

Chapter 26

Water

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Part 1**Cross-Connections Prohibited****§26-101. Definitions.**

The Greater Johnstown Water Authority—the utility in charge of supplying potable water to consumers within the City of Johnstown is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this Part.

Approved—accepted as meeting an applicable specification stated or cited in this Part or as suitable for the proposed use.

Auxiliary water supply—any water supply on or available to the premises other than the generally recognized public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source such as well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids." They may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Backflow—the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source or sources other than its intended source. Back-siphonage is one type of backflow.

Backflow preventer—a device or means to prevent backflow.

A. *Air-gap primary prevention*—the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than 1 inch. When an air-gap is used to prevent contamination of the public potable water system, and an approved reduced pressure device shall be installed in the by-pass.

B. *Reduced pressure principal primary prevention*—the term "approved reduced pressure principal backflow prevention device" means a device approved by a recognized and Authority approved testing agency for backflow prevention devices. It shall incorporate two or more check valves and an automatically operating differential relief valve located between the two checks, two tightly closing shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves less than the pressure on the public water supply side of the device. At cessation of normal flow, the pressure between check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is 2 pounds per square inch or less, the relief valve shall open to the atmosphere, thereby providing an air-gap in the device. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the valve will be submerged.

C. *Double check valve assembly secondary prevention*—an assembly of at least

two independently-acting approved check valves including tightly closing shut-off valves on each side of the check valve assembly and suitable leak detector drains plus connections available for testing the water tightness of each valve. The entire assembly shall meet the specifications and approval of a recognized and Authority approved testing agency for backflow prevention devices. To be approved these devices must be readily accessible for maintenance and testing.

Contamination—(see “pollution”) an impairment of the quality of the water by sewage or industrial fluids, waste or any other substance, to a degree which creates an actual hazard to the public health such as, but not limited to, poisoning or through the spread of disease.

Cross-connection—any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur. A water service connection between a public potable water distribution system and a customer’s water distribution system which cross-connected to a contaminated fixture, industrial fluid system or with a potentially contaminated supply or auxiliary water system, constitutes one type of cross-connection. Other types of cross-connections include connectors such as swing connections, removable sections four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices, sliding multiport tube, etc.

Cross-connections—controlled—a connection between a potable water system and a nonpotable water system with an approved built-in backflow preventer that will continuously afford protection commensurate with the degree of hazard.

Cross-connection control by containment—the installation of an approved backflow prevention device immediately after the meter on any customer’s premises where an actual or potential cross-connection exists on a customer’s water system.

Hazard, degree of—the term is derived from an evaluation of the potential risk to public health and the adverse effect upon potable water system.

A. *Hazard; health*—any condition, device or practice in the water supply system and its operation which could create, or in the judgment of the “Official Head” may create a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system.

B. *Hazard; plumbing*—a plumbing-type cross-connection in a consumer’s potable water system that has not been properly protected by a vacuum breaker, air-gap separation or other device. Unprotected plumbing-type cross-connections are considered to be a health hazard.

C. *Hazard; pollutional*—an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer’s potable water system, but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

D. *Hazard; system*—an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer’s potable water system or of a pollution or contamination which would have a protracted

effect on the quality of the potable water in the system.

Industrial fluids system—any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard, if introduced into a public potable water supply. This may include, but not be limited to, polluted or contaminated water; all types of process waters and “used water” originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulated cooling waters that are connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other processes or for firefighting purposes.

Pollution—(see “contamination”) the presence of any foreign substance (organic, inorganic, radiological or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but does adversely and unreasonably affect such waters for domestic use.

Public water system—a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly services at least 25 individuals.

Water; potable—any water which, according to recognized standards, is safe for human consumption.

Water; nonpotable—water which is not safe for human consumption or which is of questionable potability.

Water; service connections—the terminal end of a service connection from the potable water system; i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the consumer’s water system. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the consumer’s water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connection from the public potable water system.

Water; used—any water supplied by a water purveyor from a public potable water system to a consumer’s water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

Water system—

A. The water system shall be considered as made up of two parts: the utility system and the customer system.

B. Utility system shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer’s system begins.

C. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.

D. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer’s system.

