

Chapter 18

Sewers and Sewage Disposal

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Part 1**On-Lot Systems****§18-101. Purpose.**

The Board of Supervisors of the Township of Washington, Cambria County, Pennsylvania, finds it desirable to enact this Part to:

A. Protect the health, safety, and welfare of the residents and landlords of the Township.

B. Create a multi-municipal local agency for the administration of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, as amended, and the regulations promulgated thereunder.

(Ord. 2-2003, 8/6/2003, Art. I)

§18-102. Grant of Power.

This Part is adopted pursuant to power granted in:

A. The Pennsylvania Sewage Facilities Act, 35 P.S. §750 *et seq.*, as amended, or as it may be amended from time to time.

B. The Pennsylvania Clean Streams Law, 35 P.S. §690 *et seq.*, as amended, or as it may be amended from time to time.

C. The Pennsylvania Local Agency Law, 2 Pa.C.S.A. §105 *et seq.*, as amended, or as it may be amended from time to time.

(Ord. 2-2003, 8/6/2003, Art. II)

§18-103. Definitions.

The following words or phrases, when used in this Part, shall have the meanings indicated:

Act—the Pennsylvania Sewage Facilities Act, 35 P.S. §750 *et seq.*, as amended, or as it may be amended from time to time.

Board—the governing body of the Committee through which all policy making powers granted to the Committee are exercised.

Chapter 71, 72 or 73—regulations adopted pursuant to the Act and more specifically identified as Pennsylvania Code, Title 25, Environmental Resources.

Committee—the Cambria County Sanitation Committee, the entity created by this Part.

Department—the Pennsylvania Department of Environmental Protection.

Governing body—the Board of Supervisors of the Township of Washington, Cambria County, Pennsylvania.

Multi-municipal local agency (MMLA)—the Cambria County Sanitation Committee, the entity created by the adoption of this Part—the Committee.

Township—Washington Township, Cambria County, Pennsylvania.

(Ord. 2-2003, 8/6/2003, Art. III)

§18-104. Sanitation Committee Creation.

The Board of Supervisors hereby:

A. Creates, constitutes and establishes the Sanitation Committee for the purposes described above.

B. As soon as possible, but not later than 30 days after the adoption of this Part, every member shall, by action of its governing body, appoint a representative and, at its option, may also appoint an alternate representative to the Board. Each representative and alternate shall be an individual who must be: (1) a member of the governing body of the member municipality that he or she represents; or (2) the municipal secretary.

C. Conveys to the Sanitation Committee the enforcement and administration of all three aspects of the Act and regulations.

D. Directs the Board to, at all times, act in a manner consistent with the Act and regulations and the additional provisions in this Part.

E. Authorizes and directs the Sanitation Committee to act on behalf of the Board of Supervisors through the appointed officers/Board to issue, deny, or revoke permits, conduct inspections, abate nuisances and health hazards arising from malfunctioning on-lot disposal systems, conduct hearings, prosecute violators and apply for operating grants from the Department or any other entity.

F. Directs the Board to establish, and, further, pledges to pay in a timely manner, initial and annual membership fees adequate to provide the Sanitation Committee with liquid fiscal resources to establish itself and continue to operate while awaiting receipt of reimbursement grants from the Department of Environmental Protection.

(Ord. 2-2003, 8/6/2003, Art. IV)

§18-105. Powers and Duties of the Sanitation Committee.

In addition to the powers and duties enumerated above, the Sanitation Committee shall:

A. Prepare and adopt by-laws that:

(1) Define the method by which (future) Committee representatives will be appointed.

(2) Set forth the method by which the Committee will conduct business.

(3) Establish a quorum for the conduct of business.

(4) Establish meeting times and dates.

(5) Define the manner in which vacancies will be filled.

(6) Create any necessary subcommittees.

(7) Establish fees for the various permits and services performed by the Committee or its staff.

(8) Create a hearing board to conduct hearings regarding permit denials and other SEO actions.

