

RESOLUTION NO. 2-2010

A RESOLUTION OF THE BOROUGH OF KUTZTOWN,
COUNTY OF BERKS, COMMONWEALTH OF
PENNSYLVANIA, AMENDING AND SUPERSEDING THE
CHARGES FOR THE DISTRIBUTION AND SUPPLY OF
WATER AS CURRENTLY SET FORTH IN RESOLUTION NO.
36-2009, ADOPTED ON SEPTEMBER 15, 2009, BY THE
COUNCIL OF THE BOROUGH OF KUTZTOWN.

WHEREAS, the Borough of Kutztown (the "Borough") is a Pennsylvania municipal corporation organized and existing pursuant to the Borough Code of the Commonwealth of Pennsylvania, as adopted on February 1, 1965, P.L. 1656, No. 581, as amended and supplemented from time to time; and

WHEREAS, the Borough owns and manages a water distribution system which provides potable water to the residents of the Borough of Kutztown; and

WHEREAS, the Borough has amended certain charges for the distribution and supply of water to its residents as previously set forth in Resolution 36-2009 adopted on September 15, 2009, by the Borough Council of the Borough of Kutztown; and

WHEREAS, the Borough desires to further amend the charges for the distribution and supply of water to its residents and customers by altering the definition of Average System EDU Equivalent by expressing it as a definitive twelve (12) month period rather than a rolling twelve (12) month period.

NOW, THEREFORE, it is hereby resolved by the Council of the Borough of Kutztown, County of Berks, Commonwealth of Pennsylvania, as follows:

SECTION 1. The rates and charges associated with the distribution and supply of potable water to the residents and businesses of the Borough of Kutztown shall be as set forth below, until such time as further amended by Resolution of the Borough Council:

SECTION 1. The charge for the consumption of water provided by the Borough to its residents shall be either a monthly charge for each calendar month or a quarterly charge for each calendar quarter, payable as hereinafter provided, computed as set forth in Section 1 (a) or (b) below:

(a) The monthly charge to each consumer account shall be the sum of the following charges:

1. A "ready to serve" flat charge to be paid monthly by each water customer account, in the amount of Eight Dollars and Sixty Cents (\$8.60).

2. An “equivalent dwelling unit” (hereinafter “EDU”) charge to each account customer served, to be calculated as follows:

$$\text{EDU Charge} = \$3.30 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the month and where the “Annualized Average System EDU Equivalent” for each month shall be a quantity expressed in gallons constituting the average of the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

3. A “consumption” charge for water consumption by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:

- A. The first 250,000 gallons or less per month
\$3.37 per 1,000 gallons
- B. The next 500,000 gallons or less per month
\$3.43 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month
\$3.48 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month
\$3.55 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month
\$3.61 per 1,000 gallons
- F. The water consumption shall be measured by a meter or meters installed by the Borough, and all bills shall be calculated upon the basis of the registration of such meter or meters. If a meter ceases to register or is found defective, the quantity of water consumed shall be determined by taking the average water consumption during the one year or lesser period if water service had not been furnished for a period of one year.

(b) In the event that the Borough Council of the Borough of Kutztown decides to institute a quarterly charge for the consumption of water, the quarterly charge for each consumer account shall be the sum of the following charges:

1. A “ready to serve” flat charge to be paid quarterly to be calculated by multiplying the amount of \$25.76 by the number of customer water accounts of the Kutztown Municipal Authority utilizing Borough of Kutztown Water Capacity.

2. An “equivalent dwelling unit” (hereinafter “EDU”) charge to each account customer served, to be calculated as follows:

$$\text{EDU Charge} = \$9.89 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the quarter and where the “Annualized Average System EDU Equivalent” for each quarter shall be a quantity expressed in gallons constituting the average of the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

3. A “consumption” charge for water consumption by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:

- A. The first 750,000 gallons or less per quarter
\$3.37 per 1,000 gallons
- B. The next 1,500,000 gallons or less per quarter
\$3.43 per 1,000 gallons
- C. The next 3,000,000 gallons or less per quarter
\$3.48 per 1,000 gallons
- D. The next 6,000,000 gallons or less per quarter
\$3.55 per 1,000 gallons
- E. The next 12,000,000 gallons or less per quarter
\$3.61 per 1,000 gallons

- F. The water consumption shall be measured by a meter or meters installed by the Borough, and all bills shall be calculated upon the basis of the registration of such meter or meters. If a meter ceases to register or is found defective, the quantity of water consumed shall be determined by taking the average water consumption during the one year or lesser period if water service had not been furnished for a period of one year.

