

TOWNSHIP OF NORTH FAYETTE

ORDINANCE NO. 402

**AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE
AMENDING ITS SEWER SYSTEM RULES AND REGULATIONS
REGARDING PROPERTY TRANSFERS AND DEFECT DISCOVERY**

WHEREAS, the Township, on even date herewith, has enacted Ordinance _____, which amends Ordinance 359, which together require testing to prevent storm surface water connections into the sanitary sewer, and to detect deterioration of private laterals which may allow ground water to enter the sewer system; and

WHEREAS, the Township seeks to amend its Sewer System Rules and Regulations to implement these aforesaid Ordinances.

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of North Fayette, it is hereby ordained and enacted as follows:

1. The Sewer System Rules and Regulations of the Township of North Fayette adopted April 1, 1976, et seq., as amended, is hereby amended as follows:

A. Add to Article I, Definitions, a new section:

PRIVATE LATERAL

Section 123. The line connecting the premises to the public sewer.

B. Add to Article III, Exclusion of Storm Water Runoff, a new section:

305. PROPERTY TRANSFERS AND DEFECT DISCOVERY

A. Any person completing a Property Transfer of real estate located within the Township of North Fayette shall make application on a form furnished by the Township for a Document of Certification, an official statement to the Township stating that there are no illegal storm surface water connections into the sanitary sewer connections on the property to be sold which violate Ordinance No. 359. The application for a Document of Certification shall be submitted to the Township for any Property Transfer involving real estate on which a building or other improvement exists. Said Document of Certification must be completed by the Township's designated agent for the required tests and inspection.

An officially ACHD licensed registered plumber contracted by the property owner or his/her designated representative will perform a dye test on the property to be sold. The individual shall complete the appropriate portions on the form and certify that the property has been dye tested and certify the results of such test. When an illegal storm or surface water connection is discovered by means of the above-mentioned dye testing, no Document of Certification will be executed until the illegal connections are removed and certification of such removal is verified by Township personnel or their designated agent(s).

In instances of Property Transfers, the Township requires that the Lateral Sanitary Sewer be inspected utilizing close circuit television (CCTV) methods. This inspection will be completed by the owner's officially licensed by the ACHD plumber and be performed each time a home is transferred or in instances when a property is refinanced for capital improvements requiring a building permit that also requires an Allegheny County plumbing permit.

Requirements and procedures of the dye testing and CCTV inspection are outlined in Section E of these Rules and Regulations.

- B. A Temporary Document of Certification may be issued at the Township's sole discretion when either:

Applicant proves to the satisfaction of the Township that time of sale testing cannot be performed because of weather conditions. When such is the case, the applicant shall provide the Township with security in the minimum amount of Four Thousand (\$4,000.00) Dollars to guarantee that the required inspections will be performed. In addition, the applicant shall provide a signed, written acknowledgment, in a form acceptable to the Township, from the purchaser agreeing to correct, at purchaser's sole expense, any violations that may be discovered as a result of required inspections.

Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse the purchaser for any costs incurred provided, however, primary liability shall run with the land and no such agreement shall affect municipality's/Township's enforcement powers; or

- C. 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 Township Manager for a Temporary Document of Certification which may only be issued when the applicant provides the Municipality with all of the following: (i) cash or a certified check security in the amount not less than the estimated repair costs in a form acceptable to the Township; and (ii) an agreement by the purchaser in a form acceptable to the Township to be responsible for all cost over-runs related to the remedial work.

- D. In addition to the Township's right to deem the amount of security forfeited, the Township also reserves the right to impose monetary penalties on the purchaser, after having received notice from the Township of a date by which repairs must be made, for failure to make the repairs required. Said penalties are enumerated in Section 11 of Township Ordinance No. 359, as amended.

All Temporary Documents of Certification shall automatically expire six (6) months from the date of issuance at which time any security posted shall be forfeited.

- E. DYE TESTING AND CLOSED CIRCUIT TELEVISION (CCTV) INSPECTION PROCEDURES

CCTV inspection shall be completed on a property at the time of sale/transfer or for property improvements requiring a Township building permit that also requires an Allegheny County plumbing permit as required per the Township of North Fayette Ordinances.

Procedure

- (i) CCTV inspections will typically be completed from the building to the main sewer. See definition of lateral at paragraph 1 A. hereof. During the CCTV inspection, the property owner's plumber may utilize water injection into the ground in the vicinity of the sanitary sewer lateral to determine if leakage is present. If in the event leakage is found under the foundation, the Township reserves the right to require inspection of the sanitary sewer piping under the building floor.
- (ii) During the performance of the test, the NAASCO pipe assessment standards must be used to determine pipe defects. Any structural defects found to have a Level 3 or higher shall be deemed a failure. Any visual leakage Level 2 or higher shall be deemed a failure. Multiple Level 2 structural defects (greater than 2 in number) in a given lateral may also be deemed a failure.
- (iii) If a failure exists, it is the requirement of the property owner to replace/reline the Lateral Sanitary Sewer at their own expense. Work shall be in accordance with the Allegheny County Plumbing Code and these Rules and Regulations. Inspection of all work shall be completed by Allegheny County and the Township of North Fayette. Any fees pertaining to these inspections shall be the responsibility of the homeowner. All work must be completed within thirty (30) days of the deemed failure unless a time extension is granted by the Township. After the repairs are complete, a re-inspection must be scheduled.
- (iv) In the event the property representative wishes to appeal a failure decision, the following rules shall apply:
 - 1. The Township has created a North Fayette Board of Appeals

to hear technical disputes from persons who disagree with the results of an inspection of the sewer lateral ("Appellants") conducted pursuant to Section _____ of these Rules and Regulations or the amount and type of work to be done as a result of the inspection.

