

TOWNSHIP OF WILKINS

ORDINANCE NUMBER 1104

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY PENNSYLVANIA, AMENDING THE WILKINS TOWNSHIP CODIFIED BOOK OF ORDINANCES, PART II, GENERAL LEGISLATION, CHAPTER 131, SEWERS, TO ADD ARTICLE VIII, PRIVATE SANITARY SEWER LATERAL TESTING

WHEREAS, the Board of Commissioners adopted Resolution #5-2022, entering into a Consent Order and Agreement, Phase II (COA) with the Department of Environmental Protection (DEP) on January 31, 2022; and

WHEREAS, the COA requires the Township to enact a sanitary sewer lateral inspection ordinance by April 30, 2022.

NOW THEREFORE, be it **ORDAINED** and **ENACTED** by the Board of Commissioners of the Township of Wilkins and it is hereby **ORDAINED** and **ENACTED** as follows:

Section 1. The Codified Book of Ordinances §131 Sewers, is hereby amended by adding Article VIII, Private Sanitary Sewer Lateral Testing, as follows.

ARTICLE VIII

Private Sanitary Sewer Lateral Testing

§131.67. Scope.

The provisions of this Article provide the rules, regulations, requirements and guidelines for the testing, rehabilitation or replacement of private sanitary sewer laterals at the time of sale. This article shall be required in addition to Article VII, of this Chapter, Dye Test, which requires testing and removal of roof drains, downspouts, area drains and other such facilities from the Municipal Sanitary Sewer System prior to the time of sale of properties and Certification of the same.

§131.68. Definitions and Word Usage

As used in this Article, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context.

ACHD – Allegheny County Health Department – Plumbing Division.

CCTV – Any commonly accepted method of testing whereby a video camera is inserted into and travels throughout the private lateral sewer line of real property to determine if any illegal stormwater, groundwater, or surface water is entering the sanitary sewer system.

MUNICIPAL APPLICATION AND CERTIFICATION FORM – The form of Application and Certification provided by the Municipality to the Owner or their

Registered Master Plumber identifying the site to be subject to the terms of this Ordinance.

MUNICIPAL ENGINEER – The Engineer duly appointed by the Board of Commissioners to act on behalf of the Township.

MUNICIPAL FILING FEE – The Fee established by the Township to cover administrative costs for the implementation of this Ordinance. The fee is established in the Schedule of Fees Resolution, adopted from time to time by the Board of Commissioners.

MUNICIPAL SANITARY SEWER SYSTEM – The Sewer System owned and operated by the Municipality which conveys “sanitary only” sewage within one single pipe.

NASSCO RATING SYSTEM – A rating of the conditions of a sewer line based upon the Standards developed by the National Association of Sewer System Companies.

PA DEP – Pennsylvania Department of Environmental Protection.

PRIVATE LATERAL – The pipe from its point of connection at the Municipal Sanitary Sewer to the privately owned building or structure and which is owned, operated and maintained by the individual Private Property Owner.

PRIVATE PROPERTY – All buildings, structures, land and other such facilities owned and maintained by individual land owners and not under the ownership of the Township.

REGISTERED MASTER PLUMBER – A Plumber licensed under the laws and regulations of the Allegheny County Health Department – Plumbing Division and holding a current H.P. (Health Permit) License.

§131.68. Requirements for Compliance.

- A. Any person selling or mortgaging real property located with the Township shall be required to provide to the purchaser and to the appropriate Township officials, designated hereafter, a sanitary sewer certification, attesting that there is no illegal stormwater or surface water entering into the private sewer lateral.
- B. The Property Owner shall make application on a form furnished by the Township at least 21 days before the date of sale or mortgage and under the terms of this Ordinance, perform the required testing of their Private Sanitary Sewer Lateral in full accordance with the requirements established by this Article and obtain all necessary Municipal Approvals at their total cost and at no cost to the Township.
- C. All work, including testing and rehabilitation and/or replacement shall be performed by a Registered Master Plumber, in full accordance with all applicable requirements of the ACHD-Plumbing Division and shall include the filing of the necessary plans and payment of all associated fees. The Registered Master Plumber shall, on behalf of the Property Owner, submit the completed Application form provided by the Township and include the applicable Municipal Fee. The Property Owner shall be responsible, at his expense, to procure and retain the Registered Master Plumber.
- D. Upon the completion of the CCTV, the Registered Master Plumber shall submit the video to the Township on a flash drive in a format that is generally accepted for CCTV records. The Registered Master Plumber shall also submit a written report of his/her observations of the testing. The written report of the visual inspection of the line(s) shall at a minimum include: the name and license of the Registered Master Plumber performing the work; the house address; the date and time of CCTV, weather during the CCTV, entry point, diameter and size of pipe, material of pipe, location of cleanout and any observed defects. A Township NAASCO certified employee shall review the video and written report after receipt.

