

BENNER TOWNSHIP WATER AUTHORITY

**RULES AND REGULATIONS
GOVERNING WATER SERVICE**

February 19, 2008

BENNER TOWNSHIP WATER AUTHORITY

RULES AND REGULATIONS

SECTION 1 - DEFINITIONS

- 1.1 Authority - The word "Authority" as used herein, shall mean the Benner Township Water Authority acting through its properly authorized officers, agents or employees when and only when acting within the scope of the duties entrusted to them.
- 1.2 Owner - The word "Owner" as used herein, means the person, firm, partnership, corporation or association having an interest as owner, whether legal or equitable, sole or partial, in any premises which is or is about to be supplied with water by the Authority.
- 1.3 Tenant -The word "Tenant" as used herein, means anyone, not an owner, occupying premises and obtaining water from the mains of the Authority.
- 1.4 Consumer -The word "Consumer" wherever used herein, means the owner or tenant as above defined, contracting for the use of water service for premises as hereinafter limited and classified:
- (a) A building under one roof owned or leased by one party and occupied for one residence or one business
 - (b) A combination of buildings owned or leased by one party and occupied for one residence or one business.
 - (c) One side of a double house having a solid partition wall.
 - (d) Each side or part of a building where a building is occupied by more than one family or more than one business shall be a separate unit, even though water may be secured from a common source.
 - (e) Each apartment, office or suite of offices located in a building having several such apartments, offices or suites or suites of offices, except that the owner of any apartment house or building may with the consent of the Authority, become responsible for all water used on the premises in which case such owner shall be considered as the consumer.
 - (f) Any group of dwelling units commonly known as trailers or other types of dwelling units not intended to be permanently affixed to the land within a definable area wherein the legal title to all of the land is held by one owner and may be charged to the owner with the consent of the Authority.
 - (g) Any trailer.
 - (h) Any person, group of persons, firm or corporation, private or public, who contracts for a supply of water for any use on any property or properties with the consent of the Authority and not herein above specifically classified.
- 1.5 Connection Fee - The cost to activate or install a physical connection from the Authority water main to the curb stop/valve.
- 1.6 Tapping Fee - A fee charged to each new customer for capacity related facilities.
- 1.7 Backflow Preventer - A device to prevent water or other substances contained in the water from flowing back into the Authority's system.
- 1.8 Curb Stop/Valve - A buried valve placed on a service line, usually located near the property line. A curb/valve box is used to access the Curb Stop/Valve.

SECTION 2 - APPLICATIONS FOR WATER SERVICE

2.1 Application Forms

Any property owner desiring the connection of a service or lines to their premises must make a written application on the form furnished by the Authority giving all information required, at least twenty (20) days before service is required, which application must be approved by the Authority or its duly authorized agent

before the water will be supplied. When required in writing by property owner, application for water service may be received from a tenant under the condition that the owner acts as a guarantor for the payment of all charges. Such action shall not relieve the owner of any obligation which exists under the Rules and Regulations of the Authority.

2.2 Deposits

The Authority may require a deposit from a consumer for reasons set forth in these Rules & Regulations. This deposit will be kept for a period of four (4) consecutive billing periods. All deposits shall be refunded with no accrued interest upon payment, without default, of any and all charges for this period.

(a) The Authority may require a deposit with the application of an amount equal to the minimum charge for the type of service proposed to be rendered for one year.

(b) The Authority may require a deposit before the resumption of service after termination for any violation of these Rules and Regulations. Such deposit shall be equal to the estimated water bill of four (4) consecutive billing periods.

(c) Any consumer having a deposit shall pay bills for water service as rendered in accordance with these Rules and Regulations and the deposit shall not be considered as payment on account of a bill during the time the consumer is receiving water service.

2.3 Past Due Charges

No application for service will be approved by the Authority or its agents until all arrearages and past due charges accrued on said property shall have been paid or satisfactory arrangements made in regard thereto.

2.4 Rules and Regulations

All water service shall be subject to all the lawful rules and regulations of the Authority at the time of application and as thereafter amended or added to.

2.5 Discontinuance of Service

The owner is responsible to notify the Authority in writing at least ten (10) days in advance if discontinuance of service is desired and until receipt of such notice in writing, charges for water service shall continue. There will be a \$10.00 service charge to turn water service off or on.

2.6 Changes in Tenancy or Ownership

A new application for service shall be made to and approved by the Authority or its duly authorized agent upon any change in ownership of the property or in any tenancy where the tenant is the consumer or for any change in service from that described in the application and the Authority shall have the right to discontinue service upon five (5) days notice until such new application has been made and approved.

