

**PLEASANT TOWNSHIP, WARREN COUNTY,  
PENNSYLVANIA**

**ORDINANCE NO. 06-2018**

**AN ORDINANCE OF THE TOWNSHIP OF PLEASANT,  
WARREN COUNTY, PENNSYLVANIA, ADOPTING DYE  
TESTING, SMOKE TESTING OR OTHER TESTING  
METHODS TO ESTABLISH THE INTEGRITY  
OF THE SANITARY SEWER SYSTEM**

**WHEREAS**, the Township of Pleasant (the "Township") 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 as a result of excessive flows monitored in the sanitary sewer system during and after rainfall events has reason to believe that certain residential and commercial properties within the Township have storm water or surface water connections to the sanitary sewer system; and

**WHEREAS**, in the interest of promoting the health and welfare of its residents, the Township desires to institute and enforce a sewer use ordinance permitting dye testing of all structures located on property within the Township to determine whether surface storm water drains to the sanitary sewer system.

**NOW, THEREFORE**, the Supervisors of Pleasant Township, Warren County, Pennsylvania, do hereby enact and ordain as follows:

**SECTION 1: Definitions**

- a. **Applicant:** A person applying for a Certificate of Compliance or Temporary Certificate of Compliance.
- b. **Cash Security:** Cash, certified check, postal money order or treasurer's check.
- c. **Dye Test or Smoke Test:** Any commonly accepted method of testing in which a dye or smoke-producing chemical is introduced into the surface or sub-surface sanitary sewage system or combined storm/sanitary system or into downspouts of structures or improvements to real property to determine if surface storm water is entering into the sanitary sewer system.

**d. Real Property Connected to Township Sewage System:** 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.

**e. Ordinance Compliance Officer:** The Township authorized representative appointed, from time to time, by Resolution by the Township Supervisors and whose duty it shall be to administer this Ordinance. Unless the Township Supervisors by Resolution provide otherwise, the Township Secretary/Treasurer and Code Enforcement Officer shall be designated as Ordinance Compliance Officers under this Ordinance.

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

**g. Sanitary Sewer System:** The sanitary sewer lines and related facilities maintained and operated by Pleasant Township or by another sewer service provider designated by Pleasant Township Supervisors.

**h. 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.

**i. Surface Storm Water:** Surface water and ground water, including but not limited to roof and driveway drainage, basement seepage and surface area drainage.

### **SECTION 2: 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, natural spring or other collector or source of surface storm water to the sanitary sewer system.

### **SECTION 3: 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.

**SECTION 4: Dye or Smoke Testing by the Township**

The Ordinance Compliance Officer, Pleasant Township maintenance personnel, Township Supervisors or other persons designated by the Township Supervisors by Resolution, is/are authorized to conduct dye testing or other testing or inspection within the Township for purposes of discovering or locating the inflow of surface storm water into the sanitary sewer system. The Township Supervisors are authorized to retain the services of a qualified contractor to perform the dye testing or other testing or inspection. Persons owning property which is connected to the Township sanitary sewer system are required to grant access to the Ordinance Compliance Officer, Township Maintenance Foreman, Township Supervisors, and/or the dye testing contractor to permit dye testing or other testing or inspection. It is unlawful for any person, after receiving reasonable advance notice, to refuse access to property for purposes of dye testing or other testing or inspection.

**SECTION 5: Notices to Property Owners**

In the event the Ordinance Compliance Officer or Township Maintenance Foreman identifies any illegal connections or leaking, deteriorating, or poorly constructed private sanitary sewer lateral 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. All defective sewer laterals and illegal sanitary sewer connections shall be repaired, replaced or rehabilitated at the property owner's expense within thirty (30) days of the date of the notice. The Ordinance Compliance Officer, upon the request of the property owner, may extend the deadline to sixty (60) days from the date of the notice if the condition does not create a health hazard.

**SECTION 6: Proof of Compliance on Sale or Transfer of Real Property**

- a. It shall be unlawful for any person to sell or transfer real or improved property that is connected to the Township sewage collection system without having first 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.
- b. A Certificate of Compliance or a Temporary Certificate of Compliance shall not be required if:

- i. The transfer is between parent and child for no consideration;
- ii. The transfer is from an estate to a beneficiary thereof pursuant to the terms of a duly probated Will or the intestacy statute;
- iii. The transfer is incident to a divorce proceeding;
- iv. It is a transfer in which a mortgage lender takes title via a deed in lieu of foreclosure or a Sheriff's Deed.

