Chapter 106
[Entire Chapter Amended 1-3-95 by Ord. No. 1652]

SEWERS AND DRAINS

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[HISTORY: Adopted by the BOARD OF COMMISSIONERS of the TOWNSHIP of Upper St. Clair: Part I, at time of adoption of CODE 8-2-76 by Ord. No. 632; see Ch. 1, Adoption of TOWNSHIP CODE; Part 2, 9-4-84 as Ord. No. 1100. Amendments noted where applicable.]

GENERAL REFERENCES

Definitions and rules of interpretation - See Ch. 3.
Penalty for failure to pay assessments - See Ch. 43.
Abandoned excavation and wells - See Ch. 5.
Collection of improvement costs by installment - See Ch. 78.
Procedures and specifications for public improvements - See Ch. 99.
Delinquent sewer accounts - See Ch. 105A.
Sidewalks - See Ch. 109.
Streets and highways - See Ch. 112.
Subdivision and land development - See Ch. 114.
Agreements and contracts - See Ch. A136.
Street and public improvement ordinances - See Ch. A139.

Part 1
Rules and Regulations
[Adopted at time of adoption of CODE 8-2-76 by Ord. No. 632]

ARTICLE I
Definitions

§ 106.1. Definition of terms.

As used in this Part 1, the following terms shall have the meanings indicated:

ALCOSAN: Allegheny County Sanitary Authority. **[Added 1-3-95 by Ord. No. 1652]**

ALCOSAN FACILITIES: ALCOSAN'S treatment facility and any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature**. [Added 1-3-95 by Ord. No. 1652]**

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 leaks or other deficiencies. **[Added 9-5-17 by Ord. No. 2175]**

CONNECTION: A physical change to a sewer which permits flow to enter the sewer; or any change, whether physical or not, which would result in an increase in sanitary sewage flow into a sewer as estimated in accordance with regulations published by the Pennsylvania Department of Environmental Protection and which would require approval of a Planning Module by the Pennsylvania Department of Environmental Protection. **[Added 6-6-88 by Ord. No. 1325; Amended 9-5-17 by Ord. No. 2175]**

CORROSIVE WASTE: A waste or substance which has any of the following properties: (i) it is aqueous and has a pH of less than or equal to 5, or greater than or equal to 10, as determined by pH meter; (ii) it is liquid and corrodes steel (SAE1020) at a rate greater than 6.35 mm (0.250 in.) per YEAR at a test temperature of 55oC (130oF). **[Added 1-3-95 by Ord No. 1652]**

DYE TEST: Any commonly accepted plumbing test wherein dye is introduced into the storm or surface water collection system or real property to determine if storm or surface water is entering the sanitary sewer system. **[Added 12-7-98 by Ord. No. 1787]**

EVIDENCE OF COMPLIANCE: An official statement from the Township stating that it has on file a written statement from a licensed plumber that there are no illegal storm or surface water connections into the sanitary sewer system which would violate Township or county ordinances, that state statutes or Township, county or state plumbing regulations. **[Added 12-7-98 by Ord. No. 1787]**

EXPLOSIVE WASTE: See REACTIVE/EXPLOSIVE WASTE. **[Added 1-3-95 by Ord. No. 1652]**

HAZARDOUS WASTE: All wastes that are defined as hazardous under the regulations enacted pursuant to the Resource Conservation and Recovery Act as specified in 40 C.F.R. 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 Pa. Code 261. **[Added 1-3-95 by Ord No. 1652]**

IGNITABLE WASTE: A waste or substance which can create a fire hazard in the sewage collection system or the ALCOSAN FACILITY which has any of but is not limited to the following properties: (i) it is a liquid with a flash point less than 60oC (140oF) using the test methods specified in 40 C.F.R. 261.21. **[Added 1-3-95 by Ord No. 1652]**

ILLEGAL STORM OR SURFACE WATER CONNECTION: The discharge of basement seepage or ground-water or the connection of downspouts, roof drainage, driveway drainage, surface or areaway drainage into the sanitary sewer system. **[Added 12-7-98 by Ord. No. 1787]**

INTERFERENCE: A discharge originating in the TOWNSHIP which, along or in conjunction with a discharge or discharges from other sources, both: (i) inhibits or disrupts the ALCOSAN FACILITIES, its treatment processes or operations or its sludge processes, use or disposal; and (ii) therefore is a cause of a violation of any requirement of ALCOSAN'S NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by ALCOSAN in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations: Section 405 of the Clean Water Act, the Solid Waste Disposal Act (including Title 2 or more commonly referred to as the Resource Conservation and Recovery Act and including state regulations contained in the State Sludge Management Plan prepared pursuant to subtitle D or the Solid Waste Disposal Act), the Clean Air Act, and the Toxic Substances Control Act. **[Added 1-3-95 by Ord No. 1652]**

NPDES: ALCOSAN'S National Pollutant Discharge Elimination System. **[Added 1-3-95 by Ord No. 1652]**

PASS THROUGH: Shall mean any discharge of a pollutant through ALCOSAN into the waters of the COMMONWEALTH in quantities or concentrations which, alone or in conjunction with other discharges from other sources, is a cause of a violation of any requirement of the ALCOSAN'S NPDES Permit (including an increase in the magnitude or duration of a violation). **[Added 1-3-95 by Ord No. 1652]**

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, Governmental Entity, or any other legal entity, or its legal representatives, agents or assigns. **[Added 1-3-95 by Ord No. 1652]**

pH: The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. **[Added 1-3-95 by Ord No. 1652]**

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, emissions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand cellar dirt or other industrial, municipal, or agricultural waste discharged into water. **[Added 1-3-95 by Ord No. 1652]**

POLLUTION: The man made or man induced alteration of the chemical, physical, biological, and/or radiological integrity of water. **[Added 1-3-95 by Ord No. 1652]**

REACTIVE/EXPLOSIVE WASTE: A waste or substance which can create an explosion hazard in the sewage collection system or the ALCOSAN treatment facility; which has any of but is not limited to the following properties: (i) it is normally unstable and readily undergoes violent change without detonating; (ii) it reacts violently with water; (iii) it forms potentially explosive mixtures with water; (iv) when mixed with water, it generates toxic gasses, vapors or fumes in a quantity sufficient to present a danger to human health or the environment; (v) it is a cyanide or sulfide bearing waste which can generate toxic gasses, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment; (vi) it is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement; (vii) it is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure; (viii) it is a forbidden explosive as defined in 40 C.F.R. 173.51, or a Class A explosive as defined in 49 C.F.R. 173.53 or a Class B explosive as defined in 49 C.F.R. 173.88. **[Added 1-3-95 by Ord No. 1652]**

SEWER: A pipe or conduit used for receiving and collecting sewage matter and liquid waste from the inside of buildings and structures and a pipe or conduit used for receiving and collecting stormwater. Drainage system shall be included in the term "sewer." **[Amended 5-21-79 by Ord. No. 839]**

