

**TOWNSHIP OF O'HARA
ALLEGHENY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF O'HARA AMENDING AND
RESTATING THE CERTIFICATION OF SANITARY SEWER STATUS
ORDINANCE NO. 1228, WHICH ESTABLISHES REQUIREMENTS FOR
NEW OR REPLACEMENT CONNECTIONS PRIOR TO THE SALE OR
TRANSFER OF REAL ESTATE WITHIN THE TOWNSHIP OF O'HARA,
AND AS A CONDITION FOR THE ISSUANCE OF MUNICIPAL LIEN
LETTERS, AND ESTABLISHING RULES AND REGULATIONS
GOVERNING HOUSE OR BUILDING SANITARY SEWER
CONNECTIONS**

WHEREAS, the Township of O'Hara is desirous of eliminating storm and surface waters from entering into the sanitary sewer system of the Township; and

WHEREAS, the Township of O'Hara established certain procedures for the issuance of municipal lien certifications through the enactment of Ordinance No. 1228, known as the Township Certification of Sanitary Sewer Status Ordinance; and

WHEREAS, the Township of O'Hara has undertaken a review of its existing Certification of Sanitary Sewer Status Ordinance; and

WHEREAS, it has been determined that certain changes should be incorporated into said Ordinance by way of an amendment and restatement for the purpose of clarification and enforceability.

NOW, THEREFORE, the Township of O'Hara hereby ordains that the Certification of Sanitary Sewer Status Ordinance of the Township is hereby renamed the Repair and Certification of Sanitary Sewer Status Ordinance and is amended and restated in its entirety as follows:

SECTION I - GENERAL

After the effective date of this Ordinance, it shall be unlawful for any person to sell or purchase real estate or transfer real estate to another for minor consideration which requires a change in names on the deed within the Township of O'Hara on which a building or improvement exists, without first obtaining a Document of Certification or Temporary Document of Certification from the proper officers of the Township of O'Hara. A deed change is deemed not to have occurred for (i) the sale or transfer of real estate between spouses in the event of marriage, divorce or death; and (ii) the transfer of real estate into a Trust in which the current owner(s) is exclusively named as a beneficiary.

It is also intended that the obligation to repair any defects or violations run with the land and this obligation binds the Purchaser and their respective heirs and assigns.

SECTION II - DEFINITIONS

- A. Person: Any person, syndicate, associate, partnership, firm, corporation, institution, agency, Authority, Trust, or other entity recognized by law as the subject of rights and duties.
- B. Municipal Lien and Property Tax Verification Letter: A written letter from the proper official of the Township of O’Hara concerning municipal liens and property taxes.
- C. Document of Certification: An official statement from the proper officer of the Township of O’Hara stating that there is no known illegal storm or surface water connections into nor any major defects to the sanitary sewer drainage system on the specific property which is being sold or transferred. This certification is valid for one year from date of the test.
- D. Temporary Document of Certification: A temporary statement of certification from the proper officer of the Township of O’Hara, issued pursuant to the terms of Section V of this Ordinance.
- E. Illegal Storm or Surface Water Connections: The discharge of storm, roof, sump, rain, ground or surface water or the connection of downspouts, roof drainage, surface areaway drainage, or foundation or basement drainage, or any other drainage source into the sanitary sewer system.
- F. Sewer Drainage System: The sewer line/lateral from the structure to the connection, *including the wye* at the public sewer line, *as well as* all necessary fresh air vents, clean-outs and traps.
- G. Sale or Transfer of Real Estate: As used in this ordinance, sale or transfer of real estate shall be understood to exclude (i) the sale or transfer of real estate between spouses in the event of marriage, divorce or death; and (ii) the transfer of real estate into a Trust in which the current owner(s) is exclusively named as beneficiary.
- H. Hardship: Unique or unfortunate circumstances or condition resulting from unfavorable outcomes not created by owner or purchaser.

