

TOWNSHIP OF WEST DEER
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 364

AN ORDINANCE OF THE TOWNSHIP OF WEST DEER, COUNTY OF ALLEGHENY, PENNSYLVANIA, ESTABLISHING A PROGRAM OF INSPECTION AND NOTIFICATION WITH RESPECT TO ILLEGAL STORM-WATER AND SURFACE-WATER CONNECTIONS AND DETERIORATING CONNECTIONS TO THE TOWNSHIP OF WEST DEER / DEER CREEK DRAINAGE BASIN AUTHORITY PUBLIC SANITARY SEWERS; DESIGNATING THE DEER CREEK DRAINAGE BASIN AUTHORITY AS AUTHORIZED BY WEST DEER TOWNSHIP TO IDENTIFY AND ENFORCE DISCONNECTIONS TO THE TOWNSHIP OF WEST DEER / DEER CREEK DRAINAGE BASIN AUTHORITY SANITARY SEWERS; PROVIDING FOR NOTICE TO OWNERS OF PROPERTIES SITUATED WITHIN THE TOWNSHIP OF WEST DEER TO REPAIR AND / OR DISCONNECT SEWER LATERALS WHICH ARE ILLEGALLY CONNECTED TO THE TOWNSHIP OF WEST DEER / DEER CREEK DRAINAGE BASIN AUTHORITY SANITARY SEWERS: CONFERRING AND IMPOSING POWERS AND DUTIES UPON THE DEER CREEK DRAINAGE BASIN AUTHORITY; AUTHORIZING PERIODIC TESTING AND IMPOSING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, the Township of West Deer believes the elimination of surface storm water inflow to the sanitary sewer system to be necessary to the health and welfare of its residents; and

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

NOW, THEREFORE, in the interest of promoting the health and welfare of the residents of West Deer Township, the West Deer Township Board of Supervisors hereby ordains:

Section 1. Definitions.

(a) Applicant: A person applying for a Certificate of Compliance or Temporary Certificate of Compliance.

(b) Cash security: Cash, 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) 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 sanitary sewer system.

(e) Person: Any natural person, association, partnership, corporation, syndicate, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.

(f) Sanitary sewer system: The sanitary sewer lines and related facilities owned, maintained and operated by Deer Creek Drainage Basin Authority.

(g) 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 Ordinance.

(h) Surface storm water: Surface water and ground water, including but not limited to roof and driveway drainage, basement seepage, and surface and areaway drainage.

Section 2. Unlawful Connections. After the date of this Ordinance, 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 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 or Transfer. After the date of this Ordinance, it shall be unlawful for any person to sell or transfer improved and sewered real property located within West Deer 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.

Section 4 Application for Certificate of Compliance.

(a) At least 14 days prior to the date of closing or transfer of any improved real property located within the Township of West Deer, the seller or transferor or its agent shall contact Deer Creek Drainage Basin Authority to schedule a dye test.

(b) Prior to the sale or transfer of any improved real property located within the Township of West Deer, the seller or transferor shall have a dye test of the property performed by a designated employee of the Deer Creek Drainage Basin Authority. Upon completion of the dye test, the person who performed the test shall complete the appropriate dye test inspection form, confirming that the property has been dye tested and certifying the results of the test.

Section 5 Issuance of Certificate of Compliance.

(a) If the dye test inspection form, properly completed and filed with the Deer Creek Drainage Basin Authority office, indicates that there are no connections of surface storm water to the sanitary sewer system, then a representative of Deer Creek Drainage Basin Authority shall contact the designated contact for the property with the dye test results, within (5) business days.

(b) If the dye test reveals the existence of one or more surface storm water connections to the sanitary sewer system, Deer Creek Drainage Basin Authority shall not issue the Certificate of Compliance until the connections have been removed by the owner, lessee or occupier, and inspected by a qualified Deer Creek Drainage Basin Authority employee, confirming there is no connection of surface storm water to the sanitary sewer system from the property to be sold or transferred.

