

TOWANDA MUNICIPAL AUTHORITY  
RESOLUTION \_02-2024\_\_\_\_\_

A RESOLUTION ADOPTING TOWANDA MUNICIPAL AUTHORITY RULES AND REGULATIONS FOR WATER USE IN THE SERVICE AREA OF THE TOWANDA MUNICIPAL AUTHORITY.

**RULES AND REGULATIONS FOR WATER USE**

A RESOLUTION OF THE TOWANDA MUNICIPAL AUTHORITY, IMPOSING RULES, REGULATIONS, CHARGES, FEES, SURCHARGES, AND ASSESSMENTS FOR USE AND BENEFITS DERIVED FROM THE WATER SYSTEM OWNED AND OPERATED BY THE TOWANDA MUNICIPAL AUTHORITY UPON OWNERS OF PROPERTY BENEFITED, IMPROVED OR ACCOMODATED BY SUCH WATER SYSTEM; PROVIDING FOR SPECIAL AGREEMENTS, COLLECTIONS AND FOR FILING OF LIENS; REGULATING THE DISTRUBUTION OF WATER; PROVIDING FOR OPERATION AND MAINTENANCE CHARGES; PROVIDING FOR THE EXPANSION AND CONSTRUCTION OF SAID WATER SYSTEM; PROVIDING FOR CERTAIN RULES AND REGULATIONS AND FOR THE ADOPTION OF SAID RULES AND REGULATIONS.

WHEREAS, the Towanda Municipal Authority has constructed and operated and will construct and operate a Water System consisting of facilities for the distribution of water and use of water within the Service Area of the Towanda Municipal Authority, all of which is located in Bradford County, Pennsylvania; and;

WHEREAS, the Towanda Municipal Authority, in accordance with the powers vested in it by law, desires to update and enhance the rules and regulations for water use from the water system owned and operated by the Towanda Municipal Authority.

NOW THEREFORE, the hereinbefore stated Towanda Municipal Authority intending to be legally bound hereby states as follows:

**ARTICLE I DEFINITIONS**

**SECTION 1.01.** Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in these Rules and Regulations shall be as follows:

"Authority" as used in these Rules and Regulations only shall mean the Towanda Municipal Authority, a municipal authority organized and existing under the laws of the Commonwealth, or its successors or assigns.

"Board" shall mean the governing body of the Authority.

"Commonwealth" shall mean the Commonwealth of Pennsylvania.

"Consumer", as used in these Rules and Regulations, shall be any owner, entity and/or person that uses or is required to use the Towanda Municipal Water System for any allowable purpose. For purposes of interpretation and/or enforcement the term consumer, owner, entity and person shall be interchangeable.

"Improved Property" shall mean any property located within the Service Area upon which there is erected a structure within 150 feet of any Water Line intended for continuous or periodic habitation, occupancy or use requiring water by human beings.

"Service Line" shall mean that part of the Water System extending from the Main to the curb line or, if there shall be no curb line, to the property line.

"Main" shall mean any pipe or conduit owned by the Towanda Municipal Authority and constituting a part of the Water System used or usable for water distribution purposes.

"Owner" as used in these Rules and Regulations only, shall mean any person or entity vested with ownership, legal or equitable, sole or partial, of any Improved Property located within the Service Area.

"Person" shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority or other group or entity.

"Service Area" shall mean the whole of Towanda Borough, Monroe Borough, Towanda Township, North Towanda Township, Albany Township and Monroe Township, and/or any parts thereof served by the Towanda Municipal Authority system.

"Water System" shall mean the waterworks, water supply works and water distribution system facilities acquired or to be acquired or constructed by the Authority, together with all appurtenant facilities and properties the Authority has acquired or hereinafter shall acquire from time to time in connection therewith, including all property, real, personal and mixed, rights, powers, licenses, easements, rights-of-way, privileges, franchises and other property or interest in such facilities, together with all additions, extensions, alterations, improvements and betterments thereof or thereto for the supply, transmission and distribution of water.

## **ARTICLE II USE OF PUBLIC WATER SYSTEM, CONDITIONS OF SERVICE, AND APPLICATION FOR SERVICES**

**SECTION 2.01** The Owner of any Improved Property within one hundred and fifty (150) feet from any Water Main owned and operated by Authority shall connect such Improved Property with such main and use the water system, in such manner as the Authority may require, within ninety (90) days after notice to such owner from this Authority, to make such connection; provided, however, that any owner who shall have his own source of water upon his premises may, at the option of the Authority, continue to use such private system in accordance with the parameters set forth in Section 2.05 hereof.

**SECTION 2.02** The Towanda Municipal Authority is given the power and authority to operate, construct and expand the water system servicing the Service Area, and the Authority is specifically authorized to set rates, regulate the water system and set minimum standard technical specifications regarding the connection and use of said water system. Said rules, specifications and regulations of the Authority and amendments thereto shall be effective as to all matters relating to operation of the water system and shall be binding and enforceable through this Resolution.

