

Bill No. _____
Introduced: _____
By Commissioner: _____
Enacted: _____

**MT. LEBANON, PENNSYLVANIA
ORDINANCE NO. ____**

**AN ORDINANCE OF THE MT. LEBANON, PENNSYLVANIA, TO SET REQUIREMENTS
FOR SANITARY SEWER LATERAL INSPECTIONS.**

WHEREAS, the Municipality desires to amend Chapter XIII of the Mt. Lebanon Code of Ordinances entitled "Sewers and Sewage Disposal," to provide for a Sewer Lateral testing program.

NOW, THEREFORE, MT. LEBANON, PENNSYLVANIA, hereby ordains:

SECTION 1. Part 2 of Chapter XIII of the Mt. Lebanon Code of Ordinances entitled "Sewers and Sewage Disposal," is hereby amended to read as follows (new text underlined and deleted text overstricken):

**PART 2
PROHIBITION OF SANITARY SEWER DEFECTS AND ILLEGAL
SURFACE STORMWATER CONNECTIONS:
DYE AND CCTVI TESTING**

§201 Definitions.

- 2011 Blocked Drain: A drain, which when Dye Tested, does not discharge to the sanitary sewer, and which also cannot be observed to discharge to the surface or subsurface drainage system.
- 2012 Closed Circuit Televising Inspection (CCTVI): A process whereby a camera is placed into, run through and video records the inside of a Sewer Lateral for the purpose of detecting Defects. Such inspection must be completed by a National Association of Sewer Service Companies (NASSCO) certified contractor in accordance with NASSCO pipeline assessment standards and approved by the Municipality. The Municipality may also utilize other methods of testing to detect the flow of water in the sewer drainage system where appropriate and in accordance with rules adopted and approved by the Municipality, in which case the alternate method shall be considered to be a CCTVI for purposes of this Part.
- 2013 Defect. Includes any separation, break, root infiltration, crack, breach, failed or defective wye, or break in tap, which either: is found to have a Level 3 or higher NASSCO structural defect, or more than two Level 2 NASSCO

structural Defects in a given Sanitary Sewer Lateral or observation of any Illegal Surface Storm water Connection.

- 2014 Dye Test: A plumbing test conducted according to professional plumbing standards in which dye is introduced into the storm water collection system of real property to determine if surface storm water is entering the sanitary sewer system.
- 2015 Evidence of Compliance: An official written statement issued by the Municipality that it has on file (i) a written certification from a plumber registered and licensed by Allegheny County that there are no Illegal Surface Storm water Connections into the sanitary sewer system such as roof leaders, yard drains or driveway drains, and no Blocked Drains and (ii) a written certification from a NASSCO certified contractor that there are no Defects in the Sanitary Sewer Lateral.
- 2016 Interim Evidence of compliance: A statement from the Municipality issued pursuant to the terms of §205 of this Chapter.
- 2017 Illegal Surface Storm water Connections: The discharge of storm, roof, sump, rain, ground, spring or surface water or the connection of roof leaders, yard drains, driveway drains, foundation drains, basement drains or other connections conveying surface storm water into the Sanitary Sewer System.
- 2018 Person: Any natural person, association, partnership, corporation, syndicate, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.
- 2019 Sanitary Sewer Lateral: The sewer line/lateral from a structure to the connection to the Sanitary Sewer System, including the wye at the public sewer line, as well as all fresh air vents, clean outs and traps.
- 201.10 Sanitary Sewer System: A system of pipes which carries sewage and is maintained and operated by the Municipality.
- 201.11 Improved Property: Real property on which any building, driveway or parking pad, or other surface or subsurface improvement has been constructed, installed or erected.
- 201.12 Sale or Conveyance: The sale, transfer or conveyance of any interest in real property, provided, however, that the following are not a Sale or Conveyance under this Ordinance: (i) a transfer of property involving spouses incident to marriage or divorce; or (ii) a refinancing of real property, without a conveyance.

§202 Prohibitions. Any Illegal Surface Storm water Connection and any Defect in a Sanitary Sewer Lateral from an Improved Property into the Sanitary Sewer System are prohibited. The Municipality may require at any time, and without regard to the certification process in the Part 2, the (i) disconnection of any Illegal Surface Storm water Connection or (ii) the repair of any Defect in a Sanitary Sewer Lateral.