SEWER LATERAL: Any pipe, line or sewer running across or through any property and connecting to a pipe, line or SEWER owned by the Township or municipal authority for the purpose of transporting WASTEWATER for treatment. **[Added 9-5-17 by Ord. No. 2175]**

TEMPORARY EVIDENCE OF COMPLIANCE: A temporary statement from the Township issued pursuant to the terms of Section 106.47 of this Chapter. **[Added 12-7-98 by Ord. No. 1787]**

THE ACT: The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq. **[Added 1-3-95 by Ord No. 1652]**

TOWNSHIP MUNICIPAL CLAIMS AND TAX VERIFICATION LETTER: A written letter from the Township concerning municipal liens and property taxes. **[Added 12-7-98 by Ord. No. 1787]**

TOXIC POLLUTANT: Any POLLUTANT or combination of POLLUTANTS listed as toxic in regulations promulgated by the Environmental Protection Agency, pursuant to Section 307(A) of THE ACT. **[Added 1-3-95 by Ord No. 1652]**

WASTEWATER: The liquid and water carried by industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed directly or indirectly in the ALCOSAN FACILITIES. **[Added 1-3-95 by Ord No. 1652]**

WATERS OF THE COMMONWEALTH: All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the COMMONWEALTH or any portion thereof. **[Added 1-3-95 by Ord No. 1652]**

ARTICLE II
Establishment of Sewer and Drainage Systems

§ 106.2. Authority to establish and construct sewers and drains, require connections and charge sewer rentals.

106.2.1. The TOWNSHIP may establish and construct a system of sewers and drainage, locating the same as far as practicable in the center of the street or on either side of the roadway or of the curblines thereof in any street, and such sewer or drainage system may be for the service and use of properties on both sides of the street or on only one (1) side of the street in which it is laid, as seems advisable to the BOARD OF COMMISSIONERS. **[Amended 5-21-79 by Ord. No. 839]**

106.2.2. The BOARD OF COMMISSIONERS may permit and, where necessary for the public health, by ordinance require any owner of property benefitted, improved or accommodated by sewers to make connections with such sewer or drainage system in such manner as the BOARD OF COMMISSIONERS may order for the purpose of discharge of such drainage or waste matter as the BOARD OF COMMISSIONERS may specify. The BOARD OF COMMISSIONERS may, by penalties, enforce any regulation it may ordain with reference to any sewer or drainage connections. All connections required shall be uniform. **[Amended 5-21-79 by Ord. No. 839]**

106.2.3. All persons so connected may be required to pay, in addition to the cost of making such connections, a monthly or annual rate prescribed by ordinance. Such monthly or

annual rate shall constitute a lien, until paid, against the property so connecting with such system, and the amount thereof may be recovered by due process of law.

§ 106.3. Sewer and drainage systems constructed by a municipal authority.

Whenever a sewer or drainage system is established or constructed by any municipal authority within the TOWNSHIP, the BOARD OF COMMISSIONERS shall be empowered by ordinance to compel all owners of property abutting on or adjoining any street or highway in which such sewer or drainage system is located to make connection with such sewer or drainage system, in such manner as it may order, for the purpose of discharge of such drainage or waste as it may specify.[1] The BOARD OF COMMISSIONERS may by ordinance impose penalties to enforce any regulation or order it may ordain with reference to any sewer or drainage connections.

§ 106.4. Location of sewers on private property.

Where it is reasonably impracticable, in the judgment of the BOARD OF COMMISSIONERS, in any part of such system, to carry such sewers or drains along the lines of public streets or highways, the BOARD OF COMMISSIONERS may locate and construct as much of the same as is necessary through private lands and may acquire the necessary land or right-of-way for such purpose by gift, purchase or by the exercise of the right of eminent domain.

§ 106.5. Treatment works and facilities for disposition of sewage and drainage.

The BOARD OF COMMISSIONERS shall make the necessary provisions for the disposition of the sewage and drainage within or for carrying the same beyond the limits of the TOWNSHIP; and to this end, the Board is hereby authorized to enter into contracts with the Allegheny County Sanitary Authority, or such other corporations or persons as the laws of the Commonwealth of Pennsylvania may provide, in accordance with the laws of the Commonwealth of Pennsylvania.

§ 106.6. Entry on lands to mark sewer routes; damages.

In the event of inability to agree with the owners, either for the land necessary for so much of the line of sewers and drains as are not located upon public roads, streets or highways, or for so much land as is required for the disposition of the sewage or drainage, the BOARD OF COMMISSIONERS may enter upon said land and mark thereon the route and width necessary for the construction of the line of sewers or drains, or the boundaries of so much land as is necessary for the disposition of such sewage or drainage, and occupy the said land for such purposes. For all damage done or suffered, or which accrues to the owner or owners of such land by reason of the taking of the same, the funds of the TOWNSHIP raised by taxation shall be pledged and deemed as security. Such damages shall be determined by viewers in the manner provided under the laws of the Commonwealth of Pennsylvania.

[1]Editor's Note: For provisions requiring connection to sewers, see Art. V of this chapter.

§ 106.7. Sewer construction. [Amended 6-6-88 by Ord. No. 1325]

106.7.1. Plans and Specifications - All drains and sewers, either privately or publicly owned shall be constructed in accordance with the plan requirements and specifications of the TOWNSHIP Public Improvements Code.[2]

106.7.2. No work shall be done in connection with the construction of sanitary sewers unless and until all required approvals and permits shall have been granted by the Commonwealth of Pennsylvania and the TOWNSHIP.

§ 106.8. Cost of construction; manner of payment. [Amended 5-21-79 by Ord. No. 839]

The cost of construction of any system of sewers or drains constructed by the authority of this Article may be charged upon the properties benefitted, improved or accommodated thereby to the extent of such benefits, or may be paid for wholly or partially by general taxation. Any amount not legally chargeable upon properties benefitted, improved or accommodated shall be paid out of the general TOWNSHIP fund.

§ 106.9. Sanitary Sewer Lateral Maintenance. (Added 5-4-98 by Ord. No. 1770]

106.9.1. Typical Construction: Sanitary sewer laterals shall be constructed at a continuous angle (a) in a straight run from the main sanitary sewer line to the road right of way line. The angle of the lateral shall be adequate to maintain flow into the main sewer line. The landowner shall maintain the entire length of the lateral up to the main line. However, if a maintenance problem with a private lateral occurs in an area where the main sewer lies within a paved cartway, the TOWNSHIP, at its exclusive discretion, may perform corrective work within the cartway at the landowner's expense. Construction shall occur in accordance with Public Improvement Code, Section 109, Typical Lateral Maintenance Detail, Fig. 4.2.9a.

106.9.2. Atypical Construction: For laterals not installed as described in Section 106.9.1., in the event that the TOWNSHIP performs any type of open cut maintenance on such lateral located under the paved cartway, a clean-out may be installed by the TOWNSHIP in its exclusive discretion five (5) feet from the edge of the paved cartway for future maintenance by the TOWNSHIP. Except for that portion of the lateral extending from the clean out to the main sewer, the lateral shall be maintained by the landowner. Construction shall occur in accordance with Public Improvement Code, Section 109, Atypical Lateral Maintenance Detail, Fig. 4.2.9b.