SECTION III - DOCUMENT OF CERTIFICATION APPLICATION

Any person selling or transferring real estate located within the Township of O’Hara (hereinafter “APPLICANT”) shall make application on a form furnished by the Township of O’Hara and make payment of the fee established pursuant to Council’s resolution at least thirty (30) days before date of sale. The APPLICANT shall then have a plumber, who is registered and licensed by the Allegheny County Health Department, perform a dye test of the sewer drainage system on the property to be sold or transferred. Access to a continuous running water source is

required at the test site for the inspection process. The plumber shall notify the Township at least five (5) working days before the test is made so that the Township may witness the test. The Township shall have the right to approve the test as performed and/or to require that additional tests be made. At this time the Township shall perform a televised internal inspection or use other methods to inspect the existing sewer drainage system. The Township shall also have the right to rely on the results of any internal televising of the main sewer line completed by the Township or its contractor. The Township may also utilize other methods of testing to detect the flow of water in the sewer drainage system. The plumber shall complete the appropriate portions on the form and certify that the property has been tested, and certify the results of such test. In the event that there are no illegal storm or surface water connections or malfunctions and the existing drainage system is sound the Township of O'Hara Manager or his/her designee shall issue a Document of Certification. When an illegal storm or surface water connection or malfunctioning drainage system is discovered or a deficiency is noted in the sewer drainage system by the means of the above-mentioned testing, the Document of Certification will not be issued until the illegal connections/malfunctioning drainage system is removed or repaired, and/or the entire sewer line is replaced from the structure to the connection at the public sewer line *including the wye if required*.

All repairs/replacements must be inspected by the Allegheny County Health Department and the Township of O'Hara. All linings must be inspected by the Township of O'Hara. Any person repairing, lining or installing a new or replacement sanitary sewer line shall make application on the proper Township Building Permit Form(s). The applicant shall then notify the Township at the time the Allegheny County Health Department is notified for inspection. The sanitary sewer drainage system shall be visually inspected and/or dye or camera tested by the Township as described in this ordinance prior to backfill.

Failure to have the Township inspect the work may result in the Township requiring the uncovering of any pipe or other structure to view the repairs. This will be at the cost of the property owner.

SECTION IV – RIGHT TO REQUIRE REPAIR/REPLACEMENT

The Township reserves the right to require repair or replacement of any sewer line based on activities outside of the certification process such as the internal televising of the main sewer line completed by the Township or its contractor, physical inspection or visible or reported defects.

SECTION V – TEMPORARY DOCUMENT OF CERTIFICATION

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

- A. The APPLICANT proves that such testing cannot be performed because of weather conditions as determined by the Township, and when such is the case, the APPLICANT shall provide the Township with security in the amount of Three Thousand Dollars (\$3,000.00) to guarantee that the appropriate test will be performed. The

APPLICANT will cause to have performed the appropriate test at such time as weather conditions make testing possible or within fourteen (14) days of subsequent written notification from the Township, which will be given at such time as weather conditions make testing possible as determined by the Township. 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 Township's enforcement powers or excuse the current owner from performance.

- B. The APPLICANT has submitted the application for certification at least 30 days prior to the date of sale and an illegal storm or surface water connection or malfunctioning drainage system has been discovered or a deficiency in the sewer drainage system is found and the necessary remedial activities to correct such connection cannot be performed because of weather conditions as determined by the Township, the APPLICANT may apply to the Township Manager for a Temporary Document of Certification. Failure to have the necessary repairs made in a timely manner prior to the date of sale will not constitute a hardship as recognized by the Township. A Temporary Document of Certification may only be issued when the APPLICANT provides the Township with all of the following:
1. A bona fide executed contract between the APPLICANT and a registered, licensed plumber to complete the necessary remedial work with the Township listed therein as a third party beneficiary;
 2. Cash security in the amount of said contract as posted with the Township; and
 3. An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Township to enter upon the property to complete work in case of default by the contractor.
 4. The Temporary Document of Certification shall be valid for sixty (60) days from the date of the Agreement, at which time the security shall be forfeited, and the Township may use the security to have the necessary remedial work completed.
- C. The property has been foreclosed by a bank and the foreclosing bank is selling the property "AS IS" and when the APPLICANT has submitted the application for certification at least 30 days prior to the date of sale and an illegal storm or surface water connection or malfunctioning drainage system has been discovered or a deficiency in the sewer drainage system is found and the necessary remedial activities to correct such connection must be completed by the PURCHASER after the transfer of the property, the APPLICANT may apply to the Township Manager for a Temporary Document of Certification. Failure to have the necessary repairs made in

a timely manner after the date of sale will not constitute a hardship as recognized by the Township. A Temporary Document of Certification may only be issued when the APPLICANT provides the Township with all of the following:

1. A bona fide executed contract between the APPLICANT and a registered, licensed plumber to complete the necessary remedial work with the Township listed therein a a third party beneficiary; and
2. Cash security in the amount of said contract as posted with the Township; and
3. An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Township to enter upon the property to complete work in case of default by the contractor.
4. The Temporary Document of Certification shall be valid for sixty (60) days from the date of the Agreement, at which time the security shall be forfeited, and the Township may use the security to have the necessary remedial work completed.