**SECTION 2.03** Service connections will be made and water service will be furnished upon written application by the prospective consumer or his proper agent, duly authorized in writing, on a form prepared by the Authority for such purpose, and after approval of such application by the Authority. The application for service shall state the purpose or purposes for which water will be used and such other appropriate information as shall be required by the Authority.

**SECTION 2.04** All consumers receiving water service upon the effective date of the rules and regulations of the Authority by continuing to be thus served shall be bound by the rules and regulations of the Authority and the water rates, rents and charges of the Authority in effect, and which may be changed and/or updated from time to time pursuant to proper action by the Authority. With respect to future consumers, the application of such consumers, by taking of water, agrees to be bound by the rules and regulations of the Authority and the prevailing water rates, rents and charges of the Authority, whether service is based upon contract, agreement, signed and accepted applications or otherwise.

**SECTION 2.05** No private water source may be developed within the Authority service area (the area with in which mandatory connection is required under the applicable municipal code) unless prior written consent of the Authority is obtained, and if such private water source is permitted to be developed, may only be used and operated as permitted and authorized by the Authority. Only authorized industries shall be permitted to utilize a private water source.

**SECTION 2.06** All owners of any improved property benefited by the water system and subject to connect shall be required to connect and use their water fixtures to the water system within ninety (90) days of notice to connect. With the exception of those industries,

businesses and farms that use their private water source for uses other than Human Consumption as specifically allowed by statute, no private water source shall be permitted to serve, or be located in, a residence or structure where water is used for Human Consumption or be located in a structure that is connected to a residence or structure where water is used for Human Consumption. Further, no private water source shall be used for any private or public Human Consumption. Water for Human Consumption includes water that is used for drinking, bathing, showering, cooking, dishwashing or maintaining oral hygiene. No private water source may be developed within the Authority service area (the area within which mandatory connection is required under the applicable municipal code) unless prior written consent of the Authority is obtained, and if such private water source is permitted to be developed, it may only be used and operated as permitted and authorized by the Authority.

**SECTION 2.07** All owners who utilize the Authority's system as a water source for commercial purposes shall be required to have installed a testable backflow prevention apparatus or device. All owners who utilize the Authority's system for consumer or residential purposes shall be requested to have installed a backflow prevention apparatus or device. Said backflow prevention device or devices that are to be installed shall be such as approved by the Authority and the installation of said device shall be installed as approved by the Authority. Each commercial owner shall have said backflow preventer inspected on an annual basis or as otherwise determined by the Authority in order to confirm the proper functioning of said backflow preventer and to assure the safety of the water system. Said inspections shall be completed at the sole cost of said owner and by inspectors as approved by the Authority. The commercial owner shall provide written test results of the backflow preventers to the Authority on forms provided by the Authority within twenty-four (24) hours of the completion of the testing.

**SECTION 2.08** Any violation of any condition or rule associated with the ownership of a private water system used by an authorized industry or any cross contamination or failure to permit inspection shall result in full actions of the Authority and/or the Service Area due to the violation of the rules and regulations and further the Authority shall be permitted to seek the complete closure or abandonment of any private water system that is located on said property. The Authority shall also be permitted to receive from the Owner the full reimbursement for any cost incurred or for any damage associated to a violation concerning private water systems including any damages for any cross contamination or any costs incurred by the Authority in the abandonment of any private water system. Failure to timely pay said costs may result in the imposition of a lien against said property.

**SECTION 2.09** Any modification, repeal, supplement, or amendment of these Rules and Regulations shall be applicable to and shall govern consumers receiving water service upon the effective date of such modification, repeal, supplement, or amendment, as well as future consumers of the water system.

**SECTION 2.10** A new application must be made to and approved by the authority upon any change in the identity of a consumer or upon any change in type or purpose of water service required by a consumer. The Authority, upon five (5) days written notice, may discontinue water service until such new application has been made and approved.

**SECTION 2.11** The Authority shall make all connections to its mains. Upon approval of an application for water service and the payment of the required tapping fee and other costs associated with connections to the water system, and upon compliance with these Rules and Regulations, the Authority will tap the main, insert a corporation stop, install a service line to the curb, or if no curb, to the property line, install a curb stop with curb box, and install a meter pit with meter of a size as indicated on the application for service, all of which facilities shall be maintained by the Authority.

