

**DRAFT ORDINANCE FOR COUNCIL CONSIDERATION
FIRST READ ON DECEMBER 18, 2006**

ORDER #

**ORDINANCE EXEMPTING A CERTAIN PARCEL OF PROPERTY
FROM THE PROVISIONS OF MMC, CHAPTER 14, ARTICLE II, (D) –
COMMON SEWERS**

WHEREAS: Chapter 14, Article II, (D) mandates that a separate and an independent sewer service line be provided for every building, and

WHEREAS: The owners of 2 Porter Avenue (M1113-B109A-3) Jonathan A. Paul and Clancy J. Paul have a sewer connection line for those premises, and

WHEREAS: The owners Michael Zieba et al c/o Edna Pankauski and prospective owners of VP Porter Avenue M1113-B109A-4 desire to construct a single family dwelling and connect into the 2 Porter Avenue sewer service line connection, and

WHEREAS: This connection is in violation of the MMC requirements requiring disconnection unless an exemption is granted, and

WHEREAS: Said connection from VP Porter Avenue to the sewer service line maintained by the owner of 2 Porter Avenue would be environmentally less intrusive, sound engineering and economically advantageous to the owner and prospective owner of VP Porter Avenue.

NOW THEREFORE, BE IT ORDAINED: By the City Council of the City of Methuen that said Council grants an exemption to the provisions of Chapter 14, Article II, (D) of the MMC conditioned upon the following:

1. That the current owner of VP Porter Avenue and any succeeding owners accept responsibility for the maintenance of the service line from the sewer main connection into the property,
2. That the current owner of VP Porter Avenue on behalf of himself and succeeding owners to execute an agreement in furtherance of the conditions stated in the ordinance. Said agreement to be made in recordable form and acceptable to the City Solicitor,
3. This exemption shall apply to the current existing system only. Any replacements thereof or new connections shall be mandated to comply with current ordinances unless further exception is granted by the City Council,
4. That if the current owner or succeeding owners violate this Ordinance or this agreement made hereby they shall forthwith be subject to the current ordinance if the City Council decides to revoke the exception.

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5. That the owners of VP Porter Avenue on behalf of themselves and any succeeding owner(s) shall execute waiver of liability and indemnity for any losses they may sustain or respectively another party shall sustain of and related to the common sewer service connection. Said waiver of liability and indemnity shall be in the form acceptable to the City Solicitor prior to any connection being made.

6. Prior to any connection being made plans for the same shall be submitted to the Engineering Department of the Department of Public Works for approval.

Effective date of Ordinance – In accordance with MHRC Article 2-9 (a) this Ordinance shall take effect upon the recording of the agreement referenced above. In the instance where the agreement is not recorded then this Ordinance shall not take effect and the vote hereon shall be deemed to have been expired ninety (90) days from the date of adoption.