

ORDINANCE NO. 03-2024-669

BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER 26, PART 1 ENTITLED “RENTS AND CHARGES FOR WATER SERVICE” AND REPEALING PART 3 ENTITLED “WATER METERS” OF THE SALISBURY TOWNSHIP CODE OF ORDINANCES IN ITS ENTIRETY TO ESTABLISH RATES, RENTS AND CHARGES FOR FURNISHING WATER SERVICES TO CONSUMERS AND WATER METER CALIBRATION REQUIREMENTS FOR COMMERCIAL BUSINESSES LOCATED IN THE TOWNSHIP OF SALISBURY

WHEREAS, the Township of Salisbury is a First-Class Township organized and operating under the laws of the Commonwealth of Pennsylvania and the Township of Salisbury Code of Ordinances (the “Township”); and

WHEREAS, pursuant to the PA First Class Township Code, 53 P.S. § 56401 et seq., the Township is authorized to establish regulations with regards rates, rents and charges for furnishing water services to consumers and calibration requirements for commercial businesses located in the Township of Salisbury.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, and it is hereby ordained and enacted by the same that Chapter 26 of the Salisbury Township Code of Ordinances Part 1 is hereby amended in its entirety as follows and Part 3 is hereby repealed in its entirety:

ARTICLE I. Part 1 of Chapter 26 of the Salisbury Township Code of Ordinances shall be renamed “Water Service” and read as follows:

Part 1

~~RENTS AND CHARGES FOR WATER SERVICE~~

§ 26-101 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Part 1 shall be as follows:

AUTHORITY

~~Salisbury Township Authority, a municipal authority organized and existing under provisions of the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented.~~

CONSUMER

A person who, prior to, upon or after the effective date hereof, has contracted or contracts for and/or is receiving or shall receive water service for each consumer unit and/or a person who, prior to, upon or after the effective date hereof, has contracted or contracts for or is receiving or shall receive private fire protection service.

CONSUMER UNIT

- A. A building under one roof and occupied by one family or business;
- B. A combination of buildings in one enclosure or group and occupied by one family or business;
- C. One side of a double building or house having a solid vertical partition wall;
- D. A building, house or other structure, or any room, group of rooms or part thereof, occupied by more than one family or business, the water fixtures of which are used in common;
- E. Each room or group of rooms in a building occupied or intended for occupancy as a separate business or as separate living quarters by a family or other group of persons living together or by a person living alone, the water fixtures of which are not used in common; or
- F. Each apartment, office or suite of offices in a building or house having such apartments, offices or suites of offices and using in common one or more hallways and one or more means of entrance.

OWNER

Any person having an interest, whether legal or equitable, sole or partial, in any property.

PERSON

Any individual, firm, partnership, company, association, society, corporation, trust, governmental body or an agency, department or political subdivision thereof or any other group or entity.

PROPERTY

Any building, group of buildings or land upon which buildings are to be constructed which is or may be served by the Township.

TOWNSHIP

The Township of Salisbury, Lehigh County, Pennsylvania, a municipal subdivision, acting by and through its Board of Commissioners or, in appropriate cases, by and through its authorized representatives.

WATER SYSTEM

The water distribution facilities, including storage facilities and all related facilities to be constructed, installed or acquired by or for the **Township Authority**, including all property, real, personal and mixed, rights, powers, licenses, easements, rights-of-way, privileges, franchises and other property or interest in property of whatsoever nature used or useful in connection with such facilities, and together with all additions, extensions, alterations, improvements and betterments thereof or thereto which may be made, installed or acquired, from time to time, by or for the **Authority Township** and which shall be leased by the Authority to the Township for operation and use.

§ 26-102 Water Rates, Rents and Charges.

1. The following water rates, rents and charges are fixed, adopted, established and imposed upon each consumer located within the municipal boundaries of the Township served or to be served by the water system, for use thereof and such rates, rents and charges shall be established by the Township by resolution or ordinance:

A. Schedule of Meter Rates There shall be a charge of **eighty-seven ten thousandth cents (\$0.0087) for each gallon of water furnished to a consumer effective January 1, 2024.** Thereafter, these rates may be amended or revised from time to time by duly enacted Resolution of the Board of Commissioners.

