

**COOLSPRING TOWNSHIP
MERCER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 87

AN ORDINANCE OF COOLSPRING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA APPLYING ONLY TO THOSE PROPERTIES LOCATED IN THE TOWNSHIP WHICH ARE CONNECTED TO THE BOROUGH OF MERCER PUBLIC SANITARY SEWER SYSTEM, AND IN REGARD TO THOSE PROPERTIES MAKING IT UNLAWFUL TO SELL, CONVEY, ASSIGN, OR TRANSFER ANY INTEREST IN SUCH REAL PROPERTY BY DEED, AGREEMENT OF SALE, OR OTHERWISE, TO ANY PERSON OR ENTITY NOT ALREADY AN OWNER THEREOF, WITHOUT FIRST SECURING A CERTIFICATE OF INSPECTION FROM THE OFFICER OF THE BOROUGH OF MERCER'S WASTE WATER COLLECTION AND TREATMENT SYSTEM CERTIFYING INSPECTION AND COMPLIANCE RELATED TO ALL OF THE CURRENT RULES AND REGULATIONS OF THE BOROUGH OF MERCER RELATIVE TO TAP-IN, DISCHARGE INTO, AND CONNECTION WITH THE BOROUGH OF MERCER'S PUBLIC SANITARY SEWER SYSTEM.

WHEREAS, certain parcels of real property located within Coolspring Township are currently connected to the Borough of Mercer's public sanitary sewer system; and

WHEREAS, the Borough of Mercer adopted Ordinance No. 3-2012, on December 10, 2012, making it unlawful for the transfer of any interest in real property without first securing a certificate of inspection from the officer of its waste water collection and treatment system certifying inspection and compliance related to all of its current rules and regulations relative to tap-in, discharge into, and connection with its public sanitary sewer system; and

WHEREAS, the requirements of Ordinance No. 3-2012 apply to any owner of real property in Mercer County, Pennsylvania, whose property is connected to the Borough's public sanitary sewer system/public water system; and

WHEREAS, it is important for the integrity of the Borough's public sewer system, which serves some residents of Coolspring Township, to insure that inflow and infiltration into the public sewer system is minimized to protect the environment and provide as much capacity as possible for the public sewer system and its users and that it is operating in good condition; and

WHEREAS, the transfer of ownership of property provides an opportunity for inspection of properties, including the inspection of the integrity of the connections to the public sewer system as well as any improper connections to the public sewer system; and

WHEREAS, it is in the best interests of all of the residents of Coolspring Township for the Township to engage in intergovernmental cooperation with its surrounding communities when reasonably possible.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY the Board of Supervisors of Coolspring Township, Mercer County, Pennsylvania, and it is hereby **ORDAINED AND ENACTED** by and with the authority of the same as follows:

SECTION 1: APPLICABILITY TO CERTAIN REAL ESTATE ONLY: This Ordinance shall apply only to parcels of real estate located in Coolspring Township, Mercer County, Pennsylvania which have lateral connections to the public sanitary sewer system of the Borough of Mercer, Mercer County Pennsylvania.

SECTION 2: PROHIBITED CONNECTIONS: No person(s), home, residence, building or other contributor to the Borough of Mercer's sewage conveyance or treatment facilities shall make, allow or have a connection of roof down-spouts, ground water sump pump, ground water, roof runoff, foundation drains, area way drains, subsurface drainage, directly or indirectly into said building sewer (lateral) or conveyance of treatment facilities. For all purposes related to the interpretation and enforcement of this Ordinance, a lateral is defined as that sewer line from the point said sewage line attaches to the Borough of Mercer line across any and all other private or public property and attaching to the property owner's structure.

