

ORDINANCE NO. 289

AN ORDINANCE OF THE BOROUGH OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, IMPOSING SEWER RENTALS FOR THE USE OF A CERTAIN PORTION OF THE PITCAIRN INTERCEPTOR UPON THE OWNERS OF PROPERTY SERVED OR TO BE SERVED, PROVIDING FOR THE COLLECTION THEREOF AND FILING OF LIENS THEREFOR.

WHEREAS the Borough of Monroeville is currently undertaking the construction of a capital improvement to the sewer system consisting of the construction of a trunk line sewer from a point near Stochine Road and Pitcairn Road in a southerly direction through the Borough of Pitcairn to a point of connection with the Turtle Creek Interceptor sewer of the Allegheny County Sanitary Authority (said capital improvement being herein called the "Pitcairn Interceptor"); and

WHEREAS the Pitcairn Interceptor will serve inter alia certain property abutting on the William Penn Highway, U.S. Route 22 owned by Pittsburgh Miracle Mile Town & Country Shopping Center, Inc.; and

WHEREAS the Borough has determined to issue Sewer Revenue Bonds in the sum of Ninety-five Thousand Dollars (\$95,000) for the completing of the Pitcairn Interceptor; and

WHEREAS the Borough deems it necessary to levy and collect sewer rentals to insure the payment of the debt service charges due upon the said bonds;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE BOROUGH OF MONROEVILLE AS FOLLOWS:

Section 1. Sewer rentals are hereby fixed and imposed and shall be collected from Pittsburgh Miracle Mile Town & Country Shopping Center, Inc. (hereinafter called "Miracle Mile"), the owner of certain property in the Borough of Monroeville abutting on the William Penn Highway, U.S. Route 22, described as Parcels Nos. 1 and 2 in that certain agreement between the Borough of Monroeville and Miracle Mile dated June 15, 1961, and as shown on drawing attached thereto prepared by C. Melvin Frank, Architect, as revised August 1, 1960, which said property is served by the Pitcairn Interceptor, at the rate of \$7,000 per year for the years 1962 to and including 1971, \$6,000 for the years 1972 to and including 1986, \$3,600 for the years 1987 to and including 1991 and the sum of \$1.00 per year thereafter.

Section 2. All bills for sewer service shall be due and payable on the 3rd day of January of each year commencing January 3, 1962. In the event that any bill for service is not paid by January 13th of such year the Borough shall notify said Miracle Mile of such nonpayment by certified mail addressed to it at No. 42 South Fourth Street, Columbus 15, Ohio or at such other address as may be furnished by Miracle Mile. Liens for nonpayment of sewer service bills shall not be filed against Miracle Mile until the passage of twenty (20) days after the mailing of such notice.

Section 3. Such unpaid sewer rentals shall be a lien on Parcel No. 1 of the Miracle Mile property as described in the above referred to agreement. Such unpaid charges may be collected by an action in aumpsit in the name of the Borough against the owner of the property or by distress

Ordinance No. 289 - page 2

of personal property on the premises or by lien filed in the nature of a municipal claim and collected in the manner provided by law for the filing and collection of municipal claims.

Section 4. The provisions of this Ordinance are severable, and if any of its provisions are held to be illegal, such illegality shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such illegal provision not been included herein.

Section 5. This Ordinance shall be effective immediately upon its final enactment, approval, advertisement and recording in accordance with law. The sewer rentals provided herein shall go into effect at once and become payable as set forth in Section 1 hereof.

Section 6. All Ordinances or parts of Ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED INTO LAW This _____ day of _____
1961.

S/A. O. Strathern
President of Council

Attest:

S/Arthur H. Curtis
Borough Secretary

EXAMINED AND APPROVED this 29th day of June, 1961.

S/Anthony J. Martin
Burgess

Ordinance No. 289 - page 3

C E R T I F I C A T E

I hereby certify that the foregoing and attached is a true copy of Ordinance No. _____ of 1961, which was duly enacted by a majority of all the members of the Council of said Borough at a special meeting of the Borough Council held the 29th day of June, 1961, at which a quorum was present; which meeting was held after due notice to the members and to the public and which was at all times open to the public; that said Ordinance was published in the _____ a newspaper of general circulation circulating generally in the Borough of Monroeville, there being no such paper published therein; that said Ordinance was duly signed by the President of Council, attested by the Borough Secretary, examined and approved by the Burgess and has been duly recorded in the ordinance book of the Borough. I further certify that the vote upon said Ordinance was called and duly recorded upon the minutes of the Borough Council and that the members thereof voted in manner following

Vastadore - Aye
McClintock - Aye
Harter - Aye
Duncan - Aye
Greenaway - Aye
Strathern - Aye
Bandi - Aye

WITNESS my hand and the seal of the Borough of Monroeville,
this 29th day of June, 1961.

S/Arthur H. Curtis
Borough Secretary

(Seal of the Borough)