B. Prepare and adopt an annual budget.

C. Prepare an annual application to obtain a reimbursement grant from the

Department.

- D. Prepare and submit annual reports to participating municipalities.
- E. Hire, fire, promote, and discipline personnel necessary to conduct the business of the Committee and set their rates of compensation.
- F. Create a package of employee benefits, including:
 - (1) Sick and/or vacation leave and/or paid holidays.
 - (2) Health and/or life and/or disability insurance.
- G. Create an employees' manual containing job descriptions, qualifications for employment and pay scales.
- H. Secure by contract, or other arrangement, legal counsel and the services of other professionals, as may be necessary or desirable to advance the work of the Committee.

(Ord. 2-2003, 8/6/2003, Art. V)

§18-106. Term of Participation, New Members, Amendments.

1. The participation in the Committee by the Board of Supervisors shall begin on the effective date of this Part, and shall continue for a period of at least 2 years. Such participation shall include the fulfillment of all responsibilities including payment of assessments, costs, fees and expenses.

2. After the expiration of the aforesaid 2-year period, the Board of Supervisors may, upon 90 days written notice to the Board, withdraw from the Committee through the repeal of this Part.

A. During the intervals between receipt of written notice pursuant to subsection .2 and the actual date of withdrawal, the Committee shall not accept, process, or otherwise act upon new applications for on-lot sewage disposal systems in the municipality which has served notice of intent to withdraw.

B. The Committee shall notify interested parties and applicants of the impending change of administration and will, to the best of its ability, refer interested parties to the succeeding SEO/MMLA.

C. All applications in progress, when notice of intent to withdraw is received, shall be advanced through issuance/denial in a timely manner and, in all cases, before the withdrawal becomes effective.

D. The repeal of this Part shall take place 5 days after the adoption or enactment of any repealing ordinance; however, it shall be effective no less than 90 days following notice described in paragraph A.

3. After the effective date of this Part, any municipality may choose to become a member by adopting this Part in full.

A. All work on an application for an on-lot sewage disposal system permit then in progress where site testing has not been completed or a design has been submitted but a permit has not been issued, shall be turned over to the Committee for completion by the Committee's SEO. The new member will pay to the Committee any monies received from the permittee and/or the Commonwealth or any entity relative to any such applications for on-lot sewage disposal systems. The permittee shall be responsible for all fees and costs associated with the completion

of the application which the permittee has not already paid or which have not been paid on the permittee's behalf.

B. In the event that a system is installed using a valid permit issued by a prior SEO, and in the event that the prior SEO has been compensated for the installation inspection portion of the application permitting process, the issuing SEO shall be responsible for the installation inspection, provided he/she is a currently certified SEO.

C. In the event that a system is installed using a valid permit issued by a prior SEO, and the issuing SEO is no longer a certified SEO by reason of retirement from the activities of SEO, then the matter shall be turned over to the Committee's SEO. The member shall pay to the Committee any monies received from the permittee and/or the Commonwealth or any entity relative to such permit. The permittee shall be responsible for all fees and costs associated with the permit and/or completion of the system which the permittee has not already paid or which have not been paid on the permittee's behalf.

D. In the event that a permit was issued by a prior SEO and the issuing SEC is no longer a certified SEO, by reason of a certification revocation action by the Department of Environmental Protection or the voluntary surrender of his certification to avoid prosecution, then the Committee shall, in its sole discretion, evaluate the outstanding permits and may require testing and/or system redesign by the Committee's employees, the costs of which shall be borne by the member on behalf of the permittee.

E. Nothing in this subsection shall prohibit the member from recovering any paid but unearned compensation or wages from the prior SEO.

F. Nothing in this subsection shall prohibit the member from recovering the costs of retesting or redesign when the actions of the former SEC were contrary to the Act or regulations.