§203 Sale or Conveyance without Evidence of Compliance. Sale or Conveyance without Evidence of Compliance is Prohibited. After the effective date of this Ordinance, it shall be unlawful for any persons to sell or convey, or to purchase or accept the conveyance of, any Improved Property within the Municipality without seller first delivering to the purchaser Evidence of Compliance or Interim Evidence of Compliance issued by the Municipality.

§204 Procedure for Evidence of Compliance. Any person (hereinafter "Applicant") selling or conveying any Improved Property located within the Municipality shall make application for Evidence of Compliance on a form furnished by the Municipality. The Applicant shall then have a plumber who is registered and licensed by Allegheny County perform a Dye Test and a NASSCO certified contractor perform a CCTVI on the Improved Property to be sold or conveyed to test for Illegal Surface Storm water connections. The plumber and operator shall complete the appropriate portions of the form certifying that the Improved Property has been Tested and certifying the results of such Dye Test and CCTVI. A video of the CCTVI showing no Defects must be included with the certification, and will be accepted by the Municipality; the Municipality will not adjudicate third party claims that there are Defects. If there are no Illegal Surface Stormwater Connections or Blocked Drains, or Defects in the Sanitary Sewer Lateral, the Municipality shall issue Evidence of Compliance. If the Dye Test or CCTVI reveals the existence of an Illegal Surface Storm water connection and/or Blocked Drain, and/or Defects in the Sanitary Sewer Lateral no Evidence of Compliance will be issued until the illegal connections are removed and/or the Blocked Drain cleared or the Defects repaired. Correction of any deficiencies shall be done in accordance with Allegheny County Health Department (ACHD) Rules and Regulations. Certification of such correction shall be either: (i) completed by a plumber registered and licensed by Allegheny County or the ACHD and the certification conveyed to the Municipality or (ii) by submission of a new video. Retesting of the Sanitary Sewer Lateral will be required following the repair of any Defects. A video of the CCTVI showing the repair of the Defects must be included with the certification, and will be accepted by the Municipality; the Municipality will not adjudicate third party claims that there are Defects or that the Defects have not been adequately repaired. Defects will not be deemed repaired unless there has been compliance with the Municipality's rules on street opening regulations, if applicable.

204.1 Valid Evidence of Compliance shall expire three (3) years following the date of issuance of the Evidence of Compliance. If any additions to the Improved Property are made within the three (3) year period, certification that the addition has no Illegal Surface Stormwater Connections and no Blocked

Drains shall be provided by a plumber registered and licensed by Allegheny County to the Municipality.

- 204.2 The Municipal Engineer and Manager may require additional tests or alternate testing methods in accordance with rules adopted by the Manager and Engineer or in accordance with best practices. Best practices, in appropriate circumstances, includes: dye testing at each downspout and area drain; dye testing foundation drains by flooding or injection; smoke testing the Sanitary Sewer Lateral to the house trap; Smoke testing the building drain on the house side of the trap; air testing the Sanitary Sewer Lateral; Hydrostatic testing of the Sanitary Sewer Lateral; dye testing the Sanitary Sewer Lateral; televising the Sanitary Sewer Lateral during periods of saturated ground, precipitation and/or dye testing.

§205 Interim Evidence of Compliance.

- 205.1 Interim Evidence of Compliance may be issued at the Municipality's sole discretion upon application to the Municipality when either:
- 205.1.1 The Applicant demonstrates that Dye Testing and a CCTVI cannot be performed because of weather conditions; or
 - 205.1.2 When an Illegal Surface Stormwater connection and/or Blocked Drain and/or Defects in the Sanitary Sewer Lateral is discovered and the necessary remedial activities to correct such connection are so complex and time consuming that they create a practical hardship for the Applicant.
- 205.2 Requirements for Applicant to Obtain Interim Evidence of Compliance.
- 205.2.1 The Applicant shall provide the Municipality with security in form of a certified check in the amount of two hundred dollars (\$200) to guarantee that the Dye Test and a CCTVI will be performed. The Applicant or a purchaser of the Improved Property will cause the Dye Test and a CCTVI to be performed within fourteen (14) days following written notification from the Municipality. The notification will be given at such time as the Municipality determines, in its sole discretion, that weather conditions make the Dye Test and a CCTVI possible.
 - 205.2.2 The Applicant shall provide the Municipality with a signed, written agreement with the purchaser in a form provided by the Municipality in which the purchaser agrees to conduct the Dye Test and a CCTVI and to correct, at the purchaser's sole expense, any violations discovered as a result of the Dye Test and a CCTVI. Nothing in this section shall prohibit any purchaser from requiring

the Applicant to reimburse the purchaser for any costs incurred. In addition, where practical hardship is claimed under section 205.1.2, the applicant must submit a report from a Pennsylvania Registered Professional Engineer certifying to the reasons for the claim of practical hardship under section 205.1.2 and providing evidence of the same.

