary or permanent abatement of service which shall include removal of the water meter and final billing.
- K. **Tapping Fee**: A fee imposed upon each owner of improved property whose intent is to connect to the water system to be used for the recovery of capital funds invested by the Township to construct the water treatment and distribution system; to provide funds for facilities that serve a special purpose or specific area; and to provide for the reimbursement of tapping fee funds as provided for in the Municipality Authorities Act, as amended. The Tapping Fee is due and payable upon receipt of a Permit or in the case of a new land development/subdivision within 30 days following Plan approval. Parts of the Tapping Fee are as follows:
1. **Capacity Fee**: The capacity part of the Tapping Fee is designed to recover from customers their fair share of the cost of existing and planned capacity-related facilities that will provide them with service and enable them to achieve the same standing as prior customers.
  2. **Distribution Fee**: The distribution part of the Tapping Fee is designed to recover the cost of distribution facilities required to provide service, such as water mains, hydrants, booster stations, and associated appurtenances.
  3. **Reimbursement Fee**: The reimbursement part is imposed, when necessary, to provide reimbursement to a property owner or owners who fund facilities that benefit new customers (as defined in the Municipal Authorities Act) beyond the limits of their own development interest.
  4. **Special Purpose Fee**: The special purpose part is limited to facilities applicable only to a particular group of customers, or serving a particular purpose of specific area as defined in the Municipality Authorities Act. Fire service (when applicable) is a special purpose fee.

- L. **Water System:** The water sources, water treatment facilities, water storage facilities, booster stations and other water distribution system facilities, together with all appurtenant facilities which the Township has or shall acquire, including all property, real, personal and mixed, which are owned, operated and maintained by the Township, together with all appurtenant facilities which the Township has or shall acquire, including all property, real, personal, and mixed rights, powers, licenses, easements, rights-of way, privileges, franchises, and all other property or interest in property of any nature, for use in connection with constructing, operating and maintaining said water facilities, and all additions, extensions, and improvements which hereafter, from time to time, may be made.

## SECTION 2 – FEES:

The Fees for each water service to be connected to the water system shall be as follows:

- A. **Connection Fee:** The cost to be assessed the customer shall be \$1500.00 per EDU, which is the actual cost for those facilities installed by the Township between the water main and the customer facilities (building lateral) including, but not limited to the meter, meter pit, curb stop, installation, administrative expenses and inspection fees. However, when multiple connections are constructed under one contract, an average fee per connection shall be determined and all connections shall be assessed equally.
- B. **Customer Facility Fee:** The customer is responsible for costs and expenses of installing service laterals from the property line to the property building(s). In the event the Township is required to make this installation, all actual costs, including administrative expenses and inspection fees, shall be assessed the property owner.
- C. **Tapping Fee:**
1. **Capacity Part:** For the initial startup of the system, a capacity charge of \$2000.00 per EDU is assessed. As future capacity-related facilities are planned for construction, an increased capacity charge will be established based upon the cost and design capacity of these facilities.
  2. **Distribution Part:** \$423.00 per EDU.
  3. **Capacity Reimbursement and Special Purpose Parts:** These parts shall be calculated under the provisions of the Municipalities Authorities Act, when applicable.

**SECTION 3 – WATER RATES, RENTS, AND CHARGES:**

The following rates, rents, charges, and fees are made, fixed, adopted, established, and imposed upon each customer served or to be served by the Township water system for use or availability thereof:

- A. **Schedule of Water Rates for all metered customers. No non-metered customers shall be permitted to connect to the water system.**
  - 1. **The customer shall pay either the minimum charge or the actual consumption charge, whichever amount is greater.**
  - 2. **Minimum Charge –**
    - (a) **Metered customers shall be subject to a minimum charge and shall be billed at the minimum rate of \$26.50 per month, per EDU, whether or not there is metered water usage. The minimum charge can only be cancelled by service termination as outlined in Section 4 of this Ordinance. The minimum charge also assumes the use of a 3/4 inch sized-meter. Charges for larger sized-meters will be calculated individually at a separate rate upon notice received by the Township of the intent to connect to the system:**
    - (b) **Consumption Charge – In addition to the aforementioned applicable minimum charge, all metered customers shall pay a charge per month for consumption of water usage over the first 3,000 gallons, and shall be billed at the rate of sixty cents (\$0.60) per hundred gallons of water usage, per EDU, rounded up to the nearest hundred.**
- B. **Whenever water service to any customer shall begin after the first day or shall terminate before the last day of any billing period, and the minimum charge is to be assessed, the minimum rates, rents, and charges for such period shall be prorated on a daily basis.**
- C. **In the event it becomes necessary for a single meter to supply more than one unit, such as in an apartment building, mobile home park, planned living community, etc., the minimum charge will be assessed for each residential or commercial unit contained within that complex. (Unit shall mean dwellings designed for occupancy within the area being supplied water, whether they are occupied or not, at the time the master meter is read). The total minimum charge will be determined based upon the meter size required to serve the complex in question. Metered consumption for the entire complex that is recorded above and beyond the minimum 3,000 gallons per unit shall be assessed according to the rate outlined in paragraph 3A2(b) above.**

**D. Additional Charges (For all customers):**

1. For each service turn-on (initial turn-on exempted) or termination the customer shall be charged \$35.00 during regular work hours or \$70.00 for all other hours.
2. Service termination (either temporary or permanent) which shall include turn-off and removal of meter shall be \$100.00.
3. Service restoration which shall include installation of meter and turn-on of service shall be \$100.00.
4. The Township's labor rate shall be \$35.00 per hour during regular work hours, with a minimum of one (1) hour. The Township's labor rate shall be 1 ½ times this rate after normal business hours, with a "call out" charge of \$70.00, which shall include the first hour of work.
5. Inspection Fees:
  - (a) All inspection fees for a property owner intending to connect his single family dwelling to the water system shall consist of a \$70.00 fee per connection and is due and payable at the time application is made to the Township to make such a connection. This fee shall cover up to two (2) inspections of the water connections. Additional inspections will be charged at the hourly rate with a minimum of one hour per visit.
  - (b) All inspection fees for a property owner intending to connect multiple dwelling or commercial units to the water system shall be charged at the rate of \$35.00 per hour during regular working hours for time spent in inspecting, testing, and approving said connection(s); said fee is due and payable at the time application is made to the Township to make such a connection.
  - (c) Although the Township does not perform routine inspections after regular working hours, in the event of an emergency, the rate for such inspection shall be 1 ½ times the normal regular rate, with a minimum of two (2) hours charged.
6. A \$10.00 charge will be assessed if the Township reads a meter at the request of the customer for the determination of a final will bill.
7. All costs and expenses including but not limited to legal fees, liens, or maintenance required for servicing an account due to customer error, negligence, or abuse including but not limited to equipment damage, shall be billed to the customer's account and shall include penalty and interest fees as identified in the Billing and Payment Section below.

**SECTION 4 – BILLING AND PAYMENT:**

- A. Billing shall be done on the first business day after the close of the monthly period or as soon thereafter as practicable and shall represent the amount due for water service rendered during the preceding monthly period.**
  
- B. All bills for water service shall be due and payable not later than the billing date printed on the invoice or coupon. If any bill for water service is not paid with thirty (30) calendar days after the billing date, the bill shall be deemed delinquent and a penalty of 10% shall be added. Payment made or mailed and postmarked on or before the last day of such billing period as set forth above, shall constitute payment within such period. If the end of such billing period shall fall on a legal holiday, or a Saturday or Sunday, payment made or mailed and postmarked on the next succeeding business day, which is not a legal holiday, shall constitute payment within such billing period.**
  
