

OFFICIAL
WASHINGTON TOWNSHIP
ORDINANCE NO. O-01-19

AN ORDINANCE OF WASHINGTON TOWNSHIP, COUNTY OF FAYETTE, AND COMMONWEALTH OF PENNSYLVANIA INSTITUTING AND ENFORCING A SEWER USE ORDINANCE REQUIRING DYE TESTING OF ALL STRUCTURES LOCATED ON AND WITHIN PROPERTY WITHIN WASHINGTON TOWNSHIP.

WHEREAS, Washington Township believes that the elimination of surface storm water inflow to the sanitary sewer system is necessary to the health and welfare of its residents; and

WHEREAS, Washington Township has reason to believe that certain residential and commercial properties within the Township have storm water or surface water connections to the sanitary sewer system; and

WHEREAS, Washington Township desires to institute and enforce a sewer use ordinance requiring dye testing and interior inspection of all structures located on property within the Township to determine whether surface storm water drains to the sanitary sewer system.

NOW, THEREFORE, in the interest of promoting the health and welfare of the residents of Washington Township, Township Supervisors hereby ordain and enact a sewer use ordinance as follows:

Section 1. Definitions.

- a. Applicant: A person applying for a Certificate of Compliance or Temporary Certificate of Compliance.
- b. Security: Certified check, or treasurer's check.
- c. Dye Test: Any commonly accepted method of testing whereby dye is introduced into the storm, surface or subsurface water collection system and downspouts of structures or improvements to real property to determine if surface storm water is entering into the sanitary sewer system.
- d. Interior Inspection: A visual inspection of the interior of the property limited to areas of the structures or improvements which may feature interior sumps, pumps, or other Unlawful Connections as defined in this ordinance.
- e. Improved and Sewered Real Property: Real property on which any building, driveway or parking pad, other surface or subsurface structure or improvement has been constructed, installed or erected, where the real

property or any improvements on the real property is connected to the sanitary sewer system.

- f. Person: Any natural person, association, partnership, corporation, syndicate, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.
- g. Sanitary sewer system: The sanitary sewer lines and related facilities maintained and operated by Washington Township.
- h. Sell or Transfer: The sale, transfer, or assignment of any interest in real property.
- i. Refinance: The replacing of an existing mortgage or loan against real property with a new or different mortgage or loan.
- j. Surface Storm Water: Surface water and ground water, including but not limited to roof and driveway drainage, basement seepage, and surface or areaway drainage.

Section 2. Unlawful Connections.

After the date of this Ordinance, it shall be unlawful for any person to connect or have connected any rain leader, roof drain, downspout, gutter, parking lot drain, driveway drain, interior or exterior sump, French drain, spring or other collector or source of surface storm water, including but not limited to the fresh air vent of the improved and sewered property's sanitary sewer, to the sanitary sewer system.

Section 3. Proof of Compliance on Sale, Transfer or Refinance.

After the date of this Ordinance, it shall be unlawful for any person to sell, transfer, or refinance improved and sewered real property located within Washington Township without having obtained and delivered to the buyer, transferee, or owner at or prior to closing, transfer, or refinance a Certificate of Compliance or Temporary Certificate of Compliance for the property being sold transferred, or refinanced.

Section 4. Application for Certificate of Compliance.

- a. At least 15 days prior to the date of closing, transfer or refinance of any improved real property located within Washington Township, the seller or transferor, or its agent, shall submit to the Municipal Authority Manager, or his designee, an Application for Certificate of Compliance, completed as required by Section 4(b) below. The Certificate of Compliance form shall be available upon request from the Municipal Authority Manager, or his designee. The fee for filing the completed Application for Certificate

Compliance shall be established by Township Supervisors from time to time by resolution.

- b. The Applicant is required to schedule the dye test within three (3) days of submitting the Application for Certificate of Compliance by calling The Municipal Authority of Washington Township at 724-929-3370.
- c. Prior to the sale transfer, or refinance of any real property located within Washington Township, the seller or transferor shall have a dye test of the property, and an interior inspection of the property limited to areas of potential violation including but not limited to the basement, performed by a designated agent or employee of the Municipal Authority of Washington Township. Upon completion of the dye test and interior inspection, the person who performed the test shall complete the Report of Dye Test and Interior Inspection, and issue a Certificate of Compliance, where appropriate, confirming the real property has been dye tested, inspected and certifying the results of the test.