2.7 Vacancies

Any consumer desiring abatement from charges during a temporary vacancy shall report the same in writing to the Authority. Water must be turned off at the curb stop and the water meter be removed for abatement of charges. Charges of Ten Dollars (\$10.00) for removal of meter and Ten Dollars (\$10.00) for replacement of meter will be made to the consumer. These charges must be paid prior to replacement of meter.

SECTION 3 - LIABILITY FOR DAMAGE

3.1 Damages

The Authority shall not be liable in any way for any damage or damages caused by breakage or leakage arising in any way in connection with the supply of water or for the failure of the supply or the freezing or deterioration of pipes and fixtures of the Authority.

SECTION 4 - CONNECTIONS

4.1 Definition of Connection

Upon approval of the application by any property owner and the payment of connection charges, the Authority will tap the main, insert a corporation valve, carry a service pipe to the curb and install a curb valve and curb box. The Authority may specify certain types of materials whose specifications may be given by the Authority from the curb stop to any building and in the event such specifications are not satisfactory to the customer a meter pit shall be supplied in accordance with section 6.9 of the Regulations at the edge of the property where a water meter can be placed and read at reasonable times. (See Appendix A)

4.2 Rights-of-Way for Connections

Service lines will not be installed or permitted when any portion of the service line pass over or through premises which at the time may be the property of persons other than the owner of the premises to be supplied unless the owner of the premises furnishes to the Authority a copy of a satisfactory right-of-way agreement across said premises, suitable for recordation at the expense of the owner.

4.3 Service Lines

Service lines beyond the curb stop shall be installed and maintained by and at the expense of the consumer and shall be of a size and quality approved by the Authority. It shall be laid not less than four (4') below the surface and shall not be covered until the connection on the main is made and service line tested. All plumbing connections shall be able to withstand a pressure of at least 150 pounds per square inch. Control of water supply by the consumer shall be by means of two (2) gate valves or ball valves and an A.S.S.E. approved backflow preventer, as described in Section 5.4 of these Regulations, located immediately inside the building wall in a basement or heated mechanical room and so located as to prevent freezing.

(a) Authority Responsibility - The Authority is responsible for service and maintenance between the water main and the Curb Stop/Valve.

(b) Owner's Responsibility -The owner is responsible for all water lines, valves and appurtenances beyond the Authority Curb Stop/Valve to the meter setting, or to the building, if a meter pit/vault is required.

4.4 Size of Connection

No new service connection shall be made whereby any consumer shall have a supply capacity exceeding that of a single one inch (1") nominal pipe size connection at the water main without special approval by the Authority.

4.5 Private Connections

The Authority will not make service connections on a "Private" water main. The customer must arrange for installation of these "Private" connections.

4.6 Access to Curb Stops or Valves

Authority personnel must have access to all Curb Stops/Valves for the purpose of controlling water service to any consumer. This includes any Curb Stop/Valve located in the public right-of-way or on Private property.

SECTION 5 - FORBIDDEN PRACTICES

5.1 Control of Curb Stop/Valve

No person other than the Authority, its agents, servants or employees shall open, close, operate or otherwise meddle or tamper with any curb stop/Valve.

5.2 Location of Service Line

No water line shall be laid in the same ditch or trench with any gas pipe, sewer pipe, or any other facility of a public service company nor within three (3) feet of any open excavation, conduit or vault.

5.3 Resale of Water

No consumer shall resell water for use on premises other than those of the consumer.

5.4 Back Flow

No consumer shall permit any condition to exist upon premises served whereby there exists, or in the opinion of the Authority, could exist a back flow into the mains of the Authority of a non-potable matter, hot or other liquids or any leakage or seepage of such into said main. For prevention of back flow causing loss to both the Authority and the consumer, all connections are required to have a gate valve or ball valve on each side of the meter and an A.S.S.E. approved backflow preventer on the outlet side of the meter of a type approved by the Authority. It is recommended that a safety valve be installed at some convenient location on the house piping to relieve excess pressure due to heating water.

5.5 Return of Water to Authority Mains

The return of water to the Authority's system from non-contact equipment (e.g., heat pumps) or any other type of equipment is prohibited. All customers with heat pump, Geo-Thermal systems must install a testable backflow preventer at a location as outlined in Section 5.4 of these Rules and Regulations.

5.6 Sewers

Connections to sewers and sewer flushing chambers are prohibited.

5.7 Application Misstatements

Service may be discontinued for a violation in connection with the application, a misstatement of fact therein or a violation of any rule or regulation of the Authority now in effect or hereafter lawfully enacted.