- C. If a customer's total bill shall remain unpaid for a period of sixty (60) days after the same shall have become due and payable, the account shall be assessed a monthly \$20.00 late fee, and the customer shall be notified of an impending service termination. If a customer's total bill shall remain unpaid for a period of ninety (90) days after the same shall have become due and payable, the service connection shall be terminated upon completion of the following:**
  - (1) A notice will be posted on the property at least ten (10) days prior to planned service termination.**
  - (2) A service termination notice shall be mailed to the person liable for payment of the charges.**
  - (3) A ten dollar (\$10.00) posting fee shall be assessed to the delinquent account.**
  - (4) If payment is made by check within the ten (10) day period specified above on the service termination notice and the check is returned to the Township, a \$10.00 returned check fee will be assessed and the property will be re-posted for service termination, with another posting fee assessed. Payment will then only be accepted in the form of cash, money order or credit card.**
  - (5) If payment is not received by the date specified on the service termination notice, the water service will be terminated and a hundred dollar (\$100.00) termination charge will be assessed to the account.**
  - (6) Once service is terminated, the water service shall be restored only when the delinquent bill, together with all related penalties and fees, are paid in full by cash, money order or credit card. Also, if there are any delinquent sewer fees related to the property in question that remain unpaid when the service is terminated, these fees must be paid before service can be restored.**

- (7) If a customer's total bill shall remain unpaid for a period of 120 days after the same shall have become due and payable, or if termination of the water service connection is not possible, the Township shall pursue the filing of a Municipal Claim or lien for past due balances. Claims or liens will be released only when the gross bill, together with all delinquent charges and related filing fees, have been paid in full. Such liens and/or claims will be updated with new balances periodically.
- (8) If delinquent sewer fees exist, the Township reserves the right to terminate water service to the property in question at any time after completion of actions outlined in Section 4C(1) and (2) above.

D. Each customer's account shall be established and the bill made out in the name of the property owner. Each customer initially shall provide the Township with, and thereafter shall keep the Township informed of the correct address for billing purposes. Failure to receive a bill for water service because of negligence on the part of the customer shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the time during which such bill shall be payable without penalty. However, in the case where a customer states in writing that they did not receive a water bill in the mail due to circumstances beyond their control, and they meet the following criteria, the Township will consider waiving the current penalty fee if: (1) the customer contacts the Township to advise of non-receipt of a bill within seven (7) calendar days after the bill is due, and (2) the customer has paid their water bills for the preceding year in a timely manner.

E. Upon written request, property owners may request bills for water service be sent directly to their tenants. However, the Township reserves the right to deny any such request. Should this procedure be approved, the property owner shall have full responsibility for payment for water use and other charges associated with his or her property. Failure of the owner to make payments will require the billing name and address to revert back to the owner's name and address for all future billings.

Delinquent notices shall be sent as follows:

1. First delinquent notice (30 day late) – Sent to tenant and property owner
2. Second and subsequent delinquent notice (60+ days late) – Sent to property owner only.

F. Property owners are required to notify the Township in advance of service termination dates. Failure to do so will require the owner to pay charges up to the date the Township terminates service.

## **SECTION 5 – GENERAL INFORMATION:**

- A. **Additional Units**: In the event a property owner desires to add to construct additional space to an improved property, or to expand its operations, the additional EDU's created by the addition, construction, or expansion shall not be connected to the water system until the property owner secures a permit from the Township for connection and pays the Township the appropriate Tapping and Connection Fees.
- B. **Water Meter Installation**: Upon inspection and approval of the water service line by the Township, the owner's water meter will be installed at the owner's request by the Township. Billing begins the day that the water meter has been installed in the system. After payment of fees and issuance of the connection permit, a water meter may be installed for construction water purposes before the water service line is installed.
- C. **Permits for Connection**: No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner, any portion of the water system without first making application for and securing a permit, in writing, from the Township. Application for a permit shall be made by the owner of the Improved Property to be served or by his duly authorized agent.
- D. **Water Service Line General Rules**: All costs and expenses of construction of a building water service line and all costs and expenses of connection of a building water service line to the Township's water system shall be borne by the owner of Improved Property to be connected; and such owner shall indemnify and save harmless the Township from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building water service line or of connection of a building water service line to a water main.
- E. **Inspection of Building Water Line during Installation**: Building water lines shall be subject at all times to the inspection and approval of the Township, who shall have supervision and control over same. The owner of Improved Property shall provide the Township's inspector with safe access on the property for the inspection. Such owner shall have given the Township at least two business days' notice of the time when connection will be made, so that the Township may supervise and inspect all the work of connection and necessary testing. No water line shall be covered until it has been inspected and approved by the Township's inspector. If any part of a water line is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Improved Property owner. Upon completion of each service installation, the Township's inspector is to be notified and an appointment made for inspection. All pipes and pipe joints must be visible and accessible to the inspector.



