

RESOLUTION OF THE COLLIER TOWNSHIP MUNICIPAL AUTHORITY

RESOLUTION NO. 2016 -05-12-02

A RESOLUTION OF THE COLLIER TOWNSHIP MUNICIPAL AUTHORITY PROHIBITING THE COVERING OF SANITARY SEWER MANHOLES AND MANHOLE COVERS OR MAKING OR ALLOWING THE MANHOLES OR MANHOLE COVERS TO BECOME INACCESSIBLE TO THE COLLIER TOWNSHIP MUNICIPAL AUTHORITY, ITS AGENTS OR CONTRACTORS WHO ARE REQUIRED TO USE AND MAINTAIN THE COLLIER TOWNSHIP MUNICIPAL AUTHORITY MANHOLES OR MANHOLE COVERS.

WHEREAS, the Collier Township Municipal Authority, for the health, safety and welfare of the residents of the Township of Collier, deems it is necessary to establish the following requirement and regulations relating to the changing of manhole elevations, covering of manholes or manhole covers or taking any action that interferes with the unrestricted access to the manholes or manhole covers that would in any way interfere with manhole grade, inspection, maintenance or repairs of the same; and,

WHEREAS, the Collier Township Municipal Authority owns, and is required to maintain, the sanitary sewer manholes and manhole covers and is required to have unrestricted access to these structures for the purpose of maintenance and inspection and otherwise providing for the general health and safety of the residents of the Township of Collier and the sanitary sewer system.

NOW THEREFORE, be it ordained and enacted by the Collier Township Municipal Authority as follows:

1. It is declared to be unlawful for any person, firm, corporation, partnership, association or charitable organization, including homeowners associations, to modify or change the grade of manholes or manhole covers or, to any extent, cover the sanitary sewer manholes or manhole covers or otherwise, by planting, fencing or any method and manner, to interfere with the unrestricted access to the sanitary sewer manholes or manhole covers by the Collier Township Municipal Authority, its agents, servants or employees who are required to inspect or

maintain the manholes or manhole covers in any method or manner deemed appropriate by the Collier Township Municipal Authority.

2. The Collier Township Municipal Authority, its agents, servants and employees are hereby authorized to utilize any method deemed necessary to access the manholes or manhole covers, including the cutting or trimming or removal of shrubs, plantings, fencing or other material restricting access to the manholes or manhole covers without any obligation to repair or replace the object interfering with the access to the manholes or manhole covers. Unless an emergency exist as determines by the Authority the Authority shall by written notice, mailed by first class mail; postage prepaid to t6he owner of the property and by posting the notice at the site of the manhole that sufficient time is available, it shall notify the person, firm, corporation, partnership, association or charitable organization, including homeowners associations, of the fact that the manhole is obstructed or covered and allow that said person, firm, corporation, partnership, association or charitable organization, including homeowners associations, twenty days (20) from the date of the mailing and posting said time period to remove the obstruction or raise the manhole on take the required action stated the notice letter or posting.

3. In the event that the person, firm, corporation, partnership, association or charitable organization, including homeowners associations, does not remove the obstruction or uncover the manhole or correct the interference within the time limit set forth, the Authority, through its agents, servants and employees will cause the manhole to be uncovered or raised or otherwise made accessible in a method and manner determined to be best by the Authority with the said correction to be made at the expense of the property owner.

4. The property owner, person, firm, corporation, partnership, association or charitable organization, including homeowners associations, shall then be charged for the repairs and invoiced for the costs of removal of obstruction of the manhole and shall be obligated to reimburse the Authority within 30 days of the date of the invoicing for the full expense incurred by the Authority in making the necessary correction to the manholes or manhole covers as deemed best by the Authority.

5. Upon failure of the property owner, person, firm, corporation, partnership, association or charitable organization, including homeowners associations, to reimburse the Authority, the Authority shall file a municipal lien against the property on which the manhole is located with the municipal lien being filed at the expense of the property owner, person, firm, corporation, partnership, association or charitable organization, including homeowners associations, and said lien is to include the Authority's legal costs for title research and any other necessary action in the preparation of the filing of the municipal lien, including the court costs associated with filing of the lien, which shall bear interest at the rate of six percent (6%) from the date of the overdue invoice.


6. Any person who shall fail to correct the notice of violation beyond the time limits provided for in this resolution shall be referred for prosecution as a summary offence and, upon conviction thereof, shall be fined in accordance with the section 5607 (d) 17 of the Municipal Authorities Act. Each day in which any such violation shall continue shall be deemed a separate offense.

7. Any person violating any provision of this resolution shall be liable to the Authority for any and all expenses, loss or damages occasioned by the Authority by any reason of such violation.

Adopted this 12th day of May, 2016 at a public meeting of the Collier Townsi9p
Municipal Authority by a quorum of the members present at this meeting.



Daniel Oberleitner, Chairman



Dan Fotovich, Secretary