

BOROUGH OF WEST NEWTON
ORDINANCE No. 2019-4

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON,
COUNTY OF WESTMORELAND AND COMMONWEALTH OF
PENNSYLVANIA TO SET REQUIREMENTS FOR SERVICE LATERAL AND
BUILDING DRAIN INSPECTIONS FOR SERVICE AND BUILDING DRAINS
LATERALS CONNECTING TO THE BOROUGH'S SEWER SYSTEM

WHEREAS, the Borough of West Newton owns and maintains the main sewer lines throughout the Borough's sewerage system; and,

WHEREAS, Council for the Borough of West Newton has determined that it is necessary that the Borough require inspections of laterals that connect to the Borough's sewerage system; and,

NOW, THEREFORE, be it ordained and enacted by Council of the Borough of West Newton, as follows:

SECTION I – DEFINITIONS.

The following definitions apply for the purpose of this Ordinance.

Borough- The Borough of West Newton.

Owner- Any person, partnership, association, corporation or fiduciary having legal title in the real property.

Separate Public Sewerage System shall mean all mainline separate sanitary sewers, all pumping stations, all force mains, and all other sewerage facilities owned or leased and operated by the Borough for the collection and transportation of sanitary sewage and industrial wastes, together with their appurtenances, and any additions, extension or improvements thereto.

Combined Public Sewerage System shall mean all mainline combined sewers, all pumping stations, all force mains, and all other sewerage facilities owned or leased and operated by the Borough for the collection and transportation of sanitary sewage and industrial wastes, together with their appurtenances, and any additions, extension or improvements thereto.

Service Lateral- The part of the piping which extends from the building drain and receives the discharge from the building drain and conveys it to the Separate Public Sewerage System or Combined Public Sewerage System mainline.

Building Drain – The term that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the Service Lateral, which begins at a point five (5) feet outside the inner face of the building wall.

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.

Dye Test – Any commonly accepted method whereby dye is introduced into the storm, surface, or subsurface, water collection system and downspouts of structures or improvements to an Improved and Sewered Real Property to determine if surface stormwater is entering into the Separate Public Sewerage System.

Sell or Transfer – The sale, transfer, or assignment of any interest in an Improved and Sewered Real Property; provided, however, that a refinancing, without conveyance, is not a sale or transfer under this ordinance.

Closed Circuit Televising (CCTV) Inspection – A method of testing whereby a camera is placed into, and travels throughout the Service Lateral and Building Drain of any Improved and Sewered Real Property to determine if any deficiencies exist.

Illegal Connection – Any rain leader, roof drain, downspout, gutter, parking lot drain, driveway drain, interior or exterior sump pump, French drain, spring, or other collector of source of surface stormwater or subsurface groundwater including but not limited to, the fresh air vent of an Improved and Sewered Real Property's sanitary sewer system that connects to the Separate Public Sewerage System.

SECTION II – CCTV INSPECTION

- A. After the date of this ordinance, it shall be unlawful for any person to sell or transfer any Improved and Sewered Real Property located within the Borough without having obtained and delivered to the buyer or transferee and the Borough, at or prior to closing or transfer, proof of CCTV inspection.

- B. Prior to the sale or transfer of any Improved and Sewered Real Property located within the Borough, the seller or transferor shall have a CCTV inspection performed of the service lateral by a plumber experienced in performing such inspections. Upon completion of the CCTV inspection, the seller or transferor must provide the Borough with a video record of the inspection and provide the same video record to the purchaser or transferee. Video record of the CCTV inspection to be provided in such compatible digital format as may be specified from time to time by the Borough.

