

ADMINISTRATIVE POLICIES AND PROCEDURES

Lower Mahanoy Township Municipal Authority hereby establishes the following Administrative Policies and Procedures in connection with the operation of its water system and wastewater treatment and collection system in accordance with the Rules and Regulations promulgated by the Authority.

1. NEW CONSTRUCTION USAGE FEES.

No usage fee for water or wastewater service is payable upon new construction until a habitable structure exists upon the improved property. When the new construction is deemed to be habitable the usage fee for water or wastewater service shall commence. It shall be the obligation of the owner of the improved property to notify the Authority of the time for determination of habitability.

2. USAGE FEES FOR EXISTING STRUCTURES.

If a building or other existing structure exists upon an improved property and is connected or served by the wastewater treatment and collection system, usage fees for said improved property shall be payable at all times that said structure exists upon the improved property, except if the water service to the improved property is terminated at the owner's request. If the building to which the wastewater treatment and collection system is connected is removed from the property, no usage charges shall be payable by the owner upon said removal.

3. DISCONTINUANCE OF WATER SERVICE

If the water service to an improved property is voluntarily discontinued by the owner of the improved property, no charge for sewer rental as established pursuant to

Section 5 of the Rules and Regulations shall be imposed. This exclusion only applies to domestic and commercial establishments connected to the public water system whose water service has been voluntarily terminated by the owner of the improved property.

4. BILLING PROCEDURES.

The Authority will bill its customers for water and/or wastewater service on a quarterly basis in advance, with the monthly billing being due on or before the 15th day of each month. The customer will have the option of paying the quarterly billing on a quarterly basis; however the quarterly payment must be made by the 15th day of the first month of the quarter.

All unpaid late charges or other fees imposed by the Rules and Regulations shall continue to accrue and will be added to the customer's quarterly billing.

5. MUNICIPAL LIENS.

Municipal liens will be filed against an improved property based on the failure of the owner to pay the usage charges for water or wastewater service set forth in the Rules and Regulations whether or not service has been discontinued to the improved property by the Authority for nonpayment. The direction to file a Municipal Lien shall be given by the Board on a case by case basis after review of all relevant factors.

6. DETACHED GARAGES

Dwelling Units, which as part and parcel thereof have detached garages, which have water and sewer service thereto will be considered part of the Dwelling Unit for billing purposes and be considered one E.D.U. as long as the same is not used for any commercial, residential, or economic purpose, including the ability to occupy the same as separate living quarters. As long as the detached garage is used by the owner of the

Dwelling Unit for personal, family or household use, the same will be considered part of the Dwelling Unit and will be billed as such. If the detached garage is ever used as a Dwelling Unit or as a Commercial Establishment, it will then be billed as a separate E.D.U. or Billing Unit.

7. BAD CHECK FEE

Any check returned to the Authority for insufficient funds, stop payment, or other rejection by a financial institution shall result in the customer being assessed a \$50.00 fee together with any fees charged by the Authority's financial institution as a result of said insufficient funds check or other rejection. Said fees shall be added to the customer's monthly billing statement, and if service is terminated to the customer by the Authority, all usage charges together with such fees must be paid prior to the restoration of service. Said fees shall also be includable in any municipal lien filed by the Authority against a delinquent customer.

Adopted effective September 16, 2008; Amended January 16, 2018

8. ELECTRONIC BILLING

The Authority desires to offer to its customers the convenience of electronic billing. The billing will be submitted by email to the customer with no hard copy being mailed. In order to take advantage of said service, the customer must request the same and execute a formal request and disclaimer prior to the customer receiving an electronic billing. All future billings will be sent electronically to the email address provided by the customer. The customer is responsible for updating the email address to the Authority. A presumption shall arise that if the email has been sent by the Authority it is received by

the customer and the customer shall be responsible for all late charges and assessments whether or not the billing is read by the customer.

Added October 20, 2009, effective immediately.

