

ROSTRAVER TOWNSHIP SEWAGE AUTHORITY

RESOLUTION 2021 - 02

A RESOLUTION OF THE ROSTRAVER TOWNSHIP SEWAGE AUTHORITY, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ITS RULES AND REGULATIONS AND ADOPTING REASONABLE TERMS AND CONDITIONS FOR PROHIBITING CERTAIN SANITARY SEWER CONNECTIONS ATTENDANT TO PROPERTIES SERVICED BY THE AUTHORITY AND PROVIDING FOR REASONABLE ADVANCE NOTICE AND FOR PROSECUTION FOR PROHIBITED ACTS.

WHEREAS, the Rostraver Township Sewage Authority is incorporated under the Municipality Authorities Act, as amended, 53 Pa.C.S. §5601, *et seq.* (the “Act”); and

WHEREAS, the Authority has determined that it is reasonable and necessary to inspect sewer connections and to test for and remedy improper connections, infiltration and inflow of surface storm water into the public Sanitary Sewer System; and

WHEREAS, the Authority has determined it is reasonable and necessary to conduct dye testing for the purpose of determining whether the aforesaid improper connections exist at the time of Sale, and in addition, to conduct, at its discretion, area wide dye testing for the same purpose; and

WHEREAS, the Authority has determined that sound public policy exists for the aforesaid testing and, if necessary, attendant enforcement actions.

WHEREAS, the Municipality Authorities Act, the governing law in the Commonwealth of Pennsylvania under which the Authority operates, provides that the Authority may adopt reasonable rules and regulations governing connections to the Sanitary Sewer System located on the properties of an Authority Customer/System User.

NOW THEREFORE, BE IT RESOLVED, that in the interest of promoting the health, safety, and welfare of Authority Customers/System Users, the Authority hereby adopts the following:

1. **EFFECTIVE DATE** - Effective July 1, 2021, the Authority will amend/clarify its internal policies and procedures and Rules and Regulations and abide by the following policies relative to prohibiting certain sanitary sewer connections attendant to properties serviced by the Authority and providing for reasonable advance notice and for prosecution for prohibited acts.

2. **DEFINITIONS**

AUTHORITY - The Rostraver Township Sewage Authority.

AUTHORITY CUSTOMER - Any person, syndicate, association, firm, corporation, institution, agency, authority, partnership or member of such partnership or other lawful entity that is responsible for making payment(s) to the Authority for services received.

CLEANOUT – An access opening in the building sewer or building drain, equipped with removable, watertight cover, utilized for the removal of obstruction.

DYE TEST - A test conducted on or about real property by the use of innocuous colored substances that will reveal the direction and flow of storm or surface water.

ILLEGAL STORM OR SURFACE WATER CONNECTIONS - The discharge of basement seepage, controlled water, groundwater and/or rainwater via any connection of downspout roof drainage, surface drainage, sump pumps, French drains/foundation drains, driveway drains, stairway area drain, or like drainage of such nature into the Sanitary Sewer System.

NOTICE - Reasonable advance notification of the Authority’s intention to inspect a property given to the Authority Customer, System User, or property owner of record, and may include, but not be limited to, a letter (regular or certified); posting a door hanger or placard; telephone communication; verbal communication; or electronic mail communication.

SALE - The transfer or assignment, with or without consideration, of any interest in real property that receives services from the Authority.

SANITARY SEWER CERTIFICATION - An official statement from the Authority regarding only real property subject to Sale or Mortgage stating that there are no illegal storm connections (as set forth in definition Illegal Storm or Surface Water Connections above) to the sanitary sewer lines.

SANITARY SEWER SYSTEM - The collection system consisting of the pipes, laterals, manholes and appurtenances designed to carry only wastewater.

SYSTEM USER- Any person, syndicate, association, firm, corporation, institution, agency, authority, partnership or member of such partnership or other lawful entity that receives Authority services.

