

ORDINANCE No. 101514-B

**AN ORDINANCE OF NORTH SEWICKLEY TOWNSHIP , BEAVER COUNTY, PENNSYLVANIA, ESTABLISHING A REQUIREMENT FOR CERTIFICATION OF SANITARY SEWER STATUS AND ON-LOT SEWER STATUS PRIOR TO THE SALE OF REAL ESTATE WITHIN THE NORTH SEWICKLEY TOWNSHIP SEWER AUTHORITY AS A CONDITION FOR THE ISSUANCE OF MUNICIPAL LIEN LETTERS AND PROPERTY TAX VERIFICATION LETTERS.**

**WHEREAS**, the North Sewickley Township Sewer Authority is desirous of eliminating storm and surface waters from entering into the sanitary sewer system;

**WHEREAS**, the North Sewickley Township Sewer Authority is desirous of establishing certain procedures for the issuance of municipal lien and property tax certifications; and,

**NOW, THEREFORE BE IT ORDAINED**, by the Supervisors of North Sewickley Township, Beaver County, Pennsylvania:

**Section I. GENERAL:** After the effective date of this Ordinance, it shall be unlawful for any person to sell real estate within the sewage service area of the North Sewickley Township Sewer Authority of which a building or improvement exists, without first delivering unto the purchaser a Document of Certification or Temporary Document of Certification.

**Section II. DEFINITIONS:**

*Person:* Any person, syndicate, associate, partnership, firm, corporation, institution, agency, Authority, or any entity recognized by law as the subject of rights and duties.

*Municipal Lien and property Tax Verification Letter:* A written letter from the proper official of North Sewickley Township Sewer Authority concerning municipal liens and property taxes.

*Document of Certification:* An official statement from the proper office of the North Sewickley Township Sewer Authority stating that there are no known illegal storm or surface water connections into the sanitary sewer on the specific property which is being sold.

*Temporary Document of Certification:* A temporary statement of certification from the proper office of the North Sewickley Township Sewer Authority, issued pursuant to the terms of Section IV of this Ordinance.

*Illegal Storm or Surface Water Connections:* Includes, but is not limited to, the discharge of down spouts, roof drainage, surface areaway drainage, or foundation or basement drainage into the sanitary sewer system.

**Section III. DOCUMENT OF CERTIFICATION APPLICATION.** Any person selling real estate located within the North Sewickley Township Sewer Authority (hereinafter "APPLICANT") shall make application on a form furnished by the North Sewickley Township Sewer Authority at least fourteen (14) days before the date of sale. The APPLICANT shall then permit a representative of the North Sewickley Township Sewer Authority to perform a dye test, smoke test or air test of the sewer drainage system on the property to be sold, said smoke test to involve the use of nontoxic, non-staining smoke, which is forced through the sewer system by the use of air blowers or other visual inspections as may be necessary. The North Sewickley Township Sewer Authority Operator shall also have the right to rely on the results of any internal televising of the main sewer completed by the North Sewickley Township Authority or its contractor. When an illegal storm or surface water connection or malfunctioning drainage system or malfunctioning on-lot septic system is discovered by the means of the above-mentioned testing, no Document of Certification will be issued until the illegal connections/malfunctioning drainage system are removed/repaired, the system retested and certified satisfactory by the North Sewickley Township Sewer Authority. There shall be a charge of fifty (\$50) dollars for this testing subject to change by Motion of the North Sewickley Township Sewer Authority.

**Section IV – TEMPORARY DOCUMENT OF CERTIFICATION.** A Temporary Document of Certification may be issued at the sole discretion of the North Sewickley Township Sewer Authority Operator when either:

A. The APPLICANT proves that such testing cannot be performed because of weather conditions, and when such is the case, the APPLICANT shall provide the North Sewickley Township Sewer Authority Operator with written authorization to perform the test as soon as weather permits. In addition, the APPLICANT shall provide a signed written acknowledgment from the purchaser of the real estate, agreeing to correct, at the said purchaser's sole expense, any violations/defects that may be discovered as the result of subsequent tests. Nothing in this subsection shall prohibit any purchaser from requiring the APPLICANT to reimburse the purchaser for any costs incurred; PROVIDED, NEVERTHELESS, that primary liability shall run with the land and no such agreement shall affect the Authority enforcement powers.

B. When an illegal storm or surface water connection or malfunctioning drainage system has been 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, the APPLICANT may apply to the North Sewickley Township Sewer Authority for a Temporary Document of Certification that may only be issued when the APPLICANT provides all of the following:

1. A contract between the APPLICANT and a contractor approved by the North Sewickley Township Sewer Authority to complete the necessary remedial work with the Township of North Sewickley listed therein as a third party beneficiary;
2. An agreement by the APPLICANT and/or purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the North Sewickley Township Sewer Authority Operator to enter upon the property to

complete work in case of default by the contractor. If the corrective work is not completed by 90 days from the date of the contract, the temporary certification shall expire. In this event, the Authority shall be authorized to enter the property, complete the repairs under contract and lien the property for the costs of said repairs.

**Section V. RULES AND REGULATIONS:** The North Sewickley Township Sewer Authority is hereby authorized, empowered and directed to make reasonable rules and regulations for the operation and enforcement of this Ordinance as he deems necessary, which shall include, but not be limited to:

- A. Establishing acceptable forms of security or guarantees;
- B. Acceptable testing methods;
- C. Establishing the forms of applications, purchaser acknowledgements and plumber certifications;
- D. Limiting the times of year in which Temporary Documents of Certificate are available for reasons of weather.

All rules and regulations issued pursuant to this Section shall be in writing and be approved by Motion of the North Sewickley Township Sewer Authority prior to such rules and regulations being effective.

**Section VI. LIMITATIONS:** Nothing in this Ordinance shall limit, in any fashion whatsoever, the Authority's rights to enforce any Ordinance, Resolution or Law of the North Sewickley Township Sewer Authority, Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other Law, Ordinance or Resolution.

**Section VII. PENALTIES:** Any person who shall fail, neglect, or refuse to comply with any of the terms or provisions of this Ordinance, or of any regulation or requirement pursuant thereto and authorized thereby shall, upon conviction before any district justice, be sentenced to pay a fine of \$1,000 and costs of prosecution, and in default of payment thereof, to imprisonment for a term not to exceed ninety (90) days.

**Section VIII. SEVERABILITY:** The provisions of the Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid or unconstitutional the remaining portions of this Ordinance shall not be affected or impaired thereby.

**Section IX. REPEALER:** Any Ordinance or Resolution or part of any Ordinance or Resolution conflicting with the provisions of this Ordinance be and the same are hereby repealed to the extent of such conflict.

**Section X. EFFECTIVE DATE:** The Effective date of this Ordinance is Oct. 15. 2014.

ENACTED and ORDAINED this 15<sup>th</sup> day of October, 2014, by a majority vote of the Supervisors of North Sewickley Township, Beaver County, Pennsylvania, during a duly advertised meeting of said Authority, with a quorum or more of the Authority being present and after proper advertisement.



Earl Smith  
[Signature]  
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ATTEST

Amy [Signature]  
Secretary

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