9. REQUEST FOR TEMPORARY DISCONTINUANCE OF WATER SERVICE

If a Water Consumer requests the Authority to temporarily discontinue water service for the purpose of repairs or renovations and said request is made during normal business hours of Monday through Friday from 7:00 a.m. to 5:00 p.m., no charge will be imposed by the Authority for the discontinuance or the reconnection of said water service except for such tapping fees, inspection fees or connection fees which may be imposed pursuant to the Rules and Regulations. If a request for temporary discontinuance of water service is made outside of normal business hours, a fee of \$30.00 shall be imposed upon said Water Customer requesting such temporary discontinuance of service in addition to any tapping fees, inspection fees, or connection fees which may be imposed pursuant to the Rules and Regulations.

Added December 15, 2009; Amended January 16, 2018

10. INSUFFICIENT FUNDS CHECKS

Any customer of the Authority who pays for their services with an insufficient funds, stop payment, or other instrument rejected from a financial institution shall, upon the second such occurrence of such returned item be prohibited by the Authority from making payments to the Authority by check. Such payments shall be made in the form of cash, money order, other certified funds or payment acceptable to the Authority. Failure to make payment in such instance by cash, money order, or certified funds or other form of payment acceptable to the Authority may result in termination of service for non-

payment. Said customer shall also be subject to the fees set forth in Administrative Policy Number 7 hereof.

Adopted July 20, 2010.

11. CASH PAYMENTS

Any customer of the Authority who desires to make payment for their services in the form of cash shall make their payments in person at the Authority's Office during normal business hours Tuesday through Thursday from 9:00 a.m. to 3:30 p.m.

Customers may make payment for their services in cash either through the drop box or mail but if said payments are not received and receipted by the Authority it will be presumed that said cash payments have not been made as no proof of payment exists and customers assume the risk of making any payments for services in the form of cash other than in person to an Authority employee during normal business hours.

Adopted June 19, 2012; Amended January 16, 2018

12. PUBLIC ACCESS GUIDELINES

All real estate owned by the Authority which encompasses the reservoir/watershed area including the water treatment plant shall be closed to public access and be posted as such, subject to criminal prosecution for trespass. Limited access will be granted to members of the public for the purpose of hunting, trapping and other recreational activities as may be permitted by the Authority, subject to all statutory and regulatory requirements of the Pennsylvania Game Commission and this Administrative Policy.

Any member of the public desiring to hunt, trap or participate in other recreational activities ("Recreational Activities") in the reservoir area designated by the Authority for

those purposes (the “Property”) shall annually, commencing July 1st of each year, but not later than September 1st to obtain from the Authority a card granting permission for the bearer (the Applicant”) to participate in Recreational Activities in the area designated by the Authority for that purpose. All applications received by September 1st of any year shall be considered at the September board meeting. Applications will only be considered once per year and must be received by September 1st for consideration. The permission card shall be valid until revoked by the Authority in writing, regardless of the date issued.

The Applicant shall comply with the following;

1. Provide to the Authority a copy of their current valid Pennsylvania hunting or trapping license, if access is requested for hunting or trapping;
2. Complete an appropriate application for public access;
3. Agree to be bound and comply with the terms of this policy and sign an appropriate waiver of liability and assumption of risk;
4. Upon approval of the application for public access, the Authority will issue to the Applicant a permission card, which is non-transferable and only valid for the Applicant and no other person, except for a mentored youth hunter, whose identity must be disclosed on the application. Applicant must be in possession of their permission card issued by the Authority while on the Property.
5. No motorized vehicles will be allowed on the Property. Parking for Applicants will be permitted in designated areas and a parking permit will be issued to the Applicant, which must be displayed in the vehicle when parking on Authority property.

