

Chapter 26

Water

Part 1

Water Shut-Off for Non-Payment of Sewer Charges

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Part 1**Water Shut-Off for Non-Payment of Sewer Charges****§26-101. Contractual Undertakings with Water Company Authorized.**

The proper officials of the Borough are authorized and directed to enter into all necessary contractual undertakings with the Western Pennsylvania Water Company to enable water service to be shut off to individuals deemed to be delinquent in payment, of sewage charges imposed by the borough and to enter into such undertaking and provide all necessary assurances, bonding, insurance and other requirements that the water company may impose to provide the shut off of service.

(*Ord. 838, 4/17/1984, §1*)

§26-102. Contract to Define When Delinquency Warrants Shutting Off Water.

The contract entered with the Western Pennsylvania Water Company shall specifically define, in accordance with the terms and provisions of this Part, when a delinquency has occurred which warrants the shutting off of water to bring about payment.

(*Ord. 838, 4/17/1984, §2*)

§26-103. Three-Year Delinquency Warrants Water Shutoff.

A delinquency in payment of sewage bills which is deemed to warrant shutting off of the water service to residences of the delinquent users is defined as a delinquency which has occurred at any time and which remains unpaid and/or delinquent after six months or \$100 whichever comes first.

(*Ord. 838, 4/17/1984, §3, as amended by Ord. 839, 4/17/1985, §1; and by Ord. 1076, -/2005, §5*)

§26-104. Minimum Provisions of Rules and Regulations Governing Water Shutoff.

The rules and regulations governing a shutoff of water, in addition to such terms and provisions as may be required under the agreement with the Western Pennsylvania Water Company a/k/a Pennsylvania American Water Company, shall include as a minimum the following:

A. For any premises other than a residential building for which the landlord is the party responsible for the payment of sewer service.

(1) That the Borough has given ten days written notice of its intention to request the water company to shut off the supply of water from its system to such premises and such notice has been mailed to the person liable for the payment of such rentals and charges and the owner of the property or property manager.

(2) That the Borough has posted, at least ten days prior to the intended shut off date, a written notice to this effect on the main entrance of the premises.

(3) That the Borough has not received, during the ten-day period, a written statement under oath or affirmation from the person liable for the payment of the said rentals and charges stating that the said owner has a just defense to the claim or part thereof.

B. For any residential building for which the landlord is responsible for the payment of sewer service, including, single-unit residences, multi-unit residences served by one meter, and multi-unit residences served by multiple meters.

(1) That the Borough has complied with the Utility Service Tenants Rights Act and has given the landlord at least 37 days written notice of the proposed termination, and has given a copy of the notice to the appropriate governmental agency (the Department of Licenses and Inspections at any borough of the first class; the Department of Public Safety at any borough of the second or third class; and the County Public Health Department and any other political subdivision).

(2) That the termination notice contains the following:

(a) The amount owed to the sewer system by the landlord for each affected account;

(b) The date on or after which water service will be discontinued;

(c) The date on or after which the Borough will notify tenants of the proposed termination of water service and their rights under the Utility Service Tenants' Rights Act;

(d) A statement of the obligation of the landlord to provide the Borough with the names and addresses of every affected tenant or to pay the amount due the Borough or make an arrangement with the Borough to pay the balance, including a statement that this list must be provided or payment arrangements must be made within seven days of receipt of the notice; and of the penalties and liability which the landlord may incur by failure to comply pursuant to the Utility Service Tenants Rights Act; and

(e) A statement of the right of the landlord to stay the notification of tenants by filing a petition with the court disputing the right of the Borough to cause termination of water service.

(3) That at least seven days after notice to the landlord and at least 30 days before any termination of service, each tenant was provided notice of the proposed water service termination, said notice containing the following pursuant to Section 6 of the Utility Service Tenants Rights Act:

(a) The date on which the notice was rendered;

(b) The date on or after which the water service will be discontinued;

(c) A statement of the circumstances under which service to the affected tenant may be continued;

(d) The bill for the 30-day period preceding the notice to the tenants;

(e) A statement of the statutory rights of a tenant to deduct the amount of any direct payment to the Borough for any rent payments then or thereafter due; to be protected against any retaliation by the landlord for exercising such statutory right; and to recover money damages from the landlord for any such retaliation;

(f) A statement that the tenants may make payment to the Borough on account of non-payment by the landlord only by check or money order drawn by the tenant to the order of the sewage system:

(g) A telephone number at the Borough which a tenant may call for an explanation.

(h) A statement that the information in the notice to the tenants was also posted by the Borough in any common area of the premises where it is likely to be seen by the affected tenants, if such common area exists.

(4) That the landlord has not paid the amount due or made an arrangement to pay the amount.

(5) That the landlord has not filed an unresolved petition with the court disputing the right of the Borough to cause termination of the water service.

(6) That the tenants have not exercised their rights to continue service pursuant to Section 7 of the Utility Service Tenants Rights Act.

(*Ord. 838, 4/17/1984, §4; as amended by Ord. 1076, -/-/2005, §6; and by Ord. 1154, 6/14/2016, §1*)

§26-105. Conditions for Restoration of Service.

The users whose water has been turned off shall be liable and obligated to pay the full amount of such delinquency including penalties and interest as well as the charges imposed by the Pennsylvania Water Company for the shutting off and turning back on of the water before such water service will be restored.

(*Ord. 838, 4/17/1984, §5*)

§26-106. Authority to Appoint Personnel to Implement Provisions.

The proper officials of the Borough are authorized to appoint the necessary personnel to carry out the terms and provisions of this Part as well as terms and provisions of such contract negotiated with the Western Pennsylvania Water Company to secure the shutting off the water.

(*Ord. 838, 4/17/1984, §6*)

§26-107. Authority of Borough to Bring Suit Against Delinquent Ratepayers.

1. The Borough shall have the power to bring a civil action in accordance with the laws of this Commonwealth against delinquent ratepayers to recoup money owed.

2. Except as set forth hereafter, all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

3. The provisions of this Section shall become effective immediately upon its adoption.

(*Ord. 1154, 6/14/2016, §2*)