

ORDINANCE NO. 2019 - 263

BOROUGH OF AVONDALE

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE AVONDALE BOROUGH CODE OF ORDINANCES, TO INCLUDE UPDATES TO THE PROCESSES, RATES, CHARGES AND PENALTIES APPLICABLE TO WATER, SEWER AND TRASH SERVICES AS PROVIDED TO BOROUGH RESIDENTS AND TO INCORPORATE THE OPERATIONAL RULES AND REGULATIONS AS PART THEREOF.

WHEREAS, Avondale Borough Council has determined that the provisions governing water supply, sanitary sewer and trash services in the Borough are provided for in a variety of ordinances, resolutions and amendments to same; and

WHEREAS, Avondale Borough Council's intent is not to increase any of the base rates for these services at the present time but rather seeks to consolidate these provisions into one document, clarify certain terms and modify the penalty and enforcement provisions as needed; and

WHEREAS, Avondale Borough has determined that the separate Operating Rules and Regulations governing the construction, connection and maintenance of the water and sewer facilities will be adopted and incorporated as part of the consolidated ordinance.

NOW THEREFORE, BE IT HEREBY ENACTED AND ORDAINED, BY THE COUNCIL OF THE BOROUGH OF AVONDALE, CHESTER COUNTY, PENNSYLVANIA, TO FUTHER AMEND THE AVONDALE BOROUGH CODE OF ORDINANCES, AS FOLLOWS:

SECTION 1. The Borough's rates, charges, penalties, processes and procedures related to water, sewer and trash services, including Operational Rules and Regulations, shall be as set forth and established as stated in the appendix hereto, and entitled, "Avondale Borough Water, Sewer and Trash Services – Rates and Rules – 2019" which is incorporated herein.

SECTION 2. All other ordinances or resolutions or parts thereof, conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance. This Ordinance shall hereby repeal and replace any and all water, sewer and trash regulations, rules, rates, charges, practices and procedures previously established by the Borough.

SECTION 3. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon enactment as by law provided.

PASSED by Borough Council this 19th day of March, 2019.

BY: 
William D. Shore, President

APPROVED this 19th day of March, 2019.

BY: 
Doris Howell, Mayor

ENACTED this 19th day of March, 2019.

BY: 
Rebecca Brownback, Borough Manager/Secretary

I HEREBY CERTIFY the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 19th day of March, 2019.

BY: 
Rebecca Brownback, Borough Manager/Secretary

AVONDALE BOROUGH
WATER, SEWER AND TRASH SERVICES –
RATES AND RULES – 2019

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A. WATER SUPPLY SERVICES FEES AND CHARGES

1. RESIDENTIAL CUSTOMERS

The rates for metered residential water consumption shall be as follows:

- A. Zero (0) gallons to twenty thousand (20,000) gallons per quarter:
\$3.95 per 1,000 gallons
- B. Twenty thousand and one (20,001) gallons to forty thousand (40,000) gallons per quarter: \$4.72 per 1,000 gallons
- C. Over forty thousand and one (40,001) gallons per quarter:
\$5.12 per 1,000 gallons

A minimum charge, for each active residential metered service connection, to the Borough's water supply system shall be \$19.75 per quarter if the preceding rate-based consumption charges would be less. A service charge for each inactive residential metered service connection shall be in the same amount of \$19.75, which shall be in lieu of the minimum charge, for any service connection that has been terminated. Such service charge shall be due and payable each quarter until service is restored or service is permitted to be discontinued and capacity relinquished in accordance with the rules governing such discontinuance.

2. NON-RESIDENTIAL CUSTOMERS

- A. The base rate for non-residential metered water consumption, for each quarter, shall be \$3.83 per 1,000 gallons, plus twenty (20%) percent of the non-residential customer's average quarterly metered water consumption from the immediately preceding calendar year. Provided, however, that if quarterly meter readings are not available for the immediately preceding calendar year, the rate shall be one hundred and twenty (120%) percent of the base rate which shall be applied to the metered water consumption for the quarter being billed.
- B. A minimum charge, for each active, non-residential metered service connection, to the Borough's water supply system, shall be \$19.75 per quarter, if the preceding rate-based consumption charges would be less. A service charge for each inactive non-residential metered service connection shall be in the same amount of \$19.75, which shall be in lieu of the minimum charge, for any service connection that has been terminated. Such service charge shall be due and payable each quarter until service is restored or service is permitted to be discontinued and

capacity relinquished in accordance with the rules governing such discontinuance.

3. MISCELLANEOUS WATER FEES & CHARGES

- A. Customer requested water service (curb stop) Turn-Off or Turn-On Fee\$30.00
- B. Existing customer requesting meter installation or removal.....\$100.00
- C. Replacement and/or repair of frozen or damaged meter (plus the Borough's cost of material, parts, replacement meter and/or bottom plate)\$85.00
- D. Returned Check or Uncollected Payment Fee.....\$50.00
For any returned check (e.g., for insufficient funds, closed account or uncollected funds) or any other payment which is not with good funds collected by the Borough.
- E. Meter Test Fee.....\$55.00
Customer requesting meter to be tested; fee refunded if meter is not reading within accepted tolerances
- F. Bulk Water Sales (filling tank trucks).....\$50.00/truck load
- G. Delinquent Shut-Off Fee.....\$65.00
Water service turned off for non-payment of invoice.
- H. Delinquent Turn-On Fee.....\$65.00
Water service turned on after delinquent payment made or payment agreement made.
- I. Tapping fees and related connection fees are established by separate ordinances and resolutions on file at the Borough offices or attached as appendices hereto.