SECTION 3: CERTIFICATE OF INSPECTION: It shall be unlawful for any owner of real property in Coolspring Township, whose property is connected to the Borough of Mercer's public sanitary sewer system to sell, convey, assign, or transfer any real property, or for any person to facilitate the sale, conveyance, assignment or transfer of any such real property, by deed, agreement of sale, or otherwise, or for any person not already an owner thereof, to acquire an interest in any such real estate, without first securing a Certificate of Inspection and Compliance issued by the Borough of Mercer's Waste Water Collection and Treatment Superintendent or the Borough of Mercer's Engineer henceforth identified as "Officer", or their designee, with respect to the real property being transferred, certifying that an inspection has been performed and compliance achieved relative to all of the rules and regulations of the Borough of Mercer relative to tapping into, discharging into, or connection with, the Borough of Mercer's public sanitary sewer system.

Any such inspection and certificate as may be issued by the Borough of Mercer shall be pursuant to the inspection and is not intended to be an express or implied warranty or guarantee against the presence of any items of violation or noncompliance that were not apparent to the Borough of Mercer's Officer or designee.

SECTION 4: APPLICATION FOR CERTIFICATE: An application for a certificate of inspection shall be made to the Borough of Mercer's Officer, or his designee, on forms furnished by the Borough of Mercer and shall be accompanied by a fee in such amount as the Borough of Mercer sets, from time to time, by resolution or ordinance, including any such resolution at the annual Borough of Mercer reorganization meeting. The initial fee for the application for certification is \$50.00 which may be changed by subsequent resolution of the Borough Council of the Borough of Mercer. The application for certificate fee shall be the same regardless of whether a private third party performs the inspection, as may be permitted by the Borough of Mercer, or if the Borough of Mercer conducts the inspection. The initial fee for the inspection to be conducted by the Borough of Mercer which would include physical televised testing if feasible is set at \$100.00 and any subsequent or re-inspection fee would also be charged at \$100.00. The inspection

fee and re-inspection fee may be changed by subsequent resolution of the Borough Council of the Borough of Mercer.

SECTION 5: ISSUANCE OF CERTIFICATE OF INSPECTION AND COMPLIANCE: Shall be in accordance with the provisions of the Borough of Mercer's Ordinance governing the same.

SECTION 6: INSPECTION: All users of the Borough of Mercer's sanitary system shall allow the Borough of Mercer, or its designees, access to any and all structures being provided such sewer services for the purpose of inspection to determine compliance under this Ordinance.

SECTION 7: CONNECTIONS TO BE MADE WITHOUT DAMAGE TO THE STREETS: All sewers and sewer connections shall be laid so that structure connections can be made without damaging the surface of any improved street. Thereafter, before any person shall be given a permit by the Borough of Mercer's Engineer, in the case of a Borough street, or Coolspring Township's appropriate officer, in the case of a Township street, to alter or remove the surface dressing of any improved street, a bond with two sufficient sureties in an amount set forth in the Borough of Mercer's fee and rate schedule shall be given to the Borough of Mercer's Borough Engineer or to Coolspring Township's appropriate officer, depending upon the location of the street. The bond shall guarantee that the condition of the altered street shall be replaced in as good a condition as before the removal of the surface dressing and the property owner shall be held responsible for a period of one year to keep the part of the street so removed in good condition and good repair.

SECTION 8: LATERAL TESTING UPON SALE: Whenever any property located in Coolspring Township with sewer lateral lines connected to the Borough of Mercer's public sanitary sewer system is to be transferred to or vested in any person or entity by deed, instrument in writing, by which any lands are sold, granted, assigned, transferred or otherwise conveyed to, or vested in, a purchaser or purchasers thereof, said sewer lateral lines to the property shall be tested for infiltration and all necessary repairs or replacements shall be performed to prevent infiltration and inflow. All testing and inspection procedures must be approved by the Borough of Mercer's Engineer, or designee, and all repair or replacement work shall be completed and approved by the Borough of Mercer prior to transfer of title. The property owner shall retain the inspection card, signed by a Borough of Mercer authorized representative as approved, as proof of compliance.

SECTION 9: PRIVATE SEWER LATERAL TESTING AND INSPECTION PROCEDURES AND REQUIREMENTS: Shall be in accordance with the provisions of the Borough of Mercer's Ordinance governing the same.

SECTION 10: FAILURE OF TEST AND REMEDIAL ACTION: Shall be in accordance with the provisions of the Borough of Mercer's Ordinance governing the same, as amended by the Borough of Mercer Ordinance No. 7-2013.

SECTION 11: PERSONS AUTHORIZED TO PERFORM WORK: All work for the reconstruction and/or repair of private sewer laterals shall be done pursuant to the conditions of service promulgated by the Borough of Mercer for sanitary sewer systems, as amended.

SECTION 12: APPLICATION OF STANDARD SPECIFICATIONS: Shall be in accordance with the provisions of the Borough of Mercer's Ordinance governing the same.

SECTION 13: APPEAL: Shall be in accordance with the provisions of the Borough of Mercer's Ordinance governing the same.

SECTION 14: VIOLATIONS: The violation of any provision of this Ordinance shall be punishable by fine in the amount of up to \$1,000 plus costs of prosecution and in default of payment of such fine and costs, to undergo imprisonment for a period not to exceed thirty (30) days. Each day that the violation continues shall be a sole and separate offense.

SECTION 15: AMENDMENT OF BOROUGH OF MERCER ORDINANCE GOVERNING CONNECTIONS TO PUBLIC SANITARY SEWER SYSTEM IN THE TOWNSHIP AND CONSEQUENCE OF FAILURE TO COMPLY WITH REQUIREMENTS: Amendments to the Borough of Mercer Ordinance No. 3-2012, including Ordinances Nos. 3-2013 and 7-2013, insofar as they relate connections to the Borough of Mercer Public Sanitary Sewer System with the Township of Coolspring, shall apply to all current and future users of the Borough of Mercer public sanitary sewer system whose property is located in Coolspring Township, in the same manner as if the property would be located within the Borough of Mercer. Further, as a rule, regulation and condition of sanitary sewer service provided by the Borough of Mercer, all customers who fail to abide by the requirements of these Ordinances, and any future amendments of the same, shall, upon thirty (30) days notice from the Borough of Mercer, be subject to no further sanitary sewer service being provided to that property by the Borough of Mercer and without further liability on the Borough of Mercer.

SECTION 16: SEVERABILITY: The provisions of this Ordinance shall be severable, and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION 17: REPEALER: All ordinances or parts of ordinances, other than this Ordinance, conflicting with any of the provisions herein are hereby repealed insofar as the same affects this Ordinance.

SECTION 18: EFFECTIVE DATE: This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED by the Board of Supervisors of Coolspring Township, Mercer County, Pennsylvania, this 2nd day of May, 2016, at a Regular Meeting thereof.

BOARD OF SUPERVISORS, COOLSPRING TOWNSHIP,
MERCER COUNTY, PENNSYLVANIA:

By: Robert L. McGhee
Robert L. McGhee, Chairman

By: Walter A. Darraugh
Walter A. Darraugh, Supervisor

By: Corwin L. Masson
Corwin L. Masson, Supervisor

ATTEST:

Terri E. Ligo
Terri E. Ligo, Secretary

ORDINANCE No. 3-2012

AN ORDINANCE OF THE BOROUGH OF MERCER MAKING IT UNLAWFUL TO SELL, CONVEY, ASSIGN, TRANSFER THE SALE, CONVEYANCE, ASSIGNMENT, OR TRANSFER, OF ANY INTEREST IN REAL PROPERTY BY DEED, AGREEMENT OF SALE, OR OTHERWISE, TO ANY PERSON OR ENTITY NOT ALREADY AN OWNER THEREOF, WITHOUT FIRST SECURING A CERTIFICATE OF INSPECTION FROM THE OFFICER OR THE BOROUGH'S WASTE WATER COLLECTION AND TREATMENT CERTIFYING INSPECTION AND COMPLIANCE RELATED TO ALL OF THE CURRENT RULES AND REGULATIONS OF THE BOROUGH OF MERCER RELATIVE TO TAP-IN, DISCHARGE INTO, AND CONNECTION WITH THE BOROUGH'S PUBLIC SANITARY SEWER SYSTEM.

