

COUNCIL BILL NO. 1728

INTRODUCED BY JOHN D. MICKS

ORDINANCE NO. 1638

AN ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NOS. 1558, 1619 AND 1632 CONSTITUTING PART V OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS, WHICH AMENDED THE PROVISIONS ESTABLISHING A REQUIREMENT FOR THE INSPECTION AND CERTIFICATION OF SANITARY SEWER SYSTEMS ON ALL PROPERTIES AND CONNECTED TO THE PUBLIC WASTEWATER TREATMENT SYSTEM IN THE CITY AT THE TIME OF SALE OR TRANSFER OF ANY SUCH PROPERTIES; AMENDING THE PROCEDURES FOR THE APPLICATION FOR AN ISSUANCE OF CERTIFICATES; AUTHORIZING THE INSPECTION AND CERTIFICATION OF ALL PORTIONS OF THE PUBLIC WASTEWATER TREATMENT SYSTEM OF THE CITY AND ESTABLISHING PROCEDURES FOR INSURING THE ELIMINATION OF ILLEGAL CONNECTIONS TO THE PUBLIC WASTEWATER TREATMENT SYSTEM WHEN FOUND BY INSPECTION OF THE PUBLIC SYSTEM AND AUTHORIZING THE IMPOSITION OF LIENS AND PENALTIES FOR NONCOMPLIANCE.

WHEREAS, the Corrective Action Plan proposed by City Council and submitted to the Pennsylvania Department of Environmental Protection as part of an amendment to the City's Act 537 Wasteload Management Plan for the Sandy Lick Creek watershed has proposed the control and elimination of illegal connections to the public wastewater treatment system through a process of inspection and correction at the time that properties are transferred; and

WHEREAS, City Council having deemed it to be in the best interest of all of the citizens of DuBois that sources of surface and ground water infiltration into the public wastewater treatment system be removed; and

WHEREAS, City Council having determined that the institution of a process by which properties connected to the public wastewater treatment system are inspected at the time of sale or transfer will help to identify and alleviate such sources of infiltration has previously enacted an ordinance providing for such inspection; and

WHEREAS, City Council further believes that on-going inspection of the public wastewater treatment system is necessary in order to identify and alleviate continuing sources of infiltration.

NOW, THEREFORE, City Council ordains as follows:

Section 1. Title: This ordinance shall be known as the "City of DuBois Property and Public Wastewater Treatment System Inspection Ordinance".

Section 2. Authority and Purpose: This ordinance is adopted under authority of the Pennsylvania Sewage Facilities Act, Act No. 537 of 1966, adopted January 24, 1966, P.L. 91965) 1535, as amended.

Section 3. Definitions:

- A. "Person" – any person, firm, association, partnership, corporation or the chief executive officer or general manager of any firm, association, partnership or corporation.
- B. "Illegal Connection" – any condition on any real property which permits the introduction into the public wastewater treatment system of any surface water or ground water not otherwise required to be treated as wastewater. This definition

includes, but is not limited to, downspouts, roof drains, sump pumps, and surface water drains or pipes.

- C. "Transfer" – the conveyance of any interest in real property, with or without consideration, whether by deed, lease, assignment or any other form of transaction and whether or not the transfer is to a person related by blood or marriage to the transferor.
- D. "Real Property" – Any real property on which is situated any building which has facilities connected to the public wastewater treatment system operated by the City of DuBois OR VACANT PROPERTY WHICH HAS FACILITIES CONNECTED TO THE PUBLIC WASTEWATER TREATMENT SYSTEM OPERATED BY THE CITY OF DUBOIS.
- E. "Certificate of Compliance" – a certificate issued by the City Manager stating that the real property has been inspected and found to be in compliance with this ordinance.
- F. "City Manager" – duly appointed Manager of the City of DuBois or any person designated by the City Manager or by the City Council in the absence of a City Manager, as the person authorized to take applications or conduct inspections under this ordinance.