4. FIRE SERVICE RELATED FEES & CHARGES

- A. Sprinkler and Hose Service.

For each fire service line an annual charge shall be paid according to the following table:

<u>Line Size</u>	<u>Annual Charge</u>
2.0 in	\$200.50
3.0 in	\$430.00
4.0 in	\$845.00
6.0 in	\$1,709.00
8.0 in	\$2,757.00
10.0 in	\$3,530.00
12.0 in	\$4,190.00

B. Fire Hydrant Service.

Each Fire Hydrant \$275.00 annually

B. SEWER SERVICES FEES AND CHARGES

1. RESIDENTIAL USERS

The scheduled rate for residential sewer use shall be based on water usage as follows:

- A. Zero (0) gallons to twenty thousand (20,000) per quarter: \$12.79 per 1,000 gallons
- B. Twenty thousand and one (20,001) gallons to forty thousand (40,000) gallons per quarter: \$15.75 per 1,000 gallons
- C. Over forty thousand and one (40,001) gallons per quarter: \$17.07 per 1,000 gallons

A minimum charge, for each residential sewer service account, shall be \$63.95 per quarter, if the preceding rate-based use charges would be less. A service charge for each inactive residential metered service connection shall be in the same amount of \$63.95, which shall be in lieu of the minimum charge, for any service connection that has been terminated. Such service charge shall be due and payable each quarter until service is restored or service is permitted to be discontinued and capacity relinquished in accordance with the rules governing such discontinuance.

2. NON-RESIDENTIAL USERS

- A. The base rate for non-residential sewer service, which shall be applied to metered water consumption for each quarter, shall be \$12.79 per 1,000 gallons, plus twenty (20%) percent of the non-residential customer's average quarterly metered water consumption from the

immediately preceding calendar year. Provided, however, if quarterly water meter readings are not available for the immediately preceding calendar year, the rate shall be one hundred and twenty (120%) percent of the base rate which shall be applied to the metered water consumption for the quarter being billed.

- B. A minimum charge for each non-residential sewer service account, shall \$63.95 per quarter, if the preceding rate-based use charges would be less. A service charge for each inactive non-residential metered service connection shall be in the same amount of \$63.95, which shall be in lieu of the minimum charge, for any service connection that has been terminated. Such service charge shall be due and payable each quarter until service is restored or service is permitted to be discontinued and capacity relinquished in accordance with the rules governing such discontinuance.

3. **SPECIAL SEWER USE RATE CHARGES**

Unmetered Residential Units: \$155.00 per quarter.

4. **MISCELLANEOUS SEWER FEES**

- A. Tapping fees and related connection fees are established by separate ordinances and resolutions on file at the Borough offices or attached as appendices hereto.

C. **TRASH COLLECTION SERVICE FEES AND CHARGES**

The owner(s) of each property receiving Borough supplied trash collection service shall be responsible for a trash collection fee of \$55.00 per container provided for use at the property for each quarter or part thereof.

D. **BILLING, PENALTIES AND TERMINATION OF SERVICE**

- 1. **Billing Cycle and Due Date.** All bills for water use, sewer use and trash collection (collectively "Municipal Services") shall be billed quarterly. Any Municipal Services bill not paid within 30 days of the date of the bill shall be deemed to be delinquent. Municipal Services bills shall be paid by the title owner of the real property to which such rentals or charges have been imposed and shall be mailed by the Borough to that address, unless and until a different address is specified, in writing, by the owner of such property and provided to the Borough. Failure of a property owner to receive a bill as a result of an outdated or incorrect address, failure by a tenant to forward a bill to the owner or any other

reason shall not excuse the timely payment of Municipal Services bills. It shall be incumbent upon all property owners to provide the Borough with the correct billing address or any changes thereto.

2. Penalties, Liens and Attorneys' Fees. If a Municipal Services bill is not paid within 30 days of the due date, a penalty of 10% shall be added to the total amount to the bill. All delinquent Municipal Services accounts, together with penalties, charges and costs thereon, shall constitute a municipal claim against the property or properties benefitted by the Municipal Services provided from the date the same first became due and payable. If such bill, penalties and charges are not timely paid, the Borough shall file a municipal lien against the property served pursuant to the procedure established in the Pennsylvania Tax and Municipal Lien Law, and such lien shall be collected in the manner provided for by law for the filing and collection of such municipal liens. In addition, the Borough may collect all delinquent bills, penalties and charges by action in assumpsit, or in any other manner or by any proceeding otherwise provided for by law. All of the Borough remedies shall be cumulative. Attorney's fees, according to rates paid by the Borough and on file at Borough's offices, shall be charged for the Borough Attorney's work on collection of delinquent accounts. In addition, a delinquent customer shall be responsible for interest accumulated at a rate as permitted by law.