[2]Editor's Note: See Ch. 99, Public Improvements: Procedures and Specifications.

ARTICLE III
Assessment of Costs

§ 106.10. Manner of assessment. [Amended 5-21-79 by Ord. No. 839]

The charge for any such sewer system construction in the TOWNSHIP shall be assessed upon the properties benefitted, improved or accommodated in either of the following methods:

106.10.1. By an assessment, pursuant to TOWNSHIP ordinance against each lot or piece of land benefitted, improved or accommodated by the sewer system, according to the foot-front rule, allowing such reduction in the case of corner properties and unusually shaped properties, or in the case of those properties benefitted, improved or accommodated by more than one (1) sewer, as the ordinance may specify. The ordinance may provide for equitable assessments or adjustments when special conditions exist where an assessment for the full frontage would be unjust. The TOWNSHIP MANAGER shall cause thirty (30) days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent or by leaving such notice on the assessed premises. However, when the lot or piece of land is on a comer it shall be assessed for its entire frontage abutting on any sewer, except that when such property is a vacant lot or contains only a single-family dwelling it shall be assessed along the shorter frontage and assessed along the longer frontage abutting on a sewer, commencing at a point no closer to the comer than one hundred twenty-five (125) feet. When the TOWNSHIP shall have determined to assess properties in proportion to frontage, any property benefitted, improved or accommodated by the sewer which shall not be lawfully subject to such manner of assessment, or as to which such manner of assessment shall not reasonably measure the benefit to such property, shall be assessed by the TOWNSHIP in accordance with the method herein provided in Subsection 2 of this section; but each such benefitted, improved or accommodated property shall be assessed with not less than the whole amount of the benefit accruing to it and legally assessable.

106.10.2. By an assessment against the several properties benefitted, improved or accommodated by the sewer to the extent of such benefits. The amount of the charge on each property shall be ascertained as provided in this chapter for the assessment of benefits.

§ 106.11. Procedure for assessment of benefits. [Amended 5-21-79 by Ord. No. 839; 4-4-22 by Ord. No. 2235]

The BOARD OF COMMISSIONERS shall have the right, when selecting the method of assessment provided by § 106.10.2. rather than the foot-front rule provided by § 106.10.1., to either petition the Court of Common Pleas for appointment of viewers to assess benefits or to determine itself, at a public hearing, the equitable assessment of cost for the construction of any system of sewers or drains to any property benefitted, improved or accommodated by such sewer. In all cases where the BOARD OF COMMISSIONERS shall neglect for a period of six (6) months after the completion of the sewer system to either ordain assessments by frontage under § 106.9.1., present a petition for appointment of viewers, or to themselves open public

hearings to determine the benefits, the taxpayers of the TOWNSHIP whose property evaluation as assessed for taxable purposes within the TOWNSHIP shall amount to fifty percent (50%) of the total property evaluation as assessed for taxable purposes within the TOWNSHIP may present a petition to the Court of Common Pleas of Allegheny County for the appointment of viewers to assess benefits, or may file such a petition to the BOARD OF COMMISSIONERS for the commencement of public hearings. In all cases where such taxpayers shall, within three (3) months of the adoption of any ordinance levying an assessment under the foot-front rule, by petition state to the Court of Common Pleas that such assessment insufficiently represents the benefits accruing to abutting properties, they may include in such petition a prayer for the appointment of viewers to assess benefits or may petition for the Commissioners to commence public hearings to reevaluate the assessment. If the taxpayers desire to petition to the Court of Common Pleas, the Court shall thereupon appoint three (3) disinterested persons from the County Board of Viewers, none of whom shall be a resident of that portion of the TOWNSHIP which is accommodated by the sewer in question, and the viewers so appointed shall proceed with action for the assessment of damages and benefits.

§ 106.12. Lien for assessment; costs of proceedings. [Amended 5-21-79 by Ord. No. 839; 4-4-22 by Ord. No. 2235]

After the amount of the assessment charged upon the several properties serviced by a particular sewer has been established by one (1) of the three (3) methods available to the TOWNSHIP, it shall be the duty of the TOWNSHIP MANAGER to file municipal liens for the assessments covered by such ordinance or confirmation within the time and in the manner provided by law, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens. The amounts of all assessments shall be payable to the TOWNSHIP MANAGER for the use of the TOWNSHIP. The BOARD OF COMMISSIONERS shall also make out bills for the amounts charged against each property, which bills shall be forthwith sent to all property owners benefitted by the sewer. Any costs for publication of notices for proceedings before the BOARD OF COMMISSIONERS or before a board of viewers shall be paid by the TOWNSHIP.[3]

ARTICLE IV
Drainage Facilities

§ 106.13. Alteration of drains, ditches and watercourses; approval of plans.

106.13.1. No person shall stop, fill up, confine, pave or otherwise interfere with any drain, ditch, watercourse or drainage facilities in the TOWNSHIP without first submitting suitable plans thereof to the BOARD OF COMMISSIONERS for its approval. Such plans shall be prepared in accordance with such rules and regulations as may be prescribed by the BOARD OF COMMISSIONERS, and shall show the exact nature of the work to be performed.

[3]Editor's Note: For provisions pertaining to payment of improvement assessments by installment, see Ch. 78, Improvement Costs: Collection by Installment. For provisions imposing a penalty for failure to pay assessments, see Ch. 43, Assessments: Penalty for Failure to Pay.

106.13.2. Before acting upon any such plan, the BOARD OF COMMISSIONERS may, in its discretion, arrange for a public hearing, after giving such notice as it may deem desirable in each case.

106.13.3. The BOARD OF COMMISSIONERS is authorized to alter such plans and to specify any changes or modifications of any kind which the Board, in its discretion, may deem necessary with respect thereto, and may make its approval of such plans subject to any alterations, changes or modifications. Any plans, when so approved, shall be signed on behalf of the TOWNSHIP by such officer as the BOARD OF COMMISSIONERS may designate, and shall be filed in the TOWNSHIP offices where the same shall be available for public inspection.

106.13.4. No drain, ditch, watercourse or drainage facilities shall be constructed, altered, stopped, filled up, confined, paved or otherwise interfered with, except in strict accordance with plans so approved by the BOARD OF COMMISSIONERS, or with further plans subsequently approved by it in the same manner.

106.13.5. The TOWNSHIP shall have no responsibility with respect to conditions arising as a result of the failure on the part of any person to comply with the requirements of this Article.

§ 106.14. Maintenance of drainage facilities by TOWNSHIP; interference prohibited.

106.14.1. The BOARD OF COMMISSIONERS may enter upon any lands or enclosures and cut, open, maintain and repair such drains or ditches through the same as in its judgment are necessary to carry the water from the streets or highways.