- E. CCTV of the entire Private Lateral as defined in §131.68 herein shall be performed in full accordance with NASSCO requirements. Any condition rated 3 or greater shall constitute failure and require corrective action. Any multiple conditions rated 2 or greater or any observed leak shall constitute failure and require corrective action. CCTV inspections will be completed from the cleanout or fresh air vent to the Township sanitary sewer main and from the line(s) directly upstream from the fresh air vent or cleanout to the structure. During the CCTV inspection, water may be injected into the ground in the vicinity of the sanitary sewer later to determine if leakage is present. Lateral inspection testing requires laterals to be clear of obstruction/debris and for the pipe to be visible. If the reader of the CCTV is unable to discern the condition of the pipe because of debris in the pipe, the CCTV will fail and the lateral will need to be cleaned and re-televised.
- F. The absence of a fresh air vent or cleanout shall constitute a failure of the lateral inspection. Adequate means of access to the entire lateral must be provided by the Property Owner at their expense. Such alternative access may need to be installed by a Registered Master Plumber and inspected by Allegheny County.
- G. When, as a result of the CCTV inspection, it is determined that there is a defect in the Private Sanitary Lateral whereby stormwater, surface water or groundwater is being allowed to flow into the Private Sanitary Lateral, no Certification will be executed until the private lateral line is repaired and confirmation of such repair is certified by a plumber registered and licensed by the ACHD. The plumber shall provide a Post Repair CCTV on a flash drive in a format acceptable to the Township to verify completion of all required repairs.
- H. Upon completion of all required Corrective Actions, the Registered Master Plumber shall, on behalf of the Owner, submit to the Township a Certificate of Completion and Compliance from the Allegheny County Plumbing Division and the Application and Certificate of Compliance Form provide for herein as Appendix "A". The Township will then provide the duly Executed Certificate of Compliance and issue a No Lien Letter. Closing of ANY sale shall be withheld until ALL approvals have been granted by the Township. Temporary Approval shall NOT be granted unless circumstances as detailed in §131.70 occur.

§131.69. Fees.

All required municipal fees shall be paid to the township at the time of submission of the Application. The Municipal Application fee shall be as established in the Schedule of Fees Resolution, as adopted from time to time. Fees required by the ACHD shall be paid separately to the ACHD.

§131.70. Scheduling and Temporary Closing Document.

- A. Property Owners shall be fully cognizant of ALL Requirements as set forth in §131.68 of this Article and ALL other requirements and approvals necessary prior to the issuance of the duly Executed Certificate of Compliance (No Lien Letter). Property Owners shall allocate necessary time to complete all said requirements.
- B. A Temporary Closing Document (Appendix "B") shall be issued by the Township ONLY if inclement weather conditions preclude any indicated or required corrective action work from being performed. Any other circumstances shall be subject to approval by the Township and if deemed not acceptable will result in the delay of issuance of the Certificate of Compliance (No Lien Letter) and ultimately delay in the Owner's Closing.
- C. Should a Temporary Closing Document be granted, the Property Owner shall be required to place in an Escrow Account with the Township, the amount to be determined by the Township but not less than \$5,000.00 for which written proof of deposit shall be provided

by the Township and shall remain in Escrow until the Executed Certificate of Compliance is granted and written confirmation of the following terms and conditions:

- 1) A written, detailed explanation of the need for the Temporary Certificate; and
- 2) An executed agreement by the purchaser/transferee accepting responsibility for ALL costs in excess of the cash security (Escrow); and
- 3) A written easement or other license executed by the purchaser/transferee permitting the township to enter upon the property in order to complete the work in case of default by the applicant.

§131.71. Exemptions.

The following are exempt from the requirements of this article:

- A. Real Property which is not served by the municipal sanitary sewer system.
- B. New homes that have been constructed in accordance with applicable building codes and which have not been formerly occupied.
- C. The sale or transfer of real estate between spouses in the event of marriage, divorce or death; or the interfamilial transfer of real estate.
- D. The transfer of real estate into a trust in which the current owner(s) is exclusively named as a beneficiary.
- E. Instances of refinancing or the assignment of mortgages.
- F. Real property being sold or transferred that has undergone inspection and testing in accordance with this article within two years of the current sale date unless there is reasonable cause for concern or suspicion of a problem as determined at the discretion of the Township or its authorized agent.

§131.72. Police Powers.

The Township, by granting any permit or taking any other action pursuant to this Article does not waive, reduce, lessen or impair the lawful police powers vested in the Township under the applicable federal, state and local laws and regulations.

§131.73. Violations and penalties.

Any person who violates or permits the violation of any provision of this chapter shall, upon conviction thereof be subject to a penalty of not more than five hundred (\$500.00) dollars for each violation, or in the alternative, a penalty of not more than the maximum provided by other Township or Commonwealth laws that may apply. Once a person or persons are notified of a violation of this Ordinance, each day that such violation occurs or continues shall constitute a separate violation. In addition to and not in lieu of the foregoing, the Township may seek equitable and legal relief to compel compliance with this ordinance.

Section 2. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. Repealer. Any Ordinance or part of an Ordinance in conflict with this Ordinance is hereby repealed in so far as the same affects this Ordinance.

Section 4. Effective Date. This Ordinance shall be effective on April 30, 2022

ORDAINED and ENACTED on this 25th day of April, 2022.

ATTEST:

TOWNSHIP OF WILKINS:



Rebecca Vargo, Manager



Sylvia Martinelli, President