

ORDINANCE NO. 2003-02

**BOROUGH OF MARKLEYSBURG**

**AN ORDINANCE (i) REQUIRING EACH OWNER OF PROPERTY TO CONNECT TO A SANITARY SEWER SYSTEM IN MARKLEYSBURG BOROUGH, FAYETTE COUNTY, PENNSYLVANIA; (ii) PROVIDING REMEDIES FOR AN OWNER'S NEGLIGENCE OR REFUSAL TO CONNECT WITH THE SEWER; (iii) AUTHORIZING THE MARKLEYSBURG BOROUGH COUNCIL TO ESTABLISH RULES AND REGULATIONS REGARDING SUCH CONNECTIONS; AND (iv) PROVIDING PENALTIES FOR VIOLATIONS HEREOF.**

BE IT ORDAINED AND ENACTED by the Council of the Borough of Markleysburg, Fayette County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

**SECTION 1.** All sewers and branches thereof for the disposal of sanitary sewer and/or industrial wastes within the Borough in the geographical area served by a sewer system owned and operated by the Markleysburg Borough is hereby declared to be a common system of sanitary sewers for those areas of Markleysburg Borough.

**SECTION 2.** The owner or owners of each property in the Borough which has a dwelling or business located on it shall connect to the sewer system at any time within sixty (60) days after notice to make such connection is served upon such owner or owners by Markleysburg Borough, either by personal service or registered mail. Failure to connect shall be a violation of this Ordinance and shall subject the owner or owners of such property to a citation in addition to the other remedies provided herein.

**SECTION 3.** In case any property owner or owners of such building or premises shall neglect or refuse to connect to the common system of sanitary sewers for that area of the Borough within the sixty (60) day period immediately following the service of the notice to connect to the sewer system, the Markleysburg Borough or its Agents may enter upon such property and construct such sewer connection. Upon construction of such sewer connection by the Markleysburg Borough or its Agents, the Markleysburg Borough or its Agents shall send an itemized bill of costs of construction of sewer connection to the owner or owners of such property which bills shall be paid immediately. In case such owner or owners neglect or refuse to pay such bill of costs, the Markleysburg Borough or its Agents may file a Municipal Lien for costs of said construction as provided by law, and/or the Markleysburg Borough or its Agents may pursue any other legal or equitable remedy available to them to collect such bill of costs.

**SECTION 4.** The Markleysburg Borough is hereby authorized to enact, adopt, and enforce reasonable rules and regulations regarding all aspects of the common sewer system. The Markleysburg Borough shall also adopt reasonable rates, fees, and other charges regarding the use of such sewer systems.

**SECTION 5.** No owner or owners shall discharge or permit the discharge of any storm water, surface water, roof runoff, swimming pool water, subsurface drainage, cooling water, or unpolluted industrial processed waters into the common sewer systems.

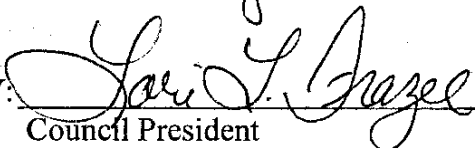
**SECTION 6.** Any person violating the provisions of this Ordinance shall, upon a finding of liability before the district justice, be subject to a fine in an amount not more than three hundred and 00/100 (\$300.00) dollars for each and every offence, plus costs. Whenever such persons shall have been notified in writing by the Markleysburg Borough or its Agents that such person is violating this Ordinance, each full week that he or she shall continue such violation after receipt of such notification shall constitute a separate violation subjecting such person to separate penalties.

**SECTION 7.** All ordinances or resolutions or parts of ordinances or resolutions in consistent with this ordinance are hereby repelled to the extent of such inconsistency.

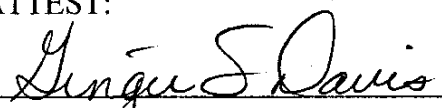
**SECTION 8.** The invalidity of any part of this Ordinance shall not affect the validity of any other part of this Ordinance.

**SECTION 9.** This Ordinance shall become effective five (5) days after the date of enactment.

ORDAINED AND ENACTED into an Ordinance and passed by the Council of the Borough of Markleysburg on this the 2<sup>nd</sup> day of February, 2004.

BY:   
Council President

ATTEST:

  
Secretary