**SECTION 2.12** All service lines from the meter pit and/or curb stop to the structure (and through the wall of the structure and housing facility for the meter, if any) to be served shall be installed according to Authority specifications by the prospective consumer, at his or her own expense, shall be of Type K copper, plastic polyethylene Copper Tubing Size (CTS) rated at 200 PSI or more and eligible for compression connections, or other material approved by the Authority, shall be laid at least four feet (4') below the surface of the ground and shall be kept in good repair at the expense of the consumer. No service line or other connections between the curb box and the structure to be served shall be covered up in the process of installation until inspected and approved by the Authority. Bored or direct drilled installations of service lines from the meter pit and/or curb stop to the structure shall only be performed upon prior written approval from the Authority upon satisfactory demonstration to the Authority by the Applicant of a hardship or circumstance where it is not physically possible to install the service lateral with an open cut excavation.

**SECTION 2.13** Hookups to the Water System shall adhere to the following:

- A. No service line shall be laid in the same trench with a gas pipe, drain or sewer pipe or any other facility of a public service company, but must be laid in a separate trench not less than five (5) feet from any such facility.
- B. No service connection from the main to the curb box and/or meter pit will be installed by the Authority when street or highway openings are prohibited by the any municipality within the Service Area or Pennsylvania Department of Transportation, or when, in the judgment of the Authority, working conditions are unreasonable for such installation.
- C. There shall be placed on the service line, immediately within the wall of the structure to be served and so located as to drain all of the pipes in the building, a stop- and waste valve easily accessible to the occupants, for their protection, enabling them to turn off water in case of leaks and to drain pipes to prevent freezing.
- D. Service connections will be made only after the prospective consumer has completed installation of his service line from the structures to be served to the curb box and/or meter pit location, or has given assurance, satisfactory to the Authority, of his intention to do so.
- E. Only persons properly authorized by the Authority shall be permitted to make

service line and service connection installations.

- F. All excavations made within street or road right-of-way lines shall be made only after a permit has been issued by the Authority and either the Service Area or the Pennsylvania Department of Transportation, whichever shall govern street or right of way occupancy, and the work of excavation and backfilling and replacement of pavement shall be done in strict accordance with the specifications of both the Authority and the Service Area or the Pennsylvania Department of Transportation, whichever may govern street or right-of-way occupancy, and shall be subject to Authority inspection and approval.
- G. All consumers shall keep and maintain their service lines, backflow prevention, valves, and apparatus in good repair and condition, shall protect the same from frost and shall prevent all waste of water.
- H. The size of the service connection from the main to the curb box and/or meter pit necessary to serve adequately a consumer and the location of such service connection shall be determined by the Authority. If any applicant for water service shall request a service connection of a greater capacity than that determined by the Authority to be adequate, or if any such applicant shall request that a service connection be located in a location different from that determined by the Authority, the Authority, in its discretion, may install such service connection in accordance with the request of the applicant.
- I. All leaks in service lines from the curb box and/or meter pit to, in and upon the premises supplied with water shall be repaired promptly by the consumer at his own expense. All materials used for such repairs as well as final inspection must be approved by the Authority. All leaking service lines found to be lead, or containing lead or galvanized steel, or any other material not approved by the Authority must be replaced in their entirety from curb box and/or meter pit to structure using materials approved by the Authority. Upon failure of such consumer to make such repairs, within a period of five (5) days or a reasonable time determined by the Authority, the Authority, in its discretion, may discontinue water service to such property, after which water service shall not be restored until and after the consumer shall have completed the repairs and paid to the Authority the full amount of all proper and necessary expenses incurred by the Authority in discontinuing and again restoring water service, which shall include charges in amounts established by the Authority from time to time.
- J. The Authority shall not be responsible for maintenance of any service line or any other line, pipe or fixture on the outlet side of the curb box and/or meter pit, nor shall the Authority be responsible for any damage resulting from the escape of water from any service line or any pipe or fixture on the outlet side of the curb box and/or meter pit. The consumer at all times shall comply with all state and municipal regulations relating to service lines and any pipes and fixtures on the outlet side of the curb box and/or meter pit, and the Authority shall not be required

to deliver water service thereto unless so approved. The consumer, at his own expense, shall make any and all changes to such service lines, pipes and fixtures which shall be required or made necessary as a result of any change of grade, relocation of mains or distribution lines or otherwise.

- K. No consumer shall direct, in any manner whatsoever, water being furnished to such consumer to any other person, except with written permission of the Authority first having been requested and granted.
- L. When it is necessary to replace an existing service connection from the main to the curb box and/or meter pit, the Authority will replace said connection in the same location as the old service connection; provided, however, that if the consumer, for his own convenience, desires the new connection at some other location and agrees to pay to the Authority all expenses of cutting off the old service connection at the main and any other additional costs incurred by the Authority in complying with said request, then the Authority will install the new service connection at the location desired, if said location is approved by the Authority.
- M. No person obtaining water from a private water supply under any circumstances shall construct or maintain or cause or permit to be constructed or maintained any connection directly or indirectly between such a private water supply and the public water system.
- N. A separate service connection, curb box, and/or meter pit shall be installed for each billing unit; provided, however, that if a building, house or other structure contains two (2) or more billing units and the owner or owners thereof shall so request, in writing, or the Authority shall deem it advisable, the Authority, in its discretion, may install a single service connection and box for such building, house or other structure.
- O. The costs of connections shall be the sole responsibility of the property owner who is connecting to the water system.
- P. The Authority may require a tapping fee for connection to the water system. Said amount of the Tapping Fee shall be calculated by the Authority per EDU pursuant to rates as set forth in the Authority's Rates and Fees Resolution, which may be updated from time to time.

