

**SANITARY SEWER SYSTEM
PRIVATE LATERAL TIME OF SALE ORDINANCE**

ORDINANCE NUMBER 17-01

AN ORDINANCE OF THE BOROUGH OF WALL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA ENTITLED "SANITARY SEWER SYSTEM PRIVATE LATERAL TIME OF SALE LATERAL ORDINANCE" AND IS INTENDED TO PROVIDE THE RULES, REGULATIONS, REQUIREMENTS AND GUIDELINES FOR THE TESTING, REHABILITATION OR REPLACEMENT OF PRIVATE SANITARY SEWER LATERALS AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Borough Council of the Borough of Wall, Allegheny County, Commonwealth of Pennsylvania, and is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I – SHORT TITLE.

This Ordinance shall be known as the "Borough of Wall Private Lateral Time of Sale Ordinance".

SECTION II - PURPOSE OF THIS ORDINANCE.

This Ordinance is developed to comply with the terms, conditions and requirements of the ACHD Interim Consent Order dated: December ____, 2015.

Note that this Ordinance shall be required **IN ADDITION TO** the Dye Test Ordinance requiring 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 same as detailed in Borough of Wall, Ordinance 00-4 of 2000 as amended.

SECTION III – DEFINITIONS.

ACHD – Allegheny County Health Department – Plumbing Division.

ALCOSAN – Allegheny County Sanitary Authority.

3RWW – 3 Rivers Wet Weather, Inc.

CCTV – The performance of internal closed circuit television inspection within the sewer lines. In the case of this Ordinance "sewer lines" shall mean the Private Sanitary Lateral. The work shall include viewer programs, photographs of deficiencies, maintenance of paper and electronic copies (DVD or thumb drive) of the inspection reports which shall be provided to the Municipal Engineer for evaluation. All CCTV shall be performed in full accordance with 3RWW Protocols.

PA D.E.P. – Pennsylvania Department of Environmental Protection.

Municipal Engineer – The Engineer duly appointed by the Municipal Council to act on behalf of the Municipality.

Code Enforcement Officer – The Officer duly appointed by the Municipality to act on behalf of the Municipality to interpret and enforce codes and regulations.

Conventional Pipe Line Installation – The construction and/or replacement of sewer lines by means of conventional excavation, utilizing either P.V.C. (Polyvinylchloride SDR 35) Pipe or D.I.P. (Class 52) Ductile Iron Pipe. All construction shall be in full accordance with the most current industry standards and shall include all necessary site restoration including surface and base materials and shall meet the line and grade of the existing undisturbed adjacent facilities. In addition to the required approval of the ACHD, all of the aforementioned shall be subject to review and acceptance by the Municipal Engineer.

Trenchless Technology – The rehabilitation of an existing sewer line by means of the installation of a liner inserted into the existing host pipe and may consist of C.I.P.P. – Cured in Place Polyethylene or H.D.P.E. – High Density Polyethylene. All rehabilitation shall be performed in full accordance with the most current industry standards and the recommendations of the manufacturer of the lining materials. In addition to the required approval of the ACHD, all of the aforementioned shall be subject to review and acceptance by the Municipal Engineer.

Municipal Sanitary Sewer System – The Sewer System owned and operated by the Municipality which conveys “sanitary only” sewage within one single pipe.

Municipal Storm Sewer System – The Sewer System owned and operated by the Municipality which conveys “storm water runoff only” 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. Rating of lines shall be performed ONLY by duly Certified NASSCO Operators.

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. (International Plumbing Code 2006)

Private Property – All buildings, structures, land and other such facilities owned and maintained by individual land owners and not under the ownership of the Municipality.

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.

Time of Sale Ordinance – The requirements governing the testing, rehabilitation or replacement of the Private Lateral at the Time of Sale and requirement to obtain approval from the Municipality prior to Closing of the Property.

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 and shall include submittal of the Municipal Filing Fee at the time of submission.

Municipal Filing Fee – The Fee established by the Municipality to cover administrative costs for the implementation of this Ordinance. The current established fee shall be \$300.00 which shall accompany each application. The fee shall be subject to adjustment from time to time as determined by the Municipality.

SECTION IV – REQUIREMENTS FOR COMPLIANCE.

Each time a property is to be sold or transferred and prior to Closing of Sale to a Buyer, the Property Owner shall under the terms of this Ordinance, perform the required testing of their Private Sanitary Lateral in full accordance with the requirements herein to follow and obtain all necessary Municipal Approvals at their total cost and at no cost to the Municipality. 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, including the Municipal Filing Fee as established elsewhere herein. The Registered Master Plumber shall, on behalf of the Owner, submit the completed Application Form provided by the Municipality and including the applicable Municipal Fee. The Property Owner shall be responsible, at his expense, to procure and retain the Registered Master Plumber.