3. PROHIBITED CONNECTIONS - That no individual or entity, including, but not limited to, any person, partnership, association, authority, syndicate, firm, corporation, contractor, government, property owner, tenant, person in possession, user, or any other entity recognized by law as the subject of rights and duties shall connect to the Sanitary Sewer System any drain and/or method of non-sanitary water channeling, including, but not limited to, roof drain/leader/downspout yard drain, sump pumps, driveway drain, stairway area drain, or French drains/foundation drain, nor allow any such drain and/or channeling to remain connected thereto, nor allow, or cause to enter into any Sanitary Sewer System, or building sewer connected thereto, any rain water, surface water, groundwater, or spring water (including non-sanitary water of any nature) from any source including, but not limited to, direct connections, surface drains, broken or defective building connections, sewer pipes or building/other drain pipes, and/or any such connection referenced in definition Illegal Storm or Surface Water Connections above.
4. EXTERIOR CLEAN-OUTS - Exterior clean-outs and vents must be elevated above grade and have a water tight cap so as to not function as drain for surface water.
5. INSPECTION - That given the public policy in favor of eliminating Illegal Storm and/or Surface Water Connections to the Sanitary Sewer System, and the desire of the Authority by this Resolution to eliminate Illegal Storm and/or Surface Water Connections for the benefit of the community at large, the Authority hereby reserves the right to inspect Authority Customer/System User properties for illegal connections at the time of Sale, of any real property that receives service(s) from the Authority, or at any time the Authority deems it necessary to inspect such properties after providing reasonable notice of its intentions.
6. APPLICATION FOR INSPECTION - That any Authority Customer/System User Selling, real property receiving Authority service(s) shall make application to the Authority for inspection of sewers and sewer connections at least thirty (30) days before the Sale, on a form furnished by the Authority. The Authority Customer/System User shall contact the Authority, which will then (as soon as reasonably possible) inspect and certify (property and/or plumbing exterior and if necessary interior) that the property to be Sold, is connected to an existing public sewer system, and that no illegal infiltration is occurring by performing a dye test(s). In the event no Illegal Storm or Surface Water Connections or discharges are found, the Authority Manager, or his/her designate, shall issue a Sanitary Sewer Certification upon payment of a fee to be determined from time to time by the Authority. When an Illegal Storm or Surface Water Connection or discharge is discovered by means of the above-mentioned dye testing, no sanitary sewer certification will be issued until the illegal connection(s) is removed by the property owner and/or Authority Customer/System

User and the Authority performs re-inspection confirming disconnection. (From time-to-time, the Authority reserves the right to mandate, create and amend a formal Authority customer application/certification for time-of-sale testing.)

7. ENFORCEMENT: That the Authority Manager, and/or designated agent of the Authority are hereby authorized to: (a) determine when a violation of the Authority's Resolution(s)/Policies and Procedures has occurred; (b) issue a notice of violation, which will include a directive for compliance with this Resolution; (c) confirm that the violation(s) has or has not been corrected; (d) have the discretion (upon approval of Manager) to make exceptions (including but not limited to weather-related circumstances) to the enforcement of this Resolution and/or issue time extensions to complete correction(s) of any violation(s) when in the opinion of the Authority conditions warrant such exceptions and/or extensions; and also (e) when appropriate, prosecute violators of this Resolution.
8. VIOLATIONS: That should a determination be made a violation(s) exist, then upon written notice sent to the Authority Customer/ System User at the address of public record that a prohibited violation exists, the Authority Customer/System User shall correct the violation to the satisfaction of the Authority and in compliance with the Authority's Resolution(s) and/or Rules and Regulations within twenty-one (21) calendar days of issuance of the notice of violation.
9. RE-INSPECTION: That upon the Authority's determination of a finding of a violation of the terms of this Resolution and/or Rules and Regulations has occurred, and after the expiration of the aforesaid twenty-one (21) day period, and when no extension to complete repairs has been granted by the Authority, the Authority reserves the right to re-inspect the subject property to determine whether the violations have been properly corrected.
10. RIGHT OF ENTRY - That authorized Authority employees, agents, and/or designated representatives while enforcing the terms of this Resolution and/or Rules and Regulations shall, upon reasonable Notice, have the right to enter onto and/or into an Authority Customer/System User property to inspect and test sewer installations, appurtenances, plumbing and conditions referenced above to determine whether same are illegally connected to the sewer system. Any restraint or hindrance to such entry by any Authority Customer/System User shall be referred for prosecution as a summary offense pursuant to the Pennsylvania Municipal Authority Act 53 Pa. C.S. § 5607(d)(17).
11. WATER - Additionally, water must be made available to the Authority to perform interior testing. When no water is available at the property to conduct the test, the Authority will supply water required for testing.
12. INTERIOR ACCESS - That from time to time, the Authority may require interior access to a premises. The below are the most prominent examples of same:
 - When the Authority is responding to a proper formal request allowing entry from the Authority Customer/ System User for the issuance of a certification for the Sale or refinancing of real property;

- When the Authority is responding to an Authority Customer/ System User request allowing entry to test or inspect their building sewer due to a backup of sewage, or as a preventative measure;
- When the Authority is re-inspecting, with permission to enter the Authority Customer/System User premises, previously identified defects to assure repairs have been made in accordance with this Resolution and the Rules and Regulations; and
- When the Authority is dye testing to confirm the connectivity of the structure to a sewer.
- When such required interior access is denied by an Authority Customer/Service User after receipt of Notice, same shall be deemed a violation of this Resolution and subject to prosecution as set forth in Paragraph 8, above.