5.8 Waste

Waste of water for any reason is forbidden. A consumer wasting water may have service terminated. See Section 7.2, paragraph c. Depending on the severity of the leak, a consumer may be allowed a maximum of ten (10) days after receiving notification from the Authority to have leaks repaired on service lines. The Authority reserves the right too to turn any water off if it poses a risk to the public or property.

5.9 Water Cooled and Processing Equipment

It is recommended that the water be recycled when using, but not limited to, the following: Processing & Water Cooled Equipment, Commercial Car Washes and ornamental water uses such as Fountains or Artificial Water Falls.

SECTION 6- METERS

6.1 Water Use

All water service shall be metered and the quantity of water supplied as recorded by the meter shall be conclusive on both the consumer and the Authority except when the meter has been found by the Authority to be registering inaccurately or has ceased to register. In such case the quantity may be determined by the average registration of the meter when in order.

6.2 Meter Tampering

Despite the fact that the charge for connection to the system of the Authority shall include among other things the cost of the meter, all meters shall be furnished by and shall remain the property of the Authority and no person other than an authorized agent or employee of the Authority shall at any time repair, adjust, remove, replace, interface with or tamper in any way with any meter or do any act to limit or interfere with the regular operation thereof.

6.3 Location of Meter

The consumer shall provide a location suitable to the Authority for the meter and shall provide adequate protection for the meter from the extremes of heat and cold, accidents and other contingencies.

(a) All consumers are required to locate meter(s) horizontally at places on or upon their property readily accessible to the Authority during normal business hours of the day for the purpose of reading or repairs. If in the opinion of the Authority, any consumer shall have or may in the future locate a meter at a point or position not normally open during usual business hours or not accessible to the meter readers, the Authority may require the consumer to install the meter/s in a pit. All such meter pit installations shall be in accordance with Section 6.7 of these Regulations, and shall be at the cost of the consumer.

(b) The installation of meters in a crawl space is prohibited. Meters are required to be installed within the dwelling in a heated area approved by the Authority or installed in a meter pit/vault.

(c) For industrial or commercial customers, meter(s) must be installed within the building(s) in a heated mechanical room or in a meter pit/vault in accordance with Section 6.7 of these Rules and Regulations.

6.4 Damage to Meters

The consumer shall pay for damage to meters caused by freezing, by hot water or any external action, including a minimum charge for two (2) hours of labor.

6.5 Access to Meters

The consumer shall provide access to the meter for the authorized agents, servants and employees of the Authority at all reasonable times to replace, inspect, test, repair and read the meter, and service may be discontinued to any consumer who refuses or persistently neglects to arrange for such access.

6.6 Multiple Meters

A separate connection, service line and meter shall be provided for each consumer, except that the Authority may by special action in the cases of apartment houses, trailer courts, commercial buildings and shopping centers authorize a single connection to be connected to a yoke on which separate meters are provided for each consumer as herein defined.

6.7 Meter Pits/Vaults

In cases where it is not practical to place a meter within a building, a meter pit/vault shall be built a maximum of 5' inside the property lines by the customer unless a special exception is granted by the Authority. Meter pits/vault shall not be installed in driveways or side walks. The size and specifications of the pit/vault shall be approved by the Authority, and adequate access shall be given to the meter to permit its installation; reading; repairs or removal.

To provide service to multiple buildings or units via a "Private" water main, a single meter located within a meter pit/vault must be built inside the property lines of the customer at their expense as set forth herein. The Authority shall approve the size and specifications of the pit/vault prior to its construction. The Authority reserves the right to require a meter pit/vault in other cases such as deemed in the Authority's best interest. Multiple meters will not be approved for multiple buildings or units that are connected to a "Private" water main.

6.8 Meter Multiple Consumers

Where more than one customer or tenant consumes water through a single meter, the application for the meter shall be made by the property owner and billing shall be made to the property owner on such rates as shall be currently authorized by the Authority.

6.9 Meter Testing

Upon written request of any consumer, the Authority will test the accuracy of the water meter supplying the premises of any consumer. The consumer shall deposit with the Authority the sum of Twenty Dollars (\$20.00) for testing any meter two (2") inches or less. Forty Dollars (\$40.00) for any meter larger than two(2') inches . If

on testing, the meter is found to be registering more than 4% against the consumer on a flow as determined by American Water Works Association Standard AWWA-M6 (Testing of Meters, Chapter 5), including the latest revisions thereof, the deposit will be refunded, otherwise it shall be forfeited to the Authority. Other water systems will be charged the following rates for testing meters; one to nine meters at \$25.00 each; ten or more at \$17.00 each. All meters must be tested at the same time.

