

BOROUGH OF EBENSBURG

ORDINANCE #636

**AN ORDINANCE RESTATING REGULATIONS RELATIVE TO
THE PUBLIC WASTEWATER SYSTEM,
AND REPEALING ORDINANCE #412 OF 1989**

BE IT ORDAINED AND ENACTED by the Council of the Borough of Ebensburg, County of Cambria and Commonwealth of Pennsylvania, and it is hereby Ordained and Enacted:

Section 1. Purpose.

This Ordinance is enacted to restate the regulations relative to the public wastewater system, to conform with the Agreement of Lease between the Borough and the Ebensburg Municipal Authority of the Borough of Ebensburg dated May 3, 2007, and to establish the Rules and Regulations as adopted by the Ebensburg Municipal Authority as the rules governing Borough wastewater operations.

Section 2. Charge and Management of the Wastewater System

- A. Be it enacted by the Council of the Borough of Ebensburg and it is hereby enacted by the authority of the same that the Council shall have exclusive charge and management of the wastewater system.
- B. It shall be the duty of the Borough Manager to report to Council the violation of any Part, rule or regulation governing the wastewater system; also the breach of the conditions of any contract with the Borough pertaining to the wastewater system.
- C. The Borough of Ebensburg will manage wastewater from the public under the provisions of this Part and not otherwise. Consumers discharging wastewater to the wastewater system shall be bound by the provisions of this Part and all rules and regulations made by the Borough in pursuance of the same.

Section 3. Rules and Regulations

- A. The Ebensburg Municipal Authority will adopt, by Resolution, rules and regulations governing the wastewater system.
- B. Borough Council, as manager of the system, shall enforce the rules and regulations as adopted by the Ebensburg Municipal Authority.

Section 4. Schedule of Wastewater Rates, Tapping Fees and Fire Service Charges

- A. The Ebensburg Municipal Authority will adopt, by Resolution, schedules of wastewater rates, tapping fees and fire service charges governing the wastewater system.
- B. Borough Council, as manager of the system, shall apply the rates and fees as adopted by the Ebensburg Municipal Authority.

Section 5. Public and Non-Profit Use

There shall be no free service rendered by the wastewater system and all public corporation, all charitable or nonprofit institutions and all school districts and other political subdivisions shall pay for the use of the services and facilities of the wastewater system in accordance with the aforementioned schedule of wastewater charges.

Section 6. Penalties

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said find and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

Section 7: Severability

If any sentence, clause, section, or part of this Ordinance is for any 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Ebensburg Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 8. Repealer

That any Ordinance, or part of Ordinance, conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance. The Codified Ordinance of the Borough of Ebensburg, Chapter 13, Part 1, titled "Sewer Regulations and Charges" (Ordinance #412) is specifically repealed in its entirety.

Section 9. Effective Date

This ordinance shall become effective on the 19th day of December 2016.

ENACTED AND ORDAINED this 19th day of December 2016.

EBENSBURG BOROUGH COUNCIL

Doug Tusing, President

ATTEST:

Daniel L. Penatzer; Manager

Approved this 19th day of December 2016.

Randy S. Datsko, Mayor