

**BOROUGH OF TRAPPE**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 431**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 326 OF THE CODE OF THE BOROUGH OF TRAPPE ADDING PROVISIONS FOR SHUTOFF OF WATER SERVICE IN THE EVENT OF REFUSAL OF ENTRY FOR THE PURPOSE OF INSPECTION, MAINTENANCE, REPAIR OR REPLACEMENT OF WATER SERVICE FACILITIES, AND TO UPDATE PROVISIONS REGARDING NOTICE OF WATER SHUTOFF IN THE EVENT OF NON-PAYMENT OF WATER OR SEWER FEES OR DENIAL OF ACCESS.**

Be it **ORDAINED** and **ENACTED** by the Borough Council, Borough of Trappe, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

**SECTION 1.** Section 326-7 of the Code of the Borough of Trappe is hereby amended to read as follows:

“All water rates shall be due and payable quarterly at the time and place designated on the bill, as and when bills are not paid when due, a ten percent (10%) penalty shall be added to such rate, and the delinquent consumer shall be given ten (10) days’ notice to pay the rate and penalty in writing. If at the expiration of that time the rate is not paid, the Director of Public Works, or other person designated by Council, shall thereupon shut off the water supply of the delinquent consumer and the same shall not be turned on again until the water rates of such consumer are paid in full and, in

addition, there shall be a charge as shall be set by resolution of the Borough Council from time to time for turning on the water.”

**SECTION 2.** Section 326-9 of the Code of the Borough of Trappe is hereby revised to read as follows:

“§326-9. Notice to Property Owner of Shutoff for Non-Payment or Denial of Access.

A. The notice referenced in §326-7 shall have printed or written on it the following statement:

‘To Owner or Owners of the above-described property: You are hereby notified that if the above-stated municipal claim now due and owing to the Borough is not paid within ten (10) days from service of this notice, the same will be collected according to law and in addition thereto service of water to said property may be discontinued until all rates and service charges are paid, including the charge for restoring of such service.’

B. The notice referenced in “§326-15(C) shall have printed or written on it the following statement:

‘To the Owner or Owners of the above-described property: You are hereby notified that if access to your premises by the Borough, through its agents, is not granted within ten (10) days from service of this notice, service of water to said property may be discontinued until access is granted and the charge for restoring such service is paid.’

C. These statements shall be dated and the notice shall be signed by the Borough Secretary and/or Director of Public Works.”

**SECTION 3.** Section 326-10 of the Code of the Borough of Trappe is hereby revised to read as follows:

“Section 326-10. Service of Notice of Non-Payment or

Denial of Access.

- A. The notice set forth in §326-9 shall be served upon the property being furnished with water, by posting written notice conspicuously on the main entrance of the property.
- B. Such notice shall also be mailed to the customer liable for payment, as well as the owner or property manager of the property, if different than the customer.”

**SECTION 4.** Section 326-15(C) of the Code of the Borough of Trappe is hereby amended to read as follows:

“Any damage done to a meter through freezing or neglect must be paid by the owner of the property. The Borough, through its agents, reserves to itself the right to disconnect the service pipes and remove the meter if it shall find it necessary to do so in order to protect itself against abuse or fraud. Additionally, the Borough, through its agents, shall have free access at all reasonable hours to all parts of the property to which water is supplied in order to make necessary inspections, maintenance, repairs or replacements of any portion of the water service facilities located on said property. Should said access either not be given or be denied, the consumer or property owner shall be given notice that if said access is not granted within ten (10) days, the water supply of the delinquent consumer or property owner shall be shut off and the same shall not be turned on again until said access is given, and in addition, there shall a charge as shall be set by resolution of the Borough Council from time to time for turning on the water.”

**SECTION 5.** Section 259-24 of the Code of the Borough of Trappe is hereby amended to read as follows:

“§259-24. Authority to Turn off Water if Sewer Use Charge is not Paid.

Whereas, state law requires a municipality to turn off water service to delinquent rental accounts when requested by a municipal authority, the Borough, or an authorized agent, is authorized to consider such request upon the municipal authority showing proof

that notice of delinquency was posted at said property at least ten (10) days prior to such requested shutoff. After all conditions are met, including the notice requirements contained in §326-9, and the sewer charges are still not paid, authorization is hereby given to terminate the water service in accordance with §326-7.”

**SECTION 6. Failure to Enforce not a Waiver**

The failure of the Borough of Trappe to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of Trappe of its rights of future enforcement hereunder.

**SECTION 7. Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION 8. Repealer**

All other ordinances or parts of ordinances and any resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

**SECTION 9. Effective Date**

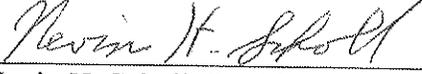
This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Borough Council of the Borough of Trappe,  
Montgomery County, Pennsylvania, this 1<sup>st</sup> day of December, 2015.

Attest;

  
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Robert T. Umstead, Municipal Secretary

**TRAPPE BOROUGH COUNCIL:**

  
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Nevin H. Scholl, President

**APPROVED** this 1<sup>st</sup> day of December, 2015.

  
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Connie Peck, Mayor