SECTION 7 - DISCONTINUANCE OF WATER SERVICES

7.1 Authorized Shut-offs

The Authority will use every reasonable means to provide the consumer with an adequate supply of potable water. The Authority shall not be liable for a deficiency in or failure of the supply when occasioned by an authorized shutting off of the water because of repairs, additions, betterments, an act of God, or from any other cause beyond the control of the Authority.

7.2 Termination of Service

Water service may be terminated after ten (10) days notice for any of the following reasons and a reconnection charge as provided in Section 11.4 of these regulations must be paid before water service will be restored:

- (a) Any misrepresentation in an application.
- (b) Any violation of any of the rules and regulations of the Authority.
- (c) Willful or indifferent waste of water due to any cause.
- (d) Using water for a purpose other than as authorized under the application.
- (e) Non-payment of any sum due to the Authority, for water service or any other charge for more than ten (10) days after the same becomes due.
- (f) Molesting or tampering with any service pipe, meter, curb stop, seal or any other appliance of the Authority controlling or regulating the water supply.
- (g) For making, or refusing to sever any cross connection between a pipe or fixture carrying water furnished by the Authority, and a pipe or fixture carrying water from any other source.
- (h) For failure to protect from injury or damage the meter and connection, or for failure to protect and properly maintain the service pipe or fixtures on the property of the customer.
- (i) For failure to provide the Authority's employees free and reasonable access to the premises supplied or for obstructing the way of ingress to the meter or other appliances controlling or regulating the customer's water supply.
- (j) For failure to install the proper Backflow Preventer Device.

7.3 Payment of Water Bill

- (a) In the event that service could be or may be discontinued for any of the reasons set forth in Section 7.2 and the customer to whom service could or may be discontinued shall make application for water service at a new or different location, service may be refused by the Authority unless or until there shall be placed on deposit with the Authority a sum equal to the estimated billing by the Authority for four quarters of a year, which said sum shall remain on deposit with the Authority as a guarantee of compliance with the Rules and Regulations of the Authority for a period of two years. If at the expiration of two years, the consumer shall have committed no act which might cause discontinuance under the provisions of Section 7.2 of these Rules and Regulations, then said deposit shall be refunded to the depositor without interest. If any applicant for service shall become aggrieved by the requirement for a deposit insuring compliance with these Rules and Regulations, they may present their application for an immediate refund at the next succeeding meeting of the Authority when the matter will be reviewed by the Authority whose determination shall be final.
- (b) If a consumer shall become delinquent in the payment of water rental at a previous location subsequent to receiving services at a new location, they shall immediately be notified by mail.

SECTION 8 - FIRE HYDRANTS AND SPRINKLER SYSTEMS

8.1 Types of Service

The Authority will furnish these types of fire service:

- (a) Public Fire Hydrant Service - Public fire hydrant service shall be construed to mean hydrant service in

Public Rights-of-Ways served by the Authority. Always provided, however, that the Authority shall have specially approved the extension of fire service and proper provisions shall have been made in the manner provided by law for the payment of all charges therefore by the properly constituted governmental bodies.

(b) Private Fire Hydrant Service -Private fire hydrant service shall be construed to mean such fire hydrant service as shall be specially authorized by the Authority for a consumer and intended solely for the protection of such premises from fire, and to be used only for fire protection.

(c) Sprinkler Service - Sprinkler service means any recognized system for the protection of buildings from fire and/or the safety of personnel by the use of water which shall have been approved by the Authority.

8.2 Ownership of Fire Hydrants

All fire hydrants installed in the Authority's system shall be deemed to be owned by the Authority. The Authority shall specify the type of fire hydrant to be installed and shall inspect all fire hydrants upon installation. All fire hydrants shall be installed at approved locations that have been selected by the various municipalities in the Authority's service area with due consideration being given to local fire fighting authority(s) and requirements of insurance underwriters. Owners of "PRIVATE" fire hydrants are responsible to keep said hydrant(s) free from obstructions, debris and snow so they are accessible at all times.

8.3 Opening of Fire Hydrants

No person except regularly appointed and authorized firemen on duty or duly authorized agents, servants or employees of the Authority shall open, close, meddle or tamper with any fire hydrant unless specially authorized by the Authority.