20523 Interim Evidence of Compliance may be issued only when the Applicant provides the Municipality with an executed contract between the Applicant or the purchaser and a plumber registered and licensed by Allegheny County requiring the plumber to conduct the Dye Test and a CCTV and/or complete the necessary remedial work and granting the Municipality the legal power to enforce the contract, and a license granted by Applicant and purchaser for the Municipality to enter upon the Improved Property to complete the work in case of default by the parties, and a certified check in the amount of said contract, posted as security with the Municipality. Any required remedial work must be completed and certified by a plumber registered and licensed by Allegheny County.

20524 The Interim Evidence of Compliance shall expire six (6) months from the date of issuance. The Applicant and the purchaser shall be advised of the expiration of the Interim Evidence of Compliance, the security shall be forfeited, and the Municipality may use the security to have the necessary testing and/or remedial work completed and pursue any other remedies or penalties pursuant to this Part 2. The Municipal Manager, in his sole discretion, may extend the Interim Evidence of Compliance for one additional six (6) month period.

§206 Costs Incurred. All costs incurred by the Municipality for correction of any Illegal Surface Stormwater Connection and/or Blocked Drain and/or Defects in the Sanitary Sewer Lateral shall be a municipal lien on the Improved Property, and collectible pursuant to applicable law, and no agreement between the Applicant and the purchaser shall affect the Municipality's enforcement powers or excuse the Applicant or purchaser of Improved Property from performance of its obligations.

§207 Promulgation of Forms.

The Municipality shall establish the form of applications, Applicant/purchaser agreements and plumber certifications for the operation and enforcement of this Part 2.

§208 Fees.

The following application fees are hereby established:

Evidence of Compliance (Dye Test): \$50

Evidence of Compliance (Lateral Test): \$50

Interim Evidence of Compliance: \$200

The Commission shall be empowered to re-evaluate the required fee amount from time to time to make necessary alterations to it. Such alterations shall not be considered an amendment to this Chapter, and may be adopted at any public meeting by resolution.

§209 Effect of Compliance. Nothing in this Ordinance shall constitute a waiver of the obligation of the owner of any Improved Property to correct any Illegal Surface Stormwater Connection and/or Blocked Drain and/or Defects in the Sanitary Sewer Lateral. The issuance of Evidence of Compliance is designed to help the Municipality reduce infiltration into its public sewer system and is not a certification or guarantee by the Municipality that may be relied upon by any Person for any reason, and is not a certification as to the adequacy, condition or reliability of any test, sewer or conveyance system. The Municipality will not be responsible to correct any Illegal Surface Stormwater Connection and/or Blocked Drain and/or Defects in the Sanitary Sewer Lateral under any circumstances, even if Evidence of Compliance has been issued.

§210. Penalties.

210.1 Any person violating the provisions of this Part 2 shall, upon conviction, be punished by a fine not to exceed the sum of three hundred dollars (\$300) for each offense, recoverable with costs. Each day a violation is continued shall constitute a separate offense.

210.2 In addition to the penalties and other remedies provided herein, any condition caused or permitted to exist in violation of any of the provisions of this Part 2 will be deemed a public nuisance and may be abated by the Municipality with the costs of such abatement charged to the person or entity owning the property upon which such condition may exist. Such costs will be collected for the use of the Municipality as provided by law, including without limitation by a municipal claim or lien.

210.3 In addition to the enforcement provisions set forth herein, the Municipality may institute an appropriate action or proceeding at law or in equity against a person responsible for violation of any of the provisions of this Part 2 and request either or both of the following remedies:

210.3.1 To cease, correct or remove the violation.

210.3.2 To enforce the penalty provisions of this Part 2 or to seek other remedies as are just and reasonable.

SECTION 2. This Ordinance shall take effect and be in force on _____, 2019.

ORDAINED AND ENACTED THIS __ DAY OF _____, 2019.

MT. LEBANON, PA

By: _____
President, Board of Commissioners

ATTEST:

Municipality Manager/Secretary

4821-2993-7772, v. 2