6. Tree stands are permitted for use by the Applicant subject to the following conditions:
 - a) Removable treestands are permitted on the Property. All treestands located on the property shall have attached thereto a non-removal nametag identifying the owner of the treestand.
 - b) Tree stands that would do harm to any tree on the Property are not permitted, this would include screw-in steps and any treestand prohibited by Pennsylvania Game Commission regulation for use on State Game Lands.
 - c) Acceptable treestands include: ladder-type, hang-on and climbing.
7. All Applicants who receive a permission card shall keep the Property free of all litter and help maintain the Property in a clean and natural manner.
8. Applicants possessing a permission card may request to see the permission card of any other individual utilizing the Property. If the individual in question cannot produce a valid permission card, the Applicant may instruct said individual on the procedure to secure a permission card and shall immediately inform the Authority of the name, address, date and time of the individual found on the Property without a valid permission card.

Applications may be obtained at the Authority office either at the monthly meeting of the Authority held on the 3rd Tuesday of each month at 6:30p.m. or during regular business hours, Tue-Wed-Thurs 9:30am to 3:30pm. Permits will be reviewed by the Board of the Authority and issued in its sole discretion upon action of the Board at the September monthly meeting only.

Permission cards are issued free of charge and the Authority reserves the right to revoke, suspend, limit or reject any application for a public access in its sole and absolute discretion.

Adopted and Effective August 20, 2013.

Amended June 20, 2017.

Amended January 21, 2020, effective immediately

13. FIRE WOOD REGULATIONS

In conjunction with the Public Access Guidelines found in Administrative Policy Number 12, the Authority wishes to establish guidelines to permit the limited removal of firewood from real estate owned by the Authority pursuant to its direction. The Authority will permit, upon application, removal of fire wood from real estate owned by the Authority under the following guidelines:

1. An application for firewood removal entirely separate and apart from the Public Access Permit Application, shall be made, but the applicant must also hold a Public Access Permit pursuant to Administrative Policy Number 12.
2. Applicants for firewood removal may only be customers of the Authority.
3. Firewood may be removed for personal use only in approved wood burners, outdoor furnaces, or fire pits, etc.
4. All firewood removed, pursuant to these guidelines may not be resold to any third party and may not be transferred to any other person or entity aside from the permit holder.
5. No firewood removal will be permitted during the regular firearms deer season extending from the Monday after Thanksgiving for a period of

fourteen (14) days, or for such period as may be extended by the Pennsylvania Game Commission.

6. Each permit holder shall file with the Authority on a quarterly basis a report of the amount of firewood cut and removed from the Authority's real estate.
7. Firewood permit shall be good for a period of one (1) year from July 1st through June 30th of the succeeding year and must be renewed annually on or before July 1st of each calendar year.
8. The Authority reserves the right to amend these guidelines at any time and to reject any application for firewood removal permit for any reason in its sole and absolute discretion.

Adopted and effective September 16, 2014.

14. TRANSFER OF EDU CAPACITY OF COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL ESTABLISHMENTS

Pursuant to the provisions of the Rules and Regulations for the Sewer System of the Lower Mahanoy Township Municipal Authority, specifically those covering Commercial, Industrial or Institutional Establishments as those terms are defined in Section 1.01 of the aforesaid Rules and Regulations, an Owner may not transfer any Equivalent Dwelling Unit of sewer capacity which has been assessed by the Authority based on the maximum number of individuals which could use/occupy said Commercial, Industrial or Institutional Establishment at the time of its construction or connection to the Sewer System without the express written approval of the Authority. The Owner of any Commercial, Industrial or Institutional Establishment which desires to transfer any portion of its sewer capacity previously established by the Authority and purchased by

the Owner or prior Owner of said Commercial, Industrial or Institutional Establishment shall make application to the Authority for permission to transfer capacity on a form established by the Authority from time to time. The Owner/applicant shall pay to the Authority with the application for transfer such review fees as may be necessary for the review of the application, including engineering fees and any other costs incurred by the Authority. No transfer shall be permitted until an application for transfer has been submitted and considered by the Authority. The Authority may approve or reject any such application for any reason in its sole and absolute discretion.

Adopted and effective July 19, 2016.