3. Termination of Service for Nonpayment and Reconnection Charge

A. Inside Borough Customers.

(1) If a customer's water and/or sanitary sewer account has been and remains delinquent for more than 30 consecutive days, the Borough may shut off service to the property until the account is paid in full; provided, however, that no such shut off shall take place until the customer is given written notice of the same at least 10 days before the shutoff. Such notice shall be given by one of the following methods:

a. United States certified mail, return receipt requested, when the return receipt showing that it was received 10 days before scheduled cutoff date; or

b. By regular first class United States mail, mailed at least 15 days prior to the shutoff date, and posting the property at least 10 days prior to the shutoff date.

(2) Water service may be shut off any time after the ten-day notice is given, provided that payment of all delinquent amounts and any penalty fees as provided herein have not been paid in full. Shutoffs will be scheduled 48 hours in advance. If the full delinquent amount is not paid by 48 hours in advance of the date when shutoff is authorized pursuant to the notice, a fee of \$25 will be charged for scheduling the shutoff. To avoid a shutoff, when the shutoff is scheduled, the customer must pay all delinquent amounts (including the \$25 scheduling fee) and provide proof to the Borough that all delinquent amounts and fees were paid into the Borough's account and are available to the Borough. There will be a charge of \$65 to shut off the water and an additional \$65 fee to reconnect a water service which has been shut off for nonpayment of delinquent account balance.

- B. Out-of-Borough Customers. All water shutoffs of Out-of-Borough customers shall be according to the procedures required by the Borough and compliance with the regulations of the Pennsylvania Public Utility Commission.
- C. Service Escrow. If a customer's service is turned off because the account is delinquent, the service will not be turned on again until the customer posts an escrow with the Borough which the Borough may use to secure the proper payment of the customer's account. The amount of escrow shall be \$250 per dwelling unit and, in the case of nonresidential accounts, an amount equal to the bills for two months' service immediately preceding the shutoff. The service escrow shall be released back to the property owner following a six-month period of time with no further delinquencies.
- D. Customer Requested Termination of Service. When a premises is vacant and the owner wants to terminate water service, the owner shall notify the Borough or its agent, in writing, and water will be turned off. The owner shall be responsible for the charges/fees levied in accordance with the current schedule of charges for the turning off of the water. The turning off of the water shall be performed by the Borough or its agents, and usage charges shall not be imposed for the premises while the water service is turned off. Service charges for water and sewer shall continue while the water service is temporarily terminated. When the owner wants to resume water service to the premises, the

owner shall notify the Borough or its agent, in writing, and water service shall be turned on. The owner shall be responsible for the charges/fees levied in accordance with the current fee schedule for the turning on of the water. Usage charges shall resume as of the date that water service is restored to the premises.

- E. Charges When Water Service is Turned Off. In the event that water service is turned off to a premises for any reason, usage charges shall cease as of the date that the water service is turned off. Service charges for water and sewer shall apply to the premises as long as water and sewer capacity is allocated to the property. Accordingly, billing for service charges will continue when water service is turned off. If a property owner thinks that water service is no longer needed for a premises, the owner may request, in writing, that water capacity for the premises be relinquished. In that instance, the Borough shall review the request and determine if water service is required for the premises, which determination shall be in the sole discretion of the Borough. In the event that the Borough determines that the request shall be honored, the owner shall obtain any permits necessary, pay any deposits required and disconnect the premises from the public water supply in a manner acceptable to and approved by the Borough. The owner shall be responsible for all of the costs/fees/deposits associated with the disconnection and inspection. Once capacity to the premises is relinquished, there shall be no refund or credit for water rates which shall be charged to the date the capacity is relinquished or for the cost of the capacity (tapping fee). In the event that the owner or a future owner of the premises wishes to have water and sewer service restored to the premises, the owner shall be required to make application and pay all of the then-applicable fees/charges (including a tapping fee) to have water and sewer service for the premises.

E. OPERATIONAL RULES AND REGULATIONS, AND TAPPING FEES

Attached hereto and incorporated herein are the following appendices:

1. Ordinance No. 2010-227 Rules and Regulations for Water Services and Connections.
2. Ordinance No. 2010-228 Rules and Regulations for Sewer Services and Connections.

3. Ordinance No. 240. An ordinance changing the sanitary sewer and water supply tapping fees and the basis for calculating such fees and establishing credits for sewer tapping fees paid to the Avondale Borough Sewer Authority.
4. Ordinance No. 232. An ordinance establishing regulations for the content and collection of solid waste within the Borough, requiring certain recycling, establishing fines for violations, and providing for fees and charges for collection services provided by the Borough.

The above referenced Operational Rules and Regulations are hereby adopted and incorporated herein and enforceable by the Borough of Avondale. Such Operational Rules and Regulations may be amended from time to time by Resolution of the Borough Council.