

BOROUGH OF MIFFLINBURG
UNION COUNTY, PENNSYLVANIA

ORDINANCE NO: 2026-07

AN ORDINANCE OF THE BOROUGH OF MIFFLINBURG, COUNTY OF UNION, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF MIFFLINBURG BOROUGH, WATER; REPEALING PART 1, WATER SYSTEM, SECTIONS 28-1 THROUGH 28-11, IN THEIR ENTIRETY AND REPLACING THE SAME WITH NEW SECTIONS 28-101 THROUGH 28-113; AND AMENDING PART 2, CONSTRUCTION AND DESIGN STANDARDS FOR THE SUPPLY OF WATER, SECTION 28-201, GENERAL PROVISIONS.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Mifflinburg, Union County, Pennsylvania, as follows:

WHEREAS, pursuant to 8 Pa.C.S. § 3301.1, the Borough of Mifflinburg, Union County, Pennsylvania (the “Borough”), is authorized to adopt ordinances and is further authorized to amend existing ordinances by the enactment of subsequent ordinances; and,

WHEREAS, pursuant to 8 Pa.C.S. § 3301.1(c), the Borough is authorized to adopt resolutions for any purpose, including for setting forth certain rules, regulations, and standards pertaining to Borough ordinances; and,

WHEREAS, pursuant to the Borough Code, 8 Pa.C.S. §§ 1202(2), 2401, 2461 and 2462, as amended, the Borough is authorized to supply water to the public, to require connection to and use of its water system, and to impose and collect fees, rates and charges for water service; and,

WHEREAS, the provisions of Chapter 28, Part 1, of the Code of Ordinances of Mifflinburg Borough were adopted by Ordinance 95-07 on November 21, 1995, and amended by Ordinance 96-01 on June 18, 1996, and the Borough has determined that those provisions should be revised, reorganized and restated in their entirety; and,

WHEREAS, the Borough has determined it to be best in the interest of the Borough to amend certain ordinances in order to promote the general welfare of the public and to facilitate the orderly administration of the Borough; and,

WHEREAS, it is the purpose and intent of the members of Council of the Borough of Mifflinburg by the enactment of this Ordinance to amend Chapter 28, Part 1, §§ 28-1 through 28-11, and Chapter 28, Part 2, § 28-201, in order to promote the general welfare of the public and to facilitate the orderly administration of the Borough.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Borough Council of the Borough of Mifflinburg, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

AMENDMENT OF ORDINANCE:

SECTION 1:

Chapter 28, Part 1, §§ 28-1 through 28-11, of the Code of Ordinances of Mifflinburg Borough are hereby repealed in their entirety and replaced with new §§ 28-101 through 28-113, and Chapter 28, Part 2, § 28-201, of the Code of Ordinances of Mifflinburg Borough is hereby amended, so that Chapter 28 of the Code of Ordinances of Mifflinburg Borough shall read as follows:

Chapter 28 WATER

Part 1

WATER SYSTEM

- § 28-101. Introductory Matters.
- § 28-102. Definitions.
- § 28-103. Use of Public Water Required.
- § 28-104. Application.
- § 28-105. Capital Charges.
- § 28-106. Meters.
- § 28-107. Connections.
- § 28-108. Fire Protection and Other Special Uses.
- § 28-109. Extensions of Service.
- § 28-110. Fees, Rates, Billing and Payments.
- § 28-111. Discontinuance of Service.

- § 28-112. Violations.
- § 28-113. Administration.

Part 2

CONSTRUCTION AND DESIGN STANDARDS FOR THE SUPPLY OF WATER

- § 28-201. General Provisions.

Part 1 WATER SYSTEM

§ 28-101. Introductory Matters [§ 28-1.] [Ordinance 95-07, November 21, 1995, Article 1]

1. Authority for Ordinance. This Part is adopted in conformance with and pursuant to authority granted by the Borough Code, 8 Pa.C.S. §1202(2), 2401, 2461 and 2462 as amended.
2. Title of Part. This Part shall be known and may be cited as the "Mifflinburg Borough Water System Ordinance."
3. Purpose.
 - A. From and after the passage of this Part, the Borough of Mifflinburg will supply water to the public under the provisions of this Part. All customers withdrawing water from the Borough shall be bound by the provisions of this Part and all regulations made by the Borough Council in pursuance of the same.
 - B. This Part is necessary for the protection and preservation of the health, safety and welfare of the inhabitants of the Borough.
4. Additional Rules and Regulations.
 - A. [§ 28-5.6] From time to time, by resolution or ordinance or ordinance amendment adopted at a public meeting, the Borough may promulgate additional rules and regulations, as it deems necessary and proper, which additional rules and regulations, to the extent appropriate, shall be construed as a part of this ordinance.
 - B. [§ 28-10.5] No officer or employee of the Borough can vary these rules without action of the Borough Council, and no agent or employee of the

Borough can bind it by an agreement or representation, except when authorized, in writing, so to do by Borough Council.