Section 5. Issuance of Certificate of Compliance.

- a. If the Application for a Certificate of Compliance, properly completed and filed with the Municipal Authority Manager, or his designee, with the designated filing fee, indicates that there are no connections of surface storm water to the sanitary sewer system, then the Municipal Authority Manager, or his designee, shall issue the Report of Dye Test and Interior Inspection, and Certificate of Compliance, where applicable, within 15 days of application therefore.
- b. If the dye test of Interior inspection reveal the existence of one or more surface storm water connections to the sanitary sewer system, the Municipal Authority Manager shall not issue the Certificate of Compliance until the connections have been removed and a licensed plumber or other person approved by Municipal Authority of Washington Township to do so, has certified that there is no connection of surface storm water to the sanitary sewer system from the property to be sold or transferred.
- c. If the Interior Inspection is in anyway refused or prevented by the applicant, their agents or assigns, a Report of Dye Test and Interior Inspection, and Certificate of Compliance, where applicable will not be issued until that Interior Inspection is complete.

Section 6. Temporary Certificate of Compliance.

- a. When a surface storm water connection to the sanitary sewer system is discovered and the necessary work to remove the connection would

require a length of time such as to create a hardship for the seller or applicant, the seller or applicant may apply to the Municipal Authority Manager, or his designee, for a Temporary Certificate of Compliance. The seller or applicant or owner must submit the following with the properly completed application:

- i. A bona fide executed contract with a registered and licensed plumber requiring the plumber to complete the remedial work necessary to the removal of the connections of surface storm water to the sanitary sewer system and granting Municipal Authority of Washington Township the right and power to enforce the contract.
 - ii. Security in an amount equal to one hundred ten (110) percent of the contract described in Subsection (a) (i) above.
 - iii. The agreement of the purchaser, transferee or owner to be responsible for all cost overruns related to the remedial work, together with a license from the purchaser or transferee to Municipal Authority of Washington Township, its agents, contractors and employees, to enter upon the property to complete the remedial work in case of default by the contractor or the applicant.
 - iv. The filing fee established by Township Supervisors from time to time established by resolution.
- b. When dye testing cannot be performed because of weather conditions, the seller or applicant may apply to the Municipal Authority Manager, or his designee, for a Temporary Certificate of Compliance. The seller or applicant must submit the following with the properly completed application:
- i. Security in the amount of \$500.00.
 - ii. The written, signed agreement of the purchaser, transferee or owner to correct, at the purchaser's or transferee's sole expense, any surface storm water connections to the sanitary sewer system disclosed by the subsequent dye test, together with a license from the purchaser or transferee to Municipal Authority of Washington Township, its agents, contractors, and employees, to enter upon the property to conduct the dye testing should the applicant fail to do so. The primary responsibility for the remedial work and all costs thereof shall run with the land, and no such agreement shall affect the Township's enforcement powers or excuse the current owner of the property from performance.

- iii. The filing fee established by Township Supervisors from time to time by resolution.
- c. The Municipal Authority Manager may reject the Application for Temporary Certificate of Compliance whenever, in his or her sole judgment, the conditions defined by this Section 6 do not exist or the submissions required by this Section 6 have not been made.
- d. The Temporary Certificate of Compliance shall be effective for sixty (60) days, and the expiration date of the Temporary Certificate of Compliance shall be noted on the Certificate. If, upon the expiration of the Temporary Certificate of Compliance, the seller or applicant has not applied for and received a Certificate of Compliance, as provided for in Sections 4 and 5 of this Ordinance, the security shall be forfeited, and Municipal Authority of Washington Township may use the funds to complete the remedial work for the dye testing.
- e. The Application for a Temporary Certificate of Compliance form shall be available upon request from the Municipal Authority Manager, or his designee.

Section 7. Municipal Lien and Tax Verification Letters.

