

ORDINANCE NO. 2018- _____

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, AMENDING CHAPTER 135, ARTICLE II OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED “ELECTRIC RATES”; AMENDING CHAPTER 160 OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED “GAS”; AMENDING CHAPTER 242, ARTICLE IV OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED “SEWER CHARGES; SEWER USE”; AMENDING CHAPTER 248 OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED “SOLID WASTE”; AMENDING CHAPTER 251, ARTICLE IX OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED “STORM SEWER UTILITY”; AMENDING CHAPTER 292 OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED “WATER”; ALL OF WHICH AMENDMENTS REFERENCE THE STANDARDS SET FORTH IN THE UTILITY SERVICE MANUAL AND INLCUDE PROVISIONS IN THE RESPECTIVE CHAPTERS TO ADDRESS BILLING ADJUSTMENTS AND TO PROVIDE GENERAL AUTHORIZATION TO ESTABLISH RULES, REGULATIONS, PROVISIONS, TERMS, OR STANDARDS OF SERVICE.

WHEREAS, The Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania have, on the same date of the adoption of this Ordinance, established by resolution an updated Utility Service Manual, dated February __, 2018; and

WHEREAS, The Mayor and Town Council of the Borough of Chambersburg, deem it to be in the best interest and the general welfare of the citizens and residents of the Borough to amend Chapter 135, Article II; Chapter 160; Chapter 242, Article IV; Chapter 248; Chapter 251, Article IX; and Chapter 292 of the Code of the Borough of Chambersburg (collectively the “Utility Provisions”) to appropriately reference the Utility Service Manual in the Utility Provisions; and

WHEREAS, The Mayor and Town Council of the Borough of Chambersburg also desire that the Utility Provisions reference the authorization to making billing adjustments and provide general authorization to establish, by resolution, rules, regulations, and other service provisions that are in the best interest of the Borough.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by The Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

SECTION 1. Chapter 135, Article II, Section 135-17 of the Code of the Borough of Chambersburg, entitled “Terms of payment for residential services” is hereby amended to change

the title to “Terms and Conditions of Electric Services” and the contents thereof shall be amended to read as follows:

Terms and conditions of service, including, but not limited to: establishing service, billing for service, interest and penalties, payment requirements, and termination of service shall be in accordance with the Utility Service Manual, as may be revised from time to time by the Mayor and Town Council, and shall be available for public inspection at the Utility Offices at Borough Hall, the Utilities Service Center at 80 South Franklin Street, and online at www.chambersburgpa.gov.

SECTION 2. Chapter 135, Article II, Section 135-18 of the Code of the Borough of Chambersburg, entitled “Terms of payment for nonresidential services” is hereby amended to change the title to “Billing Adjustments” and the contents thereof shall be amended to read as follows:

Where, as a result of equipment malfunction, estimated billing, billing error, or other circumstances, electric service is rendered, but not billed, the un-billed electric service may be retroactively charged to the customer, provided that the services at issue were rendered within the last three (3) years. The charges for service shall be determined in accordance with the Utility Service Manual adopted by Town Council from time to time.

SECTION 3. Chapter 135, Article II, Section 135-19 of the Code of the Borough of Chambersburg, entitled “Regulations under which electricity will be furnished” is hereby amended to change the title to “General Authorization” and the contents thereof shall be amended to read as follows:

Town Council shall have the right to establish, from time to time, by resolution, rules, regulations, provisions, terms or standards under which electric service shall be rendered, which shall be supplemental to the standards set forth in the Utility Service Manual.

SECTION 4. Chapter 160, Section 4 of the Code of the Borough of Chambersburg, entitled “Terms of payment for residential service”, is hereby amended to change the title to “Terms and Conditions of Gas Services” and the contents thereof shall be amended to read as follows:

Terms and conditions of service, including, but not limited to: establishing service, billing for service, interest and penalties, payment requirements, and termination of service shall be in accordance with the Utility Service Manual, as may be revised from time to time by the Mayor and Town Council, and shall be available for public inspection at the Utility Offices at Borough Hall, the Utilities Service Center at 80 South Franklin Street, and online at www.chambersburgpa.gov.

SECTION 5. Chapter 160, Section 5 of the Code of the Borough of Chambersburg, entitled “Terms of payment for nonresidential services” is hereby amended to change the title to “Billing Adjustments” and the contents thereof shall be amended to read as follows:

Where, as a result of equipment malfunction, estimated billing, billing error, or other circumstances, gas service is rendered, but not billed, the un-billed gas service may be retroactively charged to the customer, provided that the services at issue were rendered within the last three (3) years. The charges for service shall be determined in accordance with the Utility Service Manual adopted by Town Council from time to time.

SECTION 6. Chapter 160, Section 6 of the Code of the Borough of Chambersburg, entitled “Regulations under which service will be rendered” is hereby amended to change the title to “General Authorization” and the contents thereof shall be amended to read as follows:

Town Council shall have the right to establish, from time to time, by resolution, rules, regulations, provisions, terms or standards under which gas service shall be rendered, which shall be supplemental to the standards set forth in the Utility Service Manual.

SECTION 7. Chapter 242, Article IV, Section 21 of the Code of the Borough of Chambersburg, entitled “Terms of payment for residential services”, is hereby amended to change the title to “Terms and Conditions of Sewer Services” and the contents thereof shall be amended to read as follows:

Terms and conditions of service, including, but not limited to: establishing service, billing for service, interest and penalties, payment requirements, and termination of service shall be in accordance with the Utility Service Manual, as may be revised from time to time by the Mayor and Town Council, and shall be available for public inspection at the Utility Offices at Borough Hall, the Utilities Service Center at 80 South Franklin Street, and online at www.chambersburgpa.gov.

SECTION 8. Chapter 242, Article IV, Section 22 of the Code of the Borough of Chambersburg, entitled “Terms of payment for nonresidential services” is hereby amended to change the title to “Billing Adjustments and General Authorization” and by replacing the contents thereof with subsection A. and B., which shall read as follows:

A. Where, as a result of equipment malfunction, estimated billing, billing error, or other circumstances, sewer service is rendered, but not billed, the un-billed sewer service may be retroactively charged to the customer, provided that the services at issue were rendered within the last three (3) years. The charges for service shall be determined in accordance with the Utility Service Manual adopted by Town Council from time to time.

- B. Town Council shall have the right to establish, from time to time, by resolution, rules, regulations, provisions, terms or standards under which sewer service shall be rendered, which shall be supplemental to the standards set forth in the Utility Service Manual.

SECTION 9. Chapter 248, Section 6 of the Code of the Borough of Chambersburg, entitled “Fees and assessments” is hereby amended to change the title to “Terms and Conditions of Sanitation Services” and to replace the contents of subsections C., D., E., and F., thereof with the following:

- C. The owner of the real estate served or to which the service is available shall be responsible to the Borough for payment of the sanitation service fees or assessments herein provided, regardless of to whom the bill is rendered.
- D. Terms and conditions of service, including, but not limited to: establishing service, billing for service, interest and penalties, payment requirements, and termination of service shall be in accordance with the Utility Service Manual, as may be revised from time to time by the Mayor and Town Council, and shall be available for public inspection at the Utility Offices at Borough Hall, the Utilities Service Center at 80 South Franklin Street, and online at www.chambersburgpa.gov.
- E. Where, as a result of equipment malfunction, estimated billing, billing error, or other circumstances, sanitation service is rendered, but not billed, the unbilled sanitation service may be retroactively charged to the customer, provided that the services at issue were rendered within the last three (3) years. The charges for service shall be determined in accordance with the Utility Service Manual adopted by Town Council from time to time.
- F. Town Council shall have the right to establish, from time to time, by resolution, rules, regulations, provisions, terms or standards under which sanitation service shall be rendered, which shall be supplemental to the standards set forth in the Utility Service Manual.

