

**RESOLUTION NO.: 01-2016**

**A RESOLUTION OF THE MT PENN BOROUGH MUNICIPAL AUTHORITY  
("AUTHORITY"), BERKS COUNTY, PENNSYLVANIA, AMENDING THE  
AUTHORITY'S RULES AND REGULATIONS.**

WHEREAS, the Municipal Authorities Act (hereinafter "the Act"), 53 Pa.C.S.A. Sections 5601 et. seq., empowers authorities to establish reasonable and uniform rates and to create rules of operation; and

WHEREAS, pursuant to the Act the Authority approved Rules and Regulations ("Rules") and during July 2007 approved the current Rules; and the Authority desires to exercise its legal authority and approve amendments to the Rules; and

NOW THEREFORE, be it resolved and it is hereby resolved as follows:

**1. Amendment of Application for water service ("Application"):** All individuals, or business entities, ("Customer") desiring to obtain water service from the Authority shall sign the Authority's Application. The Application shall be amended as follows:

- i. Customers shall verify the number of units within the Customer's real property;
- ii. Any Customer whose real property is being used as a rental property shall agree to waive the requirement that Customer receive notice of non-payment by tenants; and
- iii. Customers shall acknowledge receipt of the Rules and agree to be bound by the Rules as they may be amended.

**2. Amendment of Rule 37:** Rule 37 shall be deleted in its entirety and replaced with the following Rule"

"The quantity of water recorded by the meter shall be conclusive to both the customer and the Authority except when the meter has been found by the Authority to be registering inaccurately or has ceased to register. In either case excepted above, the meter will be repaired or replaced by the Authority and a bill for the quantity of water consumed for the billing period when the meter was not registering, or registering inaccurately, will be rendered based upon the same quarter in the previous year; or another method determined by the Authority. An alternative method of billing may be utilized in a situation such as when there is a change in the use of the property or the Customer has owned the property for less than one year."

**3. Amendment of Rule 20:** Rule 20 shall be deleted in its entirety, retitled, and replaced with the following Rule.

**"Right to Request Investigation of Bills**

20. A Customer may request an investigation of his/her bill within fifteen (15) days of his/her receipt of said bill. A request for an investigation shall be in writing delivered to the Authority within fifteen (15) days of Customer's receipt of said bill. The failure of a Customer to

submit a timely request for an investigation shall signify the Customer's acceptance of his/her bill as being accurate and shall act as a waiver of the Customer's right to contest the accuracy of the bill. In the event of a dispute, the Customer shall be required to pay at least the undisputed portion of the bill within the allotted times for payment. If the undisputed amount is unpaid for forty-five (45) days or more, turn off procedures will be initiated by the Authority."

**4. Amendment of Rule 20:** Rule 17 shall be deleted in its entirety, retitled, and replaced with the following Rule.

**"Change in Tenancy, Ownership, or Service**

17. A new written application for service shall be made to and approved by the Authority upon any change in ownership of the property, any change in tenancy, change in use of the property, or any change in service from that described in the prior application.

For the protection of the applicant, the Authority will verify the register reading of both the water meter and the remote unit at the time of the transfer of the account.

The Authority may discontinue service after providing five (5) days advance notice and until such application has been made and approved. In the event that the Authority is not informed of a change in ownership, tenancy, or service as described within this paragraph, then the Authority retains the right to seek payment for any charges that would have been invoiced had the Authority been informed of the change in service. In the event that the Authority is not informed of a change in tenancy, ownership, or service as described within this paragraph, then the Customer waives his/her right to recover any payments delivered to the Authority that would not have been invoiced had the Authority been informed of the change in service."

**5. Publication of Rules:** The Authority shall: notify its Customers that the Rules have been amended by placing notice within the Customers' invoices; publish the Rules on the Authority's website; and provide a written copy to any Customer that requests a copy of the Rules.

**6. Effective Date:** These amendments shall be effective immediately.

DULY RESOLVED this *9th of March, 2016*.

MT PENN BOROUGH MUNICIPAL AUTHORITY

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