A request to Municipal Authority of Washington Township for a municipal lien letter or tax verification letter must be accompanied by a valid Certificate of Compliance or Temporary Certificate of Compliance and by the appropriate fee, which shall be established by Township Supervisors from time to time by resolution. Municipal Authority of Washington Township shall issue the municipal lien letter or tax verification letter within seven (7) days of receipt of the appropriately documented request and the applicable fee.

Section 8. Expiration of Certificate of Compliance.

A Certificate of Compliance issued under this Ordinance shall be valid for a period of one (1) year from the date of issuance.

Section 9. Regulations.

The Municipal Authority Manager is hereby empowered to make reasonable rules and regulations for the operation and enforcement of this Ordinance, including but not limited to: establishing the form of applications, acknowledgements and certifications, and limiting the time of year in which Temporary Certificates of Compliance are available for reasons of weather.

Section 10. Conflict with General Police Powers.

Nothing in this Ordinance shall limit in any fashion whatsoever the 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 11. Penalties.

Any person who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Ordinance, upon conviction before any Magisterial District Judge, shall be sentenced to pay a fine of Five Hundred (\$500.00) Dollars and, in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 12. Severability.

It is the express intent of the Council of Washington Township that the provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance shall be held to be illegal, invalid, or unconstitutional, the remaining provisions shall not be affected or impaired.

Section 13. Repeal.


Any ordinance or parts of any ordinance conflicting with the provisions of this Ordinance are hereby repealed.

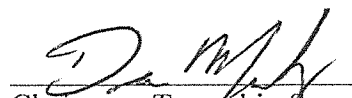
Section 14. Effective Date.

The effective date of this Ordinance shall be 3/13, 2019.

ORDAINED AND ENACTED this 13 day of MARCH, 2019.

ATTEST:


Secretary
Washington Township


Chairman, Township Supervisors
Washington Township

WASHINGTON TOWNSHIP

BOARD OF SUPERVISORS

RESOLUTION R-01-19

ESTABLISHING FORMS AND RATES FOR DYE TESTING AND INSPECTION
ORDINANCE

WHEREAS, On March 13, 2019, the Washington Township Board of Supervisors adopted Ordinance O-01-19 establishing the Dye Testing and Inspection of home for illegal connections upon sale, transfer, or refinance;

WHEREAS, Ordinance O-01-19 authorized the supervisors to establish fees for application and inspection pursuant to that ordinance

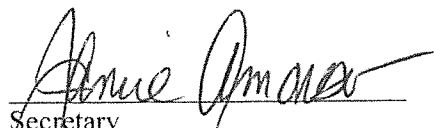
WHEREAS, Ordinance O-01-19 necessitates the adoption, and use of official forms for uniformity and ease of administration

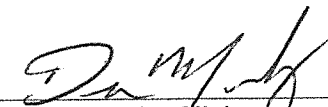
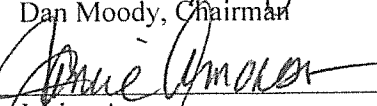
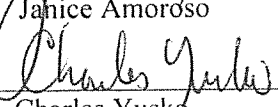
NOW THEREFORE it is hereby Resolved as Follows:

1. The Washington Township Board of Supervisors hereby adopts the "Application for Certificate of Compliance, Dye Test Request Form" attached here to Addendum "A," as the official form to be utilized where referenced and necessary in Ordinance O-01-19
2. The application fee for Ordinance O-01-19 is hereby set at \$125.00. The Washington Township Board of Supervisors reserves the right to amend this application fee from time to time as they may see fit.
3. The Washington Township Board of Supervisors hereby adopts the "Report of Dye Test and Interior Inspection" attached here to Addendum "B," as the official form to be utilized where referenced and necessary in Ordinance O-01-19.
4. The Washington Township Board of Supervisors hereby adopts the "Certificate of Compliance" attached here to Addendum "C," as the official form to be utilized where referenced and necessary in Ordinance O-01-19.

WASHINGTON TOWNSHIP SUPERVISORS

ATTEST:


Secretary

By: 
Dan Moody, Chairman
By: 
Janice Amoroso
By: 
Charles Yuskø

(SEAL)