WHEREAS, the Borough of Mercer endeavors to improve its community, including its water and sewer resources; and

WHEREAS, it is important for the integrity of its public sewer system to insure that inflow and infiltration into the public sewer system is minimized to protect the environment and provide as much capacity for the Borough in the public sewer system serving its users and that it is operating in good condition; and

WHEREAS, the transfer of property, either of possession or title, provides an opportunity for inspection of properties, including the inspection of the integrity of the connections to the public sewer system as well as any improper connections to the public sewer system; and

WHEREAS, the Borough is obligated by law to minimize inflow and infiltration into the public sewer system.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Mercer and it is hereby ordained and enacted by the authority of the same as follows;

SECTION 1: PROHIBITED CONNECTIONS: No person(s), home, residence, building or other contributor to the Borough's sewage conveyance or treatment facilities shall make, allow or have a connection of roof down-spouts, ground water sump pump, ground water, roof runoff, foundation drains, area way drains, subsurface drainage, directly or indirectly into said building sewer (lateral) or conveyance or treatment facilities. For all purposes related to the interpretation and enforcement of this Ordinance, a lateral is defined as that sewer line from the point said sewage line attaches to the Borough line across any and all other private or public property and attaching to the property owner's structure. The Borough shall not be responsible for obtaining permission from adjoining property owners who may share or over whose property laterals may cross but will endeavor to make reasonable efforts to assist all property owners with joint or shared lateral lines.

Mercer Borough Ordinances
Referenced in
Coolspring Ordinance #87

SECTION 2: CERTIFICATE OF INSPECTION: It shall be unlawful for any owner of real property in Mercer County, Pennsylvania, whose property is connected to the Borough's public sanitary sewer system/public water system, to sell, convey, assign, or transfer any real property, or for any person to facilitate the sale, conveyance, assignment or transfer of any real property, by deed, agreement of sale, or otherwise, or for any person not already an owner thereof, to acquire an interest in any such real estate, without first securing a Certificate of Inspection and Compliance issued by the Borough's Waste Water Collection and Treatment Superintendent or the Borough Engineer henceforth identified as the "Officer", or their designee, with respect to the real property being transferred, certifying that an inspection has been performed and compliance achieved relative to all of the rules and regulations of the Borough relative to tapping into, discharging into, or connection with, the Borough's public sanitary sewer system.

Any such inspection and certificate as may be issued by the Borough shall be pursuant to the inspection and is not intended to be an express or implied warranty or guarantee against the presence of any items of violation or noncompliance that were not apparent to the Borough Officer or his designee.

SECTION 3: APPLICATION FOR CERTIFICATE: An application for a certificate of inspection shall be made to the Borough Officer, or his designee, on forms furnished by the Borough and shall be accompanied by a fee in such amount as the Borough of Mercer sets, from time to time, by resolution or by ordinance, including any such resolution at the annual Borough reorganization meeting. The initial fee for the application for certification is \$50.00 which may be changed by subsequent resolution of Borough Council. The application for certificate fee shall be the same regardless of whether a private third party performs the inspection, as may be permitted by the Borough, or if the Borough conducts the inspection. The initial fee for the inspection to be conducted by the Borough which would include physical televised testing if feasible is set at \$100.00 and any subsequent or re-inspection fee would also be charged at \$100.00. The inspection fee and re-inspection fee may be changed by subsequent resolution of Borough Council.