13. EXTERIOR ACCESS: That no advance notification is required for exterior property inspection under the following circumstances:

- When wet weather conditions are such that advance notice to the Authority Customer/System User is not feasible due to the exigency of weather conditions; and
- When there is direct observation or reasonable evidence of exposed sewage on an Authority Customer/System User adjoining property that has the potential of causing a health hazard; and
- When reasonable attempts made by the Authority to secure property access have failed, then the Authority, or its delegated representatives, may make a determination that access is required to fulfill the requirements under this Resolution and the Municipality Authorities Act.

14. SEPARATE OFFENSES - That after receipt of a notice of violation(s), failure of a Customer/System User to correct any violation and contact the Authority to request re-inspection within the prescribed twenty-one (21) days may be deemed a violation of this Resolution, and subject the Authority Customer/System User to prosecution under 53 Pa. C.S. § 5607(d)(17). Each day that such violation(s) is permitted to continue shall constitute a separate offense and shall be punishable consistent with the Pennsylvania Municipal Authorities Act and any relevant Township ordinance. A final certification from the Authority is required.

15. ADDITIONAL ACTIONS AUTHORIZED - That the proper Authority officials are hereby authorized and empowered (consistent with the Pennsylvania Municipal Authorities Act) to take reasonable and permissible additional action as they may deem necessary or

appropriate to enforce this Resolution and/or Rules/Regulations/Policies/Procedures, based upon circumstances existing then and there, and that require an immediate determination be made.

16. FEES - Also, reasonable fees may be charged by the Authority (and adjusted from time to time) for their work pursuant to this Resolution and same are attached to this Resolution as Appendix "A."
17. EXTENSION TO REPAIR - That when and if exigent circumstances exist that prevent the remedy of a violation(s) within the prescribed twenty-one (21) day period, then the Authority Manager and/or another Board designated agent may, at his/her discretion, grant a reasonable extension to make repairs. In such case, satisfactory monies shall be escrowed to cover Authority fees and costs of repairs when appropriate, including, but not limited to, when the date of a scheduled closing may be affected.
18. AUTHORIZATION – The proper officials of the Authority are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Resolution.
19. VALIDITY - That if any section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of Law, such holding shall not affect the validity of the remaining portions, it being the legislative intent of the Authority that the same would have been enacted without such section, subsection, paragraph, sentence or phrase.
20. REPEALER - Any Resolution or part thereof in conflict with this Resolution or any its terms are hereby repealed.

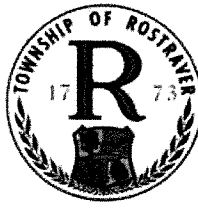
RESOLVED AND ENACTED, this 23rd day of February, 2021.

ATTEST:

ROSTRAVER TOWNSHIP SEWAGE
AUTHORITY

William N. Callaway
Secretary

BY: Dennis C. Marrow
Chairman



ROSTRAVER TOWNSHIP SEWAGE AUTHORITY

1744 Rostraver Road, Rostraver Township, PA 15012 (724) 930-7667, FAX (724) 930-9401
TTY/TDD (800) 654-5984 or (800)-654-5988 (voice only)
(An Equal Opportunity Employer and Provider)

APPENDIX "A"

Resolution No. 2021-02
Time of Sale – Dye Testing and CCTV Lateral Inspection

FEE SCHEDULE

DYE TESTING & LATERAL CCTV INSPECTION

- \$175 fee - with a minimum of 7-day notice to complete required testings.
- \$275 fee - with 7 days or less notice or if the tests are scheduled to be completed after 2:00 pm on a weekday.
- .50/foot additional fee - for any private lateral exceeding 100 feet in length, to be due after the inspection has been completed.
- \$15.00 fee – copy of the lateral testing video to be provided on a USB Flash Drive
- \$25.00 fee - Lien Letter (received at least seven (7) days in advance of closing; \$100 surcharge if less than seven (7) days prior to closing.
- \$50 fee – Should ONLY a dye test be required (CCTV of lateral not required).
- \$50 fee – should applicant chose to use a 3rd party to complete the required testing (dye testing & CCTV lateral inspection).

Note – Structures failing the inspections will require corrective action to remedy all defects. All fees involved in the actions/repairs are the responsibility of the property owner. It is important to note that the buyer of the property will be ultimately responsible for scheduling the inspection and correcting identified deficiencies.

TEMPORARY CERTIFICATION

When an inspection can not be performed prior to closing due to weather or defects identified may not be addressed prior to the closing date, a temporary certification may be issued. Ad temporary certification requires a minimum deposit of \$4,000 (cashiers check or money order only) to be escrowed into an RTSA non-interest-bearing account and withheld at the time of closing.