§ 28-102. Definitions. [§ 28-1.4.] [Ordinance 95-07, November 21, 1995, Article 1]

APPLICANT – A person applying for water service or for a main extension under this Part.

CUSTOMER – A person receiving water service from the water system.

BOROUGH— Mifflinburg Borough, Union County, Pennsylvania, or the Borough acting through its Council or through its authorized representatives.

BUILDING CONNECTION—The private water line from a curb stop or property line to a dwelling or other building of an improved property with any related fittings and valves.

COUNCIL— The Borough Council of the Borough.

IMPROVED PROPERTY— A lot of land within the Borough, or outside the Borough and served by the Borough Water System possessed for continuous or periodic occupancy or use by a human being requiring water for such occupancy or use.

MAIN EXTENSION – Any new water main , including a main lying wholly within a new development.

OWNER— A person vested with ownership, legal or equitable, sole or partial, of a property.

PERSON— A natural individual, firm, partnership, association, corporation or other group or entity which is the subject of legal rights and duties. Whenever used in any clause prescribing or imposing a penalty, person, when applied to a firm, partnership or association, shall mean the partners or members thereof, and when applied to a corporation, the officers thereof.

SERVICE CONNECTION— The Borough water line from the water main to a curb stop or property line with any related fittings, valves and curb stops, also known as a service line.

WATER SYSTEM— The integrated facilities of the Borough of obtaining, treating, storing and distributing water.

WATER MAIN— A pipe or main of the water system used to distribute water.

UNIT – A dwelling unit or separately occupied commercial or industrial space, or commercial and industrial space separately leased within a multi-unit structure.

§ 28-103. Use of Public Water Required. [§ 28-2. Required Connection to and Use of Water System.] [Ordinance 95-07, November 21, 1995, Article 2; as amended by Ordinance 96-01, June 18, 1996, § 1]

1. Connection to Water System. Every Owner of an Improved Property abutting either a property subject to utility easement owned by the Borough, a public street, an alley, a road or other public highway in which there is a water line, or which has an improved structure situated within 150 feet of a Water Main, shall connect the Improved Property to the Water System in the manner required by the Borough.
2. Use of Water System. After its connection to the Water System, all water used on the Improved Property shall be from the Water System, subject to such limitations, restrictions and exceptions as are established by this Part or by resolution of the Borough from time to time.
3. Connection Notice. An Owner of a property found not to be connected to the Water System will be issued a notice from the Borough to connect within forty-five (45) days. The notice of required connection shall be in writing, shall specify the forty-five (45) days for connection and shall be accompanied by a copy of this Part and any effective amendments, a copy of any rules and regulations, and a copy of the Schedule of Water Fees and Rates. The notice may be given at any time the Water System can supply water to the Improved Property. The notice shall be served on the Owner by personal service, certified mail or any other method provided by law.
4. Failure to Make Required Connection. If the Owner of an Improved Property fails to connect it to the Water System in accordance with this Part after 45 days' notice from the Borough, the Borough may make the connection and charge the costs and expenses of connection to the Owner. In such case, the Borough shall, upon completion of the connection, send an itemized bill of costs and expenses to the Owner of the Improved Property, which bill shall be due and payable as per the billing and collection procedures outlined in § 28-110 Fees, Rates, Billing and Payments.