E. The customer system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use.

(*Ord. 418, 7/10/1989, §1*)

§26-102. Regulations.

1. No water service connection to any premises shall be approved by the water purveyor unless the water supply is protected as required by State laws and regulations and this Part. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention device required by this Part is not installed, tested and maintained, or if it found that a backflow preventive device has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

2. The customer system should be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. The municipality shall be notified prior to any such inspections and as soon as any problems occur. When such a condition becomes known, the water purveyor shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with State, County and City statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

3. An approved backflow prevention device shall be installed on each service line to a customer's water system at or near the property line or immediately after the meter inside the building being served, but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

A. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the water purveyor, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.

B. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing backflow prevention device in the service line. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.

C. In the case of premises having (1) internal cross-connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall have primary maximum protection against backflow from the premises by installing a backflow prevention device in the service line.

4. The type of protection device required under subsection .3, .3.A, .3.B and .3.C,

shall depend on the degree of hazard which exists as follows:

A. In the case of any premises where there is an auxiliary water supply as stated in subsection .3.A, and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.

B. In the case of any premises where there is water or substance that would be objectionable, but not hazardous to health, if introduced into the public water system, the public system shall be protected by an approved double-check valve assembly.

C. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, this system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating works.

D. In the case of any premise where there are “uncontrolled” cross-connections, either actual or potential, the public water system must be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.

E. In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed in (the) (each) service to the premises.

5. Any backflow prevention required herein shall be of a model approved by the water purveyor. The term “approved backflow preventer” shall mean a device that has been manufactured in full conformance with standards established by the American Water Works Association entitled: AWWA C506-69, “Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices.” Said AWWA standards have been adopted by the Official Head. Final approval, however, of the “Reduced Pressure Principle Backflow Preventer” and the “Double Check Valve Assembly” issued by an approved testing laboratory certifying full compliance with the said AWWA standards.

6. It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have thorough inspections and operational tests made at least once a year, or more often in those instances where inspections indicate a need. These inspections and tests shall be at the expense of the water use, be performed by the device manufacturer’s representative, by the water purveyor’s personnel or by a person approved by the head of the water purveyor or his authorized representative as a competent device tester. The customer-user shall notify the water purveyor in advance when the test is to be undertaken so that he or his representative may witness the test if it is so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever they are found to be defective.

Records of such tests, repairs and overhaul shall be kept and made available to the water purveyor and Borough. Copies of all test results shall be submitted to the water purveyor and Borough.

7. All presently installed backflow prevention devices which do not meet the requirements of this Section, but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection .6, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the water purveyor finds that the maintenance of the device constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Section.

8. No consumer shall alter, by-pass or render inoperative any backflow device approved and installed under these regulations.

(*Ord. 418, 7/10/1989, §2*)

§26-103. Financial Responsibility for Improvements.

It shall be the responsibility of the consumer to install and maintain devices mandated pursuant to §26-102 above at his own cost and expense.

(*Ord. 418, 7/10/1989, §3*)

§26-104. Enforcement and Penalties.

1. *Notification of Violation.* The water purveyor shall notify, in writing, the owner, or authorized agent of the owner of the premises in which there is found to be a violation of the provisions of this Part. Failure of the owner to remove or correct the violation within the time provided will constitute cause for the water purveyor to discontinue water service to said premises.

2. *Penalties for Violation.* Any person, firm, association or corporation who violates any provision of this Part upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 489*]

(*Ord. 418, 7/10/1989, §4; as amended by Ord. 489, 10/13/2014*)

Part 2**Water Rationing Plan****§26-201. Definitions.**

Commonwealth Drought Coordinator—an officer of the Department of Environmental Protection appointed by the Secretary to carry out the responsibilities to coordinate Commonwealth response action to a drought or water shortage emergency. [Ord. 489]

Emergency service area—the service areas of the water supply purveyors covered by the local water rationing plan, as set forth in §26-203, “Scope.”

Excess use—the usage of water by a water customer in excess of the water allotment provided under the local water rationing plan for that customer, over any applicable period.

Nonresidential water customer—all water customers who are not residential water customers. The term includes commercial, industrial, institutional, and public users, including but not limited to educational facilities, hotels, motels and restaurants. The term does not include hospitals or health care facilities.