2. The sole grounds for a challenge to said inspection shall be whether the findings of the inspection are appropriate or whether the amount and type of work ordered to be completed is appropriate. No challenges shall be heard that are based upon financial concerns or a homeowner's inability to pay for any indicated repairs.
 3. Appellants desiring to bring a matter in front of the Appeals Board shall provide written notice of such desire to the Township no later than 20 days from the receipt of the results of an inspection of the sewer lateral on the effected property. A hearing will be scheduled as soon as possible, but in no event greater than 30 days from receipt of the written notice.
 4. Appellants may attend a hearing with the representation of counsel and may, at their cost, provide means by which the hearing will be recorded.
 5. Appellants shall be provided a reasonable amount of time, but in any event, not to exceed 30 minutes, to present evidence and arguments in front of the Appeals Board.
 6. Within 3 (three) business days of the hearing, the Appeals Board shall render a written decision on the matter.
 7. The decision of the Appeals Board shall be final.
 8. The Appeals Board shall provide a written summary of the hearing to the Appellant and the Township on a form to be established by the Township.
- (v) If during the course of lateral inspection a defect is found in any portion of the lateral that is deemed to be owned by the Township (see definition of lateral at paragraph 1 A.), those repairs may be made by the Township at no expense to the property owner.

- (vi) The CCTV inspection on a property will only be mandated if the time between property transfers exceeds three (3) years. If a property transfers again within 3 years of the most recent CCTV inspection, the requirement for this inspection will be waived by the Township; however, no representation will be made by the Township that the condition of the lateral has not deteriorated since the time of the last inspection. Under those circumstances, a basic dye test still must be conducted by the property owner's ACHD certified plumber.

The basic dye test is meant to identify and direct illegal connections from the system and/or problems with vents, cleanouts, etc. This basic inspection is mandated to comply with administrative consent orders between Township and the Allegheny County Health Department and Township Ordinance No. 359. The basic dye test will be completed on every property which is transferred and/or modifications are made requiring a building permit or an Allegheny County Plumbing permit.

Procedure

1. When a property requires a dye test, a representative of the property shall contact the Township to advise of the scheduling of the inspection. Inspections will be scheduled during normal business hours. The Township must receive five (5) days advance notice of the dye test.
2. The property representative will be responsible for a payment as outlined in the fee section of these Rules and Regulations.
3. The dye test will be completed by an officially licensed by the ACHD plumber and be conducted on storm water facilities such as area drains, downspouts, sump pumps, etc.
4. Dye will be placed in these storm water facilities (or other techniques will be utilized) and the plumber will verify that these facilities are not connected to the sanitary sewers. In the event water from an improper source is discovered entering the sanitary sewer during the inspection, the test will be

deemed a failure. It will be the responsibility of the homeowner to remove all said improper connections to the sanitary line at their expense.

5. After all repairs have been made the property owner shall contact the Township to inform it of a retest by the owner's ACHD certified plumber.

Properties with improvements which are not served by the public sanitary sewer system are exempt from testing. However, if properties previously exempt from dye testing because they are not served by the public sanitary sewer become eligible to connect due to proximity of public sewer, prior to tapping a dye test will be required. Also exempt from testing are new homes that have been constructed in accordance with a valid building permit which have been inspected by the Township Building Inspector and the Plumbing Division of the Allegheny County Health Department and which have not been formerly occupied. At the time of the application for the Document of Certification, the Seller of such property, or the Real Estate Broker or Agent listing such property for sale, shall request that the water company provide a final meter reading to such property and should request from the Township a No-Lien Letter reflecting the status of sewage liens upon such property and the amount due for current sewage service to the date of the final meter reading.

At the time of the final meter reading, sewage service provided to such property by the Township shall be the responsibility of the Purchaser of the property or Tenant and they shall have made written application for continued sewage service (application for transfer of service is now done directly with WACMA or with Pennsylvania American Water, as the case may be) as is required by the Rules and

Regulations of the Township. In the event that such application for continued water service is made on behalf of the Purchaser or Tenant by a duly authorized Agent, the Purchaser or Tenant and such Agent shall be individually and jointly liable and obligated to pay for sewage service provided by the Township until such time as the Purchaser or Tenant has executed a written application for sewage service.

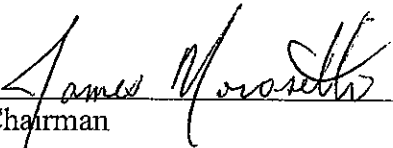
The Seller, or the Real Estate Broker or Agent listing such property for sale, shall, at the time of closing or before, present the final meter reading and No-Lien Letter to the appropriate closing officer and all amounts due to the Township for sewage service provided prior to the time of the final meter reading shall be paid at the closing.

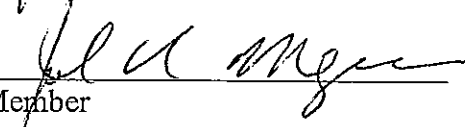
ORDAINED AND ENACTED INTO LAW, this 13th day of April, 2010.

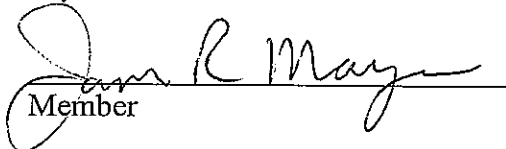
ATTEST:


Township Manager

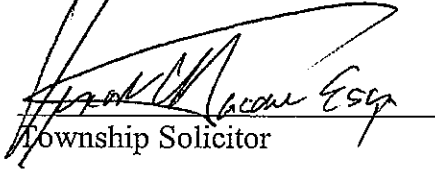
TOWNSHIP OF NORTH FAYETTE

By: 
Chairman


Member


Member

APPROVED AS TO FORM:


Township Solicitor