§ 28-104. Application. [Ordinance 95-07, November 21, 1995, Article 3]

1. Application for Service. [§ 28-3.1] All applications for the introduction of water into any premises, or for the extension of or addition to any pipes therein, shall be made in writing by the Owner or authorized agent, on forms furnished by the Borough, and must set forth fully and truly, all purposes for which such service is requested and required. A connection fee will be assessed for all properties to be connected to the Borough's system. Property Owners shall be responsible for the actual total cost incurred for installing this water connection.
2. Independent Connection. [§ 28-3.2] Each Improved Property shall be connected with the Water System through a separate and independent Building Connection pursuant to the rules, regulations and conditions established by the Borough, except when, under special circumstances, for good cause shown, special permission in writing has been given by the Borough waiving this requirement.
3. Partial Borough Properties. [§ 28-5.1.B] If a property is located partially within the Borough and partially within the Township, and if both municipalities have water service available to that lot, then the municipality wherein the connection point of that parcel lies shall provide the water service. Any existing properties not meeting this requirement may continue to receive water service from the existing source unless such a time occurs whereby the improved structure or connection is disconnected, demolished or destroyed and water service terminated. After which, any new improvements requiring water service shall receive water service from the municipality wherein the connection point lies.

§ 28-105. Capital Charges. [§ 28-4] [Ordinance 95-07, November 21, 1995, Article 4]

1. Before connection to the Water System, the Owner or developer of the Improved Property shall pay the Borough the following fees, which shall be established from time to time by resolution by the Borough Council. Definitions of the below terms are located in the Water Tapping Fees resolution.
 - A. Connection Fee
 - B. Customer Facilities Fee
 - C. Tapping Fee
 - 1) Water (Capacity)
 - 2) Distribution/Collection System
 - 3) Special Purpose Part
 - 4) Reimbursement Component

§ 28-106 Meters. [Ordinance 95-07, November 21, 1995, Article 3]

1. Meter Requirement. **[§ 28-3.3]** Every building connecting to the Water System shall have a meter supplied and installed by the Borough. The meter shall be sized and installed so as to record with reasonable accuracy all water supplied to the Improved Property from the Water System. The meter shall be maintained by the Borough for ordinary wear and tear, but maintenance or replacement incurred because of the negligence of the Owner of the Improved Property shall be paid for by the Owner. The meter shall at all times remain the property of the Borough.
 - A. Date for Installation of Meters. All meters shall be installed on improved lots within the Borough on or before the date of connection to the Water System.
 - B. Failure to Install Water Metering Device. Water will not be provided to any Customer until a meter is installed.
2. Shut-off valve requirement. The Applicant shall furnish and install a shut-off valve immediately before and after the meter to prevent plumbing drainage when the meter is removed.
3. Damage to Meters. **[§ 28-3.3.C. and § 28-3.4.A]** Meters will be maintained by the Borough, so far as ordinary wear and tear is concerned; but damage due to freezing, hot water or external causes shall be paid for by the Owner. Where meters are located outside of the building, the Owner shall be responsible for damage due to freezing. The Owner shall notify the Borough of any damage to or nonworking of the meter as soon as it comes to the Owner's knowledge.
4. Accuracy of Meters. **[§ 28-3.3.C.(1)-(2)]**
 - A. The quantity recorded by the meter shall be conclusive on both the Owner and the Borough, except when the meter has been found conclusively to be registering inaccurately or has ceased to register completely. In the case of inaccurate or nonfunctioning meters, the quantity and charges shall be determined according to the Schedule of Water Fees and Rates as established from time to time by resolution of Borough Council. Where a meter has ceased to register, or where the period of inaccuracy cannot be established, the quantity shall be determined by the average usage over the preceding twelve-month period during which the meter was in proper working order.

5. Outside Meter Vaults. [§ 28-3.3.E.] Outside meter vaults may be installed at the request of the property Owner. Such installation shall be preapproved by the Borough. Costs for outside meter vault installation are to be paid for by the Customer requesting such installation. The Borough of Mifflinburg will be the only party authorized to have access to such outside meter vault.
6. Borough Control of Meters [§ 28-3.4.] All meters shall be supplied by the Borough and shall be accessible to and subject to its control. Meters shall be conveniently located at a point approved by the Borough so as to control the entire supply, and a proper place and protection for the meter shall be provided by the Customer. The property Owner shall provide and install shut-off valves on both sides of the meter and a dual check valve.
7. Testing. [§ 28-3.4.B] An Owner may request a test of a meter for accuracy. The Borough may require a deposit be made for such test.
8. Water Turnoff or Meter Removal. [§ 28-3.7] No plumber, Owner or other unauthorized Person shall turn the water on or off at any curb stop, or disconnect or remove the meter without the consent of the Borough.