## **SECTION 2.13 - METERS**

- A. Each premises shall be served through a separate service line connection, a separate service extension line, and through a separate meter.
- B. The Authority may, at its sole discretion, permit multiple services to be provided through a single meter, provided, however, that every such request shall be made in writing and approved by the Authority before such service is installed.

- C. In circumstances where one water line services separate buildings (or separate premises within a building) owned by the same party, whether on the same or separate lots and occupied by separate tenants, or those premises are otherwise supplied through one meter, each separate building (or premises) so supplied shall be subject to the same charge as would be applied if separate appropriately sized service connections had been made. The Authority shall determine the appropriate size of such connections, along with meter sizes, and its determination shall be conclusive. Charges for service where more than one premises are billed through one meter shall be billed to the owner only (not to tenants).
- D. All meters shall be furnished by the Authority, shall be accessible to and under the control of the Authority, and shall remain the property of the Authority. The costs of the meter and costs of installation of said meter shall be the responsibility of the consumer.
- E. Meters shall be conveniently located within the structure supplied or in facilities for the housing thereof satisfactory to the Authority, at a point approved by the Authority, so as to control the entire water supply, and a proper place and protection therefore shall be provided by the property owner at his expense. In any case where it is not convenient to place the meter within the structure, or where the service line from the curb box to the structure to be serviced is more than 100 feet in length, the Authority may permit the meter to be placed outside the structure in a vault or meter pit, which shall be frost free, and provided with a suitable cover. Said vault or meter pit shall meet the Authority's specifications and be subject to prior Authority approval as to location and construction. Said vault or meter pit shall be built or purchased at the expense of the property owner.
- F. The Authority reserves the right to determine when a meter shall be installed and the size of each meter installed.
- G. Meters will be maintained by the Authority as far as ordinary wear and tear is concerned, but the consumer shall be responsible to the Authority for any damage or loss of any meter arising out of or caused by the consumer's negligence or carelessness or that of the person living upon or being upon his premises, under his employment, or by consent or sufferance, whether such damage or loss shall be caused by freezing, hot water, or any other cause whatsoever. The consumer shall permit no one, except an agent of the Authority, or others lawfully authorized so to do, to remove, inspect or tamper with the meter or other property of the Authority on his premises.
- H. The charge for reinstallation of meters when removed because of damage in anyway shall be fixed by the Board of the Authority from time to time.
- I. Meters may be sealed by the Authority and breaking of said seal by anyone other than an agent of the Authority shall serve as grounds for discontinuance of service and any



other action deemed appropriate by the Authority.

- J. The quantity of water recorded by the meter shall be conclusive on both the consumer and the Authority, except when the meter has been found to be registering inaccurately or has ceased to register. In either case excepted above, the meter shall be repaired promptly by the Authority, and the quantity of water consumed for the billing period when the meter was out of service or registering inaccurately shall be estimated by the average registration of the meter on the three previous corresponding billing periods.
- K. Should any consumer doubt the correctness of the meter measuring the water delivered to his or her premises, he or she may, upon application to the Authority and making deposit to defray the costs, as set forth in the Authority's Fee Resolution, have said meter tested. Should the test show the meter in question to be correct within five (5%) percent, the consumer shall forfeit the deposit made. On the other hand, should the test show the meter to be registering incorrectly beyond five (5%) percent, said deposit shall be refunded and the account adjusted accordingly, and the entire costs of the test shall be borne by the Authority.
- L. The Authority shall have the right of free access at all reasonable times to the premises in or on which a meter is installed for purposes of reinstallation, setting, reading, testing, inspecting and/or repairing the same.
- M. In the event the Authority needs to change a meter, the following procedure shall be followed:

The customer shall first be contacted by letter informing the customer that the meter change is required. In the event the customer does not schedule the meter change within thirty 30 days of said letter, the customer shall be sent a second letter granting a final 30-day deadline for the customer to schedule a meter change.

In the event the customer fails to schedule a meter change following receipt of both of the aforementioned notices, the customer shall be contacted by phone to the extent a phone number is available to schedule a mutually agreeable time for the meter change.