4. In the event that it becomes necessary to change this Part in whole or in part, no changes shall become effective and no new or altered obligation or duty shall be placed upon the Committee, and no change in the terms of this Part shall become effective until such time as every participating municipality shall have adopted an identical amendatory ordinance or duly adopted resolution.

(Ord. 2-2003, 8/6/2003, Art. VII)

Part 2**Ten Acre On-Lot Exemption****§18-201. Approval of Permit.**

An applicant for approval of a permit exempt (10 acre) on-lot sewage system shall record in the properties chain of title a covenant requiring perpetual maintenance of minimum isolation distances and a minimum of 10 acres so long as the permit exempt system is in use. Proof of recording shall be a condition of approval.

(Res. 4-2007, 10/3/2007)

§18-202. Requirement of Other Permit and Plan Approval.

No sewage planning module, nor a sewage permit, nor building permit, shall be approved, nor shall a subdivision plan be approved or recorded, affecting any part of a property upon which a 10-acre permit exempt system has been located unless the entire property is in compliance with the covenant described in §18-201 above.

(Res. 4-2007, 10/3/2007)

§18-203. Removal of Obligation Upon Connection.

The covenant and obligation described §18-201, above, may be removed upon connection of the subject property to public sewage or construction of an on lot system constructed pursuant to an approved sewage permit.

(Res. 4-2007, 10/3/2007)

Part 3**Mandatory Connection to Public Sewers****§18-301. Definitions.**

Unless the context specifically and clearly declares otherwise, the meaning of terms and phrases used in this Part shall be as follows:

Authority—the Central Mainline Sewer Authority or its successor, Cambria County, Pennsylvania, a municipal authority of the Commonwealth, or the municipal bureau of sewage or other public sewage provider designated in the Municipality's Act 537 Plan.

Building sewer—the extension from the sewage drainage system of any structure to the lateral of a sewer.

Commonwealth—the Commonwealth of Pennsylvania.

Property—any property within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings and from which structures sanitary sewage and/or industrial wastes shall be or may be discharged.

Industrial establishment—any property located in this Township used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other property located in this Township from which wastes, in addition to or other than residentially generated, sanitary sewage, shall be discharged, (this definition is intended to cover establishments normally categorized as commercial).

Industrial wastes—any and all wastes discharged from an industrial establishment, other than sanitary sewage.

Lateral—that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to a point designated by the Township, or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place-in, a sewer which is provided for connection of any building sewer.

Municipality—the Township of Washington, Cambria County, Pennsylvania, a municipal subdivision of the Commonwealth, acting by and through its Board of Supervisors, or, in appropriate cases, acting by and through its authorized representatives.

Owner—any person vested with ownership, legal or equitable, sole or partial, of any property.

Person—any individual, partnership, company, association, society, trust, corporation or other group or entity.

Portable toilet—is any holding tank system that is delivered to a property by a company licensed or approved by the Commonwealth of Pennsylvania to provide that service.

Holding tank—is any sewage collection device which stores sewage rather than providing on-site treatment.

Sanitary sewage—normal water-carried household and toilet wastes from any property.

Sewer—any pipe or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

Sewer system—all facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of sanitary sewage and/or industrial wastes, situate in or adjacent to this Township and owned by the Authority.

Street—includes any publicly owned street, road, lane, court, cul-de-sac, alley, public way or public square.

(Ord. 2-1999, 10/6/1999, Art. I)

§18-302. Use of Public Sewers Required.

1. The owner of any single-family residential property whose principal building is within 150 feet from the sewer system and the owner of any other building whose principal building is within a distance of 150 feet times the projected EDU's for the building (projected EDU's shall be determined using current Authority EDU flow calculations regulations) shall connect such property with and shall use such sewer system, in such manner as this Township may require, within 60 days after notice to such owner from the Authority, in writing, to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such property; provided, however, that no property owner of a facility using less than 10 EDU's either in an individual facility or as part of a land development or subdivision activity shall be required to make a connection which crosses a State-owned highway.

2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under subsection .1, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Township, from time to time.

3. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of subsection .1. No person shall discharge or shall permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of subsection .1, except where suitable treatment has been provided which is satisfactory to this Township.

4. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any property which has been connected to a sewer or which shall be required under subsection .1 to be connected to a sewer.

5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

6. The notice by this Township to make a connection to a sewer, referred to in subsection .1, shall consist of a written statement referring to this Part, specifying that such connection shall be made within 60 days from the date such notice is given. Such notice may be given at any time when a sewer is in place which can receive and can convey sanitary sewage and industrial wastes for treatment land disposal from the particular property. Such notice shall include a summary of physical requirements of

the Authority for sewage connections.

7. The notice by this Township to make a connection to a sewer, referred to in subsection .1, shall constitute a revocation of any other prior permit or permission for onsite sewage facilities at the expiration of 60 days from the mailing of notice.

(Ord. 2-1999, 10/6/1999, Art. II)

§18-303. Building Sewers and Connections.

1. No person shall uncover, shall connect with, shall make any opening into or shall use, shall alter or shall disturb, in any manner, any sewer or any part of the sewer system without first obtaining a tapping permit, in writing, from the Authority.

2. Application for a permit required under subsection .1 shall be made by the owner of the property served or to be served or by the duly authorized agent of such owner.

3. No person shall make or shall cause to be made a connection of any property with a sewer until such person shall have fulfilled each of the following conditions:

A. Such person shall have notified the Authority of the desire and intention to connect such property to a sewer.

B. Such person shall have applied for and shall have obtained a permit as required by subsection .1.

C. Such person shall have given the designated representative of the Authority at least 24 hours notice of the time when such connection will be made so that the Authority may supervise and inspect or may cause to be supervised and inspected the work of connection and necessary testing.

D. If applicable, such person shall have furnished satisfactory evidence to the Secretary of this Township that any tapping (or connection) fee, which may be charged and imposed by the Authority against the owner of each property who connects such property to a sewer, has been paid.

4. Except as otherwise provided in this subsection, each property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one property on one building sewer shall not be permitted except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Authority, in writing, shall have been secured and only subject to such rules, regulations and conditions as may be prescribed the Authority.

5. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the property to be connected; and such owner shall indemnify and shall save harmless this Township and the Authority from all loss or damage that may be occasioned, directly or indirectly, as a result of the construction of a building sewer, the connection of a building sewer to a sewer, or the abandonment of a privy vault, cesspool, sinkhole, septic tank or similar receptacle as required under §18-302.4 of this Part.

6. A building sewer shall be connected to a sewer at the place designated by this Authority and where, if applicable, the lateral or tap is provided. The invert of a building sewer at the point of connection shall be at the same or higher elevation than the invert of the sewer. A smooth, neat joint shall be made and the connection of a

building sewer to the lateral shall be made secure and watertight.

7. If the owner of any property abutting on or adjoining any street in which a sewer constituting part of the sewer system is located, after 60 days notice from this Township requiring the connection of such property with a sewer, in accordance with §18-302.1, shall fail to connect such property, as required, this Township, or the Authority may make such connection and may collect from such owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding as may be permitted by law.

(Ord. 2-1999, 10/6/1999, Art. III)

§18-304. Rules and Regulations Governing Building Sewers and Connections to Sewers.

1. Where a property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or sewage disposal device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or sewage disposal device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.

2. No building sewer shall be covered until it lies been inspected and approved by the authority. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection, at the cost and expense of the owner of the property to be connected to a sewer.

3. Every building sewer of any property shall be maintained in a sanitary and safe operating condition by the owner of such property.

4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Any street, sidewalk and other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the property being connected, in a manner satisfactory to this Township. Any crossing of public streets shall be made only after issuance of a street opening permit by the Township, and in conformance with the rules and regulations of the Township pertaining thereto.

5. If any person shall fail or shall refuse, upon receipt of a notice of this Township or the Authority, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within 60 days of receipt of such notice, this Township may refuse to permit such person to continue to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of this Township and the Authority.

6. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and with the sewer system, which additional rules and regulations, to the extent appropriate, shall be and shall be construed as part of this Part.

(Ord. 2-1999, 10/6/1999, Art. IV)

§18-305. Use of Holding Tanks and Portable Toilets.

1. Use of permanent holding tanks shall be by permit issued by the Sewage Enforcement Officer under regulations and procedures heretofore adopted by the

Township except as such regulations are specifically modified by this Part.

2. *License and Fee.* The user of each holding tank shall annually notify the Township of the continuation of any holding tank system previously approved by the Sewage Enforcement Officer and provide a brief statement that the tank is to be continued in use in the foregoing year. The supervisors shall assess a fee for annual registration of holding tanks at their reorganization meeting. The Township Secretary shall maintain a record of all holding tanks in the Township. Failure of any person utilizing a holding tank to so register within 60 days of January 1, shall be deemed to constitute a waiver of any right to continue the use.

3. *Bond.* Holding tanks that are permanent in nature by being fixed to the property or which are owned by anyone other than a company which is regularly engaged in pumping and disposing of the tanks shall be subject to a bond requirement of \$1,000 which may be posted by Pennsylvania approved surety, irrevocable letter of credit drawn on a Somerset or Somerset County Bank or by cash.

4. *Portable Toilets.* Use of portable toilets owned by the company responsible for pumping and disposing of the sewage shall not be subject to a bond requirement. Users of portable toilets shall never the less register the same as provided for in subsection .2 above.

5. *Portable Toilet Siting Conditions.* Where a portable toilet is to be located on a person's property for more than 3 consecutive days, the portable toilet shall be screened on three sides by a wooden enclosure fence, consistent with neighborhood architectural standards and sufficient to block view of the facility from neighboring residential properties. In addition, disinfectants and deodorizers shall be used as necessary to prevent odors from disturbing neighbors. Where a portable toilet is to be located on property for more than 30 days, the facility shall also be enclosed on three sides by shrubbery at least 5 feet in height and forming a solid screen. No portable toilet shall be located closer than 25 feet from any property line.

(*Ord. 2-1999, 10/6/1999, Art. V*)

§18-306. Enforcement.

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$15 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2010-2*]

2. Costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time proved by applicable law as a municipal lien to the benefit of the Township or Authority as the case may be.

3. Fines under this Part shall be assessed by the Township officer responsible for residential zoning. Any fine amount may be may be appealed to the Township Board of Supervisors within 30 days of imposition.

(*Ord. 2-1999, 10/6/1999, Art. VI; as amended by Ord. 2010-2, 11/3/2010*)

§18-307. Declaration of Purpose.

It is declared that enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of this Township.

(Ord. 2-1999, 10/6/1999, Art. IX)

Part 4**Sewer Use Ordinance****§18-401. Definitions.**

Applicant—a person applying for a certificate of compliance or temporary certificate of compliance.

Cash security—cash, certified check, or treasurer's check.

Lateral testing—includes both (A) any commonly accepted method of testing whereby dye is introduced into the storm, surface or subsurface water connection system and downspouts of structures or improvements to real property to determine if surface stormwater is entering into the sanitary sewer system, and (B) pressure testing requirements as provided for in §312 of the International Plumbing Code (IPC) as contained in the PA Uniform Construction Code, as from time to time amended.

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 improvement on the real property is connected to the Township sewer system.

Ordinance Compliance Officer—the Township authorized representative appointed by the Board of Supervisors, from time to time, whose duty it shall be to administer this Part unless such duty is expressly conferred by this Part upon another municipality, official or entity. Unless the Board of Supervisors by resolution provides otherwise, the Township Secretary shall be designated as Ordinance Compliance Officer under this Part.

Person—any natural person, association, partnership, corporation, syndicate, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.

Sanitary sewer system—the sanitary sewer lines and related facilities maintained and operated by the Township's designated sewer service provider.