B. Building Construction Purposes. The flat-rate charge for building construction purposes shall be ~~\$50~~ **\$100** per residential unit and ~~\$150~~ **\$200** for every nonresidential permit, payable upon application to the Township for water service, which shall cover service until construction is complete or a water meter is connected. The Township reserves the right to require that any construction project be metered when necessary. Whenever this is done, the rates, rents and charges set forth in Subsection 1A shall replace the flat-rate charge and be applicable to such service.

C. Cut-off and Turn-on Charge.

Type		Charge
Cut-off	\$25	\$10
Turn-on	\$25	\$10

D. Temporary Flat Rates. In those cases where, in the opinion of the Township, it is impracticable to install a meter at the time a connection is made to the water system, a flat rate shall be charged until such time as a meter is installed. In such case, the following temporary flat rates shall apply during this period:

Type		Rate
For the first faucet or opening	\$50.00 per quarter	\$6.25 per quarter
For each additional faucet or opening	\$5.00 per quarter	\$2.00 per quarter

E. Fire Hydrant Standby Charge. Any owner of real property in Salisbury Township who has a privately owned fire hydrant situate on his or her property within the Township shall pay a fire hydrant standby charge to the Township of ~~\$400-~~ **\$650** per year for each privately owned fire hydrant which receives water from the Salisbury Township public water service system. The Township shall perform all testing of, and shall maintain and replace, each privately owned fire hydrant, as deemed necessary and appropriate by the Township for the public health, safety and welfare.

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§ 26-103 Billings and Payment.

1. All bills for water service, including private fire service, furnished to consumers shall be rendered quarterly on the first days of January, April, July and October of each year, or as soon after the first day of said months as is practicable, and shall represent the amount due for water service rendered during the preceding three months. The Township may, from time to time, set new billing cycles and payment and set rules and regulations governing § 26-103, by duly enacted resolution of the Board of Commissioners.
2. All bills for water service furnished to consumers shall be due and payable as of the date thereof. Bills for residential water service shall be paid within 15 days after such bill shall become due and payable. The customer shall pay the net amount of the bill, known as "Net 15." If bills for such water service remain unpaid beyond 15 days of the billing date, an additional 10% will be added to any current, outstanding balance. If bills for such water service are paid during the period between 16 and 30 days of the billing date, the gross amount of the bill shall be due and payable. This amount shall be known as "Gross 30." If bills for such water service are not paid within 30 days of the billing date thereof, such bills shall be deemed delinquent and a penalty equal to 25% of the current Gross 30 amount of the bill shall be added to the amount of the bill and collected as part thereof. When bills are paid by mail, the date of the postmark will be considered the date of the payment.
3. Whenever any bill for water service furnished to a consumer shall remain unpaid for a period in excess of 30 days after the date thereof, the Township shall mail a delinquency notice to the consumer, which notice shall inform the customer of the delinquency and the penalty and shall declare the intention of the Township to shut off and discontinue water service. Water service will not be restored until the bill, including penalties, together with a turn-off and turn-on charge of \$10 **\$25** each, has been paid.
4. Whenever water service to any consumer unit shall begin after the first day or shall terminate before the last day of any billing period, the water rates, rents and charges for such period shall be prorated equitably for that portion of the billing period during which service was provided by the Township.
5. Each bill for water service shall be made out in the name of the consumer. Each consumer shall provide the Township with, and thereafter shall keep the Township advised of, his correct address. Failure to receive a bill for water service shall not be considered an excuse for nonpayment, nor shall such failure result in an extension of the period of time during which such bill shall be payable without penalty.
6. No allowance or rebate will be made for unoccupied property unless and until: the consumer shall have notified the Township of such vacancy in writing; and such vacancy shall continue for at least 30 days. In any such event, service shall be restored only upon the execution of a new application therefor.

§ 26-104 Application for Water Service.

1. Where the consumer is also the owner of the property to be served, the application to the Township for water service shall be made by such owner.

A. Where the consumer is not the owner of the property to be served, the application to the Township for water service shall be made jointly by the owner and each consumer. In such case, the owner shall be legally responsible for all bills rendered to consumers occupying property of the owner.

B. Such application for service shall be made on a form to be provided by the Township and shall be accompanied by such maps, reports or other data as may be required by the Township.