In the event the customer and the Authority are not able to schedule a time for the meter change following both of the 30-day notices and the phone call, the owner shall be assessed a fee to be set byw the Authority's annual fee resolution. Said owner shall be assessed said fee each payment cycle until the meter is changed.

The Authority reserves the right to shut off an owner's water pursuant to Pennsylvania law in the event an owner refuses access to a meter.

## **SECTION 2.14 - FIRE PROTECTION**

- A. Water from public or private fire hydrants or other fire protection systems shall be used only in the case of fires, except that water from public fire hydrants may be used, in a reasonable amount, for the purpose of testing the hydrants and fire fighting apparatus, such tests to be conducted only by the properly authorized agents or employees of the Authority under the supervision of the Authority. No public fire hydrant shall be used for the sprinkling of streets, roads or alleys, for flushing of sewers or gutters or for any purpose other than fire protection unless specifically permitted in writing by the Authority. Annual Fire Protection fees shall be paid pursuant to the Rates and Fees Resolution adopted by the Authority and which may be updated from time to time.
- B. Every consumer, by the taking of water, understands and agrees that the Authority, by providing public and/or private fire protection service, does not contemplate any special service, pressure, capacity or facility other than that ordinarily provided in normal operation. The Authority declares itself free and exempt from any and all claims for injuries or damage of persons and/or property by reason of fire or water or failure to supply water pressure or capacity.

## **ARTICLE III CHARGES, SURCHARGES AND FEES**

**SECTION 3.01** Charges, surcharges and fees as provided herein shall be imposed upon and collected from the Owner of each Improved Property benefited, improved or accommodated by the water system.

**SECTION 3.02** The charges, surcharges, fees calculations and rates shall be periodically set by the Authority, in their sole discretion, in a separately approved Rate Resolution.

## **ARTICLE IV DISCONTINUANCE OF SERVICE**

**SECTION 4.01** After five (5) days notice, in writing from the Authority to the Consumer, water service to any consumer may be discontinued for any of the following reasons:

- A. Misrepresentation of a substantial nature in the application for service, including but not limited to misrepresentation as to the property or fixtures to be supplied or the use to be made of the water supplied.
- B. Failure to make payment of a bill for water service within thirty (30) days after presentation.
- C. Failure to properly maintain the connections, service lines and other fixtures of the consumer or to protect the meter or connections, service lines and other fixtures of

the consumer from freezing or other damage.

- D. Use of water for any property or purpose other than as stated in the application for service.
- E. Willful waste of water through improper or imperfect pipes, fixtures or otherwise.
- F. Tampering with or molesting any service connections, pipe, meter, curb box, curb stop or seal, stopcock, valve seat, fire hydrant or any other appliance operated by the Authority in the water supply system.
- G. Failure to pay any bill properly due the Authority.
- H. Vacancy of any premises not reported to the Authority.
- I. Violation of any of the rules and regulations of the Authority or any applicable ordinance affecting any part of the Service Area.
- J. Violation of these rules and regulations or any Ordinance which has been or may be adopted in the future by the Authority pertaining to the water system.
- K. Refusal to permit access for inspection of water facilities, backflow preventers, piping, connections on the premises served or for setting, reading, testing and/or repairing the meter.
- L. Failure to properly maintain and complete required inspections on any backflow prevention devices.
- M. Allowing any cross contamination of a private water source with the Towanda Municipal Authority Water System.
- N. Allowing or causing any contamination of the Towanda Municipal Authority Water System.

**SECTION 4.02** After discontinuance of water service for any of the reasons above, water service shall not be restored until the violation has been corrected, all damage and loss to the Authority occasioned by such violation has been paid and proper assurance, satisfactory to the Authority, has been given that the expenses incurred by the Authority in discontinuing and restoring water service shall be paid by the consumer in advance of the reestablishment of water service, which include charges in the amounts established by the Authority; provided that, if required by the Utility Service Tenants Rights Act, service shall be restored as required by said Act.

**SECTION 4.03** Water service may be discontinued to any premises upon written order of the consumer; provided, however, that the basic minimum fee shall be charged to the consumer, even though the premises shall be temporarily unoccupied. If the affected structure

is tenant occupied, all notices and procedures required by the Utilities Service Tenant Rights Act shall be complied with.

