

ORDINANCE NO. 85

ORDINANCE PROVIDING FOR THE OPERATION OF A SANITARY SEWAGE DISPOSAL PLANT WITHIN THE BOUNDARIES OF THE BOROUGH OF INDIAN LAKE AND ESTABLISHING THE CUSTOMER RATES FOR THE USAGE THEREOF.

WHEREAS, the Borough of Indian Lake was required by the Commonwealth of Pennsylvania, Department of Environmental Resources, pursuant to Departmental Orders dated January 4, 1989, and January 5, 1989, to operate and maintain the sanitary sewage disposal and treatment plant owned and previously operated by The Lakewood Corporation, Inc.; and,

WHEREAS, in accordance therewith and pursuant thereto, the Borough has developed a program to operate and maintain the sewage treatment plant; and,

WHEREAS, a significant portion of the aforesaid program is the establishment of a schedule of customer rates for the usage of the sewage treatment plant.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Borough of Indian Lake, and it is hereby enacted and ordained by the authority of the same as follows:

Article I. The Borough may contract with an individual, firm or corporation, with the proper license qualifications, to operate the sewage treatment plant within the laws of the Commonwealth of Pennsylvania and all rules and regulations issued by the Department of Environmental Resources and any and all other government agencies governing said operation and maintenance.

Article II. The Borough does hereby create and establish the monthly user rates and charges in accordance with the schedule attached hereto and made a part hereof, which may be amended and/or modified by Resolution of the Borough.

Article III. Any customer failing to pay the user charge created and established may, in the discretion of the Borough and the Indian Lake Water Authority, have the water service provided to the particular dwelling or commercial establishment terminated until all current and past charges have been paid in full.

Article IV. Any customer failing to pay the user charge may, after conviction of a summary offense before a District Magistrate, be fined an amount not to exceed \$300.00 and/or forced to undergo imprisonment for not more than ninety (90) days plus costs of the prosecution.

Article V. The Borough may, in furtherance of its comprehensive program to operate and maintain the sewage treatment plant, propound and adopt rules and regulations governing the operation and maintenance of the sewage treatment plant, all in accordance with the laws of the Commonwealth of Pennsylvania and the regulations established by the Commonwealth of Pennsylvania, Department of Environmental Resources and any and all other governmental agencies charged with monitoring and enforcing the "Pennsylvania Sewage Facilities Act," the Act of January 24, 1966, P.L. (1965) 1535, as amended, 35 P.S. Section 750.1, et seq., the "Clean Streams Law," the Act of June 22, 1937, P.L. (1987), as amended, 35 P.S. Section 691.1, et seq., and Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. Section 510-17.

Article VI. The provisions of this Ordinance are severable, and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance or circumstances, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Ordinance.

Article VII. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Article VIII. This Ordinance shall be effective as of January 4, 1989, the day and year the Borough was ordered and mandated to operate and maintain the aforesaid sewage treatment plant in accordance with the aforesaid Orders of the Department of Environmental Resources.

ORDAINED AND ENACTED this 12th day of April, 1989.

ATTEST:

INDIAN LAKE BOROUGH

Melba D. Hammond
Melba D. Hammond, Secretary

By Eugene W. Holman
Eugene W. Holman, President of Council

The above Ordinance is hereby approved this 12th day of April, 1989.

INDIAN LAKE BOROUGH

By Edward P. Kozart
Mayor