SECTION 2. The charge for the consumption of water provided by the Borough to Kutztown Municipal Authority shall be either a monthly charge for each calendar month or a quarterly charge for each calendar quarter, payable as hereinafter provided, computed as set forth in Section 2 (a) or (b) below:

(a) The monthly charge to Kutztown Municipal Authority shall be the sum of the following charges:

- 1. A “ready to serve” flat charge to be paid monthly to be calculated by multiplying the amount of \$8.60 by the number of customer water accounts of the Kutztown Municipal Authority utilizing Borough of Kutztown Water Capacity.
- 2. An “equivalent dwelling unit” (hereinafter “EDU”) charge to each account customer served, to be calculated as follows:

$$\text{EDU Charge} = \$3.30 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the month and where the “Annualized Average System EDU Equivalent” for each month shall be a quantity expressed in gallons constituting the average of the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

- 3. A “consumption” charge for water consumption by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:
 - A. The first 250,000 gallons or less per month

\$3.43 per 1,000 gallons

- B. The next 500,000 gallons or less per month
\$3.48 per 1,000 gallons
- C. The next 1,000,000 gallons or less per month
\$3.54 per 1,000 gallons
- D. The next 2,000,000 gallons or less per month
\$3.61 per 1,000 gallons
- E. The next 4,000,000 gallons or less per month
\$3.67 per 1,000 gallons
- F. The water consumption shall be measured by a meter or meters installed by the Authority, and all bills shall be calculated upon the basis of the registration of such meter or meters. If a meter ceases to register or is found defective, the quantity of water consumed shall be determined by taking the average water consumption during the one year or lesser period if water service had not been furnished for a period of one year.

(b) In the event that the Borough Council of the Borough of Kutztown decides to institute a quarterly charge for the consumption of water, the: quarterly charge to Kutztown Municipal Authority shall be the sum of the following charges:

1. A “ready to serve” flat charge to be paid quarterly to be calculated by multiplying the amount of \$25.76 by the number of customer water accounts of the Kutztown Municipal Authority utilizing Borough of Kutztown Water Capacity.

2. An “equivalent dwelling unit” (hereinafter “EDU”) charge to each account customer served, to be calculated as follows:

$$\text{EDU Charge} = \$9.89 \times (\text{Customer Usage} \div \text{Annualized Average System EDU Equivalent})$$

where “Customer Usage” shall be equal to the total metered number of gallons of water consumed by the account customer during the quarter and where the “Annualized Average System EDU Equivalent” for each quarter shall be a quantity expressed in gallons constituting the average of the System EDU Equivalent for the preceding calendar year. The “System EDU Equivalent” for the preceding calendar year shall be determined by dividing the total number of gallons of water consumed during the

preceding calendar year by all residential water customers of the Borough of Kutztown and the Kutztown Municipal Authority by the total number of residential water customer accounts of the Borough of Kutztown and the Kutztown Municipal Authority during said year.

3. A “consumption” charge for water consumption by the consumer, based upon water consumption metered at the consumer’s property, to be calculated as follows:
 - A. The first 750,000 gallons or less per quarter
\$3.43 per 1,000 gallons
 - B. The next 1,500,000 gallons or less per quarter
\$3.48 per 1,000 gallons
 - C. The next 3,000,000 gallons or less per quarter
\$3.54 per 1,000 gallons
 - D. The next 6,000,000 gallons or less per quarter
\$3.61 per 1,000 gallons
 - E. The next 12,000,000 gallons or less per quarter
\$3.67 per 1,000 gallons
 - F. The water consumption shall be measured by a meter or meters installed by the Authority, and all bills shall be calculated upon the basis of the registration of such meter or meters. If a meter ceases to register or is found defective, the quantity of water consumed shall be determined by taking the average water consumption during the one year or lesser period if water service had not been furnished for a period of one year.

SECTION 3. Water Meter Test. In the event that any customer or resident of the Borough desires to have their water meter tested to determine the validity or accuracy of same the charges for such test shall be \$50.00.

SECTION 4. Fire Hydrant Rental.

(a) In the event that the Borough of Kutztown institutes a monthly fee for Fire Hydrant rentals the fees for such monthly rental shall be as set forth in Sections 4 (a) (1) and (2) below:

1. A Rental of Thirty-nine and 60/100 Dollars (\$39.60) per month is hereby imposed for each fire hydrant

connected to the water distribution system of the Borough of Kutztown, whether such hydrant is located upon private property or located and placed along public streets and alleys, within the corporate boundary limits of the Borough of Kutztown.

2. A rental of Forty and 25/100 Dollars (\$40.25) is hereby imposed on the Kutztown Municipal Authority for each fire hydrant connected to the water distribution system of the Kutztown Municipal Authority and as to which the Borough of Kutztown furnishes the water capacity and supply.

(b) In the event that the Borough of Kutztown institutes a quarterly fee for Fire Hydrant rentals the fees for such quarterly rental shall be as set forth in Sections 4 (b) (1) and (2) below:

1. A Rental of One Hundred Eighteen and 80/100 Dollars (\$118.80) per quarter is hereby imposed for each fire hydrant connected to the water distribution system of the Borough of Kutztown, whether such hydrant is located upon private property or located and placed along public streets and alleys, within the corporate boundary limits of the Borough of Kutztown.

2. A rental of One Hundred Twenty and 75/100 Dollars (\$120.75) is hereby imposed on the Kutztown Municipal Authority for each fire hydrant connected to the water distribution system of the Kutztown Municipal Authority and as to which the Borough of Kutztown furnishes the water capacity and supply.

