

BOROUGH OF FLEETWOOD

ORDINANCE NO. # 612

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, Berks County, Pennsylvania, entitled "Water Service Connection" setting forth regulations governing the installation of connections for public water service. This Ordinance supplements and amends in part Ordinance No. 281, as amended, entitled "An Ordinance establishing the schedule of rates and charges for water services provided by the Water Department of the Borough of Fleetwood, Berks County, Pennsylvania".

BE IT ORDAINED AND ENACTED by Borough Council of the Borough of Fleetwood, in the County of Berks and Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same, in accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania, as follows:

SECTION 1 – PURPOSE AND INTENT

It is the purpose and intent of the Borough to establish regulations regarding the management and operation of water service connections to the water system of the Borough of Fleetwood, Berks County, Pennsylvania.

SECTION 2 – DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:

- A. General terms. The word "shall" or "must" is mandatory; the word "may" is permissive.
- B. Unless the context of this section clearly indicates otherwise, the meaning of terms and abbreviations used in this section shall be as follows:
 - 1. Approve. That a device, including without limitation or method, that has been accepted by the Water Department and/or the Code Official as suitable for the proposed use.
 - 2. Borough. The Borough of Fleetwood, Berks County, Pennsylvania, acting through its Borough Council, its Water Department, or other duly designated employees or representatives, including the Code Official, Engineer, and Solicitor.
 - 3. Borough Water System. The existing waterworks, water supply works, and water transmission and distribution system lines and other facilities and storage facilities and properties, together with all appurtenant facilities and properties which the Borough has acquired or hereafter shall acquire,

from time to time, in connection therewith, including all property, real, personal and mixed, rights, powers, licenses, easements, rights-of-way, privileges, licenses, leases, franchises, and other property or interest in property of whatsoever nature used or useful in connection with such facilities, and together with all additions, extensions, alterations, and improvements thereof or thereto which may be made or acquired from time to time by the Borough.

4. Code Official. The person or designee of said person appointed by the Borough Council to enforce the provisions of this Ordinance.
5. Connection Fee. A fee payable by an Owner for water service from the Borough prior to the water service supply line being provided by the Borough.
6. Lead Free. When used with respect to solders and flux, refers to solders and flux containing not more than 0.2% lead, and when used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than 8% lead.
7. Meter. A device to measure the amount of water consumed.
8. Owner. The person vested with ownership, legal or equitable, sole or partial, of any real property or improvements thereon.
9. PaDEP. The Pennsylvania Department of Environmental Protection.
10. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural, where indicated by the context.
11. Real Property. Land and all things that are affixed to such land. Sometimes, thereafter referred to as "Property".
12. Schedule of Water Rates and Charges. The water rates, charges, and fees adopted and amended or revised from time to time by resolution of Borough Council.
13. Service Connection. The water service pipe from the Borough's curb stop in the street right-of-way to the Property, except for the water meter assembly.
14. Service Supply Line. The water service pipe from the Borough's water main to and including the Borough's curb stop.

15. Standard Specifications. Standard specifications for developers for water and sewer system improvements and additions in the Borough of Fleetwood and areas served by the Borough of Fleetwood, latest revision.
16. Tapping Fee. A fee applicable to a new Property, or parts thereof, or a change in use of a Property. Such fee is a direct proportionate share of cost for including new Property and change of use into the Borough's water system.
17. Water Department. The operating department organized and supervised by the Borough Council to manage and operate the Borough's water system (hereinafter "Water Department").
18. Water Meter Assembly. The water meter with reader and the backflow preventer in the case of residential Properties.

SECTION 3 – APPLICATION

- A. Applications for new water service and renewal of existing or previous water services, or requests for discontinuance of water service, shall be made by the Owner of the Property. Such application shall be made to the Borough and shall bind the Owner and any other consumer, including, without limitation, a tenant and all subsequent Owners and other consumers to which water service is furnished.
- B. Applications for the purchase of water other than for service to a known Property shall be made by the Owner or Person responsible for the Property and, as such, shall bind said Owner or Person as responsible and liable for the payment of any bills for water supplied, and said payment is required at the time water is received. The Borough reserves the right to refuse the supply of water to any Owner or Person where not required to supply water under the rules and regulations of the Borough's water rates.
- C. Except in the case of an emergency, 10 days' written notice to the Water Department shall be given by an Owner desiring service and/or to discontinue service. Water valves owned by the Borough shall not be operated by any person without the permission and supervision of the Water Department.
- D. The Owner of any Property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy, and/or use by human beings shall make service connection therewith for the purpose of that Property utilizing water from the Borough's water system. Any well, spring, or cistern existing on any Property shall either be abandoned in accordance with the Well Abandonment Guidance Document produced by the PaDEP or have any associated water line inside the Property return through the wall to the exterior of the Property and terminate at a yard hydrant or hydrants for use as a source of non-potable water. Either method shall receive approval as such by the Borough. If approved for use as a non-potable water source, any pressure tank and water