Sell or transfer—the sale, transfer, or assignment of any interest in real property; provided, however, that a refinancing of real property, without a conveyance, is not a sale or transfer under this Part.

Surface stormwater—surface water and ground water, including, but not limited to, roof and driveway drainage, basement seepage.

(Ord. 2010-1, 10/6/2010, §1)

§18-402. Unlawful Connections.

It shall be unlawful for any person to connect 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 stormwater, including, but not limited to, the fresh air vent of the improved and sewered property's sanitary sewer, to the sanitary sewer system.

(Ord. 2010-1, 10/6/2010, §2)

§18-403. Repair of Private Sewer Facilities.

Persons owning property within the Township are required to maintain all private sanitary sewer laterals and sanitary sewer service connections in good repair.

(Ord. 2010-1, 10/6/2010, §3)

§18-404. Lateral Testing by Township.

The Ordinance Compliance Officer, or other persons designated by the Board of Supervisors by resolution, is authorized to initiate lateral testing or other testing or inspection within the Township for purposes of discovering or locating the inflow of surface stormwater to the sanitary sewer system. The Ordinance Compliance Officer is authorized to retain the services of a qualified contractor to perform the lateral testing or other testing or inspection. Persons owning property within the Township are required to grant access to the Ordinance Compliance Officer and/or the lateral testing contractor and to permit lateral testing or other testing or inspection. It is unlawful for any person to refuse access to property for purposes of lateral testing or other testing or inspection.

(Ord. 2010-1, 10/6/2010, §4)

§18-405. Notices to Property Owners.

In the event the Ordinance Compliance Officer identifies any illegal connections or leaking, deteriorating or poorly constructed private sanitary sewer lateral and/or sanitary sewer service connections, the Ordinance Compliance Officer shall give written notice of same to the property owner that such illegal connections be eliminated and/or services connections be, at the property owner's expense, repaired, replaced, or rehabilitated within 30 days of the date of the notice. If the condition does not create a health hazard, the Ordinance Compliance Officer, upon request of the property owner, may extend the deadline to 60 days from the date of the notice.

(Ord. 2010-1, 10/6/2010, §5)

§18-406. Proof of Compliance on Sale or Transfer.

It shall be unlawful for any person to sell or transfer improved and sewerred real property located within the Township without having obtained and delivered to the buyer or transferee, at or prior to closing or transfer, a certificate of compliance or temporary certificate of compliance for the property being sold or transferred.

(Ord. 2010-1, 10/6/2010, §6)

§18-407. Application for Certificate of Compliance.

1. At least 21 days prior to the date of closing or transfer of any improved real property located within the Township, the seller or transferor or its agent shall submit to the Ordinance Compliance Officer an application for certificate of compliance, completed as required by subsection .2 below. The certificate of compliance form shall be available upon request from the Township Secretary. The fee for filing the completed application for certificate of compliance shall be established by the Board of Supervisors from time to time by resolution.

2. Prior to the sale or transfer of any improved real property located within the

Township, the seller or transferor shall have a lateral test of the property performed by a licensed plumber, or other qualified contractor approved in advance by the Compliance Officer, to perform such tests or by such other person designated or approved by the Township. Upon completion of the lateral test, the person who performed the test shall complete the appropriate section of the application for certificate of compliance, confirming that the property has been lateral tested and certifying the results of the test.

(Ord. 2010-1, 10/6/2010, §7)

§18-408. Issuance of Certificate of Compliance.

1. If the application for certificate of compliance, properly completed and filed with the Ordinance Compliance Officer with the designated filing fee, indicates that there are no connections of surface stormwater to the sanitary sewer system, then the Ordinance Compliance Officer shall issue the certificate of compliance within 10 days of application therefore.

2. If the lateral test reveals the existence of one or more surface stormwater connections to the sanitary sewer system, the Ordinance Compliance Officer shall not issue the certificate of compliance until the connections have been removed and a plumber licensed by the City of Johnstown, or other qualified contractor approved in advance by the Compliance Officer, has certified that there is no connection of surface stormwater to the sanitary sewer system from the property to be sold or transferred.

