

BOROUGH OF ROSE VALLEY

ORDINANCE NUMBER 337

AN ORDINANCE PROHIBITING CERTAIN DISCHARGES INTO THE SANITARY SEWER SYSTEM LOCATED IN THE BOROUGH OF ROSE VALLEY, MANDATING THE INSPECTION OF SANITARY SEWER LATERALS AND THE REPAIR OF ANY DEFECTS AND/OR REMOVAL OF ANY ILLEGAL INFLOW CONNECTIONS TO SUCH LATERALS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; EMPOWERING THE BOROUGH OFFICIALS TO INSPECT THE SANITARY SEWER LATERALS, REPEALING ALL ORDINANCES INCONSISTENT HERewith AND IMPOSING PENALTIES FOR VIOLATIONS.

WHEREAS, the discharge, inflow and infiltration of Storm Water into the sanitary sewer system unnecessarily increases the cost of wastewater treatment to Borough residents; and

WHEREAS, the Council of the Borough of Rose Valley desires to prohibit the inflow of Storm Water into the Sanitary Sewer System and seeks to take all necessary and appropriate measures to reduce infiltration into the Sanitary Sewer System.

NOW, THEREFORE, the Council of the Borough of Rose Valley hereby ordains:

SECTION 1. Definitions. When used in this ordinance, the following terms shall have the following meanings:

- A. **Applicant** shall mean any person applying for a Certificate of Occupancy.
- B. **Certificate of Occupancy** shall mean the official certificate issued by the proper officers of the Borough of Rose Valley stating that the Sewer Lateral is in satisfactory condition and there are no known illegal Storm Water inflow connections into the Sewer Lateral on the specific property which is being sold or transferred to a different Person.
- C. **Person** shall include any individual, legal entity, partnership, business, corporation or company.
- D. **Property** shall mean any real property located within the boundaries of the Borough of Rose Valley.
- E. **Sanitary Sewer System** shall include piping, lines, sewers, laterals and connections thereto, which transport wastewater within the Borough of Rose Valley to a destination for wastewater treatment.

F. **Sewer Lateral** shall mean any pipe, line or sewer running across or through any real property and connecting to a pipe, line or sewer owned by any municipality or municipal authority, which has as its purpose the transport of wastewater for treatment.

G. **Storm Water** shall include all storm water, rain water, surface water, ground water, roof run-off or subsurface drainage.

SECTION 2. Prohibition of Storm Water discharges into the Sanitary Sewer System.

A. It shall be unlawful for any Person to discharge any Storm Water into the Sanitary Sewer System, or permit the inflow of Storm Water from any property owned by such Person into the Sanitary Sewer System. Any discharge or inflow of Storm Water into the Sanitary Sewer System shall be deemed to have been permitted by the owner of the Property upon which or within which such Storm Water enters the Sanitary Sewer System.

B. No Person who owns any Property serviced by the Sanitary Sewer System shall connect any sump pump, roof drain, foundation drain, or other surface water drain, or permit any such drains to remain connected, to the Sanitary Sewer System.

C. Each violation of any of the provisions of this Ordinance shall be punishable by a fine of no less than one hundred (\$100.00) dollars, nor more than the statutory limit applicable to boroughs under the state code. Each day on which such violation occurs or exists, shall constitute a separate violation of this Ordinance.

SECTION 3. Inspection by Designated Borough or DELCORA Officials.

A. The Borough of Rose Valley, by its elected or appointed officials, including the Building Inspector, Code Enforcement Officer and/or any DELCORA employee duly appointed by Resolution of Council, may undertake such inspection or tests as it deems necessary and appropriate to determine the condition of any Sewer Lateral. Any such inspection or test may only take place after notice has been given, in writing, hand delivered or mailed to the address of the property in question, at least ten (10) business days in advance. Tests or inspections shall be permitted only on weekdays, between the hours of 9:00 a.m. and 5:00 p.m., or by appointment.

B. The owner of the affected Property shall make all areas to be tested or inspected available to the designated inspectors.

C. If, in the sole opinion of the inspector, any illegal Storm Water inflow connections are found, or the Sewer Lateral is determined to be in unsatisfactory condition, the Sewer Lateral shall be repaired or replaced by the owner of the Property, at the owner's expense. Such repairs or replacement must be commenced within ninety (90) days of the date the Borough notifies the owner of the deficiency, in writing.