8.4 Applications for Public Fire Hydrants

Public fire hydrant service will be furnished only upon application from the duly authorized municipal officers, and upon payment of the charges therefore, herein set out. The entire cost of fire hydrant installation shall be paid by the developer or applicant. Applications will only be approved by the Authority if and when in the opinion of the Authority, such service can be made available. The Authority may refuse with or without reason given, the granting of fire hydrant service, if in the opinion of the Authority its mains are insufficient to provide such service; there is not sufficient need for such service; if the proposed service is outside the territory which the Authority is authorized to service; or, for any other valid reason.

8.5 Applications for Private Fire Hydrants

Private fire hydrant service will be furnished only upon application from the consumer, and upon payment of the charges therefore, herein set out. The entire cost of fire hydrant installation shall be paid by the developer or applicant. Applications will only be approved by the Authority if and when in the opinion of the Authority, such service can be made available. The Authority may refuse with or without reason given, the granting of fire hydrant service, if in the opinion of the Authority its mains are insufficient to provide such service; there is not sufficient need for such service; if the proposed service is outside the territory which the Authority is authorized to service; or, for any other valid reason. No private fire hydrant shall ever be used for any purpose except fighting fire, without the express written permission of the Authority.

8.6 Provision of Sprinkler System Service

Sprinkler service may be provided by the Authority only for the protection of buildings or the safety of persons from fire. Such service may be provided only upon application of a consumer, duly approved by the Authority and upon entry into a separate contract between the consumer and the Authority on terms and conditions acceptable to the Authority. An application for such service will only be approved by the Authority when it determines, in its sole discretion, that such service can be made available.

8.7 Sprinkler System Service for Residential Buildings Up To and Including Four Stories in Height, One and Two Family Residences and Manufactured Homes.

Sprinkler system service may be provided by the Authority for residential buildings up to and including four stories in height, one and two family residences and manufactured homes, provided the sprinkler systems installed therein are in compliance with the applicable standards of the International Building Code, to include

the standards of the National Fire Protection Association (NFPA), set forth in NFPA 13, NFPA 13D and NFPA 13R incorporated therein, as amended or revised, which are currently or subsequently adopted by the Commonwealth of Pennsylvania, and Benner Township and the consumer provides proof satisfactory to the Authority that the sprinkler systems have been inspected and approved by the Centre Region Code Administration or other applicable code enforcement agency

8.8 Sprinkler System Service for Commercial and Residential Limited Area Sprinkler System

Sprinkler system service may be provided by the Authority for limited area sprinkler systems in commercial and residential buildings, provided the sprinkler systems installed therein are in compliance with the applicable standards of the International Building Code, to include the standards of the National Fire Protection Association (NFPA), set forth in NFPA 13, NFPA 13D and NFPA 13R incorporated therein, as amended or revised, which are currently or subsequently adopted by the Commonwealth of Pennsylvania and Benner Township and the consumer provided proof satisfactory to the Authority that the sprinkler systems have been inspected and approved by the Centre Region Code Administration or other applicable code enforcement agency.

A backflow preventer, approved by the Authority shall be installed on each limited area sprinkler system in any one of the enclosed areas.

8.9 Other Sprinkler System Service

Except as set forth above, sprinkler system service shall be provided through a line dedicated only for fire service. This line is to be completely separate from the domestic service line, from the property line to the building, unless an exception is granted by the Authority. It is required that where any service is rendered by the Authority for the protection against fire or for the safety of persons, there shall be installed at a location specified by the Authority.

- (a) A 2" Turbine meter on lines 2" or less, with a backflow preventer, approved by the Authority..
- (b) On lines larger than 2" a device known as a "double check detector assembly" constructed as specified by the Authority for the purpose of determining water flowing through the fire sprinkler system. The device known as double check detector assembly shall be factory designed for the purpose of detecting low flows of water up to 3 gallons/minute. The double check detector check shall be maintained and tested semi-annually by the customer at low rates of flow, to verify low flow through the assembly. It is further understood and agreed by the consumer that the installation shall be subject to the approval of the Authority.

8.10 Use of Sprinklers

Fire protection is a standby service and charges made therefore are standby charges and do not represent charges for actual use of water. In addition to the standby charges, all water metered through a sprinkler service line meter or detector check by-pass meter will be billed at the current rates of the Authority for water consumed.

8.11 Liability of Authority

It is expressly understood that in authorizing and connecting any form of fire service, the Authority does not assume any liability as an insurer of persons or property and does not guarantee any particular service, pressure, capacity or facility other than the ordinary and changing conditions as the same may exist from day to day. The consumer by the application releases the Authority from any and all claims for injuries to persons or property by reason of fire, water, failure of supply, pressure or capacity, unless occasioned by the negligence of the Authority, its agents, servants or employees.