2. Making application to the Township for water service shall constitute an agreement by the applicant or applicants to comply with all rules and regulations of ~~the Authority or the Township~~ relating to the water system and shall constitute a grant to the Township of authorization for its properly authorized and identified representatives to have full and free access to the property to be served at all reasonable times for the purpose of reading meters, for inspection and repairs, for removal of property of the Township or for any other purpose incident to rendering water service. It shall be mandatory that every ~~inside-water~~ meter be read by the Township **Public Works Department or authorized agent** ~~meter reader~~ at least once in every twelve-month period and upon the transfer of ownership of any property within the Township.

§ 26-105 Service to Be Rendered.

1. Use of Water. Water supplied by the Township may be used for all residential, business, industrial, agricultural, public or other legal purposes; provided, however, that the Township reserves the right to impose at any time such restrictions in the use of water as may become necessary due to accidents, breakdowns, shortages of water, temporary discontinuance of water service to make necessary repairs, removals or replacements or other unavoidable emergencies. Every effort will be made to notify consumers before service is interrupted. However, no deduction in water rates will be allowed for failure on the part of the Township to supply water, and the Township shall not be responsible for any losses due to inability to supply water.

2. Meter Service. Except for those consumers being charged for water service on a flat-rate basis, as provided in § 26-102, and, except upon special written permission granted by the Township, each consumer unit shall be required to have installed a water meter to measure the quantity of water consumed. Each such meter shall be furnished by the Township ~~or the Authority~~ and installed by the Township ~~or the Authority~~, or by the owner in accordance with rules and regulations adopted by the Township ~~or the Authority~~. All meters shall remain the property of the Township ~~or the Authority~~.

3. Multiple Consumer Units. In any case where the Township grants written permission for more than one consumer unit to be served through a common water meter a multiple consumption charge per quarter shall be imposed for such service, which charge shall be calculated in the following manner: (i) the total consumption through such service connection and meter shall be divided by the number of consumer units served thereby; (ii) the schedule of water rates, rents and charges established under § 26-102, Subsection 1A, shall be applied to the resultant quotient; and (iii) the resultant pro-rata charge for each consumer unit shall be multiplied by the number of consumer units served through such service connection and water

meter to arrive at the total bill for all consumer units served through **the** common meter and service connection; provided, however, that there shall be charged a minimum quarterly charge for each consumer unit as follows:

A. Where two, three or four consumer units are served through one connection and one meter, each such consumer unit shall be charged a minimum charge of \$11.50 per quarter.

B. Where four or more consumer units are served through one connection and one meter, each such consumer unit shall be charged a minimum charge of \$10.50 per quarter.

§ 26-106 Deposits.

1. Deposits may be required from consumers taking service for a period of less than 30 days in an amount equal to the estimated gross bill for such temporary period. Deposits may be required from all other consumers, provided that in no instance may deposits be required in excess of the estimated gross bill for any single billing period plus one month (the maximum period not to exceed four months), with a minimum of \$5 **\$50**.

2. Deposits secured from a consumer shall be returned to the depositor when he shall have paid undisputed bills for service over a period of 12 consecutive months; and any such consumer, having secured the return of a deposit, shall not be required to make a new deposit unless the service has been discontinued or the consumer's credit standing impaired through failure to comply with provisions hereof.

3. The payment of any undisputed bill shall be payment of the bill with or without penalty within 30 days following the period for which the bill was rendered or payment within 30 days following the presentation of the bill, or the payment of any contested bill, payment of which is withheld beyond the period herein mentioned, where the dispute is terminated substantially in favor of the consumer and payment made by the consumer within 10 days thereafter.

§ 26-107 Change in Ownership of Property.

When the ownership of a property changes from one person to another, the previous owner shall notify the Township, in writing and in advance, of the date of discontinuance of the service under his ownership. Should the owner fail to give such notice, he shall be responsible for all charges up to and including the date the new owner makes application for service. The new owner shall make application for service in the same manner as for a new service.

§ 26-108 Testing Meters.

1. The Township reserves the right to remove and test any meter at any time and, if such meter is found to be inaccurate, to substitute another meter of the same size in its place, either permanently or temporarily.
2. In case of a disputed account involving the accuracy of a meter, such meter will be tested by the Township upon the written request of the consumer. In the event the meter tested is found to have

an error in the registration greater than 2%, plus or minus, the cost of the test will be borne by the Township, and the bills will be adjusted accordingly. Should the meter be found to be correct, the cost for testing shall be billed to the consumer on the next quarterly bill submitted.

