

CITY OF DUQUESNE

ORDINANCE NUMBER: 2023-04

COUNTY OF ALLEGHENY

PRESENTED BY: City of Duquesne

COMMONWEALTH OF
PENNSYLVANIA

FIRST READING: November 28, 2023

SECOND/THIRD READING: December 19, 2023

**AN ORDINANCE OF THE CITY OF DUQUESNE DEFINING AND
ESTABLISHING RATES AND REGULATIONS FOR WATER SERVICE TO
PROPERTIES AND ESTABLISHMENTS THEREIN; REQUIRING AND
REGULATING CONNECTIONS TO THE WATER SYSTEMS;
ESTABLISHING A SCHEDULE OF WATER RATES AND THE TERMS OF
PAYMENT; AND PROVIDING PENALTIES FOR VIOLATION.**

NOW, THEREFORE, BE IT ORDAINED AND ENACTED it hereby ordained and enacted by the Council of the City of Duquesne, Allegheny County, Pennsylvania as follows:

Section 1. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- a. Domestic Unit – a separate dwelling, apartment, room or group of rooms, used for separate dwelling purposes and equipped for the preparation of food. Institutional uses such as hospitals, churches, schools, and public buildings shall be considered to be a domestic unit. The determination of the City as to what constitutes a separate dwelling unit shall be final.
- b. Non-Domestic Unit – a separate building, group of buildings, or room or group of rooms on a parcel of land held in single and separate ownership and used for any purpose other than as a residential unit. The determination of the City as to what constitutes a separate non-domestic unit shall be final.
- c. Improved Premises – any parcel or property upon which a domestic or nondomestic unit is located.

Section 2. All the owners of any improved premises located or to be constructed within the City and situate so that water service is available shall be required to connect said premises to the water system serving the City and owned and operated by the City.

Where such service is temporarily not available, the Code Enforcement Officer shall design and enforce regulations consistent with State standards for on-site systems. At such time as water service becomes available, the owner of the improved premises shall be required to connect to the water system.

Section 3. All owners of any improved premises required to connect to the City water systems shall pay a “connection fee” in the amount of \$1700.00 per domestic unit and/or non-domestic unit situated on the improved premises. In the case of an existing parcel of ground held in separate ownership for which an application is filed for connection to the City water systems, the connection fee shall be paid at the time of application. In the case of a Subdivision or Land Development Plan, the connection fee shall be paid to the City prior to the time a Subdivision or Land Development Plan is given final approval by City Council. Payment of the connection fee shall entitle the owner of the improved premises, and the owner’s successors or assigns, to connect the commercial or industrial establishment(s) or dwelling units contemplated by the Subdivision or Land Development Plan on the improved premises to the water systems operated by the City.

Section 4. All owners of any improved premises required to connect to the City water system shall pay to the City a “tapping fee” of \$1700.00 for each lateral to be connected to the water main from any improved premises. The City, or its authorized representative, shall provide and install the corporation tap into the water main together with the pipe from the tap to a point not more than 18 inches on the owner’s side of the right-of-way line or street curb line, terminating at and including the curb stop and box or valve. The tapping fees shall be used to pay the costs of the above-described tap into the main and installation of the water laterals by the City. To the extent that the tapping fee exceeds the actual cost of the connection, the unused portion of the tapping fee will be refunded to the owner. If the cost of the connection exceeds the tapping fee, the owner shall pay to the City the additional funds requested and shall make such payment to the City within 30 days of the City’s written demand, therefore.

The City may install the lateral from the water main onto the improved premises (as provided above) upon payment of the connection and tapping fees and at any time after the approval of the application for water service in the case of a single lot held in separate ownership, or at any time after the approval of the Subdivision or Land Development Plan in such a case; PROVIDED, HOWEVER, that the lateral shall be installed so as not to delay the owner’s occupancy of the improved premises. The City shall give the owner occupancy of the improved premises. The City shall give the owner at least 15 days’ written notice of the time when the City proposes to make the connection and install the lateral. The tapping fee shall be paid to the City within 15 days of the City’s notice and prior to the connection being made to the water main.

Section 5. A water meter shall be installed in the water lateral in a suitable protective pit directly opposite the point at which the tap is made into the water main. In the alternative, the meter may be located inside the building, if the meter is equipped with an outside remote reading device which conforms to municipal standards. Each new water meter shall be furnished by the City at the expense of the property owner.

The City shall inspect, test, adjust, maintain, and/or replace such meters at its own expense, except that any meter damaged in service through the negligent act or omission, of the property owner or his tenant or agent, shall be replaced by the City at the expense of the property owner. Meter damage resulting from freezing or back-flow of hot water shall be considered to be the result of negligence of the owner or tenant.

The accuracy of the water meters on the City system shall be determined in accordance with the Rules and Regulations of the Public Utilities Commission of the Commonwealth of Pennsylvania. Upon request of any owner, the City will remove the meter from the owner's premises and test the accuracy thereof. If the said meter is found to register a greater quantity of water than passed through it, to a degree exceeding the tolerance of accuracy prescribed by the Public Utilities Commission for such cases, no charge shall be made for such test, and the bills for water rendered on the basis of the registration of such meter for a period of time of not more than three months preceding the removal thereof may be adjusted on an equitable basis. If said meter is found to register a smaller quantity of water than passed through it, or to be within the prescribed tolerance of accuracy, a charge equal to the costs incurred by the City in having the meter tested shall be paid by the owner for the testing of the meter. Upon request the owner may witness the test made of the meter. Upon request the owner may witness the test made during the normal business hours of the City.