SECTION 9 - MAIN EXTENSIONS

9.1 Extension Rules

For the purpose of this rule:

(a) Any consumer may elect, subject to the approval by the Authority, to construct any extension under the supervision of the Authority, its agents, servants, and employees and to specifications of the Authority in whole or in part at the cost and expense of said customer always provided that at the time of making application the customer shall specify in writing, attached to the application that part or portion of the work so to be done by the customer.

(b) The Authority will establish set costs relating to the inspection of all water main, service line and fire hydrant installations. These fees shall be paid by the customer prior to any work commencing on said installation. No refund shall be due the customer.

(c) A written estimate of the cost of any work to be done by the Authority other than inspections shall be given to the customer, and the customer shall place on deposit in escrow with the Authority an equivalent sum of money to guarantee payment thereof before any work shall be commenced on said extension by the Authority. Escrow deposits will not earn interest for the customer.

(d) The Authority shall have the exclusive right to determine the type, size of mains to be installed, other facilities required to render adequate service per Authority specifications. Once the extension shall have been completed, the Authority shall prepare a statement of the actual costs thereof as herein provided and shall receive from escrow such sums as shall be sufficient to cover the statement of costs. Should the escrow deposit be insufficient to pay said costs computed as aforesaid, the customer shall, in addition to the funds from said escrow, immediately pay such sums as may be required to reimburse the Authority for said costs of construction.

(e) Before said construction shall be commenced, the consumer requesting said extension shall cause to be prepared an accurate survey by a registered surveyor, which survey shall disclose the location and number of front feet of property which the consumer avers will or may exist in said line, which draft shall be given to the appropriate officer of the Authority for approval and, no construction shall be commenced until such plan is approved.

(f) When construction has been completed and costs secured, the consumer shall be entitled to receive a reimbursement agreement which shall provide for pro rata reimbursement of the money advanced by the consumer on a front foot basis which is determined by dividing the total front footage disclosed by the draft into the total money advanced by the consumer giving a cost per front foot. No reimbursement agreement shall be written after a period of ninety (90) days from the date of formal acceptance of the main extension by the Authority and all reimbursement shall terminate after a period of twenty (20) years from the date of the reimbursement agreement.

(g) The owner is to provide plans with all required municipal approvals, utility approvals, and any other local, state or federal approvals that may be required.

9.2 Length of Extension

In determining the length of and necessity for any extension requested pursuant hereto, the terminal point of such extension shall, in all cases, be at the furthest extremity of the most distant lot to be served. In new developments the main must be extended to the extremity of every lot, including both sides of all corner lots, in an approved plot plan, subdivision or phase. Such extensions shall in all cases be completed before water service will be granted.

9.3 Recordation

All reimbursement agreements with the Benner Township Water Authority shall be recorded in the office of the Recorder of Deeds of Centre County, and the cost or charge thereof included in the charges to the applicant for service.

9.4 Extension in Townships

Extension of mains is approved only on written approval by the appropriate governing municipal bodies, the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Department of Transportation, when required.

9.5 Rights-of-Ways

Extensions of any sort of the Authority's pipes, mains and equipment cannot be placed on private land without previous grant of rights-of-ways or other necessary property interests title thereof to be placed in the Benner Township Water Authority. The Authority may secure written rights-of-ways within which to lay its mains, which shall be recorded at the expense of the applicant. The Authority is given the power in his discretion to permit other public utilities or utility companies to use and occupy such parts of rights-of-ways granted to the

Authority which will not interfere with the Authority's operations and be sufficiently distant from the Authority's mains to comply with law regarding possible contamination of the water system by sewage or other means. Always provided, that the public utility or utilities so favored shall first guarantee in writing to the Authority by reasons of the occupancy or use of said rights-of-ways by such public utility or utilities, and further that in the event such utility or utilities shall cause damage or loss to the Authority by reason of its or their operations, it will promptly reimburse the Authority for such loss. Further always provided that any utility or utilities so using a right-of-way of the Authority shall provide the Authority with a plan or drawing of proposed use, corrected after installation for any changes in use.

9.6 New Service Connections on New Streets or Where Underground Utilities are Planned

In new street construction, and in all construction where underground installation of other utilities is planned, the Authority may authorize the immediate installation of all service connections to all lots owned by the customer and proposed to be serviced by the construction of a new water main. Approval of water main extensions by the Authority does not automatically approve "active" connections on the proposed new extension. All customers shall apply for such service but the connections can be installed by Authority employees at the expense of the applicant or the customer's contractor by Authority specifications and inspection.