15. REQUEST FOR WASTEWATER SERVICE ASSISTANCE.

If a wastewater customer would request the Authority to diagnose, investigate or review issues related to the customer's wastewater disposal system which connects to the Authority's wastewater system and said request is made during normal business of Monday through Friday from 7:00 a.m. to 5:00 p.m., no charge will be imposed by the Authority for said diagnostic services. If a request for such diagnostic services are made outside of normal business hours, a minimum fee of \$50.00 will be imposed upon the wastewater customer requesting such services in addition to any tapping fees, inspection fees or connection fees which may be imposed pursuant to the Rates, Rules and Regulations of the Wastewater system.

Adopted January 16, 2018, effective immediately.

16. BILLING ADJUSTMENT POLICY

The purpose of this policy is to provide a basis for the Authority to adjust water or wastewater bills which are greater than the customer's normal billing as a result of Acts

of God or other incidents that may occur through no fault of a Property Owner (Owner) or their tenants or agents. This policy is designed to provide objective criteria for reducing water and wastewater bills to relieve possible financial hardship to Owners when impacted with certain specific circumstances.

Submittal of a request for adjustment is not a guarantee that a credit will be applied, nor does it dismiss the Owner from current payment obligations on their account. Credits will be applied in the sole and absolute discretion of the Authority following a review of the Adjustment Request Form and an investigation of the facts surrounding the incident referenced in the Adjustment Request Form.

Requests for adjustment will be only be considered when all the following threshold criteria have been met:

- A. The increase in consumption must be significant, fifty (50 %) percent higher, in comparison with previous usage. If credit is issued, this will apply to the water portion of the bill and will be computed based on a 12 month rolling average of consumption. If a 12month consumption history is unavailable, then the Authority will consider the number of occupants living in the Property or its use to compute a 'normal water usage'.
- B. The Owner must complete in writing the Authority's Adjustment Request Form and attach a copy of the plumber's or other appropriate repair invoice or receipt for repair materials used to fix the leak or other damage.
- C. The Authority will not consider lack of proper maintenance or negligence by Owner or actions of a third party such as a tenant or contractor, etc. which culminates in a water leak or other damage as a basis for an Adjustment Request.

D. Owner must repair the leak or other damage and submit the Adjustment Request Form within 60 days of receiving the water or wastewater bill that is the basis for the Adjustment Request Form or the privilege of requesting an adjustment will be lost. The submission of an Adjustment Request Form does not relieve or dismiss an Owner from payment obligations on their account, including penalties, payment due dates, fees or service termination dates.

E. The Owner has not been granted a billing adjustment within the last 12 months.

F. Adjustment requests will not be granted for seasonal changes in water usage patterns such as watering of garden or lawn, swimming pool, pond, hot tub, guests, etc.

G. Adjustment requests will be allowed for only 1 billing cycle.

The Authority assumes no responsibility for damage, repairs, or inspections necessitated by or on account of the Owner's Request for Adjustment.

Adopted August 17, 2021, effective immediately.

17. **TEMPORARY RENTALS**

Private Dwelling or Living Units are being rented by the Owner of such Improved Property under various arrangements, both in person and through commercial on-line and other platforms ("Temporary Rentals"). If the Owner of a Private Dwelling or Living Unit which was formerly an owner-occupied residence or is still an owner-occupied residence through a portion of the year enters into such Temporary Rentals, said Private Dwelling or Living Unit shall be considered a "Commercial Establishment" for billing purposes under the Water Rates, Rules and Regulations and the Wastewater Rules and Regulations as the term "Commercial Establishment" includes any structure or portion thereof intended to be used wholly or in part for the purpose of carrying on a trade,

business or profession, or for social, amusement, religious, educational, charitable or public uses and contains plumbing for a kitchen, toilet, water fountain, or washing facility. As a result, if any Living Unit or Private Dwelling is rented or used on a part-time, temporary or other basis by a non-owner occupant, the same shall be considered a “Commercial Establishment” which shall require that the Improved Property be metered pursuant to Section VII of the Water Rates, Rules and Regulations and shall be billed accordingly.

Adopted May 17, 2022, effective immediately.