D. The Borough shall re-inspect the Property upon notice from the Property owner that the deficiency has been repaired, or one hundred twenty (120) days after the notice of deficiency was first sent by the Borough, whichever first occurs.

E. If the owner of the Property fails to make such repairs or replacement, within the times specified in this Ordinance, the Borough shall be authorized and permitted to make such repairs or replacements and to assess the owner of the Property for the cost thereof, plus ten (10%) for administrative costs. Such assessment shall be made in accordance with the Pennsylvania Municipal Claims Act, and shall constitute a lien against the Property until paid.

SECTION 4. Mandatory Inspection Prior to Issuance of a Certificate of Occupancy.

A. A Certificate of Occupancy shall be required upon the sale, or transfer of ownership, of any Property in the Borough.

B. As a mandatory condition prior to the issuance of a Certificate of Occupancy by the Borough, the Applicant shall contract a plumber or other qualified contractor to inspect and appropriately test for any illegal Storm Water inflow connections into the Sewer Lateral on the affected property and provide the results of the inspection and tests to the Borough. Such tests could include a dye test, smoke test, or air pressure test of the Sewer Lateral. Any smoke test shall use nontoxic, non-staining smoke, forced through the Sewer Lateral by way of forced air. All Sewer Laterals more than thirty (30) years old shall be televised over their entire length, unless the lateral was previously televised within the last five (5) years and found to be in satisfactory condition. The plumber or other contractor performing such tests shall notify the Borough at least three (3) business days in advance of performing the test, to give the Borough the opportunity to have a representative present during testing. The Borough representative/inspector is empowered to approve the test as performed, or to require additional testing.

C. The plumber or other qualified contractor performing the tests shall certify the results in writing to the Borough. If the test results indicate any illegal Storm Water inflow connection to the Sewer Lateral, and/or if the Sewer Lateral is found to be in such condition that the inspector, in his sole discretion, deems it to be unsatisfactory, then the

Applicant shall not be given a Certificate of Occupancy until such illegal connection is removed and/or the unsatisfactory condition has been remedied to the satisfaction of the Borough officials.

D. In the event a Sewer Lateral is found to be in an unsatisfactory condition, the Borough may, in its discretion, issue a temporary Certificate of Occupancy upon the Applicant placing an amount of money in escrow that the Borough, in its sole discretion, deems sufficient to remedy such unsatisfactory condition. In the event the Applicant fails to remedy such unsatisfactory condition within ninety (90) days, the Borough may, in its sole discretion:

- (1). Revoke the temporary Certificate of Occupancy; or
- (2). Undertake such repairs or replacement of the Sewer Lateral as may be necessary to remedy the unsatisfactory situation, and apply the escrowed money toward such costs. Should the Borough undertake the repairs or replacement of the unsatisfactory Sewer Lateral, any excess money in escrow shall be returned to the property owner. Any shortage of funds shall be a liability of both the Property and the Applicant, and may be assessed against the Property in accordance with Pennsylvania's Municipal Claims Act.

E. Nothing in this Ordinance shall amend, reduce or remove any other Borough requirements for a Certificate of Occupancy pursuant to other Ordinances or laws applicable to the transfer or sale of real property in the Borough.

SECTION 5. Severability.

Should any clause, paragraph or provision of this Ordinance be deemed illegal or unconstitutional by any Court of competent jurisdiction, it is the intention of the Borough that the remainder of this Ordinance continue in full force and effect.

SECTION 6. Repealer.

Any Ordinance, Resolution, or any severable part thereof, in direct conflict with the provisions of this Ordinance is hereby repealed.

7. Effective Date.

This Ordinance shall be effective thirty (30) days after passage by Council and Approval by the Mayor.

ORDAINED and ENACTED this 11th day of April, 2012.

BOROUGH OF ROSE VALLEY

Attested this 11th day of April, 2012.

s/
Paula W. Healy, Borough Secretary

William C. Hale, President of Council s/

Approved this 11th day of April, 2012.

s/
Thomas F. Plummer, Jr., Mayor