**SECTION 4.04** Notice and Collection Procedure for Discontinuance of Service of Tenant Occupied property shall be as follows:

- A. Notice of Discontinuance shall be given to the landlord in accordance with the Utility Service Tenant Rights Act (hereinafter "Rights Act") at least thirty-seven (37) days before the date of discontinuance.
- B. Notice to each tenant to be affected by the discontinuance and all other entities entitled to notice under the Rights Act at least seven (7) days after notice to the landlord and at least thirty (30) days prior to the proposed date of discontinuance. Provided that if the landlord files the Court Petition provided for in the Rights Act, no notice shall be given to the tenant until the Court shall have adjudicated such Petition.
- C. For purposes of complying with tenant notice requirements, all landlords owning rental properties served by the system shall notify the Authority within five (5) days of any change in the identity or address of any tenant of such rental property. Failure to provide such notice shall make the landlord liable for all expenses, penalties, fines, costs, and other losses incurred by the Authority and the payment to the Authority of a charge for each tenant notice not given in a timely manner.
- D. The procedure for payment, reconnection, subsequent discontinuance and any other proceedings regarding Tenant Discontinuances shall be conducted in conformity with the Rights Act.

## **ARTICLE V PAYMENT AND LIABILITY OF BILLS**

**SECTION 5.01** All bills are due and payable when rendered and payment is required within (30) days from the date of the bill. If such billings are not paid by the due date, an additional sum of 10% shall be added to such net bills. Payment made or mailed and post marked on or before the due date shall constitute payment within such period. If the due date falls on a legal holiday or on a weekend, then payment made on or mailed and postmarked on the next succeeding regular business day shall constitute timely payment. The Authority reserves the right to discontinue service upon five (5) days written notice whenever bills have not been paid within thirty (30) days after presentation.

**SECTION 5.02** All bills for the use of water are charged against the owner of the premises served and the property where the water is used. Failure to receive bills does not relieve the owner from liability to pay. The burden is upon the owner of the property to keep track of all unpaid water bills. All unpaid bills for water service ninety (90) days or more delinquent may, at the Authority's sole discretion, result in a lien against said property in the

amount of said unpaid bills, together with any legal costs and filing fees related to said lien. The Authority also has the option of filing suit with the District Justice for any unpaid bills and any judgment granted in favor of the Authority shall serve as a lien upon the property.

**SECTION 5.03** There shall be service charge imposed for all checks returned for insufficient funds or for a closed account or for any other reason. Said charge shall be as per the Authority's Fee Resolution. The Authority may pursue criminal prosecution under 18 Pa.C.S.A. § 4105, Bad Checks, or may treat the bill as unpaid and proceed as provided above whenever a bad check is received as payment of a bill.

**SECTION 5.04** The Authority will mail bills for water service to the owner of the premises because said owner is responsible for any unpaid bill and is subject to all the rules and regulations of the Authority pertaining to the payment of said bill.

**SECTION 5.05** All water passing through a meter or otherwise used by a consumer shall be charged for in accordance with the schedule of rates, rents and charges in effect at the time, and no allowance, unless approved by the Authority, will be made for excessive consumption due to leaks or waste.

**SECTION 5.06** For purposes of complying with tenant notice requirements, all landlords owning rental properties served by the system shall notify the Authority within five days of any change in the identity or address of any tenant of such rental property. Failure to notify the Authority of the identity of a tenant shall render the landlord responsible for all water and sewer charges, regardless of lease agreement assignment thereof. In any case, the landlord is ultimately responsible for the payment of charges to the Authority.

## **ARTICLE VI. WATER SYSTEM EXTENSIONS**

**SECTION 6.01** The Authority may cause an extension of the water system for reasons of health, safety and welfare of citizens or for economic reasons or because of mandates by State or Federal regulating agencies, or for other reasonable cause. Costs of said extensions shall be assessed on a front foot or other permitted basis against each property benefitted in accordance with the appropriate Borough, Township or Municipal Authority Code, whichever case is applicable.

### **SECTION 6.02**

#### **A. Front Foot Assessments**

The Authority, as stated in 6.01 above, may assess the costs of extension to the Water System against the properties benefitted in accordance with the applicable municipal code.

#### **B. Benefit Assessments**

In lieu of a front foot assessment, a benefit assessment may be imposed by the Authority upon the owners of irregular shaped properties with water frontage when it is determined that a front foot assessment would result in a payment inequitable to the benefit derived from the Water System.

**SECTION 6.03** Whenever application is received by the Authority for water service requesting an extension of or improvement of the water system to provide such service, the Authority and/or its engineer shall first determine the feasibility of said extension in terms of water system capacity, pressure and other related considerations. Where the water system of the Authority is to be extended at the expense of the owner or owners of properties, the property owner or owners shall have the right to construct the extension himself or themselves or through a subcontractor provided the Authority has the right to inspect the construction. Construction by the property owner or owners shall be in accordance with an agreement for the extension of the Authority's system and plans and specifications approved by the Authority and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the Authority applicable to such construction and shall be further subject to inspection by the inspector authorized to approve such construction and employed by the Authority during construction. When a main is to be extended at the expense of the owner or owners of properties, the property owner or owners may be required to deposit with the Authority, in advance of construction, the Authority's estimate of the reasonable and necessary cost of reviewing plans, construction, inspections and administrative, legal and engineering services. The Authority may require that construction shall not commence until the property owner has posted appropriate financial security. The Authority may prescribe that the property owner or owners shall reimburse the Authority for reasonable and necessary expenses incurred as a result of the extension. If an independent firm is employed for engineering review of the plans and the inspection of improvements, reimbursements for such services shall be reasonable and in accordance with the ordinary and customary fees charged by the independent firm for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the independent firm to the Authority when fees are not reimbursed or otherwise imposed on applicants. Upon completion of construction, the property owner or owners shall dedicate and the Authority shall accept the extension of the Authority's system, provided that the dedication of facilities and the installation complies with the plans, specifications, regulations of the Authority and the agreement.