§ 28-107 Connections. [§ 28-3.11]

1. Connections. Connections shall be made pursuant to rules and regulations adopted by Council. The Borough will make all connections to its mains, furnish, install and maintain all service lines from the main to the curb, roadway line or property line when lines are installed on rights-of-way, including curb stop and service pipe, which shall be the property of the Borough and shall be always accessible to and under the control of the Borough or its authorized representative.
2. Service Line Supply. Each single building or property shall be supplied through the service pipe from a separate curb stop and box, and no building shall be supplied by more than one service line, unless especially approved or ordered by the Borough. When two or more buildings are supplied through a single service line as above, "approved or ordered by the Borough," any violation of the regulations of the Borough with reference to either or any of said buildings shall be deemed a violation as to all and the Borough may take such action as to all, as may be taken to a single building, provided reasonable notice shall have been given to each Customer involved.
3. Line Maintenance. All connections, service lines and fixtures, which are furnished or installed by the property Owner, shall be maintained by the

property Owner in good order. All leaks in the service pipe on the outlet side of the curb stop or upon the premises supplied must be immediately repaired by the Owner of the premises. The Borough, by its authorized agents, may enter the premises of any water Customer at reasonable hours to examine pipes and fixtures and the quantity of water used.

4. **Borough Not Responsible.** The Borough shall in no event be responsible for maintenance or for damage done by water escaping from the Service Connection or fixture on the outlet side of the curb stop. The Owner shall at all times comply with the governmental regulations with reference thereto and make changes thereon required on account of change of grade, relocation of mains or otherwise.
5. **Minimum Pipe Requirements.** The Borough may prescribe the minimum size and type of pipe as well as the kind and quality of all materials which shall be laid between the curb stop and the premises to be supplied or to the meter.
6. **Workmanship and Safety.** In removing pavements or digging a trench, the material must be deposited in such manner as to guard against inconvenience to the public by obstructing streets, alleys or sidewalks. The replacement of earth, brick, stone or other material so disturbed shall be done in a workmanlike manner and the street, lane, alley or public ground be left in as good and solid construction as it was before being disturbed. No trench or hole in any street, alley or sidewalk shall be left open during the night unless properly guarded and lighted with signal lights.
7. **Required Authorization.** [§ 28-10.2] No plumber, Owner or other unauthorized Person shall turn the water on or off at any curb stop, or disconnect or remove the meter without the consent of the Borough.
8. **Additional Water Supply Prohibited.** [§ 28-3.5] Upon connection of an Improved Property to the Water System, use of every other water supply to the Improved Property must be discontinued and such water supply must be disconnected at the cost and expense of the Owner from all facilities on the Improved Property served by the Water System.
9. **Cross Connection Prohibited.** [§ 28-3.6] No direct or indirect cross connection is permitted between the Water System and any other water supply.

§ 28-108 Fire Protection and Other Special Uses. [§ 28-8.] [Ordinance 95-07, November 21, 1995, Article 8]

1. Fire Service.

A. Private Fire Service Application and Design.

- 1) A Person desiring private fire service shall submit an application to the Borough and shall pay all necessary charges and fees before service is rendered. Property Owners shall be responsible for the actual cost incurred for installing private fire service including any engineering, inspection or other fees incurred by the borough.
- 2) The size of each private fire service line shall be reviewed and approved by the Borough's engineer prior to installation. A private fire service line shall be at least one size smaller than the Borough main to which it is connected.

B. Private Fire Service Meters.

- 1) All private fire services shall be metered. The Borough shall order and install meters on all new or replaced private fire service lines.
- 2) All private fire service meters shall be maintained by the Borough except for damage caused by the failure of the Customer to protect the meter.

C. Fire Hydrants.

1) Private Fire Hydrants:

- a) Fire hydrants installed by Customers on private portions of the Water System shall be the sole responsibility of the Owner.
- b) No charge shall be made for fire hydrants installed on the Customer's side of the meter in cases where the meter has been sized to measure the fire flow and the Customer is paying that metered rate.

2) Public Fire Hydrants:

- a) [§ 28-3.10] All fire hydrants installed on the public Water System shall be furnished, installed and maintained by the Borough.

- b) No public fire hydrant shall be used for any purpose other than for use by the Mifflinburg Hose Company or assisting firefighters responding to a fire emergency. Any other use of a public fire hydrant must receive the written approval of the Borough prior to the use.

D. Private Fire Service Fees, Charges and Rates.

- 1) Private fire protection service fees and charges shall be determined according to the Schedule of Water Fees and Rates as established from time to time by resolution of Borough Council.
- 2) Any metered flow for water usage through a private fire service shall be billed at current regular rates at the time of service. Borough Council reserves the right to waive any water usage used in the extinguishing of fires or fire company training. Water use for any other purpose other than extinguishing fires, testing or training through a private fire service is not permissible.

