

**BOROUGH OF NORTH APOLLO**

**ORDINANCE NO. 351 OF 2023**

**AN ORDINANCE OF NORTH APOLLO BOROUGH ESTABLISHING  
OWNER LIABILITY FOR SEWER MAINTENANCE AND REPAIR**

**WHEREAS**, the Borough of North Apollo (the “Borough”) has determined that it is in the best interest of the public health, safety, and welfare of the Borough to enact an ordinance setting forth property owner liability for maintenance and repair of sanitary sewer facilities;

**NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED** that:

1. **Section 1.** Any person or entity, including jointly and severally all co-owners, owning real estate within the Borough, which real estate is served by sanitary sewer facilities, shall maintain all portions of such sanitary sewer systems located within the boundaries of the owner’s or owners’ real estate in good condition and in full compliance with applicable laws, regulations and ordinances. To the extent any maintenance or repair required under this Ordinance requires opening a Borough street, the owner shall bear the full liability and costs of such work and the Borough shall have no responsibility to pay for or provide labor services or materials for the same. All such work shall be conducted by the owner(s) in full compliance with applicable laws, regulations, and ordinances.

2. **Section 2.** The Borough may, where required to protect the public health, safety, and welfare, perform labor and/or provide materials necessary to ensure that any sanitary sewer repair or maintenance performed within the Borough is completed in compliance with applicable law in a timely manner, and is performed in a manner such that the sanitary sewer facility does not present a health or safety risk to the public. All costs and expenses incurred by the Borough in effectuating such work, including engineering fees and reasonable attorneys’ fees and costs, shall be reimbursed by the property owner or owners (jointly and severally). The payment of such costs and expenses shall be secured by a lien upon the subject property, along with any other remedies available to the Borough under this Ordinance, any other ordinance, or the laws of the Commonwealth, including an action at law to recover such costs and expenses or an action to compel compliance with this Ordinance.

3. **Section 3.** No provision of this Ordinance shall preclude the Borough from exercising any power vested in the Borough under the laws of the Commonwealth of Pennsylvania or require the Borough to specifically exercise any such authority.

4. **Section 4.** Any parts of any prior ordinance conflicting with this ordinance are hereby repealed.

5. Section 5. Should any provision of this Ordinance be determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect to the greatest extent permitted by law.

**EFFECTIVE DATE**

Ordinance 351 of 2023 shall take effect immediately upon enactment and shall remain in full force and effect until amended by further action by the Council of North Apollo Borough.

This Ordinance being ordained and enacted at a public meeting this 6<sup>th</sup> day of Nov., 2023, a quorum being present.

BOROUGH OF NORTH APOLLO

BY: Don Riggle, President  
DON RIGGLE  
Council President

ATTEST:

Tracy L. Miller  
TRACY L. MILLER,  
Borough Administrator  
(SEAL)

APPROVED: June Kilgore  
JUNE KILGORE, Mayor