lines associated with said use shall be marked as non-potable water and no interconnections between the private well and the public water supply shall be permitted.

SECTION 4 – REQUIREMENTS

- A. All service connections hereinafter installed and/or replaced shall be made at the Borough curb stop and shall be installed as specified in the Borough's Standard Specifications as adopted and supplemented by the Borough, copies of which are available for inspection or purchase at the office of the Borough.
- B. The Borough shall install the service supply line from the water main to and including the curb stop and curb stop box which shall be at the Owner's Property line. Such locations shall be determined by the Borough. For such installation, a connection fee and/or any other applicable fee provided for in the Schedule of Water Rates and Charges shall be charged to the Owner.
- C. In the case of existing installation, upon this Ordinance becoming effective, the Borough shall assume responsibility for the service supply line up to and including the curb stop and curb stop box and the repair and/or replacement of such service supply line shall be made at the sole determination and discretion of the Borough.
- D. In the event that the Borough shall hereafter replace an existing service supply line as provided for in paragraph C, the Owner shall cause the service connection from the curb stop to the meter to be replaced unless such service is a minimum of three-quarter-inch diameter Type K copper, Polyethylene or other material approved and determined by the Borough to be in good and serviceable condition.
- E. All service connections shall be installed so as to provide an accessible place for the location of the Borough's water meter assembly as determined by the Borough.
- F. No person other than a master plumber shall connect any Property with the Borough's water system at the curb stop, and prior to doing same shall obtain a plumbing permit from the Borough.
- G. All soldered joints shall be made with lead-free solder and fluxed in compliance with the Pennsylvania Plumbing System Lead Ban and Notification Act.
- H. Any work done in connection with the water system shall be inspected by the Borough and/or Code Official of the Borough prior to covering same. Closures made in violation of this section shall be uncovered for inspection.
- I. Water service by the Water Department shall only be provided through water meters supplied and installed by the Water Department. The fee for the meter and installation shall be paid for by the Owner as set forth, or provided for, in the Schedule of Water Rates and Charges.

1. All of other regulations concerning water meters as set forth in the Borough ordinances and pursuant to any applicable Federal, State or local laws and regulations shall be enforced.
- J. In the event of leaks upon the Property of an Owner that remain unrepaired after twenty-four-hour notice to the Owner and any other occupant of the Property, the Water Department shall have the authority to shut off the water following written notice by personal service, or if unable to personally serve, by posting the same in a conspicuous place on the Property affected by the notice until such leaks are repaired.

SECTION 5 – REPEAL OF ORDINANCES

Any ordinance or parts of any ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with the provisions of this Ordinance.

SECTION 6 – SEVERABILITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Ordinance is for any reason declared to be illegal, unconstitutional, or invalid by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional, or invalid.

SECTION 7 – EFFECTIVE DATE

This Ordinance shall become effective at the earliest date permitted by law.

ORDAINED and ENACTED by the Borough Council of the Borough of Fleetwood in lawful session duly assembles this 13 day of April, 2015.

Attest:

Colin Boyer
Colin Boyer, Secretary

BOROUGH OF FLEETWOOD

By:

Suzanne Touch
Suzanne Touch, President

APPROVED this 13 day of April, 2015

Tammy Gore
Tammy Gore, Mayor

MUNICIPAL CERTIFICATION

I, Colin Boyer, (Assistant) Secretary of BOROUGH OF FLEETWOOD, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 612 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in Berks Township, on April 6, 2015, and was duly enacted and approved as set forth at a Regular Meeting of the Borough Council held on April 13, 2015.

BOROUGH OF FLEETWOOD
Berks County, Pennsylvania

Colin Boyer
(Assistant) Secretary