

RESOLUTION NO. 19-97

<![if !supportEmptyParas]> <![endif]>

AN RESOLUTION OF THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A REQUIREMENT FOR EVIDENCE OF COMPLIANCE WITH LAWS AND REGULATIONS CONTROLLING THE INTRODUCTION OF STORM WATER AND SURFACE WATER INTO THE AUTHORITY'S SANITARY SEWER SYSTEM PRIOR TO THE SALE OF REAL ESTATE WITHIN THE BOROUGH, AND FURTHER REQUIRING SUCH EVIDENCE OF COMPLIANCE AS A CONDITION PRECEDENT TO THE ISSUANCE OF BOROUGH LIEN LETTERS, AND FURTHER ESTABLISHING CERTAIN FEES AND PROCEDURES FOR SECURING SAID EVIDENCE OF COMPLIANCE.

Be it ORDAINED and ENACTED by the West Mifflin Sanitary Sewer Municipal Authority, Allegheny County, Pennsylvania, as follows:

<![if !supportEmptyParas]> <![endif]>SECTION 1. DEFINITIONS

Terms used in this Resolution shall have the meanings set forth as follows:

<![if !supportEmptyParas]> <![endif]><![if !supportEmptyParas]> <![endif]>(a) Borough: The Borough of West Mifflin, Allegheny County, Pennsylvania.

<![if !supportEmptyParas]> <![endif]>

(b) Person: Any person, partnership, association, syndicate, firm, corporation, institution, agency, authority or other entity recognized by law as the subject of rights and duties.

(c) Borough Lien Letter: A written letter from the Borough concerning municipal liens or municipal property taxes.

(d) Dye Test: Any dye test performed by the West Mifflin Sanitary Sewer Municipal Authority and wherein dye is introduced into the storm or surface water collection system of real property to determine if storm or surface water is entering the sanitary sewer system.

(e) Evidence of Compliance: An official statement of the West Mifflin Sanitary Sewer Municipal Authority stating that it has on file a written statement that there are no illegal storm or surface water connections into the sanitary sewer system which would violate Borough, West Mifflin Sanitary Sewer Municipal Authority or County Ordinances, the State Statutes or Borough, Authority County or State plumbing regulations.

(f) Temporary Evidence of Compliance: A temporary statement from the Authority issued pursuant to the terms of Section 4 of this Resolution.

(g) Illegal Storm or Surface Water Connections: The discharge of basement seepage or ground water or the connection of downspouts, roof drainage or surface or areaway drainage into the Authority sanitary sewer system.

(h) Compliance Officer: Those persons who may be designated to enforce the terms and conditions of this Resolution and who shall have the authority to bring legal proceedings for the violation of this Resolution.

<![if !supportEmptyParas]> <![endif]>SECTION 2. SALE WITHOUT EVIDENCE OF COMPLIANCE PROHIBITED

After the effective date of this Resolution, it shall be unlawful for any person to sell real property within the Borough on which a building or improvement exists without first delivering to the purchaser Evidence of Compliance or Temporary Evidence of Compliance from the Authority.

<![if !supportEmptyParas]> <![endif]>SECTION 3. EVIDENCE OF COMPLIANCE APPLICATION<![if !supportEmptyParas]> <![endif]>

Any person (hereinafter, 'applicant) selling real property within the Borough shall make application for Evidence of Compliance on a form furnished by the Authority at least fourteen (14) days before the date of sale. The applicant shall then have the Authority perform a dye test on the real property to be sold. The Authority shall complete the appropriate portions of the form confirming that the property has been dye tested and certifying the results of such test. The Authority will do the dye testing, certify the results and issue Evidence of Compliance upon payment of a fee of Fifty (\$50.00) Dollars. In lieu of the Authority doing the dye test, the dye testing can be done by a Certified Plumber, with the Plumber turning in his certification of dye testing to WMSSMA, who in turn will issue Evidence of Compliance upon payment of a fee of twenty (\$20.00) Dollars. If the dye test reveals the existence of an illegal storm or surface water connection, no Evidence of Compliance will be issued until the illegal connections are removed and certification of such removal is approved by the Authority.

<![if !supportEmptyParas]> <![endif]>SECTION 4. TEMPORARY EVIDENCE OF COMPLIANCE<![if !supportEmptyParas]> <![endif]>

Temporary Evidence of Compliance may be issued at the Authority's sole discretion when, either:

- (a) The applicant proves that dye testing cannot be performed because of weather conditions. In this case, the applicant shall provide the Authority with security in the amount of One Thousand (\$1,000) Dollars to guarantee that the dye test will be performed. The applicant will cause the dye test to be performed within fourteen (14) days of written notification from the Authority, which will be given at such time as weather conditions make the dye test possible. In addition, the applicant shall provide the Authority with a signed, written acknowledgement from the purchaser agreeing to correct, at the purchaser's sole expense, any violations discovered as a result of subsequent dye tests. Nothing in this subsection shall prohibit any purchaser from

requiring the applicant to reimburse the purchaser for any costs incurred provided, however, that primary liability for correction of any illegal connection shall run with the land and no agreement between the applicant and the purchaser shall affect the Authority's enforcement powers or excuse the current owner from performance; or