SECTION VI

The Township Manager is hereby authorized, empowered and directed to make reasonable rules and regulations for the operation and enforcement of this Ordinance as he/she 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 acknowledgments and plumber certifications;
- D. Limiting the time of year or the circumstances in which Temporary Documents of Certification are available for reasons of weather or bank foreclosure proceedings.

All rules and regulations issued pursuant to this Section shall be in writing and be approved by the Township of O'Hara Council prior to such rules and regulations being effective. See attachment for Rules and Regulations.

SECTION VII

The sewer drainage system is the property of the property owner from the structure to the connection, including the "wye" at the public sewer line. Any separation, break, root infiltration, crack, breach, break in tap, failed wye, or other such defect noted by the Township during inspection will require the replacement of the entire sewer drainage line from the structure to the connection at the public sewer line, including the wye if required. If sags or bellies in the sewer

drainage line prohibit adequate inspection, the line must be flushed prior to the continuation of the inspection. The owner has up to one hundred eighty (180) days from the date of inspection to correct any deficiencies whether or not the property has been sold or transferred.

In addition to the foregoing, the Township may also require the replacement or repair of any of the following that come to the attention of the Township through any means whatsoever: a defect in a sewer drainage system; an illegal storm or surface water connection; or a malfunctioning sewer drainage system. In such a case, the Township will notify the property owner of the defect or other problem and will give the property owner up to one hundred eighty (180) days from the date of the notice to correct such defect or other problem. The procedures in this Ordinance for the repair or replacement of a deficiency discovered as a result of a dye test shall be followed with respect to any such defect or other problem.

SECTION VIII

The Township reserves the right to charge to the plumber a reasonable unnecessary inspection / test fee if the Township is called for a test or inspection and the plumber is not prepared. The fee shall not exceed \$50.00 per occurrence.

SECTION IX

Nothing in this Ordinance shall limit, in any fashion whatsoever, the Township's right to enforce any ordinance or law of the Township of O'Hara, County of Allegheny or 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 or ordinance.

SECTION X

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 up to \$5,000.00 and costs of prosecution, and in default of payment thereof, to imprisonment for a term not to exceed thirty (30) days. Each day of violation is a separate offense.

SECTION XI

The provisions of this 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 XII

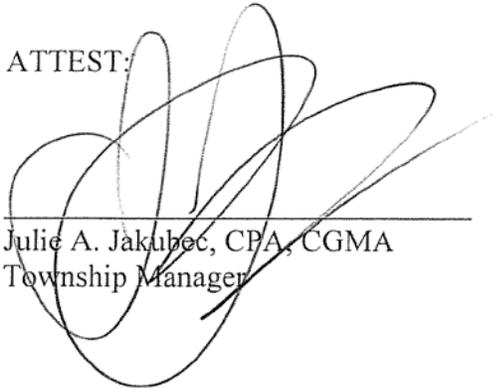
Any ordinance or part of any ordinance conflicting with the provisions of this Ordinance be and the same are hereby repealed to the extent of such conflict.

SECTION XIII

The effective date of this Ordinance shall be the 13th day of October, 2015.

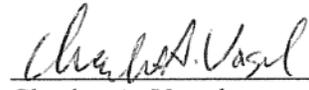
ORDAINED AND ENACTED INTO LAW this 13th day of October, 2015 by Council vote of 5 to 0.

ATTEST:



Julie A. Jakubec, CPA, CGMA
Township Manager

TOWNSHIP OF O'HARA



Charles A. Vogel
Vice President of Council



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|--------------------------------|-------------------------|--------------|-------------------|
| First Reading | <u>Vogel - Eccles</u> | <u>7 - 0</u> | <u>09/08/2015</u> |
| Second Reading and Adoption | <u>Bodkin - Rothert</u> | <u>5 - 0</u> | <u>10/13/2015</u> |
| Advertised | <u>10-22-2015</u> | Codified | _____ |
| Attachment | | | |