106.14.2. It shall be unlawful for any person to stop, fill up or confine, pave or otherwise interfere with any such drain or ditch, watercourse or drainage facilities, or to divert or change the course thereof, without the approval of the BOARD OF COMMISSIONERS as herein provided.

§ 106.15. Maintenance of storm sewers and stormwater management facilities by private entities. [Added 3-4-91 by Ord. No. 1492]

106.15.1. The owner shall maintain all stormwater management facilities and storm sewers in a safe and attractive manner and in such a way that they are operating in accordance with the construction design approved by the TOWNSHIP.

106.15.2. Inspections. The TOWNSHIP MANAGER or his designated representative shall inspect stormwater management facilities and storm sewers for the purpose of determining and causing adequate maintenance of stormwater management facilities and storm sewers.

106.15.3. Right of entry. Whenever necessary for enforcing the provisions of this section, the TOWNSHIP MANAGER or his designated representative shall be permitted to enter

premises at all reasonable times to inspect or to perform any duty imposed by this code; provided that is such premises are occupied, the TOWNSHIP MANAGER or his designated representative shall first present proper credentials and request entry. If such entry is refused, the TOWNSHIP MANAGER or his designated representative shall have recourse to every remedy provided by law to secure entry.

106.15.4. Notice to do corrective maintenance. When an owner fails to maintain stormwater management facilities and storm sewers in a safe and attractive manner an din such a way that they are operating in accordance with the construction design approved by the TOWNSHIP, the TOWNSHIP shall serve a written notice by personal service or certified mail on the owner to perform corrective maintenance within sixty (60) days of receipt of the notice. Failure to comply with said notice shall be deemed a violation of this article.

106.15.5. Remedial action by TOWNSHIP. If the owner fails to maintain the stormwater management facilities and storm sewers, following due notice by the TOWNSHIP to do corrective maintenance, the TOWNSHIP shall perform the necessary maintenance or corrective work and collect costs as provided in Section 106.12. **[Amended 4-4-22 by Ord. No. 2235]**

§ 106.16. Effect of provisions on state and county regulations.

Nothing contained in this Article shall be held to restrict or limit the State Department of Transportation or Allegheny County in the exercise of any of its powers and duties under the provisions of any law of this commonwealth, nor to obviate the necessity of securing the consent of the Department of Environmental Resources where required by existing law.

ARTICLE V
Connection and Use Regulations

§ 106.17. Required sewer connections. [Amended 5-21-79 by Ord. No. 839]

All buildings, residences, dwellings, commercial establishments, churches, schools and any other structures, exclusive of farm buildings, requiring the disposal of sewage which are now erected or which shall hereafter be erected upon lots abutting upon any line of the sewers of the TOWNSHIP shall be connected with and use said sewers for the disposal of sanitary sewage in the manner hereinafter provided.

§ 106.18. Use of individual disposal systems. [Amended 5-21-79 by Ord. No. 839]

It shall be unlawful for any owner, lessee or occupier of any property abutting on any line of the sewer system of the TOWNSHIP within the area described in § 106.15. to employ any means, either by septic tank or otherwise, for the disposal of sanitary sewage other than into and through the sewers of the TOWNSHIP.

§ 106.19. Notice to make connection. [Amended 5-21-79 by Ord. No. 839]

Where any structure is now or hereafter may be connected to any septic tank or uses any method by which sanitary sewage is disposed of or eliminated other than through the sewer system of the TOWNSHIP, it shall be the duty of the TOWNSHIP to notify the owner, lessee or occupier of such structure in writing, either by personal service or certified mail, to disconnect the same and make proper connections for the discharge and disposal of sewage through the sewer system of the TOWNSHIP, as hereinafter provided, within sixty (60) days after receipt of such notice. Failure to comply with said notice shall be deemed a violation of this Article.

§ 106.20. Nonconformance with notice; performance of work by TOWNSHIP and collection of costs.

In case any owner of property adjoining or adjacent to such sewer shall neglect or refuse to connect with and use said sewers within such period of sixty (60) days after notice to do so has been served upon him, either by personal service or certified mail as aforesaid, the BOARD OF COMMISSIONERS or its agents may enter upon such property and construct such connection. In such case the TOWNSHIP shall forthwith upon completion of the work send an itemized bill of the cost of construction of such connection to the owner of the property to which connection has been so made which bill shall be payable forthwith. In case of neglect or refusal by the owner of such property to pay said bill, a municipal lien for said construction shall be filed within six (6) months of the date of completion of the construction of said connection, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

§ 106.21. Connection permit application; fee. [Amended 5-21-79 by Ord. No. 839]

Any person whose property abuts any line of the sewer system of the TOWNSHIP and who desires to make connections for the discharge and disposal of sewage shall make application to the TOWNSHIP.

106.21.1. Said application shall set forth:

106.21.1.1. The character of the structure to be connected.

106.21.1.2. The lot number and location.

106.21.1.3. The name of the person who is to make the connection.

106.21.2. The application shall be accompanied by a permit fee, as provided in Ch. 57, Fees, together with the additional charges hereinafter set forth. **[Amended 5-1-78 by Ord. No. 773; 4-4-83 by Ord. No. 1026]**

§ 106.22. Connection fee. [Amended 5-1-78 by Ord. No. 773]

106.22.1. **[Amended 5-21-79 by Ord. No. 839]** Accompanying said application shall be a fee for connection to the sewer system. The amount of said fee shall be as provided in Ch. 57, Fees. **[Amended 4-4-83 by Ord. No. 1026]**

106.22.2. In any case where a receipt or satisfactory evidence is produced showing prior payment of a connection fee by the owner or a previous owner of the property, a permit shall be granted without the payment of an additional fee.

§ 106.23. Maintenance fees. [Added 5-5-80 by Ord. No. 899]

106.23.1. In addition to the connection fees provided for in § 106.21, a fee, as provided in Ch. 57. Fees, shall be paid at the time of application for a sewer connection. **[Amended 4-4-83 by Ord. No. 1026]**

106.23.2. The term "equivalent dwelling unit" shall mean the amount of sanitary sewage generated by a single dwelling unit in one (1) day, and such amount shall be deemed to be three hundred fifty (350) gallons per day.

106.23.3. In a residential building, as defined in Chapter 130 of the CODE, each dwelling unit, as defined in Chapter 130 of the CODE, shall be deemed to generate sewage in the amount of one (1) equivalent dwelling unit. The fee shall be as provided in Ch. 57, Fees. **[Amended 4-4-83 by Ord. No. 1026]**

106.23.4. In other buildings or structures, as defined in Chapter 130 of the CODE, the number of equivalent dwelling units attributed to the building or structure shall be determined in accordance with regulations published by the Pennsylvania Department of Environmental Resources. The fee shall be as provided in Ch. 57, Fees. **[Amended 4-4-83 by Ord. No. 1026]**

§ 106.24. Conditions of Issuance of Connection Permit. [Added 6-6-88 by Ord. No. 1325.][4]

No sanitary sewer connection permit shall be issued until the Pennsylvania Department of Environmental Resources has issued all permits and approvals for the sanitary sewer system to which the connection will be made, including but not limited to the Planning Module, Part II permit and Tap Control Plan.