- F. **Access to Properties for Inspection:** The Township inspector shall have the right to access at reasonable times to any part of the Improved Property served by the water system as shall be required for purposes of inspection, measurement, sampling and testing, and for performance of other functions related to service rendered by the Township.
  
- G. **Connections of Quincy Township Properties to Water Systems of Other Municipal Authorities/Municipalities:** Owners of properties within Quincy Township who are in close proximity to water systems owned and operated by adjoining municipal authorities/municipalities may connect to their system provided a written request is received and approved by the Quincy Township Board of Supervisors prior to connection. In these cases, the Board may approve such a request with the proviso that, if and when Quincy Township has a public water conveyance within 150 feet of their property, they may be required to connect to Quincy Township's water system. In the interim, the Board's permission to connect to the other system carries with it a requirement that the property owner pay the prevailing tap and user fees of Quincy Township, who will in turn reimburse the municipal authority/municipality for services provided. However, in the event those fees of the service provider exceed the prevailing rates in force in Quincy Township, the property owner shall be required to pay to Quincy Township the higher rates plus any related processing charges.

**SECTION 6 – ENFORCEMENT:** Officials of the Township are authorized and directed to do things and take all legal action necessary, including the filing of municipal liens and claims in accordance with law, to enforce collection of water rates, rents, and charges established and imposed hereby and otherwise to carry out provisions hereof.

**SECTION 7 – EFFECTIVE DATE:** This Ordinance shall become effective with the date of enactment as reflected below.

**SECTION 8 – RULES AND REGULATIONS:**

- A. The Township, from time to time in accordance with law, by appropriate resolution, may adopt such additional rules and regulations as well as amend the assessment of Connection and Tapping Fees as reflected in Section 2 above and the Water Rates, Rents, and Charges reflected in Section 3 above, that in the opinion of the Township Board of Supervisors may be desirable, beneficial, or necessary for the use and operation of the water system, and which shall govern and control the distribution and supply of water to customers.
  
- B. The terms, conditions, and fees imposed herein shall not be waived or modified

except upon a showing by the owner of Improved Property that extraordinary circumstances exist. In no event shall a waiver be granted that would result in a violation of the Tapping Fee restrictions imposed by the Municipality Authorities Act.

**SECTION 9 – SEVERABILITY:** In the event a sentence, paragraph, or section of this Ordinance is found to be in violation of Township, County, State, or Federal regulations or laws, that sentence, paragraph or section shall be voided without adverse impact to the enforcement of those sections not in violation of said regulations or laws.

**SECTION 10 – REPEALER:** All ordinances, resolutions, and regulations, or parts thereof in effect on the date of the enactment of this Ordinance and not inconsistent herewith, shall continue in full force and effect.

ORDAINED AND ENACTED THIS 22<sup>d</sup> DAY OF September 2011 IN DUE AND LAWFUL SESSION BY THE QUINCY TOWNSHIP BOARD OF SUPERVISORS.

ATTEST: *Dicki E. Dunemaker*  
SECRETARY

*Robert J. Gunder*  
CHAIRMAN

*William R. Anderson*  
SUPERVISOR

*Jim Zubyl*  
SUPERVISOR