

NOTICE

NOTICE IS HEREBY GIVEN that the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, intends to consider for adoption and to vote upon an enactment of the Ordinance below at the regularly scheduled Chambersburg Town Council Meeting on November 18, 2024, at 7:00 p.m. at the Borough Office, 100 South 2<sup>nd</sup> Street Chambersburg, Pennsylvania 17201.

BOROUGH OF CHAMBERSBURG  
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-\_\_

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF CHAMBERSBURG (THE “CODE”) BY REPLACING CHAPTER 160 (GAS) OF THE CODE IN ITS ENTIRETY.

**WHEREAS**, the Borough of Chambersburg (the “Borough”) operates a gas distribution system to supply gas to its residents; and

**WHEREAS**, the Borough Code, 8 Pa.C.S. § 101 *et seq.*, at Section 1202(2), authorizes the Borough to make and regulate charges for its utilities for general borough purposes; and

**WHEREAS**, Section 1202(5) of the Borough Code authorizes the Borough to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the Borough; and

**WHEREAS**, to regulate the use of and the charges for gas furnished by the Borough for use throughout the Borough, the Borough has enacted a Gas Rate Ordinance which is codified as Chapter 160 of the Code of the Borough of Chambersburg (the “Code”); and

**WHEREAS**, the Borough desires to amend and replace Chapter 160 of the Code, entitled “Gas,” in its entirety; and

**WHEREAS**, Town Council deems it in the best interest and for the general welfare of the citizens and residents of the Borough to amend and replace Chapter 160 of the Code in its entirety.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Mayor and Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

**SECTION 1.** Chapter 160 of the Code of the Borough of Chambersburg is hereby amended by replacing the contents thereof with the following:

Chapter 160 **Gas**

**§ 160-1 Definitions.**

For the purpose of this chapter, the words and terms herein shall have the meaning set forth in the Utility Service Manual adopted by Town Council from time to time, unless otherwise defined below:

**BILLING PERIOD**

As defined by the Utility Service Manual adopted by Town Council from time to time.

**BOROUGH**

The Mayor and Town Council of the Borough of Chambersburg, commonly known as the “Borough of Chambersburg” and/or its duly authorized representative acting in its behalf.

**BOROUGH USE**

Any property owned or leased by the Borough and operated and maintained by the Borough.

**COMMERCIAL OR INDUSTRIAL ESTABLISHMENT**

Any business, commercial, professional, non-profit, or governmental undertaking functioning independently of other undertakings, whether located upon a separate parcel of land or upon the same parcel of land or within the same building or structure with other establishments.

**DWELLING UNIT**

A separate dwelling unit, apartment, room or group of rooms used for separate dwelling purposes and equipped for the preparation of food. In all cases the determination of the Borough as to what constitutes a separate dwelling unit shall be final.

**PERSON**

Any individual, firm, corporation, association, trust, company, or any other group or entity acting as a unit.

**RESIDENTIAL PREMISES**

Premises which are used solely for dwelling purposes and other normal residential activity. Residential premises with publicly advertised commercial operations shall be considered commercial establishments.

**UNIT**

One hundred cubic feet (CCF) of natural gas at standard temperature and pressure.

**USER**

As defined by the Utility Service Manual adopted by Town Council from time to time.

**§ 160-2 Rates.**

A. General service rate: domestic (301); commercial and industrial (321).

- (1) Availability. The general service rate shall be available to any user for any usual domestic, commercial or industrial purpose.
- (2) Rates. The following rates shall be charged for gas furnished under the general service rate:
  - (a) Customer charge: a net per meter, per Billing Period charge in an amount established by Resolution of Town Council from time to time.
  - (b) Energy charge: all Units per Billing Period, per Unit in an amount established by Resolution of Town Council from time to time.
  - (c) Purchased gas adjustment charge: in accordance with § **160-3** of this chapter.

B. Space heating rate: domestic (311); commercial and industrial (331); Borough Use (382).

- (1) Availability. The space heating rate shall be available for all domestic, commercial, industrial, or municipal space heating purposes and other incidental purposes in the premises.
- (2) Rates. The following rates shall be charged for gas furnished under the space heating rate:
  - (a) Customer charge: a net per meter, per Billing Period charge in an amount established by Resolution of Town Council from time to time.
  - (b) Energy charge: all Units per Billing Period, per Unit in an amount established by Resolution of Town Council from time to time.
  - (c) Purchased gas adjustment charge: in accordance with § **160-3** of this chapter.

C. Interruptible rate (342, 343).

- (1) Availability. The interruptible rate shall be available to commercial and industrial users when, in the judgment of the Gas Department, sufficient supplies of gas are available for any usual purpose on an interruptible basis upon execution of a service agreement with the Borough. The user shall agree to provide and maintain, in usable condition, standby facilities for the use of an alternate fuel during periods of service curtailment. The Borough shall not be liable for any loss or inconvenience incurred by any person as a result of interruption or curtailment of gas service directed or accomplished by the Borough under the terms of this chapter. The user will be responsible for any extraordinary costs incurred by the Borough as a result of failure to discontinue gas use when directed by the Borough.

