

No 68

An ordinance providing for the laying out and construction of sewers; rental of sewage facilities and sewage disposal system from the Municipal Authority of the Borough of Millville, Columbia County, Pennsylvania; the regulation of sewer connections and house connections; issuing of permits; fixing the tappage fees for connecting the public sewers; requiring all property owners accessible to public sewers to connect thereto; the abandonment, cleansing and filling of cesspools, septic tanks and like private sewage disposal; fixing of rates, rules and regulations for usage of public sewer and sewer disposal systems; providing penalties for interference with sewers and for violating any of the provisions of this Ordinance or any other Ordinance of the Borough of Millville, relative to public sewers.

Section 1. (a) All existing sewers and sewers hereinafter constructed by the Borough of Millville or rented by the Borough of Millville from the Municipal Authority of the Borough of Millville, County of Columbia, Pennsylvania, shall be subject to the provisions of this ordinance.

(b) Wherever the word "Authority" appears in this Ordinance, it shall be deemed to mean the Municipal Authority of the Borough of Millville, County of Columbia, Pennsylvania.

Section 2. (a) Every property owner whose property abuts on any street or alley in which there is an existing accessible sewer line or accessibility to a sewer line which may be hereinafter constructed or which otherwise is accessible to an existing or hereinafter constructed sewer line shall connect to said sewer line and shall discontinue the use of any cesspool, septic tank, dry closet, or similar device installed, dug, erected or maintained for the purpose of retention of any sewage or liquid household or manufacturing waste or human sewage within 45 days from date of written notice from the Secretary of the Borough Council to him to discontinue the use of such devices, and any such cesspools or dry closets shall be thoroughly cleansed and filled within 45 days after written notice from the Secretary of the Borough Council so to do.

(b) No property owner in the Borough of Millville shall install, dig, erect or maintain or cause to be installed, dug, erected or maintained on any property within the Borough of Millville, any cesspool, septic tank, dry closet or similar device for the retention of any sewage or liquid household or manufacturing waste or human sewage where such property is accessible to any existing sewer line or any sewer line which may hereinafter may be constructed with the Borough of Millville.

Section 3. The Borough Council shall have and retain the right to provide the materials and labor for all sewers hereafter to be constructed or reconstructed or a portion thereof, or let the same or a portion thereof out by construct; and in the event

that the Borough council decides to let said work or portion thereof out by contract, the Secretary when so directed shall advertise for sealed bidders according to Plans and Specifications approved by the Borough Council; and upon the acceptance of any bid, the President and Secretary of the Borough Council shall, subject to the approval of Council, enter into written contract with such accepted bidder who shall give bond to the Borough of Millville with surety to be approved by Council in the amount of one hundred percentum of the contract price, conditioned for the faithful performance of such contract according to plans and Specifications; provided, however, that the Borough Council may delegate the herein retained rights to the Municipal Authority of the Borough of Millville, County of Columbia, Pennsylvania.

Section 4. (a) The property owner who shall, after the passage of this ordinance, connect to any existing sewer line or to any sewer line hereinafter to be constructed, shall be liable for the expense of installation the house connection or discharge line to the street or alley right-of-way or curblin and shall pay tappage fee for each connection in the sum of \$25.00. Before laying or placing such house connection or discharge line the property owner shall obtain a permit from the Secretary of the Borough Council at a cost of \$1.00 and shall construct such house connection or discharge line of such size and in such place and of such material and to such depth as shall be designated in said permit.

(b) The Borough, upon payment of the tappage fee and obtaining of said permit, shall construct a lateral from the main to the property owner's house connection or discharge line.

Section 5. (a) The Borough Council upon adoption of this Ordinance shall be and hereby is authorized to enter into a Lease with the Municipal Authority of the Borough of Millville, County of Columbia, Pennsylvania, for the leasing and operation of a sewage facility together with all appurtenances thereof, and including but not limited to all sewer lines and mains now in existence or which may hereafter be constructed, and sewage disposal system, for a term of 40 years. The Borough Council, pursuant to the terms of said lease, will pay certain rentals to the Authority or its assigns quarterly on the 1st days of March, June, September and December, beginning March 1, 1971; will charge and collect from the users of the sewage facility sewage rates sufficient to pay said rentals and the expenses of operation; will pay deficiencies out of current revenues; will place all sewage revenues in a sewage revenue account which will be expended only for said purposes; will continuously operate said sewage facility and sewage disposal plant and maintain the same in first-class operating condition; and upon termination of the lease, will deliver up possession of the facility and disposal plant to the Authority.

(b) The form of Lease a copy of which is attached hereto, is hereby approved.

(c) The President and Secretary of the Borough Council and hereby directed to execute said lease on behalf of the Borough substantially in the form presented to this meeting and the proper officers of the Borough and hereby authorized and empowered to execute all such other papers and documents and do all such other acts necessary

or proper to carry out the covenants and agreements of the Borough contained in the said lease.

Section 6. (a) The Borough Council shall and does by this Ordinance promulgate Rates, Rules and Regulations, a copy of which is attached hereto and made a part hereof, governing the furnishing of sewage service and sewage disposal facilities, and the establishment of rates or charges to be paid by the property owners having access to any existing sewer line or any sewer line hereafter constructed; an every property owner whose property shall have a sewer connection shall be bound by said Rates, Rules and Regulations.

(b) Said Rates, Rules and Regulations may be amended from time to time by Ordinance and a copy of said Rates, Rules and Regulations or any amendment thereof shall at all times be available for inspection at the office of the Borough Secretary by any interested person.

Section 7. It shall be unlawful after the passage of this Ordinance for any person to dig or cause to be dug any cesspool for the retention of any sewage or liquid household or manufacturing waste, or to erect or maintain any dry closet for the deposit of human sewage, providing the property for the convenience of which such cesspool or dry closet is dug, erected, or maintained shall abut upon a street in which a public sewer shall have been constructed or shall have access to such public sewer by means of a private or public alley; provided further, that no person shall discharge or cause to be discharged upon the surface of any street, highway, lane or alley, or into any brook or creek of sewage or liquid or other household or manufacturing waste.

Section 8. Any failure to comply with the terms of this Ordinance and any violation of any requirements or provisions hereby shall be punishable by fine of not less than ten (10) dollars nor more than fifty (50) dollars, said fines to be collected as all other fines of the Borough of Millville are now by law collected and in default of payment of the same, the offender shall be subject to imprisonment in the county jail for not exceeding thirty days.

Section 9. If any sentence, clause or section or part of this Ordinance is for may reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared that the intent of the Borough Council of the Borough of Millville that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Any Ordinance of the Borough of Millville inconsistent with or conflicting with this Ordinance is hereby repealed insofar as the same affects this Ordinance.

Section 11. This Ordinance shall be in force and effect from and after its passage and

legal publication.

Enacted into an Ordinance as passes a session of Council of the Borough of Millville
this 7th day of April A. D. 1969.

Paul K. Girton
President of Council

ATTEST:

Wayne E. Deaner William M. Laubach
Borough Secretary Mayor

Vote: Weatherill, yes; Meyers, yes; Freas, yes; Ludwig, yes; Vial, yes; Wintersteen, yes.