CCTV of the entire Private Lateral as defined elsewhere herein shall be performed in full accordance with NASSCO requirements and by a Certified NASSCO Operator. Any condition rated greater than 3 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. The CCTV Inspection shall also include a visual inspection report of the line(s) directly upstream from the fresh air vent or cleanout to determine possible additional extraneous flows from sub-surface drains or other sources. Currently, these lines and/or flows shall not be subject to corrective action under this Ordinance. It shall be clearly noted that the absence of a fresh air vent or cleanout shall constitute a failure of the lateral.

Air Test of the entire Private Lateral as defined elsewhere herein may be required and shall be performed as follows: the Lateral shall be isolated from its connection with the point of connection to the Municipal Sanitary Sewer and the Cleanout/Fresh Air Vent at or near the structure. Four (4#) pounds of air shall be inserted into the isolated line, stabilized and observed for a period of not less than four (4) minutes. Should air pressure drop by one (1#) pound or more, the entire line shall be considered failed and shall require corrective action.

CCTV and Air Test Reports (if required) shall be provided by the Registered Master Plumber to the Municipal Engineer who will evaluate same and provide his report of findings and if indicated, directing the appropriate required Corrective Action.

Should Corrective Action be required as a result of failure of one or more of the tests to be performed, such shall be based upon one of the acceptable methods as defined in the DEFINITIONS Section of this Ordinance. All work shall be performed as indicated elsewhere herein. Post Repair CCTV by the Registered Master Plumber (Certified NASSCO Operator) shall be required to verify completion of all required repairs.

Upon completion of all required Corrective Action, the Registered Master Plumber shall, on behalf of the Owner, submit to the Municipal Engineer a Certificate of Completion and Compliance from the Allegheny County Plumbing Division and the Application and Certificate of Compliance Form provided for herein as Appendix "A". Inspections shall be performed by both the Allegheny County Plumbing Division and the Municipal Engineer. The Municipality will then provide the duly Executed Certificate of Compliance. Closing of ANY sale shall be withheld until ALL approvals have been granted by the Municipality. Temporary Approval shall NOT be granted unless circumstances as detailed in Section VI occur.

SECTION V – FEES.

All required municipal fees shall be paid to the Municipality at the time of submission of the Application. The Municipal Application Fee shall be as established elsewhere in this Ordinance. Fees required by ACHD shall be paid separately to the Department.

SECTION VI – SCHEDULING AND TEMPORARY CLOSING DOCUMENT

Property Owners shall be fully cognizant of ALL requirements as set forth in Section IV of this Ordinance 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.

A Temporary Closing Document (Appendix "B") shall be issued by the Municipality ONLY if inclement weather conditions preclude any indicated or required corrective action work to be performed. Any other circumstances shall be subject to approval by the Municipality and if deemed not acceptable will result in the delay of issuance of the Notice of Release (No Lien Letter) and ultimately delay in the Owner's Closing.

Should a Temporary Closing Document be granted, the Property Owner shall be required to place in an Escrow Account in a Bona Fide Lending Institution, the amount to be determined by the Municipality, but not less than \$5,000, for which written proof of deposit shall be provided to the Municipality 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 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 purchased/transferee permitting the Municipality to enter upon the property in order to complete the work in case of default by the applicant.

SECTION VII – MISCELLANEOUS.

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

Severability – If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court under Commonwealth jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Ordinance invalid.

SECTION VIII – VIOLATIONS AND PENALTIES.

Any person or persons violating these or any other provisions of this Ordinance, shall, upon conviction, 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 Municipality or Pennsylvania 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 Municipality may seek equitable and legal relief to compel compliance with this Ordinance.

Effective Date – This Ordinance shall become effective thirty (30) days after enactment by the Borough Council of the Borough of Wal'

ORDAINED and ENACTED this 19th day of April, 2017.

BOROUGH OF WALL

Attest:

By: Tracy Miller
Borough Secretary/Manager

By: St. P. Cid
Vice President of Council

EXAMINED and APPROVED this 19th day of April, 2017

By: Ray Mone
Mayor

APPENDIX A

THE BOROUGH OF WALL APPLICATION AND CERTIFICATE OF COMPLIANCE

FOR: DYE TESTING OF BUILDING FACILITIES
 PRIVATE LATERAL TIME OF SALE

BUYER(s) NAME: _____ DATE OF APPLICATION: _____
SELLER(s) NAME: _____ PHONE NUMBER: _____
ADDRESS: _____ E-MAIL ADDRESS: _____
ALLEGHENY COUNTY LOT & BLOCK NUMBER: _____ RESIDENTIAL COMMERCIAL

DYE TESTING OF BUILDING FACILITIES

This is to Certify that I, _____, a Registered Master Plumber,
(Printed Name)
have Inspected and Performed the required Dye Testing of all roof drain pipes and area drains located on the above addressed Facility Building(s) and property in order to determine if any Storm or Surface Water is illegally connected into the Municipal Sanitary Sewer System in accordance with Municipal Ordinance 00-4 of 2000, as amended.