Section 4. Application Procedure:

- A. Any person intending to transfer any interest in any real property within the City of DuBois shall, prior to making such transfer, apply to the City Manager for a certificate of compliance on a form provided by the City.
- B. Within fourteen (14) days after an application is filed with the City Manager, the City Manager shall cause the real property to be inspected for compliance with this ordinance. Failure of the City Manager to conduct an inspection of the premises or to issue a certificate of compliance within the fourteen (14) day period shall not be deemed as an approval of the application.
- C. Within five (5) days after inspection, the City Manager shall issue a certificate of compliance under this ordinance unless the inspection of the premises demonstrates the existence of an illegal connection to the property.
- D. If the inspection demonstrates that the property is not in compliance, the City Manager shall issue a denial, which identifies the nature of the violation and the action required by the application to correct the violation.
- E. **A CERTIFICATE OF COMPLIANCE WILL BE VALID FOR ONE (1) YEAR FROM THE DATE OF COMPLIANCE.**

Section 5. Correction of Violations:

- A. Where the applicant is notified of a violation, the applicant shall not transfer the real property until the violation has been corrected, a reinspection has occurred and the City Manager has issued a certificate of compliance; or until the applicant has entered into an escrow arrangement provided under Section 6 of the ordinance.
- B. When the applicant has corrected the violation, the applicant shall notify the City Manager of the correction on a form provided by the City. Within fourteen (14) days after receipt of the notice of correction, the City Manager shall cause the real property to be reinspected. If the inspection demonstrates that the violation has been corrected, the City Manager shall issue a certificate of compliance within five (5) days after completion of the inspection.

- C. Where the reinspection demonstrates that the violation has not been corrected to the requirements of the City, a second notice of violation shall be issued to the applicant, and the procedure for correction and certification of correction shall be the same as for an original inspection, **except a reinspection will be charged**. No escrow created under Section 6 shall be distributed until a certificate of compliance is issued by the City Manager.

Section 6. Escrow Arrangement:

- A. Where the applicant desires to transfer real property prior to correction of a violation, the applicant shall make an arrangement with the person in charge of closing the real property transfer to hold in escrow an amount sufficient to cover the cost of making the required corrections.
- B. An applicant who proposes to proceed under this Section shall first submit to the City Manager a detailed and reliable estimate from a qualified plumber of the cost to make such corrections and a statement from the closing agent for the real estate transaction that 110% of the cost of making such corrections will be held in an escrow account until the City Manager issues a certificate of compliance.
- C. Upon approval of the documents described in Section 6 (B) above, the City Manager shall give the applicant written authority to proceed with the transfer of the real property.
- D. Upon completion of the corrections, the applicant or the new property owner shall notify the City Manager that repairs have been completed. Within fourteen (14) days after receipt of such notice, the City Manager shall cause the real property to be inspected for compliance with this ordinance; and the procedure thereafter shall be conducted in the same manner as provided in Section 4 above.
- E. Where an authorization to proceed is granted under this Section, all violations shall be corrected within sixty (60) days after the authorization is issued by the City Manager.

Section 7. Prohibitions:

- A. No person shall cause or permit the introduction of surface water or ground water into the public wastewater treatment system operated by the City of DuBois in violation of this ordinance.
- B. No person shall cause or permit the transfer of any real property without first obtaining a certificate of compliance under Section 4 or an authorization to proceed under Section 6 of this ordinance.
- C. No person shall accept or receive the conveyance of any interest in real property unless a certificate of compliance under Section 4 above or an authorization to proceed under Section 6 above has been issued.
- D. No person shall distribute any monies held in an escrow arrangement authorized under Section 6 above unless a certificate of compliance has been issued by the City Manager.
- E. **A SMOKE TEST THAT REVEALS SECTIONS OF THE SEWER LINE LEAKING ON ADJACENT PROPERTIES SHALL RESULT IN THE ADJACENT OWNER(S) BEING CONTACTED AND GIVEN NINETY (90) DAYS TO CORRECT THE PROBLEM. PROBLEMS THAT ARE DETECTED RELATIVE TO THE CITY SEWER SYSTEM WILL BE RECORDED AND NOTED FOR CORRECTIONS.**