A plan for the providing electric company service locations must be provided to the Authority prior to final approval being granted.

9.7 Connection Fees

In addition to the costs of construction herein provided, all consumers requesting water service are required to pay a Connection Fee in accordance with the current Authority rates and charges.

- (a) A double house shall pay two connection fees whether or not there is one connection to the main.
- (b) Two or more buildings on one lot shall have separate service lines and shall each pay separate connection charges; that is, each consumer as herein defined shall have a separate service line and a separate connection charge.
- (c) Where any person shall erect or cause to be erected or contract for the erection of a building or structure which will require the use of more than one connection, all the connections shall be applied for, approved and paid for prior to commencement of construction. Minimum water rates shall begin on all connections during the period of construction.
- (d) The Authority reserves the right to determine the time period within which an application for an active connection shall be valid. The Authority may void any application for failure to commence construction.
- (e) The Authority will establish a fee for "standard" 3/4" connections. If in the opinion of the Authority, the cost of a proposed service connection exceed the standard fee the Authority may require that money be put into escrow to cover the cost of the connection installation.

9.8 Tapping Fees

All consumers requesting water service of any type shall pay to the Authority a Tapping Fee in accordance with the current rate schedule then in effect.

9.9 Plot Plans

Extensions will only be allowed where there has been a dedication of streets and rights-of-ways and where all plot plans have been previously approved by the appropriate governing bodies. Any water main not maintained by the Authority or for which no right-of-way has been granted to the Authority shall be deemed "Private."

9.10 Precedents

The granting of a particular application or an exception to these rules and regulations shall not be construed as a precedent in any other case. The Authority may by special action of the Board, grant an exception or exceptions to any rule, regulation or charge.

9.11 Main Extensions by Authority

Where the Authority at its expense shall place or have already placed water mains along any premises, no water service shall be rendered until the premises for which water service is requested shall have paid its pro-rata share of the cost of construction of said line, or made an agreement satisfactory to the Authority arranging for such payment. Authority reserves the right to file municipal liens for water main extensions installed by the Authority.

9.12 Formal Acceptance by the Authority

Upon completion of the proposed main extension and approval by the Authority, the main extensions shall be offered to and formally accepted by the Authority Board as part of its system.

9.13 Reimbursement for Labor Costs

The Authority will reimburse developers for the additional labor costs required to install water mains larger than eight (8") inch diameter, if and only if the increased main size is requested by the Authority. The Authority will determine the amount to be reimbursed.

SECTION 10 - MISCELLANEOUS REGULATIONS

10.1 Contractor's Use of Fire Hydrants

The Authority may install meters on fire hydrants for use by contractors; the use of which shall not in any way interfere with the use of the hydrants for fire protection. The hydrants shall be opened and closed only by Authority personnel and the contractor shall pay in advance for water and expenses to be incurred by the Authority and the contractor shall be responsible for all damage arising from said usage.

10.2 Drought

The Authority retains the right in times of extreme drought or other emergency to restrict in whole or in part the use of water as to any or all consumers. This rule applies especially, though not exclusively, to water cooled air conditioners, irrigation systems and swimming pools whether public or private.

10.3 Shut Offs for Repairs

The Authority reserves the right to shut off water in its mains at any time without notice for making repairs, extensions, or alterations, but will, so far as possible notify consumers of the intention to shut off. It is expressly stipulated by the Authority that no claim shall be made against it by reasons of the breaking of any pipe or service pipe or by reason of any other interruption of the supply of water for any reason whatever.

10.4 Plumbing Leaks

Consumers are urged to give careful attention to the plumbing and fixtures and to make immediate correction of all leaks. No allowance will be made by the Authority for water used, lost, stolen or wasted through leaks, carelessness, neglect or otherwise, after the water had passed through the meter.

10.5 Acts of God

The Authority shall not be liable for damage to property unless it appears that such damage resulted from the negligence of the Authority or its employees and specifically the Authority shall not be liable for damage occasioned by freezing and thawing or any Act of God.

10.6 Condominium Construction

Water service to condominium projects shall be provided under such terms and conditions as the Authority shall determine in each individual application and shall be subject to an agreement to be executed between the developer and the Authority prior to service being granted. The agreement shall be recorded in the Centre County Recorder of Deeds Office at the expense of the applicant.

10.7 Bulk Water Sales to Other Water Utilities

Sales of bulk water to other water utilities may be authorized by the Board of the Authority pursuant to an appropriate interconnection agreement at rates to be determined by the Board of the Authority and, otherwise, in accordance with its Rules and Regulations then in effect.