Person—an individual, partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government. The term includes the officers, employees and agents of a partnership, association, company, corporation, municipality, municipal authority, political subdivision, or an agency of Federal or State government.

Purveyor, public water supply agency, water purveyor, water supply purveyor—the owner or operator of any public water supply system including, but not limited to, any public utility, municipality, municipal authority, association or other organization which supplies water to the public, including the officers, employees and agents of any such owner or operator.

Residential water customer—any customer who receives water service for a single or multi-family dwelling unit. The term does not include educational or other institutions, hotels, motels, or similar commercial establishments.

Service area—the geographic area serviced by an individual water supply purveyor.

Service interruption—the temporary suspension of water supply or reduction of water pressure below that required for adequate supply to any customer or to any water supply system or portion thereof.

Special emergency area—the area described in the Governor’s proclamation declaring a state of drought and water shortage emergency.

Water allotment—the maximum quantity of water allowed for each water customer over any applicable period as established pursuant to §§26-208–26-210 of this Part.

Water customer—any person who is connected to and receives water service from a public water supply agency. A water customer includes both residential and nonresidential water customers defined in this Section, hospitals and health care facilities.

(Ord. 430, 9/9/1991, §1; as amended by Ord. 489, 10/13/2014)

§26-202. Purpose.

This local water rationing plan is intended to establish measures for essential conservation of water resources, and to provide for equitable distribution of limited water supplies, in order to balance demand and limited available supplies and to assure that sufficient water is available to preserve public health and safety within the emergency service area.

(*Ord. 430, 9/9/1991, §2*)

§26-203. Scope.

This local water rationing plan shall apply to all water uses within the service area of the Borough of Ferndale (emergency service area).

(*Ord. 430, 9/9/1991, §3*)

§26-204. Objective of the Plan.

1. It is imperative that water customers within the emergency service area achieve an immediate and further reduction in the water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation, and provide fire protection service.

2. The objective of this local water rationing plan is to effect an immediate 25 percent reduction in water usage. Should drought conditions continue, further reductions in usage may be required. If it is necessary to implement further reductions, this Part will be modified as noted in §26-216. It is the purveyor's responsibility to continually monitor on-hand quantities to determine if amendments are required.

3. The plan provides for equitable reductions in water usage on the part of each water customer. The success of this Part depends on the cooperation of all water customers in the emergency service area.

(*Ord. 430, 9/9/1991, §4*)

§26-205. Measures to Implement the Water Rationing Plan.

Each municipality and water supply purveyor within the emergency service area will develop and adopt such implementing and enforcement measures as are necessary and appropriate to assure compliance with requirements of this local water rationing plan.

(*Ord. 430, 9/9/1991, §5*)

§26-206. Prohibited Nonessential Water Uses¹.

1. The following water uses are declared nonessential and are prohibited within the emergency service area:

- A. The watering of lawns.
- B. The watering of outdoor gardens, landscaped areas, trees, shrubs, and

¹Note: The prohibited water uses in this Section are examples only and are deliberately more restrictive than the nonessential uses which are prohibited in 4 Pa.Code, Chapter 119.

other outdoor plants, except by means of a bucket, pail, or hand-held hose equipped with an automatic shut-off nozzle between the hours of 5 p.m. and 9 a.m.

C. The watering of golf course fairways.

D. The noncommercial washing of automobiles and trucks.

E. The washing of streets, driveways, and sidewalks.

F. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.

G. Ornamental water use including, but not limited to, fountains, artificial waterfalls, and reflecting pools.

H. The use of water for flushing sewers or hydrants by municipalities or any public or private individual or entity except as deemed necessary and approved in the interest of public health or safety by the municipal health officials.

I. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as deemed necessary in the interest of public safety and specifically approved by the municipal governing body.

J. The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for firefighting or protection purposes.

K. The use of water to fill and top off swimming pools.

2. *Exemptions or Variance from Nonessential Uses of Water Restrictions.*

A. If compliance with the prohibition of nonessential use of water would result in extraordinary hardship upon a water user, the water user may apply for an exemption or variance. For purposes of this Section, extraordinary hardship means a permanent damage to property or other personal or economic loss which is substantially more severe than the sacrifices borne by other water users subject to the prohibition of nonessential use of water.