§ 106.25. Prohibited discharges; notice to discontinue. [Amended 5-21-79 by Ord. No. 839]

106.25.1. It shall be unlawful for any person, firm or corporation connected to said sewer system to permit the flow of any stormwater from the roofs of any building or structure, or

[4]Editor's Note: Former Subsection 106.21, entitled Payment of Fees in the Case of Subdivision, was deleted 6-6-88 by Ord. No. 1325.

surface water, whether occasioned by rains or otherwise, to flow into said system, or to allow or cause to enter said sewage system any insoluble solids of any kind, or to permit or cause to enter or flow into said system any flammable or volatile liquids or industrial wastes or matter of any kind, or the sewage from any property other than that for which the permit was issued.

106.25.2. The TOWNSHIP shall serve a fifteen-day notice on any person, firm or corporation to discontinue the use of sewers for any other purposes mentioned in Subsection 1 above by serving a written notice by personal service or certified mail, and upon failure to comply with said notice, the owner, lease or occupier of the structure connected to said sewer shall be deemed to be in violation of this Article. **[Amended 3-4-85 by Ord. No. 1129]**

§ 106.26. Construction expenses. [Amended 5-21-79 by Ord. No. 839]

The construction of all private sewers and laterals and of all connections with the sewer system shall be at the expense of the applicants or property owners, and all private sewers and laterals shall, after construction, be maintained by the property owners.

§ 106.27. Construction specifications; inspections. [Amended 5-21-79 by Ord. No. 839; 6-6-88 by Ord. No. 1025]

The construction of all private sanitary sewers or laterals and their connections with any lines of the sewer system shall be done in accordance with the TOWNSHIP Public Improvements Code[5] and the Allegheny County Plumbing Code and shall be inspected by the Allegheny County Health Department, Plumbing Division before being covered.

§ 106.28. Violations.

Every day, beginning with the 61st day after receipt of any notice by any person subject to the terms of this Article that he is violating any of the provisions thereof, shall be considered a separate violation.

ARTICLE VI
Prohibited Discharges

§ 106.29. Enumeration of substances not to be discharged.

It shall be unlawful for any person, firm, association or corporation to discharge or to permit the discharge or infiltration into any TOWNSHIP sewer which is connected directly or indirectly with the Sanitary Authority's sewage disposal system or into a sewer connected to such a TOWNSHIP sewer or into the Sanitary Authority's sewage disposal system of any of the following substances:

[5]Editor’s Note: See Ch. 99, Public Improvements: Procedures and Specifications.

106.29.1. Mineral acids; wash acid pickling or plating liquors from the pickling or plating of iron, steel, brass, copper or chromium; or any other dissolved or solid substances which will endanger health or safety, interfere with the flow in sewers, attack or corrode sewers or sewage structures or equipment, or otherwise interfere with the operation of the sewers or other facilities of the TOWNSHIP or the Sanitary Authority.

106.29.2. Cyanides or cyanogen compounds capable of liberating hydrocyanic as on acidification.

106.29.3. Fats, entrails and the like from meat processing plants, rendering plants and similar industries and establishments.

106.29.4. Gas tar; phenols; residues from petroleum storage, refining or processing; fuel or lubricating oil; gasoline; naphtha; benzene or explosive or flammable liquids, solids or gases.

106.29.5. Ashes, cinders, sand, mud, lime or acetylene sludges, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, sawdust, paunch manure, hair, hides, dead animals, spent mash and grain, pulp from food processing, water or waste containing grease in excess of one hundred (100) parts per million or any other solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the TOWNSHIP'S or the Sanitary Authority's facilities.

106.29.6. Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants.

106.29.7. Garbage, whether ground or not, except properly shredded garbage from a private dwelling, apartment building, hotel, commercial restaurant or retail food store, resulting from the proper use of a garbage grinder or disposer of a type approved by the TOWNSHIP, the Allegheny County Health Department and the Sanitary Authority and maintained in good operating condition; provided, however, that no retail food store shall operate more than one (1) grinder or disposer which shall be not greater than three (3) horsepower in size and, when so required by the Allegheny County Health Department, shall be equipped with an approved water meter and limited in use to the consumption of an average of not more than one thousand five hundred (1,500) gallons of water per day; and provided, further, that the foregoing restrictions shall not apply to any existing installation in a retail food store of a garbage grinder or disposer larger than three (3) horsepower in size until such time as the equipment now in use can no longer be kept in good operating condition by ordinary maintenance and repair, at which time such grinder or disposer shall be abandoned and shall not be renewed or replaced.

106.29.8. Water or wastes having a pH lower than five point five (5.5) or higher than nine point zero (9.0), or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the TOWNSHIP or the Sanitary Authority.

§ 106.30. Immediate cessation of prohibited discharges required.

Any person, firm, association or corporation discharging or permitting the discharge or infiltration of any of the foregoing wastes or materials into a TOWNSHIP sewer which is connected directly or indirectly with the Sanitary Authority's sewage disposal system or into a sewer connected to such a TOWNSHIP sewer or into the Sanitary Authority's sewage disposal system shall immediately cease to discharge or permit the discharge of such materials or wastes thereinto.

ARTICLE VII
Changes of Land Contours Over Sewer Lines

§ 106.31. Permit required for land contour change over sewer lines. [Amended 5-21-79 by Ord. No. 839; 8-5-85 by Ord. No. 1155]

No person or persons, partnership, contractor, firm, corporation or owner of land within the TOWNSHIP shall in any way disturb the contour of the land over and above any sewers maintained by the TOWNSHIP, either by adding earth or fill or removing the same, unless he or they shall first have received a building permit and any other required permits from the TOWNSHIP,[6] which permission shall not be granted unless the TOWNSHIP Engineer shall have first examined the plan of the proposed change in the contour of the land over the sewer and determined that said change will not be detrimental to the sewer installation or maintenance of said sewer.

§ 106.32. Restoration of land to original condition. [Amended 5-21-79 by Ord. No. 839; 8-5-85 by Ord. No. 1155]

Any person or persons, partnership, contractor. firm or corporation or owner of land who shall violate or fail to conform to any of the provisions of this Article insofar as it relates to the placing or removal of earth on sewers shall forthwith replace the land in its original condition at his or their sole cost, and if said condition is not corrected within ten (10) days after notification so to do, the TOWNSHIP of Upper St. Clair may enter upon and restore the land over the sewers and the cost and expense thereof with a penalty of ten percent (10%) shall be collected from the owner or the person or persons violating this Article in the manner provided by law; provided, however, that the recovery of such cost and expense, together with the penalty, may be in addition to any penalty provided for violation of TOWNSHIP ordinances generally.

[6]Editor's Note: For provisions pertaining to changes of land contours generally, see Ch. 71, Grading and Soil Excavation. For provisions pertaining to the issuance of building permits generally, see Ch. 51, Building Construction, and the building code adopted therein.

ARTICLE VIII
Modifications and Exceptions
[Added 8-1-77 by Ord. No. 707[7]]

§ 106.33. Grant of modification or exception.

In any particular case where the owner of any existing structure can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Part 1 would cause practical difficulty or exceptional and undue hardship, the BOARD OF COMMISSIONERS may relax such requirements or grant an exception to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such proposed relief or exception is approved by the Allegheny County Health Department and the Allegheny County Sanitary Authority and that such relief or exception may be granted without detriment to the public good or the general development of the neighborhood and the community in accordance with any comprehensive plan. Any modification or exception thus granted shall be entered in the minutes of the BOARD OF COMMISSIONERS, setting forth the reasons for and the conditions of the modification or exception.

ARTICLE IX
Penalties

§ 106.34. Violations and penalties.

Any person violating any provision of this Part 1 shall be subject to the penalties provided in Chapter 5, Enforcement of Ordinances; Penalties, of this CODE. The continuation of a violation shall, for each successive day after notice, constitute a separate offense.

ARTICLE X
Storm Sewer Connections
[Added 11-1-76 by Ord. No. 656]

§ 106.35. Required sewer connections. [Added 3-4-91 by Ord. No. 1492]

106.35.1. **[Amended 12-04-06 by Ord. No. 1963]** All buildings and structures other than farm buildings and all storm water in concentrated flows other than streams existing or hereafter created on lots abutting upon any storm sewer of the TOWNSHIP must be connected to the TOWNSHIP storm sewer when required by the TOWNSHIP MANAGER or his designated representative.

[7]Editor's Note: This ordinance also provided for the renumbering of former Art. VIII, Penalties, to become Art. IX, and § 106.30, Violations and penalties, to become § 106.31. Pursuant to this numbering change, former Art. IX, Storm Sewer Connections, was renumbered as Art. X. Sections 106.31 through 106.34 were renumbered as §§106.32 through 106.35 accordingly.

106.35.1.1. Prohibited Discharges **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.1. No person in the TOWNSHIP shall allow, or cause to allow, stormwater discharges into the TOWNSHIP's separate storm sewer system which are not composed entirely of stormwater, except as provided in § 106.35.1.1.2. or discharges allowed under a Federal or State permit. **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2. Discharges which may be allowed, based on a finding by the TOWNSHIP that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth of Pennsylvania, are as follows: **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.1. Discharges from fire fighting activities**. [Added 12-4-06 by Ord. No. 1963]**

106.35.1.1.2.2. Uncontaminated water from foundation or footing drains **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.3. Potable water sources including dechlorinated water line fire hydrant flushings **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.4. Flows from riparian habitats and wetlands **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.5. Irrigation drainage **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.6. Lawn watering **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.7. Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill materials have been removed) and where detergents are not used **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.8. Routine external building washdown (which does not include detergents or other compounds) **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.9. Air conditioning condensation **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.10. Water from individual residential car washing **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.11. Dechlorinated swimming pool discharges **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.12. Uncontaminated groundwater **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.2.13. Water from crawl space pumps **[Added 12-04-06 by Ord. No. 1963]**

106.35.1.1.3. In the event that the TOWNSHIP determines that any of the discharges identified in § 106.35.1.1.2. significantly contribute to pollution of waters of the Commonwealth of Pennsylvania, or is so notified by the Department of Environmental Protection (DEP), the TOWNSHIP will notify the responsible person to cease the discharge. **[Added 12-4-06 by Ord. No. 1963]**

106.35.1.1.4. Upon notice provided by the TOWNSHIP within §106.35.1.1.3., the discharger will have a reasonable time, as determined by the TOWNSHIP, to cease the discharge consistent with the degree of pollution caused by the discharge. **[Added 12-4-06 by Ord. No. 1963]**

106.35.1.1.5. Nothing in this section shall affect a discharger's responsibilities under state law. **[Added 12-4-06 by Ord. No. 1963]**

106.35.1.2. Prohibited Connections – The following connections are prohibited, except as provided in § 106.35.1.1.2.: **[Added 12-4-06 by Ord. No. 1963]**

106.35.1.2.1. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and **[Added 12-4-06 by Ord. No. 1963]**

106.35.1.2.2. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the TOWNSHIP; and **[Added 12-4-06 by Ord. No. 1963]**

106.35.1.2.3. Any drain containing storm water may not be connected to the sanitary sewer system. The TOWNSHIP reserves the right to test any storm drains or connections to verify that the drains and or connections are not in violation. **[Added 12-4-06 by Ord. No. 1963]**

§ 106.36. Notice to make connection. [Added 3-4-91 by Ord. No. 1492; Amended 5-4-98 by Ord. No. 1770]

Whenever a lot abuts a storm sewer of the TOWNSHIP and the TOWNSHIP MANAGER or his designated representative determines that it is in the best interest of the public health, welfare and safety, notice shall be provided the owner of the lot in writing by personal service or certified mail to make proper connections to the TOWNSHIP storm sewer for the discharge of stormwater within sixty (60) days of receipt of such notice. Failure to comply with said notice shall be deemed a violation of this article.

§106.37. Nonconformance with notice; performance of work by TOWNSHIP and collection of costs. [Added 3-4-91 by Ord. No. 1492]

If the owner fails to connect with the TOWNSHIP storm sewer following due notice, the TOWNSHIP shall enter the property, perform the necessary work and collect the cost as provided in Section 106.18.

§ 106.38. Standards for construction.

Standards for storm sewers for any land development or building construction projects other than residential developments shall be in accordance with the TOWNSHIP of Upper St. Clair Public Improvements Code[8] and the storm sewer standards section of the TOWNSHIP Subdivision Code.[9]

§ 106.39. Fee levied.

A storm sewer connection fee shall be levied, which fee shall be paid to the TOWNSHIP before any building permit is issued for land development or building construction of all kinds other than residential developments.

§ 106.40. Formula for determining fee. [Amended 10-3-77 by Ord. No. 727; 4-4-83 by Ord. No. 1026]

The storm sewer connection fee shall be as provided in Ch. 57, Fees.

§ 106.41. Fee to be in addition to other costs.

The storm sewer connection fee shall be in addition to all other costs incurred by the developer in providing necessary storm sewers within the plan submitted for approval.

Part 2
Additional Rules and Regulations[10]
[Adopted 9-4-84 as Ord. No. 1100]

[8]Editor's Note: See Ch. 99, Public Improvements: Procedures and Specifications.
[9]Editor's Note: See Ch. 114, Subdivision and Land Development, § 114.15.
[10]Editor's Note: See also Part 1 of this chapter.

ARTICLE XI
Discharge of Wastes

§ 106.42. Prohibited discharges. [Amended 1-3-95 by Ord. No. 1652]

106.42.1. No PERSON shall introduce or cause to be introduced directly or indirectly into the ALCOSAN FACILITIES
or into any sewer, pipe or other conveyance located in the
TOWNSHIP and transmitting substances into the ALCOSAN FACILITIES, and TOXIC POLLUTANT or other WASTEWATER which will:

106.42.1.1. Cause INTERFERENCE with the operation or performance of ALCOSAN'S treatment plant or other facilities; or

106.42.1.2. PASS THROUGH ALCOSAN'S treatment plant or other facilities.

106.42.2. No PERSON shall introduce, permit or cause to be introduced, directly or indirectly, into the ALCOSAN FACILITIES or into any piped sewer, pipe or other conveyance located in the TOWNSHIP and transmitting substances into the ALCOSAN FACILITIES any of the following:

106.42.2.1. Any substance which will endanger the life, health or safety of the treatment plant sewer maintenance and plant operations personnel or which would preclude safe entry into the sewer system or any portion of the treatment plant.

106.42.2.2. Any IGNITABLE, REACTIVE, EXPLOSIVE, CORROSIVE, or HAZARDOUS WASTE, except as provided for by ALCOSAN'S Rules and Regulations.

106.42.2.3. Any WASTEWATER with a temperature greater than 140oF (60oC).

106.42.2.4. Any waste which exceeds the naturally occurring background levels for either Alpha, Beta, or Gamma radiation and/or any WASTEWATER containing any radioactive wastes or isotopes of such half life or concentration not in compliance with applicable State or Federal regulations.

106.42.2.5. Any solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operations of ALCOSAN'S FACILITY or FACILITIES discharging into the ALCOSAN system.

106.42.2.6. Any noxious or malodorous liquids, gasses or solids which either singly or by interaction with other wastes may create a public nuisance or adversely affect public health or safety.

106.42.2.7. Pathological wastes from a hospital or other medical establishment.

106.42.2.8. Garbage, whether ground or not, except properly shredded food waste garbage resulting from the proper use of a garbage grinder or disposer type approved by ALCOSAN and maintained in good operation condition.

106.42.2.9. Sludges or other materials from septic tanks or similar facilities or from sewage or industrial waste treatment plants or from water treatment plants: unless the discharge of such sludges and other materials is specifically approved by ALCOSAN.

106.42.2.10. Any POLLUTANT including oxygen demanding POLLUTANTS released in a discharge at a flow rate and/or POLLUTANT concentration which will cause interference with the ALCOSAN FACILITIES.

106.42.2.11. Any substance which will cause ALCOSAN'S effluent or any other produce of the ALCOSAN FACILITIES such as residues, sludges, or scums, to be unsuitable for reclamation processes, including any substance which will cause the ALCOSAN FACILITY to be in non-compliance with sludge use or disposable criteria, guidelines, or regulations developed under Section 405 of THE ACT, any criteria, guidelines, or regulations promulgated pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State laws or regulations applicable to the treatment or disposal of such effluent or such product.

106.42.3. No PERSON shall take any action or do or cause to be done anything in violation of any rule or regulation of ALCOSAN.

The Pretreatment Regulations of ALCOSAN are incorporated into this Chapter by reference as though fully set forth herein.

§ 106.43. Severability. [Added 1-3-95 by Ord. No. 1652]

The provisions of this Chapter are severable, and the invalidity of any section, clause, sentence, or provision of this Chapter shall not affect or impair the validity of any other part of the Chapter which can be given affect without the invalid part or parts.

§ 106.44. Compliance required.

No person, firm, association or corporation shall take any action or do or cause to be done anything in violation of any rule or regulation of Allegheny County Sanitary Authority or of laws, ordinances, rules or regulations of the Commonwealth of Pennsylvania, the County of Allegheny, the Ohio River Valley Water Sanitation Commission or the TOWNSHIP pertaining to sewage discharge, introduction or treatment.

§ 106.45. Violations and penalties.

Any person, firm, association or corporation in violation of any provision of this Part 2 shall, upon conviction, be punished according to the provisions in Chapter 5, Enforcement of Ordinances; Penalties, of the TOWNSHIP CODE. In the case of firms or associations, the penalty may be imposed upon the partners or members thereof, and in the case of corporations upon the officers thereof.

ARTICLE XII
Evidence of Compliance Prior to Sale or Conveyance of Real Property.
[Added 12-7-98 by Ord. No. 1787]

§ 106.46. Sale or conveyance without EVIDENCE OF COMPLIANCE prohibited.

After the effective date of this Article, it shall be unlawful for any PERSON to sell or convey real property within the Township on which a building or improvement exists without first delivering to the purchaser EVIDENCE OF COMPLIANCE or TEMPORARY EVIDENCE OF COMPLIANCE from the Township.

§ 106.47. Procedure of EVIDENCE OF COMPLIANCE.

Any PERSON ("hereinafter applicant") selling or conveying real property within the Township shall make application for EVIDENCE OF COMPLIANCE on a form furnished by the Township at least fourteen (14) days before the date of sale or conveyance with the appropriate fee as provided for in Chapter 57, "Fees". The applicant shall then have a plumber who is registered and licensed by the Allegheny Health Department perform a DYE TEST and CLOSED CIRCUIT TELEVISING INSPECTION of the sanitary SEWER LATERAL on the real property to be sold or conveyed. **[Amended 12-04-06 by Ord. No. 1963; 9-5-17 by Ord. No. 2175]**

106.47.1. DYE TEST. Should the Township duly appoint a plumber to perform all dye tests within the Township pursuant to this Article, then that plumber shall be allowed by the applicant to conduct the dye test. The plumber shall complete the appropriate portions of the Township form confirming that the property has been dye tested and certifying the results of such test. Said test shall include a visual inspection of the interior of the structure confirming no illegal STORM OR SURFACE WATER CONNECTIONS exist. In the event that there are no illegal STORM OR SURFACE WATER CONNECTIONS, the Township Manager or his designated representative shall issue EVIDENCE OF COMPLIANCE upon application and payment of a fee as provided for in Chapter 57, "Fees," and set forth by the Board of Commissioners and upon successful completion of the required CLOSED CIRCUIT TELEVISING INSPECTION (CCTVI) and of the sanitary SEWER LATERAL as set forth in Section 106.47.2. 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 by a registered licensed plumber is received. **[Added 9-5-17 by Ord. No. 2175]**

106.47.2. CLOSED CIRCUIT TELEVISING INSPECTION (CCTVI) of Sanitary SEWER LATERAL. All SEWER LATERALS shall be tested by CCTVI method in accordance with all requirements imposed by the Township. A CCTVI shall be completed on a property at the time of sale/conveyance or for property improvements requiring a Township building permit that also requires an Allegheny County plumbing permit. 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 Township. Any defects found to have a Level 3 or higher shall be deemed a failure. More than two Level 2 defects in a given SEWER LATERAL shall also be deemed a failure. If the CCTVI 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 by a registered licensed plumber is received. In the event that the inspection does not yield a failure, the Township Manager or his designated representative shall issue EVIDENCE COMPLIANCE upon application and payment of a fee as provided for in Chapter 57, "Fees," and set forth by the Board of Commissioners. **[Added 9-5-17 by Ord. No. 2175]**