SECTION 4: ISSUANCE OF CERTIFICATE OF INSPECTION AND COMPLIANCE: Upon receipt of a properly completed application for a Certificate of Inspection and Compliance, the Borough's Officer or his designee, shall within ten (10) calendar days, physically inspect the real property to be transferred, and shall determine its compliance with the Borough rules and regulations relative to its connection to the public sanitary sewer system. If the Officer, as aforementioned, determines compliance, he shall immediately issue a Certificate of Inspection and Compliance authorizing the transfer of the real estate. If the Officer determines non-compliance, he shall separately set forth each violation or items of noncompliance and the required remedial action in order for a Certificate of Inspection and Compliance to be issued and shall promptly forward a copy of his finding to all parties in interest. Upon notification of the remedial action having been completed, the Officer shall, within three (3) working days, re-inspect the real estate to be transferred and, if in compliance, shall immediately issue a Certificate of Inspection and Compliance. If upon re-inspection the Officer determines that all necessary remedial action has not occurred, he shall identify that remedial action still required and shall promptly forward a copy of his findings to all parties in interest. No Certificate of Inspection and Compliance shall be issued until all remedial action shall have been completed in a manner satisfactory of the Officer.

SECTION 5: INSPECTION: All users of the Borough's sanitary sewage system shall allow the Borough of Mercer, or its designees, access to any and all structures being provided such sewer service for the purpose of inspection to determine compliance under this ordinance.

SECTION 6: CONNECTIONS TO BE MADE WITHOUT DAMAGE TO THE STREETS: All sewers and sewer connections shall be laid so that house connections can be made without damaging the surface of any improved street. Thereafter, before any person shall be given a permit by the Borough Engineer to alter or remove the surface dressing of any improved street, a bond with two sufficient sureties in an amount set forth in the Borough's fee and rate schedule shall be given to the Borough Engineer. The bond shall guarantee that the condition of the altered street will be replaced in as good a condition as before the removal of the surface dressing and the property owner shall be held responsible for a period of one year to keep the part of the street so removed in good condition and good repair.

SECTION 7: LATERAL TESTING UPON SALE: Whenever any property located in the Borough of Mercer is to be transferred to or vested in any other person or entity by deed, instrument or writing, by which any lands are sold, granted, assigned, transferred or otherwise conveyed to, or vested in, a purchaser or purchasers thereof, the sewer lateral(s) to the property shall be tested and inspected for infiltration and all necessary repairs or replacements shall be performed to prevent all infiltration & inflow. All testing & inspection procedures must be approved by the Borough Engineer, or authorized representative, and all repair or replacement work shall be completed and approved by the Borough prior to transfer of title. The property owner shall retain the inspection card, signed by a Borough authorized representative as approved, as proof of compliance.

SECTION 8: PRIVATE SEWER LATERAL TESTING & INSPECTION PROCEDURES AND REQUIREMENTS: The property owner or his/her appointed contractor shall obtain a lateral inspection form for sewer lateral testing prior to commencing with the testing procedure. The test procedure shall be performed as follows:

- (a) Each lateral is to have a two-way clean-out, as approved by the Borough Engineer, located in the Borough right-of-way, on private property adjacent to the Borough right-of-way, or on a Public Utility Easement. If one does not exist and no other means of performing the inspection is adequate, then a clean-out shall be installed prior to performing any testing. See Section 9(a)(2) for specifications regarding installation.
- (b) Inspection shall be accomplished by a Closed Circuit Video recording observation. Closed Circuit Video records may be used as an initial observation and evaluation grading test conducted according to the standard specifications on record with the Borough Engineer.
- (c) Testing of downspouts, drains and other items whose discharge is not readily visible shall be done by use a dye test.
- (d) Testing of all interior drains shall be done by use of a dye test to determine the location of their discharge.

- (e) The submittal for the testing and inspection shall be by a formal report using WIN CAN Software, version 8 or newer or a comparable software as designated by the Borough Engineer and a DVD of the sewer lateral inspection along with a written narrative of the testing program and results.

