

Borough of Lilly

LILLY, PENNSYLVANIA

Ordinance No: 2010-5

*An Ordinance of the Borough of Lilly Requiring
all Owners of Improved Property which is
Adjacent to the Water System Owned and
Operated by the Borough of Lilly to connect to
and use such Water System*

The Borough of Lilly Council hereby and herein **ORDAINS AND ENACTS** the following Ordinance:

Article I *Definitions*

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

"Borough": shall mean the Borough of Lilly, Cambria County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Borough Council or in appropriate cases, acting by and through its authorized representatives.

"Borough Engineer": an engineer employed by the Borough or an authorized member of his/her staff.

"Improved Property": shall mean any property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and at which structure water is or may be used.

"Owner": shall mean any Person vested with ownership, legal or equitable, sole or partial of any Improved Property.

"Person": shall mean any individual, partnership, company, association, society, trust, corporation, municipality, municipal authority or other group or entity.

"Water Main": a pipe or conduit that carries potable water.

"Water Systems": the water distribution systems owned and operated by the Borough and any additions thereto or extensions thereof.

Article II

Use of Water System Required

Section 1. It shall be unlawful for any owner of property within the Borough who is required to connect to the water system pursuant to Section 2 below, to construct or maintain any private or other water supply or to connect any structure therewith.

Section 2. Each owner of any improved property abutting on any street, alley or right-of-way in which a water main has been provided by the Borough and where any part of a structure is within one hundred fifty feet (150') of said water main, shall at his own expense connect such structure to the water system in accordance with the provisions of this Ordinance and such rules and regulations as, from time to time, may be promulgated by the Borough, within sixty (60) days after the date official notice is given to do so. In the event any such owner shall refuse or neglect to so connect within said sixty (60) day period, he shall be deemed to be in violation of this Ordinance and the Borough or its agents may enter upon such property and construct such connection. In such case, the Borough shall forthwith, upon completion of the work, send an itemized bill of the costs of construction of such connection to such owner, which bill shall be payable forthwith. In case of neglect or refusal by such owner to pay said bill within thirty (30) days thereafter, the Borough shall file municipal liens. Notwithstanding the foregoing provisions, no owner of an improved property shall be required to connect the structure to the water system if the Borough determines that the water supply available is insufficient to serve such structure.

Section 3. Upon completion of construction of the Project, and forthwith thereafter, each owner of any property to which Article II, section 2 above applies shall make application in writing to the Borough, in such form as may be prescribed by the Borough Engineer, for a permit to make the required connection to the water system.

Upon submission of the above-mentioned application and payment of all applicable fees and charges in accordance with the then applicable Borough Ordinance(s), Resolution(s), Rules and Regulations with respect to connection or other charges, the applicant shall be entitled to a permit to make such connection.

No connection shall be made to the water system except in compliance with the procedures set forth in this subsection and subsection 2 above and compliance with other applicable ordinances, resolutions and regulations of the Borough.

Section 4. All connections made to the water system shall be constructed in compliance with standard rules and regulations adopted by the Borough governing the making of connections.

Article III

Powers and Authority of Inspectors

The Borough Engineer and other duly authorized employees or agents of the Borough bearing proper credentials and bearing proper identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement and testing, in accordance with the provisions of this Ordinance.

Article IV

Penalties

Section 1. Any person who shall violate any provision of this Ordinance shall be served by the Borough with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender, within the period of time (if any, otherwise forthwith) stated in such notice, shall permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit fixed as provided for in Article IV, section 1 shall be subject to a penalty in an amount not exceeding one thousand dollars (\$1,000.00) for each violation. A new and separate violation shall be deemed to have been committed for each day any violation continues beyond such time limit.

Article V

Validity

Section 1. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed or rescinded.

Section 2. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts. It is hereby declared that this Ordinance would have been enacted had such invalid section, clause, sentence or provision not been included therein.

ORDAINED AND ENACTED this second day of March, 2010

BOROUGH OF LILLY

By: *Richard R. Sweeney*
Richard R. Sweeney - President

Attest: *Claudine M. Falger* (Seal)
Claudine M. Falger - Secretary

APPROVED, this 2nd day of March, 2010

Patrick R. Podrasky
Patrick Podrasky - Mayor