

Mr. Caizza offered the following Ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-09-06

**AN ORDINANCE AMENDING CHAPTER IX TO INCLUDE:
SEWER MAINTENANCE WITHIN THE
CODE OF THE BOROUGH OF HIGHLANDS**

BE IT ORDAINED by the Mayor and Council of the Borough of Highlands the Chapter IX, Water and Sewer is hereby amended to include the following:

Chapter IX:

9-8.10 SEWER MAINTENANCE

9-8.11 Ownership and Maintenance

a. Municipal.

The Borough shall have ownership and be responsible for the maintenance of all sanitary sewer (public sanitary sewer system) mains, manholes, clean-outs and laterals within its right-of-way or within the right-of-way of governmental agencies. Any breaks, leaks or blockages in the right-of-way shall be the responsibility of the Borough.

b. Non-municipal.

The local property owner shall have ownership and be responsible for all sanitary sewer mains, manholes, clean-outs and laterals within private property (nonpublic sanitary sewer system or building lateral) and any breaks, leaks, or blockages on private property shall be the responsibility of the property owner.

c. Municipal maintenance responsibility.

The Borough shall maintain its sanitary sewer system, as defined herein, in good working order. In no event shall the Borough provide any labor or material to clear or remove obstructions from a blocked non-municipal sanitary sewer system, as defined herein, and said work shall be the sole and exclusive responsibility of the property owner with the dividing line of responsibility being the property line between the public right-of-way and the private property. When the municipality is called upon by a private property owner or the tenant agent or representative of the private property owner to investigate a maintenance issue within the system, the Borough will respond. If a problem is discovered in that portion of the system that

falls under the municipal maintenance responsibility, it shall be corrected. However, if it is determined that the problem is in the non-municipal portion of the system, the private property owner, tenant, agent or representative shall be responsible to repair and correct the problem. The Borough will also assess a charge of ****\$170.00 for the call out and inspection that lead to the discovery of the problem in the non-municipal portion of the system.

d. Developer obligation.

Nothing contained herein shall alleviate the obligation and responsibility of the property owner or applicant for a sanitary sewer line as part of a new development during the performance bond and/or maintenance bond period.

This Ordinance Shall take effect immediately upon publication.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Francy, Ms. Kane, Mr. Caizza, Mayor Little

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

DATE: April 15, 2009

NINA LIGHT FLANNERY
Borough Clerk

Intro: March 18, 2009

Publish: March 27, 2009

2nd Reading: April 15, 2009

Adoption: April 15, 2009

Publication:

I, _____ Clerk/Deputy Clerk do hereby certify this to be a true copy of Ordinance # O-09-06 as adopted by the Governing Body of the Borough of Highlands on April 15, 2009.

*****COUNCIL: This figure was determined by taking the highest o/t salary (Reggie at \$42.52/hr.) in the Sewer Department x's 4 (2 men) a minimum callout of 2 hours each.**