

BOROUGH OF NORTH EAST

ORDINANCE NO. 900

**AN ORDINANCE AMENDING AND RESTATING ORDINANCE 980,
AND ALL AMENDMENTS THERETO,
ESTABLISHING WATER RATES AND THE
COLLECTION THEREOF**

WHEREAS, the Borough of North East provides water to customers within the Borough and to North East Township;

WHEREAS, on February 5, 2011, the Borough of North East enacted Ordinance No. 980, which amended previous ordinances establishing water rates and the collection thereof, which Ordinance 980 has also been amended from time to time; and

WHEREAS, the Borough of North East desires to amend and restate Ordinance No. 980, and all its amendments herein.

BE IT ORDAINED AND ENACTED BY the corporate authorities of the Borough of North East, County of Erie, and Commonwealth of the State of Pennsylvania and it is hereby enacted by the authority of the same as follows:

Section 1 -Definitions: In the interpretation of this Section, the present tense includes the future; the singular number includes the plural and the plural includes the singular; and the word person includes natural person, property owner, company, trust, individual, partnership, firm, association, corporation, or entity of any kind. The following terms shall have the definitions assigned:

- 1.1 Borough – Shall mean the Borough of North East, Erie County, Pennsylvania
- 1.2 Township – Shall mean North East Township, Erie County, Pennsylvania
- 1.3 Water Rate Customer – A person or other legal entity purchasing water for consumption within the Borough
- 1.4 Quarterly- Once within a calendar quarter

Section 2 – Water Rates

- 2.1 The water rate charged to and payable by water rate customers of and from April 1, 2017 is and shall be:

\$3.41 Per 100 Cubic Feet (\$4.56 per 1000 gallons)

The minimum billing for each water rate customer per billing period after April 1, 2017 shall be for 500 cubic feet, or 3,740 gallons, notwithstanding that the metered consumption is less than 500 cubic feet or 3,740 gallons.

- 2.2 The water rate charged to and payable by North East Township of and from April 1, 2017 is and shall be:

\$3.41 Per 100 Cubic Feet (\$4.56 per 1000 gallons)

Section 3 – Billing/Payment Due Date

- 3.1 Water rate customers shall be billed and payment shall be due and payable quarterly based upon periodic water meter readings. In a quarter when no reading is made, the quarterly bill shall be based upon the consumption for the average usage for the previous three quarters. In any quarter during which a meter reading has been made, the bill shall be based upon actual metered consumption since the last previous reading less credit for quarterly billings, if any, paid in the interim. The Borough may elect to bill water rate customers monthly as needed per this Ordinance.
- 3.2 The Township shall be billed and payments shall be due monthly at the Borough's discretion per this Ordinance.
- 3.3 All residential water customers must be the owner of the property by recorded deed in order to open, maintain or close a water billing account. Tenants of single or multi-unit dwellings shall not have separate accounts with the Borough but rather must make payments to their landlord for their portion of the quarterly water bill.

Section 4 – Tapping Fees:

- 4.1 New water rate customers shall, upon connection to the water distribution system, pay a tapping capacity fee of \$910.00 per Equivalent Dwelling Unit (E.D.U.) of water consumption as estimated and approved by the Borough Engineer. One (1) E.D.U. shall be equivalent to 61,448 gallons per year of water consumption. The minimum tapping capacity fee shall be based upon one (1) E.D.U. The estimate of the Borough Engineer shall be subject to review based upon water consumption for the year following the connection and in the event the actual consumption exceeds the original estimate, an additional tapping capacity fee shall thereupon be due and payable based on service provided. In the event the actual consumption is less than the original estimate, a refund of the overpaid amount but with no interest thereon shall be made by the Borough to the water rate customer. New water rate customers shall, upon connection to the water distribution system, pay a customer facilities fee of \$50.00 per connection and a connection fee equal to the actual costs incurred by the Borough to install the new service connection and line from the water main to the property line.

- 4.2 The Township shall monthly pay a tapping capacity fee for each new connection to the Township's water distribution system of \$910.00 per E.D.U. of water consumption as estimated and approved by the Borough Engineer. The minimum tapping capacity fee shall be based upon one (1) E.D.U. One (1) E.D.U. shall be equivalent to 61,448 gallons of water consumption. The estimate of water consumption by the Borough Engineer shall be subject to review based upon water consumption for the year following the connection and in the event the actual consumption for the new connection exceeds the original estimate, an additional tapping fee shall thereupon be due and payable. In the event the actual consumption for the new connection is less than the original estimate, a refund of the overpaid amount but with no interest thereon shall be made by the Borough to the Township.

Section 5 – Penalties, Interest and Collection Costs

- 5.1 Water rate customers and Township who fail to pay charges within thirty (30) days of the due date, therefore, as set forth in the water bill, shall thereafter be subject to:
- 5.1.1 A ten (10%) percent annual penalty or two and one half (2.50%) percent per quarterly billing cycle; and
 - 5.1.2 Termination of water service pursuant to state law; and
 - 5.1.3 All other remedies available to the Borough
- 5.2 Water rate customers for whom a lien is filed shall thereafter pay interest at the rate of ten (10%) percent per annum upon the unpaid balance of any such lien from the date of said liens filing.
- 5.3 Quarterly payments for water shall be due and payable by the last day of the first month following after the end of the calendar quarter for which the billing is issued. Monthly payments for water shall be due and payable by the last day of the month following the month for which the bill is issued.

Section 6 – Termination of Sewer Service for Failure to Pay Water Rate

- 6.1 Water rate customers and the Township shall be subject to termination of sewer service by reason of the failure to pay water rates as established by separate ordinance of the Borough in accordance with the laws of the Commonwealth of Pennsylvania.

Section 7 – Consistency

- 7.1 All ordinances or portions of ordinances inconsistent with the provisions herein are hereby amended to conform to the provisions of the within ordinance. All ordinances and portions of ordinances not inconsistent with the within ordinance, are and shall remain in full force and effect including but not limited to any

provisions providing for the charging and collection of water rates prior to April 1, 2017.

Section 8 – Severability: The provisions of this Ordinance are severable; and if any of its provisions shall be held invalid, the same shall not affect or impair the remaining provisions of the ordinance which would have been enacted had not such invalid provisions been included herein.

Section 9 - Effective Date: The within Ordinance shall take effect during the fourth (4th) quarter billing cycle of 2018.

ENACTED INTO AN ORDINANCE THIS 2nd DAY OF April 2018.

BOROUGH OF NORTH EAST

David Hall, President of Borough Council

ATTEST:

Patrick J. Gehrlein, Borough Manager

Steven L. Gregory, Mayor