**SECTION 6.04** All extensions of the water system shall be at the sole discretion of the Authority.

**SECTION 6.05** Where a property owner constructs or causes to be constructed at his expense any extension or improvements of the water system of the Authority, the Authority may provide reimbursement to the property owner when the owner of another property not in the development for which the extension was constructed connects a service line directly to

the extension within ten (10) years of the date of the dedication of such extension to the Authority. Said terms of reimbursement will be pursuant to the terms agreed upon by the Authority and at the Authority's sole discretion.

## **ARTICLE VII GENERAL PROVISIONS.**

**SECTION 7.01** All waste of water is prohibited. No consumer shall allow water to run to waste or to run merely to prevent freezing. Each consumer shall keep his faucets, valves, service lines, hose, etc., in good order and condition at his own expense.

**SECTION 7.02** As necessity may arise in case of break, emergency or other unavoidable cause, the Authority shall have the right to temporarily cut off or limit water supplied in order to make necessary repairs and connections and for other necessary purposes. The Authority will use all reasonable and practicable measures to notify the consumer in advance of such limitation of service, if possible. (In an emergency situation, such notifications may not be possible). The Authority shall not be liable for any damage or inconvenience suffered by the consumer nor in any case for any claim against it at any time, for interruption in service, for lessening of supply, for inadequate pressure, for poor quality of water or for any cause beyond its control.

**SECTION 7.03** The Authority shall have the right at all times to restrict or regulate the quantity of water used by consumers in the case of scarcity or drought or whenever the public welfare may require such control. The Chairman of the Authority or, in his absence, any duly designated member of the Board of the Authority may declare a water emergency under this rule.

**SECTION 7.04** The Authority will not be liable for any claim or damage arising from a shortage of water, the breaking of machinery or other facilities or by any other cause beyond its control.

**SECTION 7.05** Water shall not be turned on in any premises by any person not an agent or employee of the Authority, except temporarily by a plumber to enable him to test his work, provided it shall be turned off again immediately after the test is made.

**SECTION 7.06** In case of vacancy, the consumer must notify the Authority, in writing, of such vacancy, and upon his failure to do so will become responsible for any damage to the property of the Authority arising from such failure.

**SECTION 7.07** No interconnection or cross-connection shall be made or permitted between the water system and any other water supply, either existing or future. No fixture, device or fitting shall be installed which will permit or provide a backflow connection between the water system and any well, drainage system, soil pipe or waste pipe which would permit or make possible the backflow of sewage into the water system.

**SECTION 7.08** No person, unless specifically authorized to do so, shall open or close any of the stopcocks, valves, fire hydrants, etc., in any public waterline owned and maintained by the Authority.

**SECTION 7.09** Any duly authorized representative of the Authority, whose identification as such duly authorized representative has been established in a reasonable manner, upon reasonable cause shown shall be authorized upon and to have full access to the premises then being supplied with water from the water system for the purpose of inspecting the facilities employed in connection with the use of water from the water system and for the purpose or setting, reading, repairing or removing meter.

**SECTION 7.10** Contractors, builders or others will be required to obtain a written permit from the Authority before using water for building or construction purposes. The Authority may require a deposit upon application for building and construction purpose.

**SECTION 7.11** Consumers using the water supply for steam boilers which depend upon the hydraulic pressure in the pipe system of the water system for supplying such boilers will do so at their own risk. The Authority will not be responsible for any accidents or damage to which such devices may be subjected. The water supply line to the boiler shall be provided with a stopcock to shut off supply.

**SECTION 7.12** House boilers for domestic use must be provided with vacuum valves in all cases in order to prevent collapsing when water is shut off from the distribution pipes. The Authority will not be responsible for accidents or damage resulting from imperfect installation or operation of such valves. House boilers shall be provided with a stopcock to shut off supply.

**SECTION 7.13** No water will be furnished to any premises where any possibility exists of mingling of the water furnished by the Authority with water from any other source; nor will the Authority permit its mains or service pipe to be connected in any way to any piping, tank, vat or other matter which may flow into the Authority's service pipes or mains and consequently endanger the water supply. An exception may be made to this rule, at the option of the Authority, provided that proper safeguards are installed, which shall be inspected and have the approval of the Authority, appropriate insurance underwriters and the Pennsylvania Department of Environmental Protection, if required.

