

BOROUGH OF MILESBERG
Centre County, Pennsylvania

ORDINANCE NO. 266

AN ORDINANCE

OF THE COUNCIL OF BOROUGH OF MILESBERG, CENTRE COUNTY, PENNSYLVANIA, REQUIRING ALL OWNERS OF IMPROVED PROPERTY LOCATED WITHIN THIS BOROUGH AND ABUTTING THE WATER SYSTEM OWNED BY THE MILESBERG BOROUGH WATER AUTHORITY, TO CONNECT THEREWITH UPON NOTICE BY THIS BOROUGH; REGULATING THE MANNER OF MAKING CONNECTIONS; AUTHORIZING THIS BOROUGH TO MAKE CONNECTIONS AT THE COST AND EXPENSE OF ANY OWNER OF AN IMPROVED PROPERTY WHO FAILS TO MAKE SUCH CONNECTION; ADOPTING CERTAIN RULES AND REGULATIONS AND PROVIDING FOR ADOPTION OF ADDITIONAL RULES AND REGULATIONS; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Council of Borough of Milesburg, Centre County, Pennsylvania, enacts and ordains as follows:

ARTICLE I
DEFINITIONS

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

- A. "Authority" means The Milesburg Borough Water Authority; a Pennsylvania municipality authority.
- B. "Borough" means the Borough of Milesburg, Centre County, Pennsylvania, acting by and through its Council, or, in appropriate cases, by and through its authorized representatives.
- C. "Improved Property" means any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals.

D. "Owner" means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

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

F. "Water System" means the water supply system owned by the Authority, including the existing water works, water supply works and water distribution system facilities, together with all appurtenant facilities and properties, including all property, real, personal and mixed, rights, powers, licenses, easements, rights of way, privileges, franchises and other property or interests in property of whatsoever nature used or useful in connection with all such facilities and together with all additions, extensions, alterations, improvements and betterments thereof or thereto which may be made, installed or acquired, from time to time, by or for the Authority.

ARTICLE II USE OF PUBLIC WATER SYSTEM REQUIRED

SECTION 2.01. The Owner of any Improved Property abutting upon any street in which there is constructed a water main constituting a part of the Water System shall connect such Improved Property to the Water System in such manner as this Borough may require, within ninety days after notice to such Owner from this Borough to make such connection.

SECTION 2.02. The notice by this Borough to make a connection to the Water System, referred to in Section 2.01, shall consist of a copy of this Ordinance, 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 and specifying that such connection shall be made within ninety 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.

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 without the prior written consent of the Authority.

SECTION 3.02. The Authority shall make all connections to its water mains. Upon the payment of the required tapping fee, the Authority will tap the water main, insert

corporation cock, install a service line and insert a curb stop, all of which facilities shall be and shall remain the property of the Authority and shall be maintained by the Authority.

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 Authority 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 Authority. 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 Authority. If any Person shall request a service connection of a greater capacity than that determined by the Authority 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 Authority, the Authority, in their 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 Authority 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 Authority all expenses of cutting off the old service connection at the water main and any other additional expenses incurred by the Authority in complying with said request, then the Authority will install the new service connection at the location desired, if said location is approved by the Authority.

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

SECTION 3.07. This 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, shall be 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 in an amount permitted by law, together with costs of 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 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 this 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 with this Ordinance shall be and the same expressly are repealed.

DULY ENACTED AND ORDAINED, this 28th day of September, 1998, by the Council of the Borough of Milesburg, Centre County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF MILESBURG,
Centre County, Pennsylvania

Paul J. Hall
(Assistant) Secretary

By: Stephen J. Lettew
(Vice) President of Council

(SEAL)

Examined and approved this 28th day of September, 1998.

Phyllis J. Gordon
Mayor