SECTION 9: FAILURE OF TEST AND REMEDIAL ACTION:

- a. Should the lateral fail the test, the lateral shall be either repaired or replaced, and subsequently re-inspected.
1. A plumbing permit shall be required in order to perform the necessary lateral repairs or replacement. This process shall continue until the lateral passes the required inspection.
2. In the event that the lateral is excavated for the repair or replacement, and a two-way cleanout is not already in place, then such a cleanout is to be installed as part of the repair or replacement. The installed clean-out is to be located in the Borough right-of-way, on private property adjacent to the Borough right-of-way, or on a Public Utility Easement. Installation of the clean-out shall require a plumbing permit; shall be run to grade and covered/capped with a lid as approved by the Borough Engineer.
- b. When downspouts and other rainwater conveyances (including sump pumps) have been found to be connected to the sanitary sewer, evidence of these conveyances having been disconnected from the sanitary sewer and the previous connections permanently capped will be sufficient to remedy the connection issue. Reconnection of these conveyances to the sanitary sewer will be considered a violation of Mercer Borough's Stormwater Management Ordinances and all corresponding appropriate fines and penalties shall apply.
- c. Floor drains put in under previous building code controls and which are not acting as sump pumps but only as emergency flood control (as in the case of a burst pipe or water heater) may be left connected to the sanitary sewer.

SECTION 10: LATERAL CERTIFICATION: Once the lateral has successfully passed the testing procedure, the Borough Engineer, or said Borough Engineer's designee, shall issue a signed Certificate of Lateral Compliance.

SECTION 11: PERSONS AUTHORIZED TO PERFORM WORK: All work for the construction and/or repair of private sewage laterals shall be done pursuant to the conditions of service promulgated by the Borough of Mercer for sanitary sewage systems, as amended.

SECTION 12: APPLICATION OF STANDARD SPECIFICATIONS: The Borough's standard specifications shall control in any case where they apply except as follows:

- a. The standard specifications are in conflict with the provisions of this code, in which case the provision of this code shall control; and

- b. For good cause, the Borough Engineer has authorized deviation from the standard specifications.

If the action required by the standard specifications in a particular case is unclear, the Borough Engineer shall make the determination.

SECTION 13: APPEAL: Any person or persons aggrieved by a decision of the Officer may, within thirty (30) days of being so aggrieved, file a written appeal of said decision to the Borough of Mercer. Said appeal shall be in writing and set forth, in reasonable detail, the particular decision(s) by the Officer to which exception is taken, the reason for the exception being taken and the proposed remedy. Upon receipt of an appeal, the Borough of Mercer within thirty (30) calendar days of receipt shall permit a hearing to be conducted during a regularly scheduled Meeting. All appeal hearings shall be conducted in accordance with the local agency law.

SECTION 14: VIOLATIONS: The violation of any provision of this ordinance shall be punishable by fine in the amount of up to \$1,000 plus costs of prosecution and in default payment of such fine and costs, to undergo imprisonment for a period not to exceed thirty (30) days. Each day that the violation continues shall be a sole and separate offense.

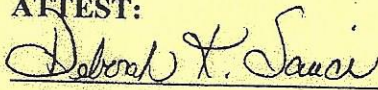
SECTION 15: SEVERABILITY: The provisions of this Ordinance shall be severable, and, if any of the provisions hereof shall be held unconstitutional, void or otherwise unenforceable, such shall not affect the validity of any of the remaining provisions of said Ordinance.

SECTION 16: REPEALER: All ordinances or parts of ordinances conflicting with any of the provisions other this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 17: EFFECTIVE DATE: This Ordinance shall be effective March 1, 2013.

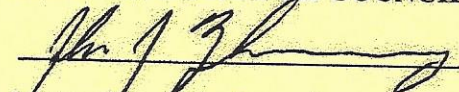
THE BOROUGH OF MERCER ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED INTO LAW BY THE MERCER BOROUGH COUNCIL THIS 10th DAY OF December 2012.

ATTEST:



Secretary

MERCER BOROUGH COUNCIL


Mercer Borough Council President

This Ordinance is approved this 10th Day of December 2012.

Mercer Borough Mayor

**BOROUGH OF MERCER
MERCER COUNTY, PENNSYLVANIA
RESOLUTION 3-2013**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
MERCER, MERCER COUNTY, PENNSYLVANIA, ESTABLISHING AND
IMPLEMENTING A POLICY FOR THE APPLICABILITY OF THE EXISTING
SEWER LATERAL ORDINANCE, NO. 3-2012, AS AMENDED BY ORDINANCE 3-
2013, TO APPLY TO ALL WASTEWATER CUSTOMERS RECEIVING SERVICE
FROM MERCER BOROUGH WHO ARE LOCATED OUTSIDE OF MERCER
BOROUGH.**

WHEREAS, Mercer Borough (Borough) is a municipality of the Commonwealth of Pennsylvania, and is regulated by certain laws and ordinances; and

WHEREAS, the Borough has enacted Ordinance 3-2012 setting forth certain obligations, rules, and regulations pertaining to sewer laterals and the connection of the same with the Borough's public sanitary sewer system as amended by Ordinance 3-2013; and

WHEREAS, the Borough currently serves a number of homes, buildings and structures located outside of the boundaries of Mercer Borough but located in proximity to the Borough so that the property owners are able to connect with the Mercer sanitary sewer system; and

WHEREAS, the Borough believes that it is important for the integrity of its public sewer system to insure that inflow and infiltration into the public sewer system is minimized to protect the environment and to provide as much capacity for the Borough in the public sewer system serving its users and that it is operating in good condition; and

WHEREAS, the transfer of property, either of possession or title, provides an opportunity for inspection of properties, including the inspection of the integrity of the connections to the public sewer system as well as any improper connection to the public sewer system; and

WHEREAS, the Borough is obligated by law to minimize inflow and infiltration into the public sewer system; and

WHEREAS, the Borough believes that the existing Sewer Lateral Ordinances as referenced above should pertain equally to all users of the sanitary sewer system whether located inside or outside the boundaries of the Borough; and

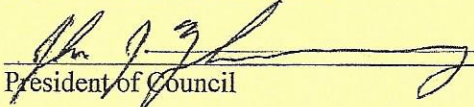
NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED BY THE Borough Council of Mercer Borough as follows:

1. The Ordinances designated as 3-2012 and 3-2013, and any further amendments thereto shall apply to all current and future users of the Mercer Borough sanitary sewer system whose property is located outside the Borough in the same manner as if the property would be located within the Borough.

2. In the event any user of the sanitary sewer system fails to abide by the requirements of the above referenced Ordinances, then upon thirty (30) days notice from the Borough, further sanitary sewer service to that non-Borough property shall cease without further liability to the Borough.
3. This Resolution shall be deemed to be a rule, regulation and condition of sanitary sewer service by all customers who receive service from the Borough.
4. This Resolution shall be effective as immediately as provided by law.
5. The Borough Secretary shall send a copy of this Resolution together with a copy of Ordinance 3-2012 and Ordinance 3-2013 to all current customers whose property is located outside of the Mercer Borough limits and who use Mercer Borough's sanitary sewer system to remove waste from their property.

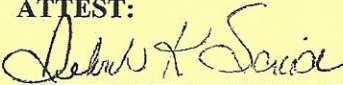
ADOPTED this 9th day of July, 2013.

BOROUGH OF MERCER



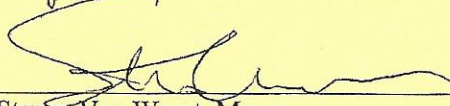
President of Council

ATTEST:



Deborah K. Scruci
Mercer Borough Secretary

THIS RESOLUTION HAS BEEN EXAMINED AND APPROVED BY ME, this 9th day
of July, 2013.



Steven Van Woert, Mayor

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**BOROUGH OF MERCER
MERCER COUNTY, PENNSYLVANIA
ORDINANCE NO. 7 -2013**

AN ORDINANCE OF THE BOROUGH OF MERCER, MERCER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 3-2012 MAKING CERTAIN AMENDMENTS TO SAID ORDINANCE TO PROVIDE FOR ESCROW ACCOUNTS FOR LATERAL REPAIR AND/OR REPLACEMENT AND SETTING FORTH THE PERIOD OF TIME FOR WHICH A CERTIFICATE OF COMPLIANCE IS VALID.

