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MILESBURG BOROUGH
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 237

AN ORDINANCE OF THE BOROUGH OF MILESBURG, CENTRE COUNTY, PENNSYLVANIA, REQUIRING OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THE BOROUGH AND ABUTTING THE WATER SYSTEM OWNED BY MILESBURG BOROUGH TO CONNECT THERETO; REGULATING THE MANNER OF MAKING CONNECTIONS; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS.

BE IT ENACTED AND ORDAINED, by the Council of the Borough of Milesburg and it is hereby enacted and ordained by authority of the same:

ARTICLE I

DEFINITIONS

SECTION 1.01. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

A. "Borough" means the Borough of Milesburg, Centre County, Pennsylvania, a political subdivision, acting by and through its Council, or in appropriate cases, by and through its authorized representatives.

B. "Improved Property" means any property within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings.

C. "Owner" means any person vested with ownership, legal or equitable, sole or partial, or any property located in this Borough.

D. "Person" means any individual, partnership, company, association, society, corporation or other group or entity.

E. "Water System" means the water distribution facilities, including all related facilities owned by the Borough, including all property, real, personal and mixed, rights, powers, licenses, easements, rights-of-way, privileges, franchises and other property or interest in property of whatsoever nature used or useful in connection with such facilities, and together with all additions,

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extensions, alterations, improvements and betterments thereof or thereto which may be made, installed or acquired, from time to time, by or for the Borough.

ARTICLE II

USE OF PUBLIC WATER SYSTEM REQUIRED

SECTION 2.01. The Owner of any Improved Property abutting the Water System, shall connect such Improved Property to the Water System in such manner as the Borough may require, within ninety (90) days after notice to such Owner from the Borough to make such connection.

SECTION 2.02. The notice to make a connection to the Water System, referred to in Section 2.01, shall consist of a copy of this Ordinance/Resolution including any amendments and/or supplements at the time in effect, or a summary of each Section thereof and a written or printed document requiring the connection in accordance with the provisions of this Ordinance/Resolution and specifying that such connection shall be made within ninety (90) days from the date such notice is given. Such notice may be given at any time after a water main is in place which can supply water to the particular Improved Property. Such notice shall be served upon the Owner in accordance with law.

SECTION 2.03. It shall be a violation of this Ordinance/Resolution to disconnect any Improved Property from the water system without the express written permission of the Borough. In order to protect the health and welfare of the water customers of the Borough and the inhabitants of the Borough it is the express legislative intent of the Borough that all Improved Property abutting the water system shall be connected to and served by such system for the provision of drinking water to such property. Written notice of violation shall be served upon the owner of such property in person or by certified mail at least ten (10) days prior to the institution of proceedings against such owner.

SECTION 2.04. Water rents shall be charged to all owners of properties abutting the water system, whether

connected thereto or not. Such water rents may be collected in the same manner as delinquent water rents are now collected in accordance with the Water Rules and Regulations of the Borough.

ARTICLE III

CONNECTIONS

SECTION 3.01. No person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner, any water main constituting a part of the Water System.

SECTION 3.02. All connections shall be made by the consumer in accordance with the latest rules and regulations of the Borough. All fees due the Borough shall be paid in advance of any connections. All facilities to the curb box shall belong to the Borough. Facilities shall be maintained in accordance with the rules and regulations of the Borough.

SECTION 3.03. All service lines from the curb stop to the structure (and through the wall of the structure and housing facility for the meter) to be served shall be installed by the Owner of the Improved Property to be served, at his own expense, shall be of pipe approved by the Borough and shall be kept in good repair at the expense of the Owner of the Improved Property to be served. No service line or other connection facility between the curb stop and the structure to be served shall be covered up in the process of installation until inspected and approved by the Borough. If any service line or other connection facility is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the Owner of the Improved Property.

SECTION 3.04. The size of the service connection from the water main to the curb stop necessary to serve adequately an Improved Property and the location of such service connection shall be determined by the Borough. If any Person shall request a service connection of a greater capacity than that determined by the Borough to be adequate, or if any such Person shall request that a service connection be located in a

location different than that determined by the Borough, the Borough, in its discretion, may install such service connection in accordance with the request of such Person.

SECTION 3.05. When it is necessary to replace an existing service connection from the water main to the curb stop, the Borough will provide for the replacement of said service connection in the same location as the old service connection; provided, however, that if the Owner of the particular Improved Property, for his own convenience, desires the new service connection at some other location and agrees to pay to the Borough all expenses of cutting off the old service connection at the water main and any other additional expenses incurred by the Borough in complying with said request, then the Borough will install the new service connection at the location desired, if said location is approved by the Borough.

SECTION 3.06. Only Persons properly authorized by the Borough shall be permitted to make service line and service connection installations.

SECTION 3.07. The Borough reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with the Water System, which additional rules and regulations, to the extent appropriate, and shall be construed as part of this Ordinance.

ARTICLE IV

ENFORCEMENT

SECTION 4.01. Any Person who shall violate this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars, together with costs or prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

SECTION 4.02. Fines and costs imposed under provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

ARTICLE V

EFFECTIVE DATE

SECTION 5.01. This Ordinance shall become effective October 31, 1993, as provided by law.

ARTICLE VI

SEVERABILITY

SECTION 6.01. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE VII

DECLARATION OF PURPOSE

SECTION 7.01. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Borough.

ARTICLE VIII

REPEALER

SECTION 8.01. All Ordinances or parts of Ordinances inconsistent herewith are hereby expressly repealed.

DULY ENACTED AND ORDAINED this 14th day of June, 1993 by the Council of the Borough of Milesburg in lawful session assembled.

ATTEST:

BOROUGH OF MILESBURG:

Paula J. Hall
SECRETARY

By: Robert B. [Signature]

AND NOW, to wit this 14th day of June, 1993, the within and above Ordinance is approved.

Walter [Signature]
Mayor