E. Private Fire Service Testing.

- 1) Any Customer desiring to test private hydrants, fire service lines, or other fire service facilities shall notify the Borough in writing at least five working days in advance of the scheduled test. The conducting of tests shall be subject to Borough approval.
- 2) Any Customer needing the Borough's assistance for private hydrant testing shall pay a fee in an amount as established from time to time by resolution of Borough Council, per hydrant, service line, or other facility being tested. The Borough and the Mifflinburg Hose Company shall be exempt from paying the test fee.

F. Restrictions.

- 1) No cross-connection or tap for use other than fire protection shall be made between a fire service line and a domestic water service line.
- 2) No private fire hydrant or private fire service line shall be used for any purpose other than for extinguishing fires, testing or for fire company training. Any other use of a private fire hydrant must receive the written approval of the Borough prior to the use.

- G. Liability. The Borough shall have no liability as insurer of property or Person. Any Customer receiving fire service shall not be entitled (in the event of fire) to any service, pressure, capacity or facility other than that available at the time of service. The Borough shall not be liable for any damage or injury to any Person or property by reason of any fire, water, failure to supply water and/or pressure or capacity, or lack thereof, and/or any other cause.
- 2. Geo-Thermal Heat Systems. [**§ 28-11.1**] Private wells shall be permitted within the Borough solely for the purpose of supplying underground water to a closed loop geo-thermal heat system servicing that particular structure.
 - A. Before activating such system, inspection and approval of the system must be obtained from the Borough.
 - B. No water from the geo-thermal well shall be used for domestic water consumption.

§ 28-109 Extensions of Service. Main Extension requirements shall be as follows:

- 1. Any Person desiring water service shall complete an application for water service and shall file the application with the Borough.
- 2. The Borough shall determine whether a Main Extension is required in order to extend water service.
- 3. Main Extensions shall consist of any new main, including mains lying wholly within a new development.
- 4. When a Main Extension is required, the policies stated herein below shall apply to the Applicant.
 - A. A Main Extension agreement shall be executed between the Applicant and the Borough for each Main Extension.
 - B. The Applicant shall submit complete plans of the proposed Main Extension showing in detail the locations and sizes of proposed Water Mains and related facilities to the Borough for approval. Plans shall be prepared in accordance with the Borough's specifications.
 - C. The Applicant shall bear all costs of the Main Extension, including construction, engineering, preparation of as-built reference drawings,

administrative, legal and inspection costs, except as stated otherwise below.

- D. No construction of water facilities shall commence until the plans submitted by the Applicant are approved by the Borough, a Main Extension agreement is executed and the Applicant satisfies all Borough regulations.
- E. All Main Extensions shall extend the entire length of the property to be served in all directions unless otherwise approved by the Borough.
- F. All Main Extensions shall be constructed in public rights-of-way.
- G. All areas of the Main Extension shall be graded to the satisfaction of the Borough prior to construction of the Main Extension.
- H. The Applicant shall guarantee the mains and appurtenances that are furnished and installed, and shall remedy, at no cost to the Borough, any defects that develop therein during a period of one year from the date of final acceptance of the constructed facilities by the Borough.
- I. The Main Extension and other water facilities shall become the absolute property of the Borough on the date of formal acceptance by the Borough.
- J. The Applicant shall construct all Main Extensions to the requirements and specifications of the Borough and shall bear all costs of the main construction, including the costs of the inspection required by the Borough.
- K. The Borough may increase or decrease at its discretion the main sizes required under its rules and regulations for water service or its specifications. If the Borough increases the size of a Main Extension beyond an eight-inch diameter main or beyond the size required to serve the Applicant's needs, whichever is the larger, the additional cost thereof shall be borne by the Borough.
- L. The Borough shall charge the property Owner or developer for any and all expenses it may incur in connection with the property Owner's or developer's installation of a water extension, including, but not limited to, review of plans, drawings, specifications and permit applications; meters; construction inspection and testing; Borough administrative expenses, legal and engineering services; and other expenses related to the extension.