SECTION 10. Chapter 251, Article IX, Section 50 of the Code of the Borough of Chambersburg, entitled “Billing” is hereby amended to change the title to “Terms and Conditions of Storm Sewer Services” and to replace the contents thereof in their entirety with the following:

- A. Terms and conditions of service, including, but not limited to: establishing service, billing for service, interest and penalties, payment requirements, and termination of service shall be in accordance with the Utility Service Manual, as may be revised from time to time by the Mayor and Town Council, and shall be available for public inspection at the Utility Offices at Borough Hall,

the Utilities Service Center at 80 South Franklin Street, and online at www.chambersburgpa.gov.

- B. Where, as a result of equipment malfunction, estimated billing, billing error, or other circumstances, storm sewer service is not billed, the un-billed storm sewer service may be retroactively charged to the customer for service rendered within the last three (3) years. The charges for service shall be determined in accordance with the Utility Service Manual adopted by Town Council from time to time.
- C. Town Council shall have the right to establish, from time to time, by resolution, rules, regulations, provisions, terms or standards under which storm sewer service shall be rendered, which shall be supplemental to the standards set forth in the Utility Service Manual.
- D. Each customer shall pay a storm sewer service fee regardless if any other utility services are furnished to said property or parcel. For example, disconnection of water or sanitary sewer service does not remove the requirement to pay the storm sewer service fee. Only undeveloped land may be exempt.
- E. The owner of the real estate served shall be responsible to the Borough for payment of the storm sewer service fees herein provided, regardless of to whom the bills are rendered.

SECTION 11. Chapter 251, Article IX of the Code of the Borough of Chambersburg, entitled “Storm Sewer Utility” is hereby amended by removing Section 51, entitled “Payment for delinquency”, Section 52, entitled “Storm sewer fees constitute lien on property”, and Section 53, entitled “interest on unpaid storm sewer service fees” as such provisions are addressed in the Utility Service Manual established by Town Council.

SECTION 12. Chapter 292, Section 13 of the Code of the Borough of Chambersburg, entitled “Terms of payment for residential services”, is hereby amended to change the title to “Terms and Conditions of Water Services” and the contents thereof shall be amended to read as follows:

Terms and conditions of service, including, but not limited to: establishing service, billing for service, interest and penalties, payment requirements, and termination of service shall be in accordance with the Utility Service Manual, as may be revised from time to time by the Mayor and Town Council, and shall be available for public inspection at the Utility Offices at Borough Hall, the Utilities Service Center at 80 South Franklin Street, and online at www.chambersburgpa.gov.

SECTION 13. Chapter 292, Section 14 of the Code of the Borough of Chambersburg, entitled “Terms of payment for nonresidential services” is hereby amended to change the title to “Billing

Adjustments and General Authorization” and by replacing the contents thereof with subsection A. and B., which shall read as follows

- A. Where, as a result of equipment malfunction, estimated billing, billing error, or other circumstances, water service is rendered, but not billed, the un-billed water service may be retroactively charged to the customer, provided that the services at issue were rendered within the last three (3) years. The charges for service shall be determined in accordance with the Utility Service Manual adopted by Town Council from time to time.
- B. Town Council shall have the right to establish, from time to time, by resolution, rules, regulations, provisions, terms or standards under which water service shall be rendered, which shall be supplemental to the standards set forth in the Utility Service Manual.

SECTION 14. Savings Clause. In all other respects, the Code of the Borough of Chambersburg shall remain as previously enacted and ordained.

SECTION 15. Severability. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

SECTION 16. Repealer. All provisions of previous ordinances of the Borough of Chambersburg which are contrary to this Ordinance are expressly repealed.

SECTION 17. This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this ____ day of _____, 2018.

Heath Talhelm
President of Town Council

ATTEST:

Jamia L. Wright
Secretary of Town Council

Walter Bietsch
Mayor