106.47.2.1. A CLOSED CIRCUIT TELEVISING INSPECTION is not required for property in connection with a refinancing where there is no change in ownership or newly constructed homes that have not yet been occupied. **[Added 9-5-17 by Ord. No. 2175]**

106.47.2.2. A CLOSED CIRCUIT TELEVISING INSPECTION of a sanitary SEWER LATERAL is valid for three (3) years from the date of the inspection. Video recordings of the inspection shall be submitted to the Township for verification of the condition of the SEWER LATERAL. **[Added 9-5-17 by Ord. No. 2175]**

106.47.2.3. When an existing SEWER LATERAL fails to comply with the provisions of this Chapter, the Property Owner shall cause all repairs necessary to bring the SEWER LATERAL into compliance to be made to the satisfaction of the Township, or if necessary to comply with this Chapter, to replace the SEWER LATERAL in accordance with all Township requirements. All costs of repair or replacement of the SEWER LATERAL shall be borne by the PROPERTY Owner. **[Added 9-5-17 by Ord. No. 2175]**

106.47.2.4. The repairs or replacement of SEWER LATERALS that result from the testing required as a result of the sale or transfer of property shall be completed prior to the close of escrow of the sale or, if there is no escrow, prior to recording the deed or other document transferring title. Inspection of any work required hereunder will be made by the Allegheny County Health Department. **[Added 9-5-17 by Ord. No. 2175]**

106.47.2.5. Appeal Procedures. In the event the property owner wishes to appeal a determination that the SEWER LATERAL has failed the CLOSED CIRCUIT TELEVISION INSPECTION, the following shall apply: **[Added 9-5-17 by Ord. No. 2175]**

106.47.2.5.1. The sole issue on appeal of a CLOSED CIRCUIT TELEVISING INSPECTION shall be whether the amount and type of work ordered to be completed is appropriate. Financial concerns or a homeowner's ability to pay for any indicated repairs shall not be grounds for an appeal. **[Added 9-5-17 by Ord. No. 2175]**

106.47.2.5.2. Any appeal will be reviewed by a committee comprised of the TOWNSHIP ENGINEER, Director of Public Works and Director of Planning and Community Development. The decision of the committee shall be final. A written summary of the decision of the committee will be provided to the property owner. **[Added 9-5-17 by Ord. No. 2175]**

§ 106.48. TEMPORARY EVIDENCE OF COMPLIANCE; Security.

TEMPORARY EVIDENCE OF COMPLIANCE may be issued at the Township's sole discretion when either:

106.48.1. The applicant proves that dye testing and/or CLOSED CIRCUIT TELEVISING INSPECTION cannot be performed because of weather conditions. In this case, the applicant shall provide the Township with security in the name of the Township in an amount established by Chapter 57, "Fees," to guarantee that the DYE TEST and/or CLOSED CIRCUIT TELEVISING INSPECTION of the sanitary SEWER LATERAL will be performed. The applicant will cause the DYE TEST and/or CLOSED CIRCUIT TELEVISING INSPECTION of the sanitary SEWER LATERAL to be performed within fourteen (14) days of written notification from the Township which will be given at such time as weather conditions make the DYE TEST and/or CLOSED CIRCUIT TELEVISING INSPECTION of the sanitary SEWER LATERAL possible. In addition, the applicant shall provide the Township with a signed, written acknowledgement from the purchaser agreeing to correct, at the purchaser's sole expense, any violations discovered as a result of a subsequent DYE TEST and/or CLOSED CIRCUIT TELEVISING INSPECTION of the sanitary SEWER LATERAL. 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 or failure of A CLOSED CIRCUIT TELEVISING INSPECTION shall run with the land, and no agreement between the applicant and the purchasers shall affect the Township's enforcement powers or excuse the current owner from performance; or **[Amended 9-5-17 by Ord. No. 2175]**

106.48.2. When an ILLEGAL STORM OR SURFACE WATER CONNECTION is discovered and the necessary remedial activities to correct such connection would require a length of time such as to create an excessive hardship for the applicant, the applicant may forward a written request to the Township Manager or his designated representative for TEMPORARY EVIDENCE OF COMPLIANCE, provided the applicant provides the Township with all of the following:

106.48.2.1. A bona fide executed contract between the applicant and a registered licensed plumber to complete the necessary remedial work.

106.48.2.2. Cash security in the amount of one hundred and ten percent (110%) of said contract, posted in the name of the Township.

106.48.2.3. An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with the written authority to enter upon the property to complete the work in case of default by the contractor. The Township Manager or his designated representative shall determine by regulation when such TEMPORARY EVIDENCE OF COMPLIANCE shall expire and the applicant and the purchaser shall be advised of the expiration of the TEMPORARY EVIDENCE OF COMPLIANCE. The security shall be forfeited and the Township may use the security to have the necessary remedial work complete.

106.48.3. Where the applicant, due to extreme hardship or extraordinary circumstance is unable to comply with the requirements for TEMPORARY EVIDENCE OF COMPLIANCE, the Township Manager or his designated representative may devise reasonable alternatives.

§ 106.49. Township Municipal Claims and Tax Verification Letter.

A request for a TOWNSHIP MUNICIPAL CLAIMS AND TAX VERIFICATION LETTER must be accompanied by valid EVIDENCE OF COMPLIANCE and the appropriate fee as provided in Chapter 57, "Fees," and set forth by the Board of Commissioners, all of which shall be delivered at least ten (10) days prior to the day said letters are to be provided.

§ 106.50. Regulations.

106.50.1. The Township Manager or his designated representative is responsible to provide reasonable procedural regulations for the operation and enforcement of this Article as deemed necessary which shall include but not be limited to:

106.50.1.1. Establishing acceptable forms of security or guaranty.

106.50.1.2. Establishing the form of applications, purchaser acknowledgements and plumber certifications.

106.50.1.3. Limiting the times of year in which TEMPORARY EVIDENCE OF COMPLIANCE is available for reasons of weather.

106.50.2. Regulations issued pursuant to this section shall be in writing to ensure compliance with Chapter 106.

106.50.3. The TOWNSHIP reserves the right to enter the property or dwelling to visually verify any violations, with proper notice. **[Added 12-4-06 by Ord. No. 1963]**

106.50.4. The DYE TEST expires one (1) year from the date of performance. **[Added 12-4-06 by Ord. No. 1963]**

106.50.5. The CLOSED CIRCUIT TELEVISING INSPECTION of the sanitary SEWER LATERAL is valid for three (3) years from the date of the inspection. **[Added 9-5-17 by Ord. No. 2175]**

§ 106.51. Violations and Penalties.

Any PERSON, firm, association or corporation in violation of any provision of Article XII of Chapter 106 shall be subject to the penalties as provided in Chapter 5, Enforcement of Ordinances, Penalties, of the Township Code. The continuation of a violation shall, for each successive day after notice, constitute a separate offense.