10.8 Dispute Resolution

A consumer has the right to appeal a decision concerning the application of any of these Rules and Regulations. During this process, all turn-off procedures will be halted until the appeal has been resolved. The following procedures shall be used for appeal of disputes of water billings or the application of the delinquency policy:

(a) An Appeal Committee (the "Appeal Committee") shall be created within the Benner Township Water Authority and its staff to consider requests for adjustments to water billings. The Appeal Committee will consist of at least one (1) member of the Authority Board and such other individuals as the Chairman shall appoint. The Appeal Committee shall consider all customer requests and appeals in connection with the termination of water service. The customer will be answered in writing advising them of the decision and the customers right to appeal.

(b) If the customer wishes to appeal the Committee's ruling, he/she may make such appeal directly to the Authority Board. Further appeal of the ruling of the Board shall be by suit in the Court of Common Pleas of Centre County.

SECTION 11 - BILLING FOR SERVICE

11.1 Bills for Water Service (Quarterly)

Except as otherwise provided by the Board of the Authority in special circumstances, all bills for water service shall be rendered quarterly, and are due twenty (20) days following the date of mailing by the Authority as disclosed by the United States postmark on the bill card. After twenty (20) days, as herein set forth, a seven and one-half (7½%) percent penalty is charged upon the bill as rendered. After thirty (30) days, water service may be discontinued at any time. The Authority expressly reserves the right to render bills more frequently, and to shorten the period, and the period which services may be discontinued, as the Board of the Authority, in their sole discretion, may determine in special circumstances.

11.2 Bills for Water Service (Monthly)

Any consumer that is billed monthly instead of our normal quarterly billing, will be charged a seven and one-half (7½%) penalty at the expiration of ten (10) days following the billing date.

11.3 Payment of Bills

(a) Payment of water and/or sewer charges shall be either by cash or one check for the total amount of the billing.

(b) Payments for water and/or sewer charges will NOT be accepted by the Authority unless all previous bill charges are included in the payment.

(c) Any check received in payment of any bill due the Authority is accepted subject to final payment of the check by the payer's bank. When any check is returned to the Authority and payment is refused for any reason, the Authority or its employees, may and without waiving any other rights which the Authority may have, attempt collection of said check and add a collection fee of Twenty-Five (\$25.00) Dollars to the amount of the bill.

(d) The Authority will not accept any post-dated checks.

11.4 Reconnection Charge

When service has been discontinued for a failure to pay any bill when due or for any violation of the Rules and Regulations of the Authority, there shall be collected a reconnection charge of Seventy-Five (\$75.00) Dollars before water service will be restored.

11.5 Service Charges

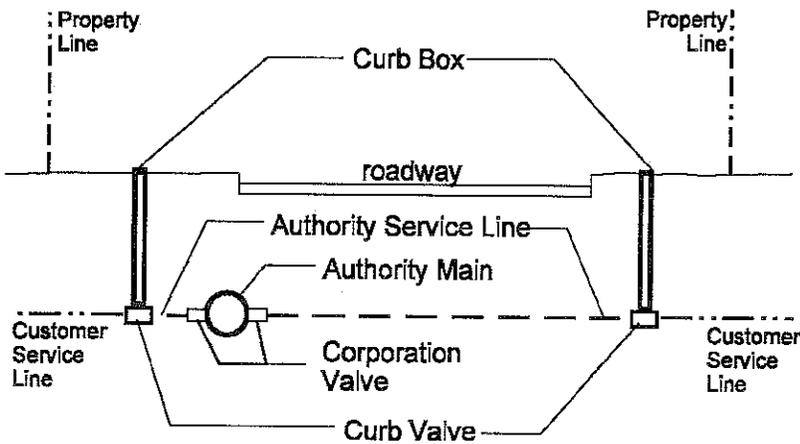
The Authority may, at its discretion, impose a One Hundred (\$100.00) Dollar charge for service calls during non-business hours of the Authority, which upon investigation, proves to be the customer's responsibility.

SECTION 12 - RESPONSIBILITY OF THE PROPERTY OWNER

Primary responsibility for the payment of water service to any premises rests with the property owner. The Authority will bill and make reasonable effort to collect water rentals due from tenants. In the event that the tenant shall leave the premises with a water bill remaining unpaid, service will be discontinued and will not be restored until all previous charges and a reconnection charge shall have been paid.

SECTION 13 - GENERAL

The Rules and Regulations of the Benner Township Water Authority are subject to change, modification, addition and/or deletion at the discretion of the Authority in the best interest of the Authority and the public welfare.



Appendix A