- (2) Rates. The following rates shall be charged for gas furnished under the interruptible rate:
  - (a) Customer charge: a net per meter, per Billing Period charge in an amount established by Resolution of Town Council from time to time.
  - (b) Energy charge.
    - [1] For billing periods predominantly falling during the months of November through April (342): a net per meter, per Billing Period charge in an amount established by Resolution of Town Council from time to time.
    - [2] For billing periods predominantly falling during the months of May through October (343): a net per meter, per Billing Period charge in an amount established by Resolution of Town Council from time to time.
  - (c) Purchased gas adjustment charge: in accordance with § 160-3 of this chapter.

D. Firm industrial rate (361).

- (1) Availability. The firm industrial service rate shall be available to industrial and commercial users on a firm basis upon the execution of a service agreement with the Borough. The Borough reserves the right to refuse to offer gas for sale under this rate if, in its judgment, the quantity of gas requested by the user exceeds that which could be furnished on a firm basis without detriment to the service of other firm users.
- (2) Rates. The following rates shall be charged for gas furnished under the firm industrial rate:
  - (a) Customer charge: a net per meter, per Billing Period charge in an amount established by Resolution of Town Council from time to time.
  - (b) Energy charge: all Units per Billing Period, per Unit in an amount established by Resolution of Town Council from time to time.
  - (c) Purchased gas adjustment charge: in accordance with § 160-3 of this chapter.

§ 160-3 Purchased gas adjustment charge.

- A. Every gas sales rate contained in this chapter shall be subject to the purchased gas adjustment.

- B. The total bill each Billing Period shall be increased or decreased by an amount equal to the purchased gas adjustment charge times the number of Units of 100 cubic feet (CCF) of gas billed to the Borough customer during the current Billing Period.
- C. The purchased gas adjustment charge will be computed using the Borough's monthly updated forecasted gas costs for the Billing Period.
- D. The gas sales rates include a base purchase gas cost per 100 cubic feet (CCF), which base purchase gas cost shall be in an amount established by Resolution of Town Council from time to time. The purchased gas adjustment charge will be computed from the monthly forecast of gas costs, adjusted for any over or under collection in the prior calendar year, less the amount of the purchased gas cost per CCF included in the base rates.
- E. The purchased gas adjustment charge shall be calculated monthly based on the following formula:

$$PGA = \frac{(FGC + R) - Base}{FGS}$$

Where:

- PGA = Purchased gas adjustment applied to the number of billing units (CCF).
- FGC = Monthly forecasted gas costs for the Billing Period.
- R = Reconciliation factor. The reconciliation factor shall be a monthly add-on or credit, as determined by the Borough's Gas Director or his designee, to recover in the current calendar year any over/under collection of all purchased gas costs for the prior calendar year.
- FGS = The forecasted gas sales for the billing period.
- Base = Base purchase gas cost per CCF in an amount established by Resolution of Town Council from time to time and included in sales rates.

**§ 160-4 Terms and conditions of gas service.**

Terms and conditions of service, including but not limited to establishing service, billing for service, interest and penalties, payment requirements, and termination of service, shall be in compliance with the Utility Service Manual, as may be revised from time to time by Town Council, and shall be available for public inspection at the Utility Offices at Borough Hall, the Utilities Service Center at 80 South Franklin Street, and online at [www.chambersburgpa.gov](http://www.chambersburgpa.gov).

**§ 160-5 Billing adjustments.**

Where, as a result of equipment malfunction, estimated billing, billing error, or other circumstances, gas service is rendered, but not billed, the unbilled gas service may be retroactively charged to the customer, provided that the services at issue were rendered within the last three (3)

years. The charges for service shall be determined in accordance with the Utility Service Manual adopted by Town Council from time to time.

**§ 160-6 General authorization.**

Town Council shall have the right to establish from time to time, by Resolution, rules, regulations, provisions, terms, or standards under which gas service shall be rendered, which shall be supplemental to the standards set forth in the Utility Service Manual.

**§ 160-7 Short title.**

This chapter may be cited as the “Borough of Chambersburg Gas Rate Ordinance.”

**SECTION 2. Repealer.** All ordinances, or parts thereof, of the Borough of Chambersburg inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 3. Savings Clause.** In all other respects, the ordinances of the Borough of Chambersburg shall remain as previously enacted and ordained.

**SECTION 4. Severability.** The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

**SECTION 5. Effective Date.** This Ordinance shall be effective upon adoption. Notwithstanding the foregoing, the rates established by the Borough Gas Rate Ordinance of 2009 shall remain effective with all gas service bills rendered on or before December 31, 2023.

**ENACTED, ORDAINED and APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Allen B. Coffman  
President of Town Council

ATTEST:

\_\_\_\_\_  
Jamia L. Wright  
Secretary of Town Council

\_\_\_\_\_  
Kenneth Hock  
Mayor

## CERTIFICATION

I, Jamia Wright, Borough Secretary, hereby certify that the foregoing ordinance was advertised in the Public Opinion on \_\_\_\_\_, 2024 a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a Regular Public Meeting of Council held November 18, 2024.

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Jamia Wright, Borough Secretary