**SECTION 7.14** The Authority shall not be liable for any damage resulting from leaks, broken pipes or any other cause occurring to or within any house or building; and it is expressly stipulated by and between the Authority and the consumer that no claims shall be made against the Authority on account of the bursting or breaking of any main or service pipe or any attachment to the watersystem.

**SECTION 7.15** The Authority shall be under no obligation at any time to make any extension to its then-existing water mains, but may do so upon the written request of one (1) or more prospective consumers, either wholly or in part, at the expense of said prospective consumer or consumers, at the option of the Authority. Insofar as possible, all water mains



owned and maintained by the Authority shall be constructed within a public road or street right-of-way or within an easement to allow access provided for such purpose across private property at any time to inspect, repair, replace or construct the necessary facility.

**SECTION 7.16** The Authority reserves the right to change, revise and amend their rules and regulations and the rates for the use of water, to make special rates or to enter into contracts to provide water to consumers, provided that such special rates and/or contracts shall be in the public interest of users of the water system.

## **ARTICLE VIII VIOLATIONS AND PENALTIES**

**SECTION 8.01** Proper officers of the Authority and/or applicable Townships and/or Boroughs are authorized and directed to do all things and to take all action necessary and proper to enforce provisions hereof in the manner permitted by law. The Authority and/or Townships and/or Boroughs are further permitted to properly seek penalties for any violation of these Rules and Regulations consistent with the penalties as contained within their respective ordinances concerning the connection and use of the Towanda Municipal Authority Water System.

**SECTION 8.02** The Authority and/or applicable Township or Borough may seek the reimbursement of any costs or damages incurred for any violation of these Rules and Regulations including but not limited to any damages done to the water system, any amounts or damages incurred for any contamination or cross contamination, any costs of inspections, any costs incurred for enforcement and any costs for any damages to any person or property that results as a result of any violation of any Rule or Regulation.

**SECTION 8.03** The Authority and/or applicable Township and/or Borough is permitted to file a lien against the Owner for any violation of any of these Rules and Regulations or for the failure to pay any cost or damage incurred or any amounts owed for the use of the Water System in addition to applicable filing fees and attorneys' fees.

**SECTION 8.04** The Authority and/or the applicable Township and/or Borough shall also be permitted to seek civil penalties for any violation of these Rules and Regulations not to exceed Five Hundred Dollars (\$500.00) per violation for each day of violation. Every day that a violation remains shall be considered a separate violation and occurrence in order to seek civil penalties of Five Hundred Dollars (\$500.00) per day.

**SECTION 8.05** The Authority and/or applicable Township and/or Borough shall also be permitted to seek the assessment of any court costs and reasonable attorney fees incurred in any enforcement proceedings.

## **ARTICLE IX APPLICABILITY, AMENDMENT AND OTHER PROVISIONS**

**SECTION 9.01** This Resolution shall become effective on the date of its adoption by the Township, and shall be applicable to all consumers then connected or thereafter to be connected with and served by the water system.

**SECTION 9.02** The Authority reserves the right to repeal, amend or modify these Rules and Regulations or any part thereof in such manner and at such times as, in the opinion of any of the municipalities within the Service Area, shall be necessary and/or desirable, all after due legal procedure, and to be in the public interest of the residents of the system Service Area.

**SECTION 9.03** In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of these Rules and Regulations, it being the intent of this Authority that such remainder shall be and shall remain in full force and effect.

**SECTION 9.04** It is declared that the enactment of this Resolution is necessary for the protection, benefit, and preservation of the health, safety, and welfare of Inhabitants of the municipalities within the Service Area.

**SECTION 9.05** All Ordinances and/or Resolutions or parts of Ordinances and/or Resolutions that are inconsistent with these Rules and Regulations shall be, and the same expressly are repealed.

**SECTION 9.06** Notwithstanding any provision in this Resolution to the contrary, the Authority shall have the right to enter into special agreements with the Owner of any improved property with respect to terms and conditions regarding the water system and with respect to payments to be made to the Authority in connection therewith. In such event, such service and payments shall be governed by the terms and conditions of such special agreement.

## **ARTICLE X EFFECTIVE DATE**

**SECTION 10.01** These Rules and Regulations shall become effective on the date of their adoption by the Authority.

*[Remainder of page intentionally left blank.]*

DULY RESOLVED AND ADOPTED this 17 day of June, 2024  
by the Towanda Municipal Authority, Bradford County, Pennsylvania, in lawful session duly  
assembled.

Michael J Ward  
Chairman

Attest:

[Signature]  
Secretary

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