- C. In conjunction with the request for municipal lien letter for any Improved and Sewered Real Property located within the Borough, the sell or transferor or its agent shall submit to the Borough Secretary a video record of the CCTV inspection. If the video record of the CCTV inspection is not submitted with the request for municipal lien letter, the municipal lien letter will be issued and will outline the requirements for CCTV inspection.
- D. Verification of submission of inspection video record to purchaser or transferee – Verification that a video record of the CCTV inspection has been provided to the purchaser or transferee must also be provided to the Borough. Acceptable forms of verification included certified mail return receipt or letter signed by the purchaser or transferee acknowledging receipt of the video record of the CCTV inspection.
- E. The Borough will not perform an occupancy inspection until the video record of the CCTV inspection has been provided to the Borough and to the purchaser or transferee.
- F. Expiration – Evidence of CCTV inspection shall be considered valid for one year from the date the CCTV inspection was performed. Any subsequent sale or transfer of improved and sewerred real property within one year from the performance of a CCTV inspection will be acceptable provided that video record of the CCTV inspection is provided to the subsequent purchaser or transferee.

SECTION III – DYE TESTING

- A. After the date of this ordinance, it shall be unlawful for any person to sell or transfer any Improved and Sewered Real Property located within an area served by a Separate Public Sewerage System within the Borough without having performed a Dye Test inspection.
- B. Prior to the sale or transfer of any Improved and Sewered Real Property located within an area served by a Separate Public Sewerage System within the Borough, the seller or

transferor shall have a Dye Test inspection performed of the Service Lateral and Building Drain by a plumber experienced in performing such inspections. A representative from the Borough must be present during the administration of the Dye Test.

- C. If the Dye Test or CCTV Inspection of a Service Lateral and Building Sewer serving any Improved and Sewered Real Property located within a area served by a Separate Public Sewerage System within the Borough reveals the existence of one or more Illegal Connections to the Separate Public Seweage system, the Borough will not perform an occupancy inspection until the connections have been removed. Upon completion of repairs, a licensed plumber will be required to certify that there is no connection of surface stormwater to the sanitary sewer system from the property to be sold or transferred.
- a. When the removal of any Illegal Connections to the Separate Public Seweage System would require a length of time such as to create hardship for the seller or purchaser, the seller or purchaser may apply to the Borough for an extension such that the Borough will perform the occupancy inspection prior to the repairs being made.
 - b. In order to grant an extension, the purchaser must provide to the Borough: an executed contract with a licensed plumber requiring the plumber to complete the remedial work necessary to remove the illegal connection and granting the Borough the right and power to enforce said contract, cash security in the amount equal to 110% of the amount of said contract, an agreement that the purchaser to be responsible for all cost overruns related to the remedial work, and an agreement from the purchaser to the Borough, its agents, contractors, and employees to enter upon the property to complete the remedial work in the case of default.
 - c. Extensions will be granted at the discretion of the Borough and will not exceed six months in duration.
- D. The Borough will not perform an occupancy inspection until the dye test inspection has

been performed and witnessed by the Borough.

- E. Expiration – Dye test inspection shall be considered valid for one year from the date the inspection was performed. Any subsequent sale or transfer of Improved and Sewered Real Property within one year from the performance of a dye test inspection will be acceptable.

SECTION IV – VIOLATIONS

- A. **Violations** - Any user who is found to have willfully or negligently failed to comply with any provision of this Ordinance shall be responsible to bring the items in violation into full compliance with this Ordinance, including any costs associated thereto. In addition to associated costs, the Borough may recover reasonable attorney’s fees, court costs, court reporter’s fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance.

SECTION V - REPEALER

Any Ordinance or part of an Ordinance in conflict with the within Ordinance shall and is hereby repealed to the extent of the conflict of same.

ORDAINED and ENACTED as an Ordinance of the Borough Council of the Borough of West Newton, County of Westmoreland, Commonwealth of Pennsylvania, this 9TH day of April 2019.

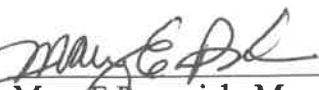
ATTEST:

BOROUGH OF WEST NEWTON


Borough Secretary (SEAL)


President of Council

Examined and approved this 9th day of April, 2019.


Mary E Popovich, Mayor