

ORDINANCE NO. 687

AN ORDINANCE OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, TO BE INCLUDED WITH THE CODE OF THE BOROUGH OF CHURCHILL, CHAPTER 246 – SEWERS TO ESTABLISH THAT THE REQUIRING OWNERS OF PROPERTY TO REPAIR LEAKING, DETERIORATING OR POORLY CONSTRUCTED LATERAL AND/OR SEWER CONNECTIONS; FURTHERMORE, THAT NO REAL PROPERTY WITH STRUCTURES LOCATED THEREON MAY BE SOLD OR TRANSFERRED WITHOUT THE SELLER/TRANSFEROR COMPLYING WITH PROVISIONS FOR DYE-TESTING TO DETERMINE IF ILLEGAL STORM OR SURFACE WATER IS CONNECTED TO THE SANITARY SEWER.

Section One. Definitions and Interpretation.

- (a) **Borough**: The Borough of Churchill, Allegheny County, Pennsylvania.
- (b) **Borough Lien Letter**: A written letter from the Borough concerning municipal liens or municipal property taxes.
- (c) **Certificate of Compliance**: An official statement of the Borough that it has on file a written statement that there are no illegal storm or surface water connections into the sanitary sewer system, which would violate Borough or County Ordinances, the State Statutes or Borough, County or State plumbing regulations.
- (d) **Dye Test**: Any dye test performed by the Borough or a registered plumber whereby dye is introduced into the storm or surface water collection system of real property to determine if storm or surface water is entering the sanitary sewer system.
- (e) **Illegal Storm or Surface Water Connections**: The discharge of basement seepage or ground water or the connection of downspout, roof drainage or surface or areaway drainage into the sanitary sewer system.
- (f) **Ordinance Compliance Officer**: Those persons who may be designated to enforce the terms and conditions of this Ordinance and who shall have the authority to bring legal proceedings for the violation of this Ordinance.
- (g) **Person**: Any person, partnership, association, syndicate, firm, corporation, institution, agency, authority or other entity recognized by law as the subject of rights and duties. The singular shall include the plural and the masculine shall include the feminine and the neuter.
- (h) **Temporary Certificate of Compliance**: A temporary statement from the Borough issued pursuant to the terms of this Ordinance.

Section Two. Written reports of leaking, deteriorating or poorly constructed private sanitary sewer laterals and/or sanitary sewer connections.

The Ordinance Compliance Officer is authorized in the course of performing the Borough's program of repair, rehabilitation, maintenance and replacement of publicly owned sanitary sewers, when s/he identifies leaking, deteriorating or poorly constructed private sanitary sewer laterals and/or sanitary sewer service connections, to provide written notice to the property owner or owners as to the condition of such sanitary sewer laterals and/or service connections, together with an Order that such leaking, deteriorating or poorly constructed sanitary sewer laterals and/or service connections must, at the property owner's expense, be repaired, replaced, or rehabilitated within ten (10) calendar days' of the date of written notice and order. If the unsatisfactory condition does not create a health

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hazard the Ordinance Compliance Officer, upon request of the property owner, may extend the ten calendar (10) days to thirty (30) calendar days.

Section Three. Dye Testing.

(a) **Sale or Transfer of real property without Certificate of Compliance Prohibited.**

It is unlawful for any person to sell or transfer real property within the Borough on which a building or improvement exists without first delivering to the purchaser or transferee a Certificate of Compliance or Temporary Certificate of Compliance issued by the Borough. A transfer shall include any involuntary conveyance by either tax or sheriff sale and/or by and through any bankruptcy or other judicial proceeding.

(b) **Certificate of Compliance Application.**

- (1) Any person (hereinafter, "applicant") selling or transferring real property within the Borough shall make application for a Certificate of Compliance on a form furnished by the Borough at least twenty-one (21) days before the date of sale or transfer.
- (2) The dye test will be performed by a Registered Plumber, with the Plumber delivering a certification of dye testing to the Borough. The Borough will thereupon issue a Certificate of Compliance to the seller or transferor of the real estate upon seller paying a fee of \$25.00. All costs of the test shall be the responsibility of the property owner.
- (3) If the dye test reveals the existence of an illegal storm or surface water connection, no Certificate of Compliance will be issued until the illegal connections are removed and the storm or surface water is discharged in compliance with controlling Ordinances of the Borough of Churchill and certification of such is received, reviewed and approved by the Borough's Ordinance Compliance Officer.

- (4) In the event the property has been dye tested and a certificate of dye testing has been issued in the preceding two (2) years, the Ordinance Compliance Officer, upon receipt of an application for that property, shall inspect the property and if that inspection does not disclose any objective evidence of improper storm water drainage, the Ordinance Compliance Officer may waive the dye test and issue a Certificate of Compliance upon seller or transferor paying a fee to the Borough of Churchill.

(c) **Temporary Certificate of Compliance.**

When an illegal storm or surface water connection is discovered and the necessary remedial activities to correct such condition would require a length of time such as to create a practical hardship for the applicant, the applicant may apply to the Ordinance Compliance Officer for a Temporary Certificate of Compliance, which may only be issued when the applicant provides the Borough with all of the following:

- (1) Written documentation of practical hardship;
- (2) Cash security in the amount of \$2,500.00; and
- (3) An agreement by the purchaser/transferee to be responsible for all cost overruns related to the remedial work together with a written

- (4) license to the Borough to enter upon the property to complete the work in case of default by the applicant.

The Ordinance Compliance Officer shall determine in good faith based upon all the circumstances when such Temporary Certificate of Compliance shall expire. The applicant and the purchaser shall be advised of the expiration date. Upon expiration of the Temporary Certificate of Compliance, without all work having been completed, the security shall be forfeited to the Borough and the Borough may use the security to have the necessary remedial work completed. If the remedial work is completed prior to the expiration date, the Borough shall return the security to the applicant or to his/her designee.

Section 4. Violations and Penalties.

Any person, firm or corporation violating any of the provisions of this article shall, for each offense or violation thereof, be subject to the payment of a fine of not more than \$600, plus costs, upon conviction therefore before the District Justice of the Borough, or, in default thereof, may be imprisoned for a period of not more than 30 days. Each day that any such violation shall be permitted to exist, shall constitute a separate offense under this article.

Section 5. Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause or phrase shall be held to be illegal, invalid or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

Section 6. Repealer.

Any Ordinance or Resolution or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance shall be and the same are hereby repealed to the extent of said conflict.

**THIS ORDINANCE IS HEREBY APPROVED AND ADOPTED BY
COUNCIL OF THE BOROUGH OF CHURCHILL** on this 8th day of June, 2004.

THE BOROUGH OF CHURCHILL

By *Richard J. Tausend*
President of Council

ATTEST:

Jean A. Brumby
Secretary
EXAMINED AND APPROVED this 8th day of June, 2004.

Paul A. [Signature]
Mayor