

tion or maintenance of its water system, including that part of said system in Pennsylvania held in the name of The Evitts Creek Water Company; the receipts of the water system shall be kept in a separate fund and under a separate accounting system; and it shall be the duty of the Mayor and City Council to establish from time to time such rates for its water system as will pay all its operating expense and all its annual interest, and meet all its sinking fund or serial bond requirements; and in case of any deficit in the operations of the water department, then the water rentals shall be increased in order to prevent any future deficit, and to liquidate the past deficit.

In addition to the above powers, the Mayor and City Council may sell excess water at such price as it shall deem proper, without regard to its capital, interest requirements, or maintenance costs, to the end that said excess water shall not be wasted and that the Mayor and City Council of Cumberland shall derive some return therefrom; provided that no water shall be sold as excess water for less than the actual amount of filtration and treatment costs thereof.

Excess water shall only be such amount of water which shall be in storage in the impounding dams above the pumping level as shall be in excess of an amount equal to two hundred times the average amount of water then being delivered to the regular water takers for their daily consumption, and when the water in storage shall not be in excess thereof, no water shall be sold as excess water.

No excess water shall be sold to any person, firm or corporation for other than manufacturing or industrial purposes or when the use of which would diminish the amount of water then being furnished to said person, firm or corporation under the regular established rates of said City, or in case of sale of excess water to a non-user of water under said established rates, said excess water shall not be sold in amount of less than four hundred thousand gallons per day, all of which must be used for manufacturing and industrial purposes, except in case of shut down, strike, act of God, or other emergency, and in like case the City may discontinue the supply of said excess water so long as any such emergency may exist, and provided further that in the sale of excess water the Mayor and City Council shall reserve the right to apportion said excess water among the eligible applicants who may apply for the same and may stipulate such other conditions as may seem reasonable and proper for the protection of the interests of said City.