B. A water user that believes it suffers an extraordinary hardship and desires to be wholly or partially exempt from the prohibition of nonessential use of water shall submit a written request with full documentation supporting the need for the requested relief to Ferndale Borough (name of municipality, public water supply agency or water purveyor responsible for adopting and implementing this Part). The application shall contain information specifying:

(1) The nature of the hardship claimed and reason for the requested exemption or variance.

(2) The efforts taken by the applicant to conserve water and extent to which water use may be reduced by the applicant without extraordinary hardship.

(3) Ferndale Borough shall advise the applicant of its decision in writing regarding the application. An exemption or variance will be granted only to the extent necessary to relieve extraordinary hardship.

(4) Any person aggrieved by a decision relating to such an exemption or variance rendered by a water supply purveyor may file an appeal with the Commonwealth Drought Coordinator who shall render a final decision pursuant to 4 Pa.Code, Chapter 119.

(Ord. 430, 9/9/1991, §6)

§26-207. General Requirement for Water Use Reductions.

Every water customer shall achieve the water use reductions set forth in this local water rationing plan. In order to achieve the overall objectives of the plan, the water use restrictions and limitations set forth in §§26-208–26-210 shall apply.

(Ord. 430, 9/9/1991, §7)

§26-208. Water Use Restrictions for Residential Users.

1. Note: Choose paragraphs .A, .B, or .C below, as appropriate.

A. Metered Residential Water Customers and Allotments.

(1) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.

(2) Each dwelling unit (household) shall be allotted 40 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allotment of 55 gallons.

(3) Residential water customers are required to provide water purveyor personnel with reasonable access to read meters as necessary to implement this rationing plan. Where access is not readily available, the purveyor shall make all reasonable efforts to contact customers in order to arrange for access to read meters. In the event a water customer does not allow water purveyor personnel entry to read the meter, after the purveyor has made reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to 55 gallons per day.

B. Nonmetered Residential Water Customers and Allotments.

(1) In order to effectively implement and monitor the residential water conservation effort, a water allotment shall be established for the entire water system based on 40 gallons per day per capita served or 75 percent of the water used by the entire system during the same quarter of the preceding year, whichever is greater.

(2) The purveyor will establish a communication system with the customers through public media to inform customers of the requirements of the Governor's proclamation and this local water rationing plan; possible conservation measures that customers may employ; the system allotment; and a daily report of whether the usage was within the allotment.

C. Metered and Nonmetered Residential Customers of the Same Water Supply System. Where a water supply system serves both metered and nonmetered residential customers, the allotments and procedures provided under both paragraphs .A and .B shall be applied, as appropriate.

D. Variances and Exceptions.

(1) Where the residential water allotment provided under this Section would create extraordinary hardship, as in the case of special health-related requirements, the water customer may apply to the water supply purveyor for an exemption or variance from these requirements. If the purveyor finds that the allotment provided in this Section would impose extraordinary hardship, the purveyor may establish a revised allotment for the particular customer. For these purposes, an "extraordinary hardship" means a permanent damage

to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing plan.

(2) Any person aggrieved by a decision relating to such an exemption or variance rendered by a water supply purveyor may file an appeal with the Commonwealth Drought Coordinator who shall render a final decision pursuant to 4 Pa.Code, Chapter 120.

(Ord. 430, 9/9/1991, §8)

§26-209. Water Use Restrictions for Nonresidential Water Customers.

1. Nonresidential water customers include commercial, industrial, institutional, and public users including, but not limited to, educational facilities, hotels, motels, and restaurants. The term does not include hospitals or health care facilities.

2. Nonresidential water customers shall reduce their water usage by a minimum of 25 percent of use levels for the same quarter of the preceding year.

3. It is the primary responsibility of each nonresidential water customer to meet its mandated water use reduction goal in whatever manner possible.

4. The water supply purveyor will establish a water allotment for each nonresidential water customer, based upon a required 25 percent reduction of water usage from the rate of water used by the customer in the same quarter of the preceding year or the last recorded use level if no meter readings record the rate of the customer's use in the same quarter of the preceding year.