- (b) When an illegal storm or surface water connection is discovered and the necessary remedial activities to correct such condition would require a length of time such as to create a practical hardship for the applicant, applicant may apply to the Compliance Officer for Temporary Evidence of Compliance which may only be issued when the applicant provides the Authority with all of the following:

<![if !supportEmptyParas]> <![endif]>

1. Cash security in the amount of \$1,000.00 is posted with the Authority; and

<![if !supportEmptyParas]> <![endif]>

2. an agreement by the purchaser to be responsible for all cost overruns related to the remedial work together with a license to the Authority enter upon the property to complete the work in case of default by the contractor. The Compliance Officer shall determine when such Temporary Evidence of Compliance shall expire, and the applicant and the purchaser shall be advised of the expiration date. Upon expiration of the Temporary Evidence of Compliance, without all work having been completed, the security shall be forfeited and the Authority may use the security to have the necessary remedial work completed.

<![if !supportEmptyParas]> <![endif]>SECTION 5. BOROUGH LIEN LETTER

<![if !supportEmptyParas]> <![endif]>

A request for a Borough lien letter or property tax certification letter must be accompanied by a valid Evidence of Compliance Certificate by the West Mifflin Sanitary Sewer Municipal Authority and a ten (\$10.00) Dollar lien letter fee, all of which shall be delivered to the Authority at least seven (7) days prior to the day said letters are to be provided.

<![if !supportEmptyParas]> <![endif]>

When requested by a property owner or his agent, and subject to time availability as determined solely by the Authority may issue an expedited Borough Lien Letter on (2) days' notice upon the payment of an expedition fee of Ten (\$10.00) Dollars in addition to the fee set forth above.

<![if !supportEmptyParas]> <![endif]>SECTION 6. REGULATIONS

<![if !supportEmptyParas]> <![endif]>

The Authority shall promulgate such reasonable rules and regulations as

approved by the Authority Board for the operation and enforcement of this Resolution which shall include, but not limited to:

<![if !supportEmptyParas]> <![endif]>

(a) Establishing acceptable forms of security or guaranty;

<![if !supportEmptyParas]> <![endif]>

(b) Establishing the form of (i) applications, (ii) purchaser acknowledgements, and (iii) plumber certifications;

<![if !supportEmptyParas]> <![endif]>

(c) Limiting the times of year in which Temporary Evidence of Compliance is available for reasons of weather.

<![if !supportEmptyParas]> <![endif]>

Rules and regulations issued pursuant to this Section shall be in writing and distributed as necessary to ensure compliance with this Resolution.

<![if !supportEmptyParas]> <![endif]>SECTION 7. ADJUSTMENT OF FEES

<![if !supportEmptyParas]> <![endif]>

The fees set forth in this Resolution may be changed from time to time by resolution of the Authority.

<![if !supportEmptyParas]> <![endif]>SECTION 8. NO CONFLICT WITH
GENERAL POLICE POWERS

<![if !supportEmptyParas]> <![endif]>

Nothing in this Resolution shall limit in any fashion whatsoever the Authority's right to enforce its Resolution or the laws of the Commonwealth. Nothing in this Resolution shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any law or ordinance.

<![if !supportEmptyParas]> <![endif]>

<![if !supportEmptyParas]> <![endif]>SECTION 9. VIOLATIONS AND
PENALTIES

<![if !supportEmptyParas]> <![endif]>

Any person violating any provisions of this Resolution or of any regulation or requirement pursuant thereto and authorized thereby shall, upon conviction, be subject to a penalty up to the maximum provided by law. Each day that a violation of this Resolution shall occur shall be deemed to be a separate offense subject to all of the penalties provided.

<![if !supportEmptyParas]> <![endif]>SECTION 10. SEVERABILITY

<![if !supportEmptyParas]> <![endif]>

The provisions of this Resolution are severable, and if any section, sentence, clause or phrase shall be held to be illegal, invalid or unconstitutional, the remaining portions of this Resolution shall not be affected or impaired thereby.

<![if !supportEmptyParas]> <![endif]>SECTION 11. REPEALER

<![if !supportEmptyParas]> <![endif]>

Any Resolution or parts of Resolutions conflicting with the provisions of this Resolution shall be and the same are hereby repealed to the extent of said conflict.

<![if !supportEmptyParas]> <![endif]>SECTION 12. EFFECTIVE DATE

<![if !supportEmptyParas]> <![endif]>

<![if !supportEmptyParas]> <![endif]>The effective date of this Resolution shall be the 5th day of June 1997

<![if !supportEmptyParas]> <![endif]>

ORDAINED and ENACTED into law this 5th day of June 1997

<![if !supportEmptyParas]> <![endif]>

ATTEST: Michael Price, Secretary

WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY:

Anthony J. Panichelli, Chairman

<![if !supportEmptyParas]> <![endif]>