Section 6.

- A. No water lateral shall be covered until it has been inspected and approved by the City. If any part of a water lateral is covered before so being inspected and approved, it shall be uncovered for inspection, at the cost and expense of the owner of the improved property to be connected to the water mains.
- B. Every water lateral of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
- C. Every excavation for a water lateral shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk or other public property disturbed during installation of a water lateral shall be restored, at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the City.
- D. The owner of an improved premise shall, at his expense, be responsible to repair, replace, and maintain the water lines on the owner's property from the point at least 18 inches on the owner's side of the street curb line or the right-of-way line where the lateral constructed by the City.
- E. If any person shall fail or shall refuse, upon receipt of a notice in writing of the City to remedy any unsatisfactory condition with respect to a building lateral within sixty (60) days of receipt of such notice, the City may refuse to permit

such person to be served by the water system until such satisfactory condition shall have been remedied to the satisfaction of the City.

- F. The City reserves the right to adopt, from time to time, additional rules and regulations it shall deem necessary and proper relating to connections with a main and with the water systems, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of the Ordinance.

Section 7. The water rents or charges for water supplied to consumers within the City to premises at which a water meter or meters have been installed, shall be and same are hereby imposed and established for each monthly period, or portion thereof, after the effective date of this Ordinance as follows:

- A. Water Rates are \$10.40 per thousand gallons consumed. (less than 1,000 gallons is \$10.40, which is considered the minimum charge)
- B. Water Rates for usage over 15,000 gallons per month are \$12.39 per 1000 gallons.

Section 8.

- A. Bills for water service furnished for all purposes shall be rendered on a monthly basis. Upon request of any owner, if an improved premises is anticipated to be vacant for any substantial period of time, the City will remove the water meter from his property, discontinue water service to the property, and discontinue the minimum charges requested, the City will, upon payment of a re-connection charge of \$75.00, reinstall the meter or a similar meter at the property and reestablish service.
- B. Usage, service, and minimum charges shall be payable at the Municipal Office on a net basis at any time up until 30 days after the date of the bill. Thereafter, a late payment penalty equal to 10% of the net amount of the bill PLUS interest calculated at the rate of 7.00% per annum from 30 days after the date of the bill shall be added to the bill and shall not entitle an owner or user to an extension of time for payment.
- C. Failure to pay the amount owed on a monthly water bill by the time the next succeeding monthly water bill goes into its late payment penalty period, shall be cause for termination of water service until payment is made of all outstanding charges for water services.
- D. If service is terminated under the conditions set forth in paragraph C, above, a re-connection charge of \$75.00 shall be paid before service is restored.
- E. The owner of the property served shall be responsible to the City for payment for all water furnished and services provided to the property irrespective of any

agreement between the property owner and a third party, and the bill shall in all cases be rendered to the owner of the property unless the City is notified in writing by said owner to render the bill to some other person, in which case the owner shall nevertheless remain liable for the payment of all water bills.

F. ALL FEES, COSTS, CHARGES, AND PENALTIES MAY BE CHANGED PURSUANT TO PUBLIC NOTICE, AND RESOLUTION BY THE CITY COUNCIL.

Section 9. The City shall have the authority in the event of any emergency affecting the adequacy of the supply of water to domestic users of the municipal water system or the adequacy of the fire-fighting capacity of the system, either actual or imminent, to require all users to curtail or discontinue the use of water. Such curtailment or discontinuance shall remain in effect for the duration of such emergency. Verbal or other notice by the City to the user or his agent, or public advertisement in a newspaper circulated locally shall be deemed sufficient for the purposes of this ordinance.

Any such curtailment may apply to all use of water for washing the car and watering the lawn or garden, and if the degree of the emergency shall warrant, include any or all uses.

Section 10. As long as water services are provided to any building, the proper officials of the City or service pipes to inspect, test, read, repair, remove, or replace the same, whether the occupant of the building is a water user, and such access shall not be impeded by coal, ashes, or rubbish, not in any other manner. Failure to provide such free access shall be cause for termination of service until suitable access is provided.

Section 11. Except as otherwise specifically provided in Section 8, above, any person, firm or corporation who shall violate any provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 12. All ordinances or resolutions or parts of Ordinances or resolutions, which are inconsistent herewith are hereby repealed to the extent that the same are inconsistent with the terms of this Ordinance.

Section 13. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the City that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 3. That any Ordinance conflicting with this Ordinance or be and the same is hereby repealed as the same affects this Ordinance.

ORDAINED AND ENACTED by the Council of the City of Duquesne, County of Allegheny and Commonwealth of Pennsylvania, in a regular meeting of Council and public session, this 19th day of December, 2023.

ATTEST:

CITY OF DUQUESNE:

Douglas Sample, City Manager

R. Scott Adams, Mayor