(Ord. 2010-1, 10/6/2010, §8)

§18-409. Temporary Certificate of Compliance.

1. When a surface stormwater 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 Ordinance Compliance Officer for a temporary certificate of compliance. The seller or applicant must submit the following with the properly completed application:

A. A bona fide executed contract with a registered and licensed plumber, or other qualified contractor approved in advance by the Compliance Officer, requiring the plumber to complete the remedial work necessary to the removal of the connections of surface stormwater to the sanitary sewer system and granting the Township the right and power to enforce the contract.

B. Cash security in an amount equal to 110 percent of the contract described in paragraph .A above.

C. The agreement of the purchaser or transferee to be responsible for all cost overruns related to the remedial work, together with a license from the purchaser or transferee to the 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.

D. The filing fee established by the Board of Supervisors from time to time by resolution.

2. When lateral testing cannot be performed because of weather conditions, the

seller or applicant may apply to the Ordinance Compliance Officer for a temporary certificate of compliance. The seller or applicant must submit the following with the properly completed application:

A. Cash security in the amount of \$1,000.

B. The written, signed agreement of the purchaser or transferee to correct, at the purchaser's or transferee's sole expense, any surface stormwater connections to the sanitary sewer system disclosed by the subsequent lateral test, together with a license from the purchaser or transferee to the Township, its agents, contractors, and employees, to enter upon the property to conduct the lateral testing should the applicant fail to do so. Nothing in this paragraph shall prohibit any purchaser or transferee from requiring the applicant to reimburse the purchaser or transferee for any costs incurred in connection with such remedial work; provided, however, that 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.

C. The filing fee established by the Board of Supervisors from time to time by resolution.

3. The Ordinance Compliance Officer may reject the application for temporary certificate of compliance whenever, in his or her sole judgment, the conditions defined by this Section do not exist or the submissions required by this Section have not been made.

4. The temporary certificate of compliance shall be effective for 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 §§18-404 and 18-405 of this Part, the cash security shall be forfeited, and the Township may use the funds to complete the remedial work for the lateral testing.

5. The application for temporary certificate of compliance form shall be available upon request from the Township Secretary.

(Ord. 2010-1, 10/6/2010, §9)

§18-410. Municipal Lien and Tax Verification Letters.

A request to the 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 the Township Board of Supervisors from time to time by resolution. The Township shall issue the municipal lien letter or tax verification letter within 7 days of receipt of the appropriately documented request and the applicable fee.

(Ord. 2010-1, 10/6/2010, §10)

§18-411. Expiration of Certificate of Compliance.

A certificate of compliance issued under this Part shall be valid for a period of 1 year from the date of issuance.

(Ord. 2010-1, 10/6/2010, §11)

§18-412. Regulations.

The Ordinance Compliance Officer is hereby empowered to make reasonable rules and regulations for the operation and enforcement of this Part, including, but not limited to: establishing the form of applications, acknowledgments and certifications; and limiting the time of year in which temporary certificate of compliance is available for reasons of weather.

(Ord. 2010-1, 10/6/2010, §12)

§18-413. Conflict with General Police Powers.

Nothing in this Part shall limit in any fashion whatsoever the Township's right to enforce its ordinances or the laws of the Commonwealth. Nothing in this Part shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

(Ord. 2010-1, 10/6/2010, §13)

§18-414. Penalties.

Any person who shall fail, neglect or refuse to comply with any of the terms or provisions of this Part, shall be subject to a penalty of not more than \$600 for each violation. Once a person is notified of a violation of this Part, each day that such violation occurs or continues shall constitute a separate violation. In addition to and not in lieu of the foregoing, the Township or the public sewage provider may seek equitable relief to compel compliance with this Part.

(Ord. 2010-1, 10/6/2010, §14)