**SECTION 7: Application for Certificate of Compliance**

a. At least twenty-one (21) days prior to the date of closing or transfer of any improved real property located within the Township, the seller, transferor, or his/her agent shall submit to the Ordinance Compliance Officer an Application for Certificate of Compliance, completed as required by Section 7(b) 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 from time to time by the Board of Supervisors by Resolution.

b. Prior to the sale or transfer of any improved real property located within the Township, the seller or transferor shall have a dye test of the property performed by a professional plumber, by a qualified plumbing contractor approved in advance by the Compliance Officer, or by such other person designated or approved by the Township Supervisors to perform such tests. Upon completion of the dye 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 dye tested and certifying the results of the test.

**SECTION 8: Issuance of Certificate of Compliance**

a. The completed Application for Certificate of Compliance along with the required filing fee shall be delivered to the Township Secretary. If dye or smoke testing has been performed and indicates no connections of surface storm water to the sanitary sewer system, the Ordinance Compliance Officer shall issue the Certificate of Compliance within ten (10) days of application therefore.

b. If the dye test reveals the existence of one or more surface storm water connections to the sanitary sewer system, the Ordinance Compliance Officer shall not issue the

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Certificate of Compliance until the connections have been removed and a professional plumber or other qualified contractor, approved in advance by the Compliance Officer, has certified that there is no connection of surface storm water to the sanitary sewer system from the property to be sold or transferred.

**SECTION 9: Temporary Certificate of Compliance**

a. When a surface storm water connection to the sanitary sewer system is discovered and the work necessary 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.

i. A bona fide and executed contract between the seller or applicant and a professional plumber or other qualified contractor approved in advance by the Compliance Officer. The contract shall specify the remedial work and associated fee necessary for the removal of the connections of surface storm water to the sanitary sewer system.

ii. Cash security in an amount equal to one hundred ten percent (110%) of the contract described in subsection a.(i.) above.

iii. 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.

iv. The filing fee shall be established, from time to time, by the Board of Supervisors by Resolution.

b. When dye 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 properly completed Application:

i. Cash security in the amount of Two Thousand Dollars (\$2,000.00);

ii. The written and signed agreement of the purchaser or transferee to correct, at the purchaser's or transferee's sole expense, any surface storm water connections to the sanitary sewer system disclosed by the subsequent dye 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 dye testing should the applicant fail to do so. Nothing in this subsection 9(b) 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, the 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.

iii. The filing fee shall be established, from time to time, by the Board of Supervisors by Resolution.

c. 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 9 do not exist or the submissions required by this Section 9 have not been made.

d. The Temporary Certificate of Compliance shall be effective for sixty (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 Sections 7 and 8 of this Ordinance, the cash security shall be forfeited, and the Township may use the funds to complete the remedial work for the dye testing.

e. The Application for Temporary Certificate of Compliance form shall be available upon request from the Township Secretary.

f. Any security required by this Section 9 shall be refunded to the Applicant promptly upon certification by the Ordinance Compliance Officer that the property in question is in compliance with this Ordinance.

**SECTION 10: Township 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 seven (7) days of receipt of the appropriately documented request and the applicable fee.

**SECTION 11: 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 and shall be valid only with respect to the Applicant it was issued to.

**SECTION 12: Regulations**

The Ordinance Compliance Officer 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 13: Conflict with General Police Powers**

Nothing in this Ordinance shall limit in any fashion whatsoever the Township'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 14: Penalties**

Any persons, who shall fail, neglect or refuse to comply with any of the terms or provisions of this Ordinance shall be subject to a penalty of not more than Six Hundred Dollars (\$600.00) for each violation. Once a person is notified of a violation of this Ordinance, 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 Ordinance.

**SECTION 15: Severability**

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

**SECTION 16: Repealer**

Any other Ordinance including, without limitation, Ordinance No. 3-08, provisions or regulations of the Township inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

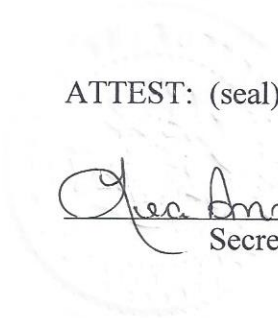
**SECTION 17: Effective Date**

This Ordinance shall take effect five (5) days after adoption.

**ORDAINED and ENACTED** this 13<sup>th</sup> day of November, 2018 by the Board of Supervisors of Pleasant Township.

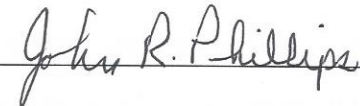
**PLEASANT TOWNSHIP SUPERVISORS**

ATTEST: (seal)

  
Dee Ann Adams  
Secretary

By 

By 

By 

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