§ 26-109 Temporary Water Service.

1. Temporary water service for building construction purposes will be furnished from fire hydrants or other special hydrants at the rates herein specified. Such services will be rendered only upon application and through a special connection which the Township will place on the hydrant. No hydrant connection shall be used at other than the designated location without permission from the Township.
2. The consumer shall take care not to waste water through a temporary connection. Should it be found that an unnecessary amount of water is being used, the Township reserves the right to eliminate the connection at once, or it may place a meter thereon, in which case the expense of the change shall be paid by the consumer. Thereafter, the water rates, rents and charges set forth in § 26-102, Subsection 1A, shall be applicable to such service.
3. The Township may meter any temporary connection. Wherever this is done, the rates, rents and charges set forth in § 26-102, Subsection 1A, shall replace the flat-rate charge and thereafter be applicable to such service.
4. The consumer shall be responsible for the care and condition of a meter placed on temporary connections and shall place it in a meter box if considered necessary by the Township.
5. Temporary service from hydrants for private use may be furnished by the Township upon application; such service shall be under the supervision of the Township and in accordance with the applicable rates, rents and charges set forth in § 26-102.

§ 26-110 Cancellation of Service.

Subject to provision of § 26-103, Subsection 3, upon failure of any consumer to comply with any provision set forth herein or with any additional rules and regulations adopted by the Township relating to the water system, the Township may shut off water service subject to the cut-off and turn-on rates set forth in § 26-102 herein and any charges incurred by the adjacent communities.

§ 26-111 Enforcement.

1. Water rates, rents and charges imposed by this Part 1, to the extent permitted by law, shall be a lien on the property connected to and served by the water system; and any such water rates, rents and charges which shall be delinquent, to the extent permitted by law, shall be filed as a lien against the property so connected to and served by the water system, which lien shall be filed in the office of the Prothonotary of Lehigh County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.
2. Proper officers of the Township are authorized and directed to do all things and to take all legal action necessary to enforce collection of water rates, rents and charges established and imposed and otherwise to carry out provisions of this Part 1.

§ 26-112 Rules and Regulations.

1. The Township, from time to time, in accordance with law, by appropriate ordinance or resolution, may adopt such additional rules and regulations as, in the opinion of the Board of Commissioners of the Township, shall be desirable, beneficial or necessary for or in connection with use and operation of the water system.
2. Any such additional rules and regulations shall be construed in conjunction with provisions hereof and shall become effective on the date fixed by the Township upon adoption thereof.

§ 26-113 Rights Reserved by the Township.

The Township reserves the right to repeal, amend, supplement or modify this Part 1 or any section thereof, or to change the water rates, rents and charges established and imposed by this Part 1 in such manner and at such times as, in the opinion of the Board of Commissioners of this Township, shall be necessary or desirable, all after due legal procedure.

§ 26-114 Costs and Expenses.

All costs and expenses for engineering, installation, street restoration, and meter(s) for any connection to the Township public water system shall be borne by the owner of the improved property; and said owner shall indemnify and save harmless this Township from all loss or damage that may be occasioned, directly or indirectly, as a result of said connection to the Township public water system.

§ 26-115 Installation of Master Meter.

1. For all lots or contiguous lots in unified or coordinated development improved with a commercial building greater than 100 feet from a public water main; multiple principal residential and nonresidential buildings; multiple nonresidential uses; or, for any residential property with more than four units, a master meter shall be installed along the public right-of-way.
 - A. The master meter and meter pit, if necessary, shall be designed and installed in accordance with Township standards.
 - B. All costs for engineering, installation, street restoration and master meters for any connection or for modification to any connection shall be borne by the owner of the property, including any future repair, maintenance or replacement.
 - C. The proposed master meter installation shall be reviewed and approved at the time of site plan or land development review by the Township. If no site plan or land development plan is required by the Township, then the proposed master meter installation shall be reviewed and approved prior to issuance of a building permit for the lot. The type of meter shall be approved by Salisbury Township prior to installation.
 - D. Maintenance of the master meter and master meter pit, if necessary, shall be the responsibility of the property owner, but an access easement area of at least 400 square feet symmetrically located around the pit and abutting the public right-of-way line shall be provided to allow the water meter reader and other Township employees to access the meter as necessary for Township business. The property owner shall cause the meter to be calibrated annually, with the calibration completed and evidence of the calibration to be submitted to the Township on or before April 30 of every year. The calibration shall be performed by either a factory-certified technician or a person approved by

the Salisbury Township Department of Public Works. The Township has the right to refuse to accept the calibration results if there is reason to believe the work is done inappropriately or the results appear inaccurate. The Township also reserves the right to verify the calibration or have the calibration done by a Township-approved, qualified professional.