- M. The Applicant shall furnish and install, at his own expense, the necessary Service Connection(s). Each Service Connection shall include the connection to the main, corporation stop, service line, curb stop, curb box and meter pit, if required, and is subject to Borough approval as to location and construction.
- 1) The Borough reserves the right to furnish and install any Service Connection.
 - 2) The Borough shall furnish and install a meter at each Service Connection.
- N. The Applicant shall dedicate and the Borough shall accept, by written notification, the dedication of any Water Mains and appurtenances constructed under the Main Extension agreement, provided that the same are installed and tested in compliance with Borough specifications.
- O. Until conveyed to another Owner, the Applicant and his assigns will be responsible for payment of all charges for water service to each service Unit.
5. The Borough shall have the right to discontinue water service for any of the reasons specified in these rules and regulations.
 6. The Borough accepts no responsibility or liability and shall be under no obligation to maintain, repair or replace any water facilities on the Customer's side of the curb stop, with the exception of the water meter.
 7. The Main Extension agreement, together with all its terms and conditions, shall be binding upon and inure to the benefit of the respective successors or assigns or personal representatives of the parties thereto, as the case may be, but the agreement, other than the right to receive such payments as may be due thereunder, may not be assigned by the Applicant without the prior written consent of the Borough.
 8. The Borough reserves the right to construct the Main Extension at the Applicant's expense. If the Borough decides to construct the Main Extension, an estimate of preconstruction costs shall be furnished to the Applicant for the Applicant's information. After preconstruction engineering and administrative items are completed, an estimate of construction and related costs shall be furnished to the Applicant for the Applicant's information, and the Applicant shall deposit an amount equal to those costs with the Borough within 10 days

thereafter. After receiving the deposits, the Borough shall proceed with the main-extension construction. A tabulation of the total main-extension costs shall be submitted to the Applicant. If the total cost is less than the Applicant's total deposits, the Borough shall return any excess moneys deposited. If the total cost exceeds the Applicant's deposits, the Applicant shall pay the excess amount prior to the receipt of water service, but in no event more than 30 days after the Applicant's receipt of the amount of the total costs.

9. Deposits for Main Extensions shall not bear interest.

§ 28-110 Fees, Rates, Billing and Payments.

1. Fees, Rates and Charges. [**§ 28-4.3**] Every Owner of an Improved Property connected to the Water System shall pay charges for water service at reasonable fees and rates as established by the Schedule of Water Fees and Rates resolution by the Borough Council.
2. Billing and Collection Procedures. [**§ 28-4.6 and § 28-6**] [**Ordinance 95-07, November 21, 1995, Article 6**] From time to time, by resolution adopted at a public meeting, the Borough shall establish billing and collection procedures imposed pursuant to this Part.
 - A. All meters shall be read monthly and billed before the 15th day of the following month.
 - B. All bills for water shall be rendered and payable monthly. Any bill not paid after 20 days from the date of the bill shall be subject to a five 5% penalty fee.
 - C. All bills will be mailed to the address designated on the application for service or to the Owner of the property and failure to receive bills, when so mailed, will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are paid at face. The date of postmark will be considered as the date of payment of bills paid by mail, provided that the payment is actually received within three days after the postmark date. All changes of address shall be promptly reported to the Borough in writing.
 - D. Failure of the Customer to make proper payment shall result in a lien upon the real estate served by this water service.

- E. The Owner of the property served shall be responsible to the Borough of Mifflinburg for payment for all water furnished to the property, irrespective of any agreement between the property Owner and a third party. The bill shall, in all cases, be rendered to the Owner of the property unless the Borough is notified by said Owner to render the bill to some other Person, and which assignment is approved by the Borough, in which case the Owner shall nevertheless remain primarily liable for the payment of all water bills. Municipal claims may be filed against the Owner for bills remaining unpaid for six months as permitted by the Municipal Claim and Tax Lien Law, 53 P.S. 7101 et. seq.

3. Turn-Off and Turn-On Fees. [**§ 28-4.4**]

- A. The Borough shall have the right to terminate water service to an Improved Property for which fees or charges are delinquent after the Customer's failure to pay within a period of time as established from time to time by resolution of Borough Council.
- B. Whenever the Borough exercises such right, it shall charge and collect a turn-off fee and a turn-on fee, in addition to the delinquent fees and charges due, before restoring water service to the Improved Property.

4. Meter Reinstallation and Removal Fees. [**§ 28-5.4**]

- A. A charge for reinstallation of meters, when removed for repairs because damaged in any way through no fault of the Borough, shall be as directed by the Borough by resolution, which charges include the cost of repairs and replacements, including test.
- B. When meters are removed at the request of the Owner for testing, the following rules of the Public Utility Commission shall apply: "If a meter so tested shall be found to be accurate, within the limits therein specified, a fee indicated by Borough rate resolution shall be paid to the utility by the Customer requiring such test; if not so found, then the cost thereof shall be borne by the utility furnishing the service."