IF TWO (2) OR MORE PROPERTIES ARE CONNECTED TO A COMMON LATERAL AND THE PERSON REQUESTING THE CERTIFICATE OF COMPLIANCE CANNOT REACH AN AGREEMENT

WITH THE OTHER OWNERS ON REPAIRS, THE OWNER NEEDING THE CERTIFICATE OF COMPLIANCE MAY:

- 1.) **INSTALL THEIR OWN LATERAL AND THE CITY WILL NOT CHARGE FOR A SEWER TAP;**
- 2.) **THE REMAINING OWNERS WILL BE GIVEN NINETY (90) DAYS TO CORRECT THE PROBLEM FOUND FROM THE INITIAL TEST ON THE ORIGINAL SEWER LINE.**

Section 8. Inspection Procedure:

- A. By making an application, the applicant grants to the City the right of entry onto the applicant's property for the purpose of making the necessary inspection required under this ordinance. Entry shall not occur except upon prior notice to the applicant and only during regular business hours or at another reasonable time acceptable to the applicant.
- B. The inspection shall consist of one or more of the following procedures, as deemed applicable by the City Manager:
 1. Visual inspection of all piping inside and outside of the building;
 2. Smoke testing by any commonly accepted method; and
 3. Dye testing by any commonly accepted method.

Section 9. Fees:

Each application under this ordinance shall be accompanied by a nonrefundable application fee of One Hundred Dollars (\$100.00). **A FOLLOW-UP INSPECTION, IF NEEDED, IS INCLUDED IN THE ONE HUNDRED DOLLAR (\$100.00) FEE. ADDITIONAL INSPECTIONS WILL BE CHARGED ONE HUNDRED DOLLARS (\$100.00) FOR EACH INSPECTION.**

Section 10. Inspection of Public Wastewater Treatment System Lines:

The City of DuBois may from time to time conduct inspections of the lines that comprise the public wastewater treatment system of the City of DuBois in its continuing effort to properly maintain and upgrade its system for the benefit of the users of said system. The public wastewater treatment system of the City of DuBois by the procedures commonly known as smoke testing or dye testing or by any other method approved within the industry for the purposes of conducting such inspections upon a public wastewater treatment system. If such inspections reveal that sections of the sewer lines are leaking, then the owners of the real property connected to the offending line will be contacted and given 90 days to correct the problem through the installation of a new lateral. In such circumstances, the City will not charge for a sewer tap.

Section 11. Penalties:

Any person who violates any of the provisions of this ordinance shall be subject to a penalty in a summary proceeding or civil collection proceeding in an amount not exceeding \$600.00 for each violation. Every day that a violation continues after notice thereof has been provided to the violator shall be considered a separate violation.

Section 12. Severability:

The sections and subsections of this ordinance shall be deemed to be severable. A determination that any section or subsection of this ordinance is unenforceable shall not affect the enforceability of any other section or subsection.

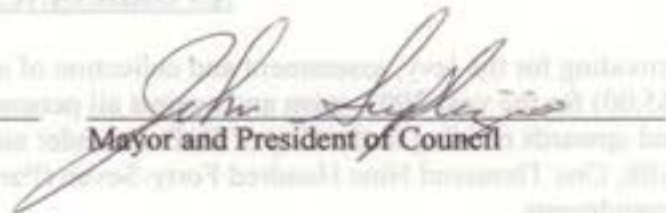
ADOPTED THIS 27TH DAY OF NOVEMBER, 2001.

RESOLUTION NO. 1000

ATTEST: MAYOR AND PRESIDENT OF COUNCIL CITY OF DUBOIS

ATTEST:


City Manager


Mayor and President of Council

RESOLUTION NO. 1000
Section 1. A fee of \$100.00 per copy of the City of Dubois
Section 2. The fee shall be paid to the City of Dubois
Section 3. This resolution shall be in full force and effect from and after the date of its adoption.

APPROVED:  Mayor and President of Council
ATTEST:  City Manager

PASSED BY COUNCIL

November 26, 2001