- E. The type and location of the remote readout shall be approved by the Township water meter reader and the Public Works Department.

§ 26-116 Calibration of Commercial Meters Not Requiring a Master Meter Pit.

A. Industrial, multiple principal residential and nonresidential buildings; multiple nonresidential uses; or for any residential property with more than four units.

B. The property owner of such structures as listed in §26-116.A shall cause the water meter to be calibrated annually, with the calibration completed and evidence of the calibration to be submitted to the Township on or before April 30 of every year. The calibration shall be performed by either a factory-certified technician or a person approved by the Salisbury Township Department of Public Works. The Township has the right to refuse to accept the calibration results if there is reason to believe the work is done inappropriately or the results appear inaccurate. The Township also reserves the right to verify the calibration or to require the calibration be performed by a Township-approved, qualified professional.

C. The type and location of the remote readout for the water meter shall be approved by the Township Water Meter Reader and the Public Works Department.

§ 26-117 Water Meter Replacement.

In the event the Township mandates the replacement of any and all water meters, all water customers of the Township of Salisbury are required to have the existing water meter replaced in a timely manner and have installed on the outside of their home or building a remote water meter reading device in a location approved by the Township.

§ 26-118 Clear and Direct Access to Water Meter.

All Township water customers are to facilitate the installation of new meters by providing for clear and direct access to the existing water meter prior to the arrival of the installation personnel.

§ 26-119 Timely Completion of Plumbing Repair.

All Township water customers are responsible for the timely completion of any and all repairs to their plumbing necessary for the proper installation of the new water meter.

§ 26-120 Failure to Comply.

Failure to comply with the intent of this Part and with §§ 26-117 through 26-120 will result in the water customer's loss of Township water service. The water customer will bear all costs associated with the shut-off and the resumption of service.

ARTICLE II. Part 3 of Chapter 26 of the Code of Ordinances entitled “Water Meters” shall be repealed in its entirety.

REPEAL

Part 3

~~WATER METERS~~

~~§ 26-301 Replacement Required.
{Ord. 11-94-398, 11/22/1994, § 1}~~

~~All water customers of the Township of Salisbury, Lehigh County, Pennsylvania, are required to have the existing water meter replaced and have installed on the outside of their home a remote reading device.~~

~~§ 26-302 Clear and Direct Access.
{Ord. 11-94-398, 11/22/1994, § 2}~~

~~All Township water customers are to facilitate the installation of the new meters by providing for clear and direct access to the existing water meter prior to the arrival of Water Pro installation personnel.~~

~~§ 26-303 Timely Completion.
{Ord. 11-94-398, 11/22/1994, § 3}~~

~~All Township water customers are responsible for the timely completion of any and all repairs to their plumbing necessary for the proper installation of the new water meter.~~

~~§ 26-304 Access to Home and Water Meter.
{Ord. 11-94-398, 11/22/1994, § 4}~~

~~All Township water customers are to make themselves, or a surrogate, available for Water Pro installation personnel to gain access to the home and water meter.~~

~~§ 26-305 Failure to Comply.
{Ord. 11-94-398, 11/22/1994}~~

~~Failure to comply with the intent of this Part and with §§ 26-301 through 26-304 will result in the water customer's loss of Township water service. The water customer will bear all costs associated with the shut-off and the resumption of service.~~

ARTICLE III. All Ordinances inconsistent herewith are hereby repealed. In all other respects, Chapter 26, Water, of the Code of Ordinances of the Township of Salisbury shall remain as heretofore enacted, ordained and amended, which said Chapter 26, as amended, is hereby re-enacted in its entirety herein.

ARTICLE IV. This Ordinance shall be effective immediately.

ENACTED AND ORDAINED this 14th day of March, 2024.

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

By: *Deb J. Br...*
President, Board of Commissioners

Attest:

Cathy Bonaskeim
Secretary