5. Each nonresidential water user shall provide access to water supply purveyor personnel for purposes of meter reading and monitoring of compliance with this Part. The water purveyor shall make all reasonable efforts to contact customers to arrange for access.

6. A. If the mandated 25 percent reduction in water usage cannot be obtained without imposing extraordinary hardship threatening health and safety, the nonresidential customer may apply to the water purveyor who provides the customers' service for a variance. For these purposes, "extraordinary hardship" means a permanent damage to property or economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing plan. If the purveyor finds that the 25 percent reduction would cause extraordinary hardship or threaten health or safety, the purveyor may grant a variance and establish a revised water use reduction requirement for the particular customer.

B. Any person aggrieved by a decision relating to such a variance rendered by a water supply purveyor may appeal the decision to the Commonwealth Drought Coordinator who shall render a final decision pursuant to 4 Pa.Code, Chapter 120.

(Ord. 430, 9/9/1991, §9)

§26-210. Enforcement of Water Rationing Plan.

1. The water supply purveyor will have lead responsibility for monitoring of compliance with this water rationing plan.

2. Each water purveyor is authorized to alter meter reading schedules to assure adequate monitoring of compliance with this Part.

3. The purveyor shall institute procedures to closely monitor supplies and current usage to determine if reductions are being attained consistent with the target figures established in the plan. A purveyor shall establish a mechanism to advise the water users of the effects of rationing.

4. Proper law enforcement authorities and private citizens have additional enforcement responsibilities and rights as specified in §26-213 of this local water rationing plan.

(*Ord. 430, 9/9/1991, §10*)

§26-211. Service Interruptions.

1. Local water rationing plans shall include provisions for implementation of temporary service interruptions if this action is necessary to achieve water use reductions to prevent a public water supply system from depleting its on hand water supply to the point that vital service demands including, but not limited to, public health and safety, firefighting, and use of health care facilities cannot be met.

2. The following provision shall govern the implementation of temporary service interruptions:

A. In order to effectuate compliance with this Part, the water supply purveyor is hereby authorized and required to plan and implement temporary service interruptions to all or part of its water supply system, as the water supply purveyor may deem appropriate, when any and/or all of the following conditions are determined by each water supply purveyor to exist, as to its water supply system:

(1) A 25 percent reduction in systemwide water usage has not been achieved.

(2) The 25 percent reduction in systemwide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies.

(3) Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.

B. In the event that the water supply purveyor determines that temporary service interruptions are necessary, the water supply purveyor shall notify its customers through the public media (newspapers, radio, telephone, and television) serving the customers of the water supply purveyor in its service territory, at least one day prior to the temporary service interruptions, that a planned, temporary service interruption is to be imposed.

In addition, the water supply purveyor shall notify the Commonwealth Drought Coordinator, the local coordinator of emergency management, local public health authorities, the Pennsylvania Emergency Management Agency, the regional office of the Department of Environmental Protection, and the Pennsylvania Public Utility Commission, Bureau of Safety and Compliance, if the water supply purveyor is subject to the jurisdiction of the Commission. [*Ord. 489*]

Such notice shall:

A. State the day or days when the planned, temporary service interruptions will occur.

B. State the time(s) when such planned, temporary service interruptions will

commence, and the time(s) such interruptions will cease.

C. State whether the planned, temporary service interruptions are to be imposed on the entire system, or a part thereof, and, if only part(s) of the system will experience planned, temporary service interruptions, identify the geographical boundaries within which the planned, temporary service interruptions will occur.

D. Advise all customers within the areas affected by planned, temporary service interruptions how to treat any water received from the system, for human consumption, during the period(s) of planned, temporary service interruptions and for such additional time as may be necessary until full pressure is restored to the system.

C. If the water supply purveyor imposes planned, temporary service interruptions as authorized and required by this Part, it must provide for the continued delivery of water to health care facilities within the area(s) affected by such interruptions, by means of any adequate, alternative delivery measures that may be necessary.

D. If the water supply purveyor implements planned, temporary service interruptions, it must make provision, by any means possible, for the continued delivery of such water, as may be necessary, for the proper operation of sewage collection, treatment and disposal systems and facilities.