5. Schedule of Water Fees and Rates. [**§ 28-4.5**] From time to time, by resolution adopted at a public meeting, the Borough shall set the fees and rates imposed under this Part and shall adopt and keep available to the public a schedule of water fees and rates.

6. Liens for Fees and Charges. [§ 28-4.7] Fees and charges imposed under this Part with respect to an Improved Property shall be liens on the Improved Property until paid. Such liens shall be promptly executed by appropriate filings in the Office of the Prothonotary of Union County, Pennsylvania, and shall be enforced in the manner provided by law for collection of municipal claims.
7. Civil Actions. [§ 28-4.8] The Borough may collect delinquent water charges by civil action.

§ 28-111. Discontinuance of Service. [§ 28-5.2-3] [Ordinance 95-07, November 21, 1995, Article 5]

1. Discontinuance of Service. Service may be discontinued for any of the following reasons:
 - A. For misrepresentation, in application as to property or fixtures to be supplied, or the use to be made of the water supply.
 - B. For the use of water for any purpose other than that described in the application.
 - C. For alterations to property or fixtures covered by application or changes in the use to be made of the water supply, without notice to and the consent of the Borough.
 - D. For willful waste of water through improper or imperfect pipes, fixtures, meters or otherwise. [§ 28-10.4] The water must not be kept running at any time longer than its legitimate use requires.
 - E. For supplying water to other Persons or premises without written permission from the Borough. Customers shall have their water service discontinued five days after receipt of written notice of the violation and it shall remain so until such time as the Customer has complied.
 - F. For use of any siphon pump.
 - G. For failure to protect the meter connections, service line or keep fixtures in good order.
 - H. For neglecting to make advance payment, for nonpayment of any account for water supplied, or water service, or for meter or service maintenance, or for any fee or charge pertaining to the water utility, within 20 days after notice.

- I. For tampering with any services, meter, curb stop, seal or any other appliances of the Borough controlling or regulating the water supply.
 - J. In case of vacancy of premises.
 - K. For failure to install and connect water meter.
2. Shut-Off/Disconnection Additional Information.
- A. Vacant Properties. Water will be turned off on any premises which is vacant upon the written order of the Owner, without in any way affecting the existing application. Customers wishing to discontinue the use of the water must give notice in writing to the Borough Office and must pay for all water used up to the time such notice is given.
 - B. Emergency/Urgent Situations. As necessity may arise, in case of breakdown, emergency or other unavoidable case, the Borough shall have the right to temporarily cut off the water supply to make necessary repairs, connects, etc., but the Borough shall not be liable for any damage or inconvenience resulting to the Owner by reason of such discontinuance. The Borough will use all reasonable measures to notify Customers in advance of interruptions to the supply.
 - C. Shut-Off Determination. No water fixtures, or appliance in connection therewith, will be considered shut off until it is removed or disconnected in a manner satisfactory to the Borough, so that it cannot be used again directly or indirectly.

§ 28-112. Violations. [§ 28-7. Ordinance 95-07, November 21, 1995, Article 7]

- 1. Separate Offenses. Each violation of a separate provision of this Part and each day of violation shall be a separate offense.
- 2. Penalties for Violation. A Person who violates this Part shall, upon conviction thereof in summary proceedings, be sentenced to pay a fine of no less than \$100 and, no more than \$300 plus court costs and reasonable attorney's fees or undergo jail time for a period not to exceed 30 days for each separate offense. Such fine or imprisonment shall be in addition to any other penalty imposed by any other Section of this Part.

