

42

LEGAL NOTICE

The Peters Township Council adopted Ordinance No. 507, AN ORDINANCE ADOPTING PROCEDURES AND FEES FOR THE TESTING OF IMPROPER WATER INFILTRATION INTO THE SANITARY SEWER SYSTEMS OF THE PETERS TOWNSHIP SANITARY AUTHORITY AND PETERS CREEK SANITARY AUTHORITY FROM PROPERTIES SERVICED THEREBY, AND THE ESTABLISHING OF PENALTIES FOR THE VIOLATION THEREOF.

Said ordinance was adopted at the December 19, 1994 Council meeting. A complete copy of the ordinance is available in the Manager's office of the Municipal Building at 610 East McMurray Road, McMurray, PA 15317 during normal business hours.

Michael A. Silverstri
Township Manager

12-29

PETERS TOWNSHIP

WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 507

AN ORDINANCE ADOPTING PROCEDURES AND FEES FOR THE TESTING OF IMPROPER WATER INFILTRATION INTO THE SANITARY SEWER SYSTEMS OF THE PETERS TOWNSHIP SANITARY AUTHORITY AND PETERS CREEK SANITARY AUTHORITY FROM PROPERTIES SERVICED THEREBY, AND THE ESTABLISHING OF PENALTIES FOR VIOLATION THEREOF.

Section 101. Findings and Purpose. The Pennsylvania Department of Environmental Resources has directed that all municipalities take those steps necessary and proper to eliminate improper water infiltration into their sanitary sewer systems. In that regard, Council finds that excessive storm and/or surface waters may be illegally routed into the sanitary sewer systems owned and operated by the Peters Township Sanitary Authority and Peters Creek Sanitary Authority, thus requiring increased and unnecessary treatment capacity and activity and thus curtailing the availability of tap-ins and treatment to other users who need sanitary sewage treatment. Council finds that the procedures, fees and penalties provided for herein are necessary to achieve the purposes of this Ordinance. Council does hereby designate the Peters Township Sanitary Authority and Peters Creek Sanitary Authority to administer and enforce the within Ordinance.

Section 102. Short Title. This Ordinance may be known and cited as the "Smoke and Dye Test Ordinance".

Section 103. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this part shall be as follows:

AUTHORITY - Peters Township Sanitary Authority and/or the Peters Creek Sanitary Authority.

CODE - Peters Township Ordinances, as the same may be from time to time amended.

DOCUMENT OF CERTIFICATION - An official statement from the Authority stating that there are no illegal storm or surface water connections into the sanitary sewer connections on the property to be sold which violate any section of the Code.

ILLEGAL STORM OR SURFACE WATER CONNECTIONS - The discharge of basement seepage or ground water or the connection of downspouts, roof drainage or surface or areaway drainage into the sanitary sewer system.

MUNICIPAL LIEN AND PROPERTY TAX VERIFICATION - A written letter from the Township concerning municipal liens and property taxes.

PERSON - Any person, syndicate, association, partnership, firm, corporation, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.

TEMPORARY DOCUMENT OF CERTIFICATION - A temporary statement of certification from the Authority issued pursuant to the terms of Section 108 of this Ordinance.

TOWNSHIP - Peters Township

Section 104. Sale of Real Estate Without Document of Certification Prohibited.

After the effective date of this Ordinance, it shall be unlawful for any person to sell or purchase real estate within the Township on which a building or improvement exists that

is connected to an Authority sewer line without first delivering to the purchaser a Document of Certification or a Temporary Document of Certification issued by the Authority.

Section 105. Document of Certification Application.

1. Any person selling real estate located as defined in Section 104 of this Ordinance that is located within the Township (hereinafter referred to as "applicant") shall make application on a form furnished by the Authority at least twenty-one (21) days before the date of closing the sale. The applicant shall then cause to have performed a dye test or other tests deemed appropriate by the Authority on the property to be sold. All tests shall be performed by an inspector appointed by the Authority (hereinafter referred to as "inspector").

2. The inspection fee shall be in an amount set by resolution of the Authority. The inspection fee shall be paid to the Authority at the time of making the application referred to in this Section.