SECTION 5. Sprinkler Systems.

(a) In the event that the Borough of Kutztown institutes a monthly fee for the furnishing of stand-by fire protection by means of sprinkler systems served by the Borough of Kutztown, the customer shall be responsible for the following charges in addition to any other charge imposed by these regulations, as follows:

1. The monthly charge for the furnishing of stand-by fire protection to a consumer's property, served by means of sprinkler systems served by the Borough of Kutztown, in addition to any other charge imposed by these regulations, shall be follows:

| | |
|----------------------|----------|
| 4 inch service line | \$101.34 |
| 6 inch service line | \$129.23 |
| 8 inch service line | \$253.16 |
| 10 inch service line | \$350.52 |
| 12 inch service line | \$564.39 |

2. The monthly charge to be imposed upon the Kutztown Municipal Authority for furnishing of stand-by fire protection to a consumer's property, by means of sprinkler systems served by the Kutztown Municipal Authority, in addition to any other charge (including those for consumption) imposed by these regulations, shall be as follows:

| | |
|----------------------|----------|
| 4 inch service line | \$102.98 |
| 6 inch service line | \$131.31 |
| 8 inch service line | \$257.26 |
| 10 inch service line | \$356.20 |
| 12 inch service line | \$573.57 |

(b) In the event that the Borough of Kutztown institutes a quarterly fee for the furnishing of stand-by fire protection by means of sprinkler systems served by the Borough of Kutztown, the customer shall be responsible for the following charges in addition to any other charge imposed by these regulations, as follows:

1. The quarterly charge for the furnishing of stand-by fire protection to a consumer's property, served by means of sprinkler systems served by the Borough of Kutztown, in addition to any other charge imposed by these regulations, shall be follows:

| | |
|----------------------|-----------|
| 4 inch service line | \$304.00 |
| 6 inch service line | \$387.67 |
| 8 inch service line | \$759.46 |
| 10 inch service line | \$1051.56 |
| 12 inch service line | \$1693.15 |

2. The quarterly charge to be imposed upon the Kutztown Municipal Authority for furnishing of stand-by fire protection to a consumer's property, by means of sprinkler systems served by the Kutztown Municipal Authority, in addition to any other charge (including those for consumption) imposed by these regulations, shall be as follows:

| | |
|---------------------|----------|
| 4 inch service line | \$308.95 |
| 6 inch service line | \$393.93 |
| 8 inch service line | \$771.77 |

| | |
|----------------------|-----------|
| 10 inch service line | \$1068.58 |
| 12 inch service line | \$1720.69 |

SECTION 6. Reconnections.

(a) In the event that water service to a consumer has been terminated, the fee for reconnection to the Borough's water system shall be as follows and payable in full prior to reconnection:

1. Reconnections performed during the normal workday hours of the Borough shall equal the sum total of the following:

(a) Reconnection fee of \$15.00.

(b) Utilities Division labor: one-hour labor rate (as established by § A231-2, as amended from time to time by resolution).

(c) Truck time (using pickup truck): one-half hour equipment rate (as established by § A231-2, as amended from time to time by resolution).

(d) The sum total of Subsection 6(a)(1) (a), (b) and (c) which shall be rounded up to the nearest whole dollar.

(e) Plus delinquent bill (if any).

2. Reconnections performed after the normal workday hours of the Borough shall equal the sum total of the following:

(a) Reconnection fee of \$35.00.

(b) Utilities Division labor: two-hour labor rate at the overtime rate (as established by § A231-2, as amended from time to time by resolution).

(c) Truck time (using pickup truck): one-half hour equipment rate (as established by § A231-2, as amended from time to time by resolution).

(d) The sum total of Subsection 6 (a)(2) (a), (b) and (c) which shall be rounded up to the nearest whole dollar.

(e) Plus delinquent bill (if any).

SECTION 2. This Resolution and the rates set forth herein shall become effective commencing with all consumption and charges included in the first monthly or quarterly billing for the period commencing on January 1, 2010, and for each calendar month or quarter thereafter. The Borough Council shall have the right, however, to make such changes from time

to time as in the opinion of the Borough Council may be desirable or beneficial and the Borough Council shall have the right to amend this Resolution or change the rates of charge in such manner and at such times as in the opinion of the Borough Council may be desirable.

SECTION 3. If any of the provisions, sections, sentences, clauses or parts of this Resolution or the application of any provision hereof shall be held invalid, such invalidity shall not affect or impair any of the remainder of this Resolution, it being the intention of the Borough Council that such remainder shall be and remain in full force and effect.

SECTION 4. All resolutions or parts of resolutions inconsistent herewith are expressly repealed.

DULY ADOPTED as a Resolution by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 4th day of January, 2010.

BOROUGH OF KUTZTOWN

By: Malcolm Eidle (signed)
Borough Council President

(AUTHORITY SEAL)

Attest: Bonnie Bray (signed)
Secretary of the Borough

Approved as a Resolution this 4th day of January, 2010.

Sandra Green (signed)
Mayor

Transcribed this 5th day of January, 2010.