§ 28-113. Administrative

1. Rights of the Borough. [§ 28-5.5] The Borough shall have the following rights and immunities:
 - A. The right to discontinue water service, without notice and without liability for harm or inconvenience to any Person or property Owner, in case of breakdown or other emergency or to make necessary repairs, connections or extensions.
 - B. The right to restrict or regulate the quantity of water served or the uses for which water will be served in case of scarcity or whenever, in the opinion of the Borough, the public welfare requires such restriction.
 - C. [§ 28-3.9] The right to inspect an Improved Property to determine compliance and the rules and regulations governing service from the Water System.
 - D. The right of access at all reasonable hours of the day to all parts of any property connected to the Water System to make reasonable inspection or to shut off water, upon reasonable notice, consent of the Owner or occupant, pursuant to an administrative search warrant, or upon exigent circumstances which have created an emergency which requires the Borough to address said exigent circumstances immediately.
 - E. Immunity from liability for any harm resulting to any Person or property on an Improved Property from leaks, broken pipes or lines, or any other cause occurring or existing on the Improved Property.
 - F. Immunity from liability for any damage to any connected property resulting from the bursting or breaking of any main or service pipe or any appliance or attachment to the Water System.
 - G. Immunity from liability for any harm or inconvenience from interruption of water service, lessening of the water supply, inadequate pressure, poor quality of water, or any cause beyond the Borough's control.
 - H. [§ 28-3.8] If any Person shall fail or refuse to remedy any unsatisfactory condition of a Building Connection within 45 days after written notice from the Borough, the Borough has the right to refuse to permit the Person to receive water from the Water System until the unsatisfactory condition has been remedied to the satisfaction of the Borough.

- I. The right to refuse to connect or provide service to any property and the right to discontinue service to any property in order to enforce the Borough's rules and regulations or to collect its charges.
- J. [§ 28-11.1] The right to alter and amend any rules and regulations pertaining to this Part.
- K. No Person shall use or authorize to use any pipe, pipe fitting, solder or flux that is not lead-free in the construction, modification or repair of any plumbing system of the Borough. A Person requesting or applying for connection to the Water System shall certify to the Borough that the materials used in the construction of the plumbing system to be connected are lead free. The terms "plumbing system" and "lead free" shall have the meanings given in the Plumbing System Lead Ban and Notification Act (35 P.S. § 723.1 et seq.). All plumbing fixtures used in new construction repairs or renovations shall be of such design as to promote water conservation.

2. Duties of the Borough Manager. [§ 28-9] [Ordinance 95-07, November 21, 1995, Article 9]

It shall be the duty of the Borough Manager to exercise a general supervision over the waterworks and water supplies of the Borough, subject to the direction of the Borough Council, to inspect frequently, the filter plant, spring house and well, the intake dam, reservoir and the grounds in anywise connected with the same, and to see that they are kept in good condition; to go over the general system frequently, examine intake, valves, blow-offs, hydrants, etc., and see that they are kept in good order and repair; to tap the mains and make good connections or superintend such tapplings and connections, and to enforce the observance of the water ordinance of the Borough.

Part 2

CONSTRUCTION AND DESIGN STANDARDS FOR THE SUPPLY OF WATER

§ 28-201. General Provisions. [Ord. No. 2022-01, 1/18/2022]

All construction and design standards shall comply and be in accordance with the Borough's Construction and Design Standards for the Supply of Water, as from time to time as revised and/or amended by resolution of Borough Council.

SECTION 2:

Except as set forth hereafter, all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3:

The provisions of this Ordinance are severable. If any sentence, clause, section or part of this Ordinance, or the application thereof to any Person or circumstance, is for any reason found to be illegal, invalid or unconstitutional by a court of competent jurisdiction, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining sentences, clauses, sections or parts of this Ordinance, or their application to other Persons or circumstances. It is hereby declared to be the intent of the Borough Council of the Borough of Mifflinburg that this Ordinance would have been adopted had such illegal, invalid or unconstitutional sentence, clause, section or part not been included herein.

SECTION 4:

This Ordinance shall be effective as set forth below and shall remain in effect unless repealed or modified by Ordinance of the Borough of Mifflinburg.

SECTION 5:

In all other respects, Chapter 28 Water of the Code of the Borough of Mifflinburg shall remain as heretofore enacted, ordained and amended, which said Chapter as amended, is hereby re-enacted in its entirety herein.

This Ordinance to amend Chapter 28, Part 1, §§ 28-1 through 28-11, and Chapter 28, Part 2, § 28-201, of the Borough of Mifflinburg Code of Ordinances shall affect only those aforementioned Sections. The remainder of Chapter 28 is hereby affirmed and shall remain in full force and effect.

This Ordinance shall become effective immediately upon passage.

ORDAINED and **ENACTED** this 20th day of October 2026, at a duly assembled public meeting by the Borough Council of the Borough of Mifflinburg.

ATTEST:

BOROUGH OF MIFFLINBURG

Margaret A. Metzger, Secretary

By:_____
Beverly L. Hackenberg, President

Approved this ____ day of _____, 2026

David M. Cooney, Mayor