

BOROUGH OF WEST NEWTON
ORDINANCE No. 2019-5

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NO. 2019-4 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 enacted Ordinance No. 2019-4 on April 9, 2019 at a public meeting and,

WHEREAS, Council for the Borough of West Newton has determined that it is necessary to amend Ordinance No. 2019-4 to account for the proper issuance of permits as related to the Municipal Code and Ordinance Act,

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

SECTION I – DEFINITIONS.

The following definitions shall be added to Section I of Ordinance No. 2019-4:

Substantial violation - A violation of an adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that makes a building, structure or any part thereof unfit for human habitation and is discovered during the course of the Borough's inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a Borough report.

Temporary access certificate - A certificate issued by the Borough as a result of the Borough's inspection of a property incident to the resale of the property that identifies at least one substantial violation, and the purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations pursuant to the maintenance and repair provisions of this act. No person may occupy a

property during the term of a temporary access certificate, but the owner shall be permitted to store personalty that is related to the proposed use or occupancy of the property or is needed to repair the substantial violations during the time of the temporary access certificate.

Temporary use and occupancy certificate - A certificate issued by the Borough as a result of the Borough's inspection of a property incident to the resale of the property that reveals a violation but no substantial violation, and the purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property while correcting violations pursuant to the maintenance and repair provisions of this act.

Unfit for human habitation - A condition which renders a building or structure, or any part thereof, dangerous or injurious to the health, safety or physical welfare of an occupant or the occupants of neighboring dwellings. The condition may include substantial violations of a property that show evidence of: a significant increase to the hazards of fire or accident; inadequate sanitary facilities; vermin infestation; or a condition of disrepair, dilapidation or structural defects such that the cost of rehabilitation and repair would exceed one-half of the agreed-upon purchase price of the property.

Use and occupancy certificate - A certificate issued by the Borough stipulating that the property meets all ordinances and codes and may be used or occupied as intended.

SECTION II – CCTV INSPECTION

Section II – E. shall now read as follows:

E. Upon receipt and review of the video record of the CCTV Inspection, the Borough shall either:

1. Issue a Use and Occupancy Certificate so long as the property meets all applicable ordinances and codes of the Borough, or;
2. Issue a Temporary Access Certificate should review of the video record of the CCTV Inspection reveal at least one Substantial Violation, or;
3. Issue a Temporary Use and Occupancy Certificate should review of the video record of the CCTV Inspection reveal at least one violation but no substantial

violation, subject to meeting the criteria of all other Borough Ordinances and Code regarding Occupancy.

SECTION III – DYE TESTING

Section III – C shall now read as follows:

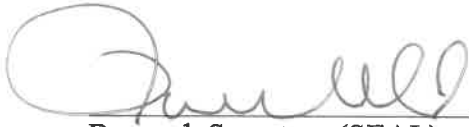
- C. If the Dye Test or CCTV Inspection of a Service Lateral and Building Sewer serving any Improved and Sewered Real Property located within a area served by a Separate Public Sewerage System within the Borough reveals the existence of one or more Illegal Connections to the Separate Public Seweage system, the Borough shall issue a Temporary Access Certificate. 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.
1. When the removal of any Illegal Connections to the Separate Public Sewage 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 pursuant to Section 1083(a.1) of the Municipal Code and Ordinance Act.
 2. 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.
 3. Extensions will be granted at the discretion of the Borough and will not exceed six months in duration.

Section III – D shall be deleted in its entirety.

ORDAINED and ENACTED as an Ordinance of the Borough Council of the Borough of West Newton, County of Westmoreland, Commonwealth of Pennsylvania, this 11th day of June 2019.

ATTEST:

BOROUGH OF WEST NEWTON


Borough Secretary (SEAL)


Charles Krasnovich, President of Council

Examined and approved this 11th day of June, 2019.


Mary E. Popovich, Mayor

July 30