

**BOROUGH OF AVALON**

**ORDINANCE NO. 1300**

**AN ORDINANCE OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA REQUIRING THE OWNERS/LANDLORDS OF ALL REAL PROPERTY WITHIN THE BOROUGH'S LIMITS TO HAVE WATER AND SEWER SERVICE IN THE NAME OF THE OWNER/LANDLORD.**

**SECTION 1: ENACTING CLAUSE.**

Be it ordained and enacted by the Council of the Borough of Avalon and it is hereby ordained and enacted by the authority of the same, that from and after the effective date of this Ordinance, the following Ordinance shall be in full force and effect in the Borough of Avalon.

**SECTION 2: CONFLICT AND REPEALER OF OTHER ORDINANCES.**

Those sections of any Ordinances or parts of all other Ordinances are repealed insofar as they conflict with the provisions of this Ordinance; however, such repeal shall not affect any act done or any liability or violation accrued under any such prior Ordinance herein repealed or superseded. Furthermore, all such liabilities or violations of any repealed or superseded Ordinances shall continue and may be enforced in the same manner as if such repeal or supersession had not been made. Moreover, any offense or violation committed and any penalty or forfeiture incurred under any such Ordinance herein repealed or superseded may be prosecuted in the same manner as if this Ordinance had not been approved.

### **SECTION 3: PURPOSE OF THIS ORDINANCE.**

The purpose of this Ordinance is to preclude an owner/landlord from avoiding liability to pay for water and/or sewer service because the water/sewer service may have been in the name of a non-owner/tenant of the real property.

### **SECTION 4: DEFINITIONS.**

The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the content clearly indicates or requires a different meaning:

**“Person”** means natural persons, copartnerships, associations, private and public corporations, authorities, fiduciaries, the United States and any other country and their respective governmental agencies, this Commonwealth and any other state and their respective political subdivisions and agencies.

**“Real Property”** means lands, tenements, real estate, buildings, parts thereof or any estate or interest therein and shall include any personalty on real property which is demised with the real property, whether the real property is for residential and/or commercial use.

**“Tenant”/“Lessee.”** Any person or group of persons whose dwelling unit is in a residential and/or commercial building and who is provided water and/or sewer service at that residential and/or commercial unit but who is not the landlord/lessor and/or owner.

**“Landlord”/“Lessor.”** One who owns and/or leases real property (whether for residential and/or commercial use) to another.

**“Owner.” One who has the right to possess, use, and/or convey real property, whether residential and/or commercial. The definition of owner includes “legal owner” or “equitable owner.”**

**SECTION 5: DUTY OF OWNERS AND/OR LANDLORDS.**

As of January 1, 2006, all owners and/or landlords of real property within the Borough's limits must place any and all water and/or sewer service in the name of the owner and/or landlord. As of January 1, 2006, it will be considered a violation of this Borough's Ordinance to have water and/or sewer service in the name of any person and/or entity who is not the owner and/or landlord of the property to which water and/or sewer service is provided. The failure and/or refusal of an owner and/or landlord to comply with this Ordinance will result in a fine not to exceed ten dollars per day (\$10.00) for each calendar day the owner and/or landlord is in violation of this Ordinance.

**SECTION 6: SEVERABILITY.**

The provisions of this Ordinance shall be severable. If any provision, section, clause, sentence, phrase or word of this Ordinance is for any reason held unconstitutional, invalid or illegal by any court of competent jurisdiction, that judicial holding shall not affect the validity of any other portion of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid, or illegal portion not been included. Council of the Borough of Avalon does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

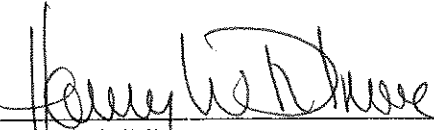
**SECTION 7: EFFECTIVE DATE.**

This Ordinance shall be effective January 1, 2006.

**ORDAINED AND ENACTED** into law this 17<sup>th</sup> day of JANUARY, 2006.

ATTEST:

BOROUGH OF AVALON

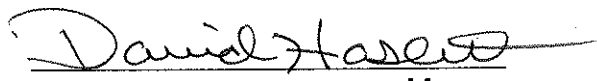
  
\_\_\_\_\_  
Harry W. Dilmore  
Secretary

BY   
\_\_\_\_\_  
Edward Klicker  
President

SEAL

Examined and approved by me this 17<sup>th</sup> day of

JANUARY, 2006.

  
\_\_\_\_\_  
David Haslett, Mayor