- I **Certify** that there are no Storm or Surface Water Drains (Area Drains) or extraneous illegal waters connected to the Municipal Sanitary Sewer System.
- I **Certify** one or more Storm or Surface Water Drains (Area Drains) were illegally connected to the Municipal Sanitary Sewer System
- I **Certify** that ALL illegal connections have been removed from the Municipal Sewer System.

Signature Allegheny County Health Permit (H.P.) Date
 Exemption Granted: Previous Test/Certification issued within allowable time. (_____ years)
 Approved.

Authorized Municipal Representative Signature Printed Name / Title Date

TIME OF SALE LATERAL TESTING

This is to Certify that I, _____, a Registered Master Plumber,
(Printed Name)
have Inspected and Performed the required Time of Sale Lateral Testing in accordance with NASSCO requirements and all other conditions of this Ordinance required on all laterals located on the above addressed Property to determine if any repairs are required in accordance with Municipal Ordinance _____ and supplied the results of same to the Municipality.

Signature Allegheny County Health Permit (H.P.) Date

- The submitted Lateral inspections and tests have been reviewed by the NASSCO certified representative of the Municipality and have been determined to have Passed or Failed the requirements.

Authorized Municipal Representative Signature Printed Name / Title Date

**THE BOROUGH OF WALL
APPLICATION AND CERTIFICATE OF COMPLIANCE**

ADDRESS: _____ DATE OF APPLICATION: _____
ALLEGHENY COUNTY LOT & BLOCK NUMBER: _____ RESIDENTIAL COMMERCIAL

TEMPORARY CERTIFICATION:

- A Temporary Certificate of Compliance is NOT issued.
- A Temporary Certificate of Compliance is hereby issued until _____, 20__.

IF FAILED:

This is to Certify that I, _____, a Registered Master Plumber,
(Printed Name)
have made the repairs required, Re-Inspected (CCTV Only) the required Time of Sale Lateral Inspection required on all laterals located on the above addressed Property to determine if any additional repairs are required in accordance with Municipal Ordinance _____. Results of said Inspections along with the "Plumbing Inspection Report" issued by the Allegheny County Health Department have been supplied to the Municipality.

Signature Allegheny County Health Permit (H.P.) _____ Date

- The submitted Lateral inspections and tests have been reviewed by the NASSCO certified representative of the Municipality and have been determined to have Passed the requirements.

Authorized Municipal Representative Signature Printed Name / Title _____ Date

WHEN PASSED:

This Certificate of Compliance is hereby approved this _____ day of _____, 20__.

Authorized Municipal Representative Signature Printed Name / Title _____ Date

APPENDIX B

THE BOROUGH OF WALL
TEMPORARY CERTIFICATE OF COMPLIANCE

FOR: DYE TESTING OF BUILDING FACILITIES
 PRIVATE LATERAL TIME OF SALE

The Borough of Wall hereby issues this Temporary Certificate of Compliance to:

BUYER(S) NAME: _____
SELLER(S) NAME: _____
ADDRESS: _____
PHONE NUMBER: _____
E-MAIL ADDRESS: _____
ALLEGHENY COUNTY LOT & BLOCK NUMBER: _____

Until the (day) _____ day of (month) _____ 20____ (Year) to comply with Dye Test Ordinance 00-4 of 2000 as amended, and Private Lateral Time of Sale Ordinance _____ based on the following criteria:

- Written Proof of Escrow Account in a Bona Fide Lending Institution,
(in an amount to be determined by the Municipality but Not less than \$5,000),
~ AND ~
- Inclement weather conditions preclude any required corrective action work to be performed;
~ AND ~
- A Written detailed explanation the need for the Temporary Certificate;
~ AND ~
- An executed agreement by the purchaser/transferee accepting responsibility for ALL costs in excess of the cash security (Escrow);
~ AND ~
- A written easement or other license executed by the purchaser/transferee permitting the Municipality to enter upon the property in order to complete the work in case of default by the applicant.

This Temporary Certificate of Compliance is hereby approved this _____ day of _____, 20____

~ and ~

Expires the _____ day of _____, 20____

Authorized Municipal Representative Signature

Printed Name / Title

Date