

BOROUGH OF INDIAN LAKE
SOMERSET COUNTY, PENNSYLVANIA

ORDINANCE NO. 121

AN ORDINANCE OF THE BOROUGH OF INDIAN LAKE, SOMERSET COUNTY, PENNSYLVANIA, REQUIRING ALL IMPROVED PROPERTIES WITHIN THE BOROUGH WHICH ARE SERVED BY THE BOROUGH WATER SYSTEM TO BE CONNECTED THEREWITH; REGULATING THE MANNER OF MAKING CONNECTIONS; ESTABLISHING TAPING FEES AND WATER SERVICE CHARGES; AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Indian Lake Somerset County, Pennsylvania, AND IT IS HEREBY ENACTED AND ORDAINED by the authority of the same, as follows:

SECTION 1. Declaration of Purpose. The Borough Council of the Borough of Indian Lake, Somerset County, Pennsylvania, declares that the enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Borough.

SECTION 2. Definitions. Unless the context specifically indicates otherwise, the following words and terms shall have the following meanings:

(a) Borough shall mean the Borough of Indian Lake, Somerset County, Pennsylvania.

(b) Manager shall mean the Secretary of the Borough of Indian Lake, who shall administer the Water System Rules and Regulations set forth herein, and her or his duly authorized agents or representatives.

(c) Water System shall mean the water system of the Borough of Indian Lake.

(d) "Shall" is mandatory; "may" is permissive.

(e) Service Area shall mean those portions of the Borough which are served by the Borough Water System.

(f) Customer shall mean any person, as hereinafter defined, owning any premises receiving water from the Indian Lake Borough Water System.

(g) Person shall mean any natural person, association, partnership, or corporation.

(h) Street shall mean any street, alley or land.

(i) Water System shall mean and include the pipe, fixtures, mains, reservoirs, rights-of-way and all other properties and facilities now or hereafter operated and maintained by Indian Lake Borough in order to collect, treat and distribute water for municipal purposes and for the use of the inhabitants thereof, and shall include those officers and employees of the Borough collectively engaged in the management, operation and maintenance thereof. The term "waterworks" and the term "water system" may be used interchangeably.

SECTION 3. Mandatory Connections to Borough Water System. From and after the effective date of this Ordinance, each owner of property abutting upon any street in the Borough in which there is a water main constructed or acquired by the Borough shall be required to make connection with such water line for the purpose of conducting water to

his or her property, as provided in Section 2461 of the Borough Code, the Act of February 1, 1966, P.L. (1965) _____, No. 581; 53 Purdon's Penna. Statutes Annotated, Section 47461.

SECTION 4. Notice to Connect. The owner of each property within the Service Area which has not previously been connected to the Borough Water System shall, upon 45 days written notice of the mandatory connection provisions of this Ordinance, connect his or her property to the Borough Water System and, upon failure of such owner to make such connection, the Borough may make the same and collect the costs thereof from the owner by a municipal claim or in an action of law, as provided in Section 2462 of the Borough Code, supra; 53 P.S. § 47462.

SECTION 5. Manner of Connections and use of Borough Water System. The manner of making connections to the Borough Water System, as required herein, and the manner of usage of the Borough Water System shall comply with the Rules and Regulations governing same as set forth in Resolution No. 1 of the former Indian Lake Water Authority, and its amendments, which were adopted by the Indian Lake Borough Council on May 10, 1995. All such Resolutions, being part of the public record of the proceedings of the Borough Council, are incorporated herein by reference.

SECTION 6. Tapping Fee. Whenever the owner of any property connects such property with the Borough Water System, he or she shall pay a tapping fee to the Borough in the amount of six hundred dollars (\$600.00), which fee shall be in addition to any charges assessed and collected against such property in the construction or acquisition by the Borough of the water main which serves such owner's property. Where a property has

more than one connection to the Borough Water System, a separate tapping fee shall be paid for each such connection.

SECTION 7. Water Rates. The rates for water furnished to customers of the Borough Water System shall be as follows:

- (1) Residential customers - \$190.00 per year, payable annually in one lump sum.
- (2) Commercial customers - \$190.00 per year minimum, payable annually in one lump sum, plus \$2.50 per 1,000.00 gallons in excess of 15,000.00 gallons per calendar quarter.

The aforesaid water rates shall be due and payable within the time set forth of the bill or invoice for same sent to each customer by the Borough.

SECTION 8. Other Service Fees. Additional service fees shall be charged for various services in connection with the Water System as set forth in the Water System Resolutions of the Borough Council, supra, as amended from time to time.

SECTION 9. Penalties for Violations. Any person who violates this Ordinance or any of the Water System Resolutions which are incorporated herein by reference shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to pay a fine of not more than \$300.00 together with the costs of prosecution in each case. Each day that a violation continues shall be deemed to be a separate offense and shall be punishable as such.

SECTION 10. Severability. 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 remaining parts of this Ordinance shall be, and shall remain, in full force an effect.

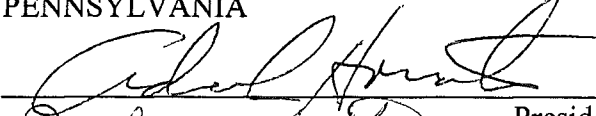
SECTION 11. Amendments. The Borough reserves the right to adopt, from time to time, such amendments to this Ordinance, such rules and regulations and additional rules and regulations as it shall deem necessary and proper relating to the subject matter of this Ordinance, or any provision thereof, which amendments, rules and regulations, to the extent appropriate, shall be, and shall be construed as, part of this Ordinance.

SECTION 12. Repealer. All Ordinances or Resolutions of Borough Council, or parts of Ordinances or Resolutions of Borough Council, which are inconsistent herewith shall be and the same hereby are expressly repealed, but only to the extent of such inconsistency.


SECTION 13. Effective Date. This Ordinance shall take effect upon enactment by the Borough Council and approval by the Mayor of the Borough.

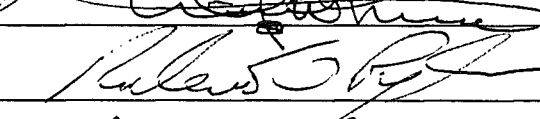
ENACTED AND ORDAINED this 5th day of February, 2001.

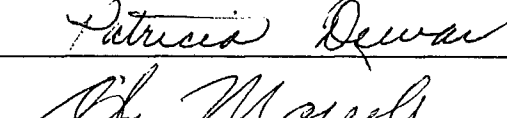
BOROUGH COUNCIL OF THE BOROUGH
OF INDIAN LAKE, SOMERSET COUNTY,
PENNSYLVANIA

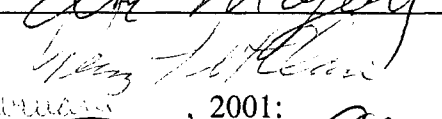


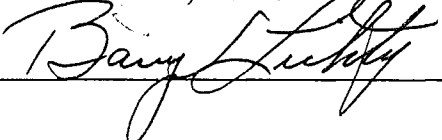
President











Mayor

Attest:

Thomas F. Kyant
Borough Secretary

APPROVED this 5th day of February, 2001: