

**PROPERTY INSPECTION, TRANSFER AND WATER METER
REPLACEMENT RESOLUTION**

RESOLUTION NO. 2024- 1

**A RESOLUTION OF THE FREEBURG MUNICIPAL AUTHORITY,
FREEBURG BOROUGH, COUNTY OF SNYDER, COMMONWEALTH
OF PENNSYLVANIA, AMENDING ITS RULES AND REGULATIONS TO
REQUIRE INSPECTIONS OF THE WATER CONNECTIONS AND
WATER METERS AT THE TIME OF TRANSFER OF THE TITLE OF
REAL ESTATE, AND TO MANDATE WATER METER REPLACEMENT
AND RETAIRS AT THE TIME OF SUCH TRANSFER OF TITLE OF
REAL ESTATE.**

WHEREAS, the Freeburg Municipal Authority (“FMA”) operates a potable water treatment system (“Water System”); and

WHEREAS, the FMA has, experiences higher than normal water usage volumes in the Water System; and

WHEREAS, the FMA has been under a continued review by the Department of Environmental Protection (“DEP”) due to the higher-than-normal water usage volumes; and

WHEREAS, DEP has strongly encouraged the FMA to implement a program to have inspections conducted on all property water service connections and have water meters replaced at the time real estate is transferred; and

WHEREAS, the FMA, in order to implement this directive from DEP, is proposing Inspection of Property to now include the requirement to have all water service connections inspected and have water meters replaced at the time real estate is transferred; as set forth below.

WHEREAS, from time to time DEP may enact additional regulatory requirement, include additional inspections, on the Water System that require actions by the FMA

NOW THEREFORE BE IT RESOLVED AND ADOPTED by the Freeburg Municipal Authority (FMA) of the Borough of Freeburg, Snyder County, Pennsylvania, as follows:

PART 1

Inspection of Private Property by the FMA and the property owner(s) at the time of transfer of title of a parcel of real property.

1.
 - A. At the time of the inspection of any building water service connection, and from time to time as determined by the FMA, FMA's representatives shall have the right to inspect the facilities within the improved property, following adequate prior notification, to determine whether the facilities connected to the water system are in conformance with Freeburg's water system requirement. This inspection shall be permitted for the purposes of inspection, measurement, sampling, and testing and for performance violation determination or other functions relating to service rendered by the FMA through the system.
 - B. Failure of any property owner to grant right of access to the FMA of Freeburg for the intent and purposes listed herein shall constitute a violation of the Rules and Regulations of the Authority and as such, shall subject said property owner to the fines and legal consequences. Each day of violation shall represent as new and separate offense subject under such rules and regulations.
2.
 - A. Any person (person meaning a human being, corporation, estate, or any other entity permitted to hold title to real estate in the Commonwealth of Pennsylvania) conveying or transferring an ownership interest in real property (applicant) located within the Borough or out of the Borough who are serviced by the water system, whose real property is connected to the water system, shall have the water service connections and water meter replaced on said real property by a contractor approved by the FMA. Said person shall arrange for an inspection by obtaining an application for evidence of compliance certificate (application) from the Authority, submitting the completed application to the FMA, and paying such fee(s) as required by the FMA. Upon completion of the inspection, the inspector and/or installation the contractor the inspector or the designee of FMA shall complete the appropriate section of the inspection results form (results form) confirming that the property has been inspected and certifying the results of such inspection.

- (1) If the inspector determines that there are no illegal connections or failing pipes, and water meter has been replaced on the real property, he shall so note the results form and the application, and the FMA shall then issue the Evidence of Compliance certificate promptly after the FMA's receipt of the properly completed application and results from showing no illegal connections or failing pipes and the water meter has been replaced.

- (2) If the inspector determines that there is/are illegal connection(s) or failing pipes and the water meter has not been replaced on the real property he shall so note on the results form, and the application shall present a plan of corrective action for the FMA's approval on a FMA plan form. The time period for the completion of the remedial work (bases upon the extent of the work required and the existing conditions) shall be such as the FMA will approve. After the corrective action has been taken, the applicant shall submit a report thereof to the FMA on the FMA's corrective action report form and pay any additional fee(s) and cost(s) required by the FMA. The real property will be reinspected, and if the inspector determines that there are then no illegal connections or failing pipes and the water meter has been replaced on the real property, he shall so certify on the report form. The FMA shall then issue the Evidence of Compliance certificate promptly after the FMA's receipt of the completed application and the report form.

- (3) If the reinspection reveals the existence of any illegal connections of failing pipes or the water meter was not replaced, the inspector shall so certify on the results form, and the applicant shall be required to correct under subsection 2.A.(2) above.

2.B. An Evidence of Compliance certificate shall be effective for three years following the date of its issuance. A property owner shall not be

required to have an inspection completed if a valid non-expired Evidence of Compliance certificate exists for the real property being transferred. If any additions are made to the property within the period of three years, an additional certification shall be obtained from an inspector that the addition has no illegal connections.

3. Any person becoming an owner of real property (purchaser) located within the Borough connected to the water system on which a building or improvement exists without first obtaining from a grantor a valid Evidence of Compliance certificate or a temporary Evidence of Compliance certificate shall have said real property inspected in accordance with subsection 2.A. above and have all of the responsibilities of a seller under 2.A. and B. above
4. In the event no inspection and/or replacement of the water meter occurs, the seller of the property upon which the inspection and/or replacement was to occur, shall remain personally liable for any and all costs and the conveyance of such property shall be made subject to the lien of FMA for the costs and expenses of such installation, repair, and/or replacement and no final water service reading shall be made at the property until evidence of compliance is delivered to FMA.

PART II

Inspection of a Private Property as a result of regulatory requirements

1. A. At the time DEP enacts additional regulatory requirement on the Water System requiring additional inspections and or/actions by the FMA, FMA's representatives shall have the right to inspect the facilities within the improved property, following adequate prior notification, to meet these regulatory requirements. The Inspections shall be permitted for the purposes of complying with these requirements.
- B. Failure of any property owner to grant right of access to the FMA of Freeburg for the intent and purposes listed herein shall constitute a violation of the Rules and Regulations of FMA and as such, shall subject said property owner to a \$50.00 surcharge applied to the water bill for the property and

subsequent legal proceedings. Each month of the violation shall represent as new and separate offense subject under this ordinance and shall continue until such time the inspection has occurred.

PART III

Savings Clause. All other water system Rules and Regulations shall remain in full force and effect as previously enacted and amended.

PART IV

Effective Date. This Resolution shall be effective immediately upon its adoption.

Finally, resolved and adopted, this 14th days of November, 2024 by the Freeburg Municipal Authority of the Borough of Freeburg, Snyder County, Pennsylvania, in lawful session duly assembled.

ATTEST:

FREEBURG MUNICIPAL AUTHORITY

By: Wanda S. Kandy

Secretary

By: [Signature]

, Chairperson