3. Such inspector shall complete the appropriate portions on the form and certify that the property has been tested and certify the results of such test. In the event there are no illegal storm or surface water connections, the Authority shall issue a Document of Certification upon payment of such fee as set by resolution of the Authority. When an illegal storm or surface water connection is discovered by means of the above-mentioned tests, no Document of Certification will be issued until the illegal connections are removed and certification of such removal by an inspector is received. An additional inspection fee

shall be paid by the applicant for each inspection subsequent to the first inspection referred to in Section 105(1).

Section 106. Duration of Document of Certification. A Document of Certification shall be valid for a period of one (1) year from the date of issuance. Real estate may be sold during the one (1) year effective life of such document without further testing or certification.

Section 107. Instances When Document of Certification Not Required. A Document of Certification shall not be required in the following instances:

1. When property is refinanced but no conveyance takes place.
2. Individual apartment-type units within a single condominium building may be sold without individual certification provided that the building in which the units are located has been certified no longer than one (1) year previous to the date of the sale of the individual condominium unit.
3. When the real estate is such that tap-in to the sanitary sewer system is not required by law or ordinance.

Section 108. Temporary Document of Certification. A Temporary Document of Certification may be issued by the Authority at its sole discretion, when, either:

1. The applicant proves that weather conditions or other circumstances would pose an undue hardship. In that event, the applicant shall provide a signed, written acknowledgement from the purchaser agreeing to correct, at purchaser's sole cost and expense, any violations that may be discovered as a result of subsequent tests. Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse

purchaser for any costs incurred; provided, however, that primary liability shall run with the land and no such agreement shall affect Authority's enforcement powers or excuse the current owner from compliance with this Code; or

2. When an illegal storm or surface water connection is discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the applicant, applicant may apply to the Authority for a Temporary Document of Certification which may only be issued when the applicant provides the Authority with all of the following: (i) a bona fide, executed contract between the applicant and a contractor to complete the necessary remedial work with the Authority listed herein as a third party beneficiary; and (ii) cash security in the amount of said contract is posted with the Authority; and (iii) a written agreement by the purchaser to be responsible for all cost over-runs and extras related to the remedial work together with a written license to enter upon the property to complete work in case of default of the contractor referred to above. The Authority's Manager or other individual authorized by the Authority's Board of Directors shall determine when such Temporary Document of Certification shall expire. Upon expiration, the security shall be forfeited and the Authority may use the security to have the necessary remedial work completed.

Section 109. Regulations. The Authority is hereby empowered to undertake the duties imposed by this Ordinance, including but not limited to:

1. Establishing acceptable forms of security or guarantees.
2. Establishing the form of (i) applications, (ii) purchaser acknowledgements and (iii) inspector certifications.

Section 110. Adjustment of Fees. The Authority may, by resolution, change from time to time the fees authorized in this Ordinance.

Section 111. Conflict with General Police Powers. Nothing in this Ordinance shall limit in any fashion whatsoever the Authority's or Township's right to enforce its ordinances or the laws of the Commonwealth. Nothing in this Ordinance shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

Section 112. Penalties and Enforcement.

1. Any person who violates any of the provisions of this Ordinance may be charged with such violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than Five Hundred Dollars (\$500.00) for each violation or, alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction. In default of payment of imposed fines, the offender may be imprisoned for a term not to exceed ninety (90) days.

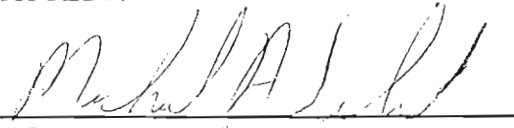
2. Whenever any person violating any of the provisions of the Ordinance is notified of such violation in writing by the Authority, each day or portion thereof a violation occurs or continues to occur shall constitute a separate violation.

3. In addition to and not in lieu of the foregoing, the Township and/or Authority may seek equitable and legal relief to compel compliance with this Ordinance.

Section 113. Effective Date. The Ordinance shall become effective sixty (60) days after its enactment and adoption.

Be it ordained and enacted this 19 day of December, 1994, by the Peters Township Council.

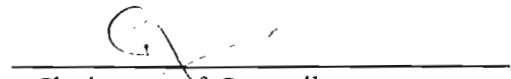
ATTEST:



Secretary

(Seal)

TOWNSHIP OF PETERS



Chairman of Council