WHEREAS, the Borough of Mercer enacted Ordinance 3-2012 effective March 1, 2013; and

WHEREAS, the Borough of Mercer believes it is in the best interest to the public to amend said Ordinance;

BE IT ORDAINED AND ENACTED BY the Borough Council for the Borough of Mercer, Mercer County, Pennsylvania, and the Commonwealth of Pennsylvania, pursuant to the authority of the Borough Code, Mercer Borough, hereby enacts and ordains by authority of the same as follows:

SECTION 1: Section 10 amends Ordinance 3-2012: Lateral Certification is amended to add as follows: This Certificate will be valid for eighteen (18) months from date of issue.

SECTION 2: Section 8: Private Sewer Lateral Testing and Inspection Procedures and Requirements is amended to add as follows:

(c) Time Extension to Obtain Certificate.

1. If the Certificate of Compliance cannot, after reasonable due diligence, be obtained prior to title transfer, the property owner may request in writing that Mercer Borough grant an extension of time of up to one hundred eighty (180) days in which to perform repairs or replacement as is required by the Ordinance. The property owner shall fill out a form as required by the designated official(s) of Mercer Borough which may be obtained at the Mercer Borough office.

2. As a condition of the issuance of a time extension certificate, funds, in US currency, or equivalent, in an amount of 1 ½ times the estimated costs of repair/replacement provided by a person authorized to perform work as set forth in Section 11 of the original Ordinance and approved by Mercer Borough, shall be deposited in a non-interest bearing checking account established by Mercer Borough. All requests for an extension of time are subject to approval by the Borough. Once the required sanitary sewer lateral work is completed and the lateral passes the required inspection, a Certificate of Compliance will issue and funds held in escrow will be released according to the terms of the escrow agreement which include but are not limited to payment of the contractors bill directly. Mercer Borough assumes no liability for disbursements made pursuant to the escrow agreement with the property owner.

3. In the event the work required by the Ordinance is not completed within one hundred eighty (180) days of the issuance of the time extension agreement or if the work does not meet the requirements under the Ordinance, the escrow funds may then be used by the Borough to have the work completed, or if that is not feasible, the funds shall be forfeited by the landowner to the Borough. The Borough is not legally obligated or responsible to complete the required work. If the work is not done successfully and/or funds are forfeited, this will not excuse the landowner's compliance with the original Ordinance and the landowner remains liable as provided in the original Ordinance.

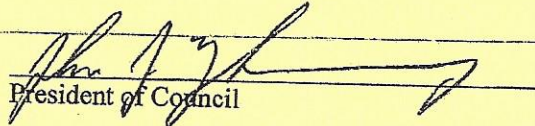
SECTION 3: Ordinance 3-2012 except as amended above is reaffirmed in its entirety.

SECTION 4: Severability: If any section or clause of this Ordinance shall be adjudged invalid, said adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

SECTION 5: Effective date: This Ordinance shall take effect immediately after the enactment thereof.

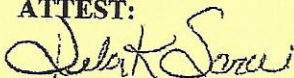
ORDAINED AND ENACTED, this 1st day of July, 2013, at a Regular Meeting of the Mercer Borough Council.

BOROUGH OF MERCER



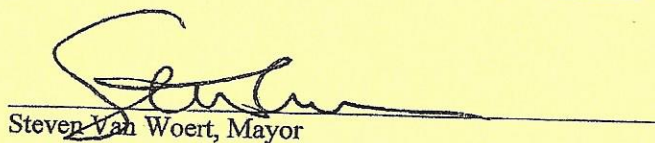
President of Council

ATTEST:



Deborah K. Scruci
Mercer Borough Secretary

EXAMINED AND APPROVED BY ME, this 1st day of July, 2013.



Steven Van Woert, Mayor