Section 7 Municipal Lien and Tax Verification Letters. A request to the Township of West Deer and Deer Creek Drainage Basin Authority for a municipal lien letter or tax verification letter must be accompanied by a valid Certificate of Compliance or Temporary Certificate of Compliance issued in compliance herewith and by the appropriate fee, which shall be established by the Board of Supervisors for the Township of West Deer and the Deer Creek Drainage Basin Authority from time to time by resolution. The Township of West Deer and the Deer Creek Drainage Basin Authority shall issue the municipal lien letter(s) or tax verification letter(s) 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 Township code enforcement officer together with the Deer Creek Drainage Basin 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 Certificate of Compliance is available for reasons of weather.

Section 10 Conflict with General Police Powers. Nothing in this Ordinance shall limit in any fashion whatsoever the Township of West Deer'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 District Justice, shall be sentenced to pay a fine of five hundred dollars (\$500.00) and, in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 14 Subsequent Dye Testing Program. This Ordinance shall not preclude the Township of West Deer and/or Deer Creek Drainage Basin Authority from conducting dye testing

or other testing or inspection, or implementing a program of dye testing or inspection, within the Township of West Deer, for purposes of discovering or locating the inflow of surface storm water to the sanitary sewer system.

- A. No property owner or property situated in the Township in any sewer district shall discharge, or permit the discharge, of any storm water, surface water, springs, or natural water sources, roof run-off, sub-surface drainage, cooling water, unpolluted industrial process water, or any similar item into said public sanitary sewers.
- B. The Township hereby authorizes Deer Creek Drainage Basin Authority to conduct with advance written notice to property owners and leases periodic random smoke and/or dye tests, and any other appropriate test or inspection, without cost to the residents of the Township, of all existing sewer systems and pertaining to sewer systems and structures.
- C. Every owner, lessee or occupier of land within the Township serviced by public sanitary sewers shall submit to smoke and /or dye testing by Deer Creek Drainage Basin Authority, if required. The owner, lessee or occupier of the land shall permit said testing upon request of the Township or Authority to conduct such testing at no cost to the owner, lessee, occupier of the land. Testing will not be required when the owner, lessee, or occupier of the land produces a Certificate of Compliance or Temporary Certificate of Compliance that has not expired pursuant to the terms of this Ordinance.

- D. When illegal storm water or surface water connections or conditions have been discovered, all necessary remedial work to correct such connection shall be completed by the owner, lessee or occupier of the premises, weathering permitting, within sixty (60) days of the date such party receives notification of the illegal connection or condition. Documentation by a registered plumber indicating the correction has been made must be furnished to Deer Creek Drainage Basin Authority and West Deer Township. A retest may be ordered at the discretion of the Authority or Township.
- E. In the event the necessary remedial work would create severe economic hardship for the owner, lessee, or occupier of the premises, application may be made to the Deer Creek Drainage Basin Authority for an extension of up to an additional six (6) months to complete said remedial work. A severe economic hardship shall be defined as any person or persons who qualifies as having a level of income considered to be a low-moderate income under federal guidelines.

In the event the owner, lessee, or occupier of the premises who established severe economic hardship is unable to effect the necessary remedial work within the time permitted, including any extension thereof, the Township or the Authority may undertake to have the necessary remedial work completed at the expense of the owner, lessee or occupier of the premises, and to make any necessary arrangements for the payment of said work by the owner, lessee, or occupier of the premises on an installment basis, which arrangements shall be mutually satisfactory to the owner, lessee or occupier. In the event satisfactory arrangements are not agreed upon by the Township,

Deer Creek Drainage Basin Authority, and the owner, lessee or occupier, the Township or Deer Creek Drainage Basin Authority may file a lien against such property, which lien shall remain in effect until payment in full or sale of the property occurs, at which time payment in full shall be required.

Section 15 Effective Date. The effective date of this Ordinance shall be September 5, 2007.

ORDAINED AND ENACTED INTO LAW, this 5 day of September,
2007.

ATTEST:


Secretary

Township of West Deer


V. Chairman, Ronald L. Borczyk

APPROVED AS TO FORM


Solicitor