(Ord. 430, 9/9/1991, §11; as amended by Ord. 489, 10/13/2014)

§26-212. Excess Use Charges.

Any residential or nonresidential water customer who exceeds the allotments established pursuant to this Water Rationing Plan will be subject to the following excess-use charge provisions:

A. Water supply purveyors in the emergency service area are directed to collect an “excess-use charge” based on the amount by which a customer’s use exceeds the water allotments established pursuant to the local water rationing plan, computed in accordance with the following schedule:

Excess Usage Per Month	Charge for Excess
First 2,000 gallons or portion thereof	5 times the actual rate charged for water
Each 1,000 gallons or portion thereof thereafter	10 times the actual rate charged for water

B. Any monies collected by water supply purveyors through excess use charges shall not be accounted for as income to the purveyor, but shall be placed by the purveyor in a reserve account. The disposition of funds placed in the reserve account shall be governed as follows:

(1) Funds collected by a public utility or a municipal corporation rendering services beyond its corporate limits shall be disposed of as directed by orders and procedures adopted by the Public Utility Commission.

B. Funds collected by a municipal authority or a municipal corporation or other purveyor rendering services within its corporate limits shall be used to offset drought-related costs or expenses as directed by the Pennsylvania

Emergency Management Council.

C. In addition to the excess use charge, noncompliance with the water rationing plan will result in the following:

(1) For the first excess use, a warning of possible discontinuation shall be issued to the customer by the water supply purveyor.

(2) For the second or subsequent excess use, the water supplier may interrupt or shut off service to the customer for a period not to exceed 48 hours, or, if the customer provides access, the water supplier may install a flow restriction in the customer's service line for the duration of the emergency. The cost incurred by the water purveyor to interrupt or shut off and reinstate service, or to install and remove a flow restriction, shall be assessed to the water customer by the water purveyor.

(3) Penalties as provided for in §26-214 of this Part.

D. Any water customer aggrieved by a decision or action by a water purveyor imposing an excess use charge or other remedy for noncompliance with the requirements of this Part may proceed in accordance with the following provisions:

(1) Each water purveyor shall adopt procedures which provide an opportunity for the customer or aggrieved party to rebut the finding of a violation, or evidence of circumstances beyond the customer's control which resulted in the violation. Each water purveyor shall keep a record of evidence presented regarding disputed violations, and shall provide the customer or aggrieved party with a written notice of the purveyor's final decision and action in such cases.

(2) Any water customer aggrieved by the final decision or action of a water supply purveyor may file an appeal with the Common Pleas Court in the county where the water service is provided, in accordance with the provisions and procedures of the Local Agency Law, 2 Pa.C.S.A. §§551-555, 751-754.

(Ord. 430, 9/9/1991, §12)

§26-213. Penalties.

Any person who violates the provisions of this Part, who fails to carry out duties and responsibilities imposed by this Part; or who impedes or interferes with any action undertaken or ordered pursuant to this Part, shall be subject to the penalties provided by law under 35 Pa.C.S.A. §7707. Violation of any provision of this Part is a summary offense enforceable by law enforcement officers or private citizens in accordance with 234 Pa.Code, Chapter 50 (relating to summary cases) and Chapter 6000 (relating to Rules of Criminal Procedure for the Municipal Court of Philadelphia).

(Ord. 430, 9/9/1991, §13)

§26-214. Savings Clause.

Nothing in this local water rationing plan shall in any way limit or affect the power or authority of any political subdivision to adopt and enforce ordinances, rules, restrictions and orders for water conservation and protection of essential water

supplies, provided that such ordinances, rules and restrictions are not inconsistent with the requirements of this Part.

(Ord. 430, 9/9/1991, §14)

§26-215. Amendment of the Plan.

Any water purveyor, county or municipality covered under the provisions of this Part may, at any time, submit proposed additions to or amendments of this Part to the Commonwealth Drought Coordinator.

(Ord. 430, 9/9/1991, §15)

§26-216. Effective Period.

This Part shall remain in effect until terminated by action of the Governor, or by order of the Pennsylvania Emergency Management Council.

(Ord. 430, 9/9/1991, §16)

