

Chapter 18

Sewers and Sewage Disposal

Part 1

Discharge of Waste Materials

- §18-101. Definitions
- §18-102. Discharge of Toxic Pollutants Prohibited
- §18-103. Other Prohibited Discharges
- §18-104. Pretreatment Regulations
- §18-105. Violations and Penalties

Part 2

Sewer Charges

- §18-201. Imposition of Fee
- §18-202. Notice
- §18-203. Payment Due
- §18-204. Additional Penalty
- §18-205. Interest

Part 3

Tap-In Fees

- §18-301. Trunk Storm Sewer Tap-in Charge
- §18-302. Sanitary Sewer Tap-In Charge
- §18-303. Storm Sewer or Sanitary Sewer Tap-In Plan
- §18-304. Approval of Plan; Payment of Fee
- §18-305. Building Permit or Street Opening Permit
- §18-306. Violations and Penalties

Part 4

Prevention of Storm, Surface and Subsurface Water Discharge into the Sanitary Sewer System

- §18-401. Prohibited Discharges
- §18-402. Inspection and Testing
- §18-403. Certification of Testing Results
- §18-404. Standards for Remedial Work
- §18-405. Violations and Penalties

Part 5

Sanitary Sewer Testing Prior to Sale of Property

- §18-501. Definitions
- §18-502. Unlawful Connection
- §18-503. Proof of Compliance on Sale or Transfer

- §18-504. Application for Certificate of Compliance
- §18-505. Issuance of Certificate of Compliance
- §18-506. Temporary Certificate of Compliance
- §18-507. Municipal Lien and Tax Verification Letters
- §18-508. Expiration of Certificate of Compliance
- §18-509. Regulations
- §18-510. Conflict with General Police Powers
- §18-511. Appeals
- §18-512. Penalties
- §18-513. Subsequent Dye Testing Program

Part 1**Discharge of Waste Materials****§18-101. Definitions.**

For the purposes of this Part, the following terms shall have the meanings hereafter designated:

ALCOSAN - the Allegheny County Sanitary Authority, including its 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.

Corrosive waste - a waste or substance which has any of the following properties:

- (1) It is aqueous and has a pH of less than or equal to 5.0 or greater than or equal to 10.0, as determined by pH meter.
- (2) It is a liquid and corrodes steel (SAE1020) at a rate greater than 6.35 millimeters (0.250 inch) per year at a test temperature of 55 degrees Centigrade (130 degrees Fahrenheit).

Hazardous waste - all wastes that are defined as hazardous under the regulation enacted pursuant to the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR 261 or under the regulations promulgated pursuant to the Pennsylvania Solid Waste Management Act as specified in 25 Pa.Code §261.1.

Ignitable waste - a waste or substance which can create a fire hazard in the sewage collection system or the ALCOSAN treatment facility, which has any of but is not limited to the following properties:

- (1) It is liquid with a flash point less than 60 degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21.
- (2) It is an oxidizer, as defined in 49 CFR 173.151.

Interference - a discharge originating in the Borough which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the ALCOSAN facilities, its treatment processes or operations or its sludge processes, use or disposal.
- (2) Therefore, is a cause of a violation of any requirement of ALCOSAN's National Pollutant Discharge Elimination System (hereinafter referred to as "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): §405 of the Clean Water Act, 33 U.S.C. §1251 *et seq.*, 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 any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act), 35 P.S. §755.1 *et seq.*, the Clean Air Act, 42 U.S.C. §7401 *et seq.*, and the Toxic Substances Control Act, 15 U.S.C. §2601 *et seq.*

Pass-through - any discharge of a pollutant through ALCOSAN into the waters of the Commonwealth of Pennsylvania 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).

Person - any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity or any other legal entity or its legal representatives, agents or assigns.

pH - the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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.

Pollution - the man-made or man-induced alteration of the chemical, physical, biological and/or radiological integrity of water.

Reactive / explosive waste - a waste or substance which can create an explosion in the sewage collection system or the ALCOSAN treatment facility, which has any of, but is not limited to, the following properties:

- (1) It is normally unstable and readily undergoes violent change without detonating.
- (2) It reacts violently with water.
- (3) It forms potentially explosive mixtures with water.
- (4) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- (5) It is a cyanide or sulfide bearing waste which can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- (6) It is capable of detonation or explosive reaction if is subjected to a strong initiating source or if heated under confinement.
- (7) It is readily capable of detonation, explosive decomposition or reaction at standard temperature and pressure.
- (8) It is a forbidden explosive as defined in 40 CFR 173.51, or a Class A explosive as defined in 49 CFR 173 or a Class B explosive as defined in 49 CFR 173.88.

The Act - the Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. §1251 *et seq.*

Toxic pollutant - any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency (EPA), pursuant to §307(A) of the Act.

Wastewater - the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed directly or indirectly into the facilities

of ALCOSAN.

Waters of the Commonwealth - all streams, lakes, ponds, marshes, water-courses, waterways, 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 of Pennsylvania or any portion thereof.

(Ord. 350, 2/13/1995, §84-1)

§18-102. Discharge of Toxic Pollutants Prohibited.

No person shall introduce or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any sewer, pipe or other conveyance located in the Borough and transmitting substances into the facilities of ALCOSAN any toxic pollutant or other wastewater which will:

- A. Cause interference with the operation or performance of ALCOSAN's treatment plant or other facilities.
- B. Pass through ALCOSAN's treatment plant or other facilities.

(Ord. 350, 2/13/1995, §84-2)

§18-103. Other Prohibited Discharges.

No person shall introduce, permit or cause to be introduced, directly or indirectly, into the facilities of ALCOSAN or into any piped sewer, pipe or other conveyance located in the borough and transmitting substance into the facilities of ALCOSAN any of the following:

- A. 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.
- B. Any ignitable, reactive, explosive, corrosive or hazardous waste, except as provided for by ALCOSAN's rules and regulations.
- C. Any wastewater with a temperature greater than 140 degrees Fahrenheit (60 degrees Celsius).
- D. 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.
- E. 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.
- F. 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.
- G. Pathological wastes from a hospital or other medical establishment.
- H. 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 operating condition.

I. 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.

J. 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.

K. Any substance which will cause ALCOSAN's effluent or any other product 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 noncompliance with sludge use or disposable criteria, guidelines or regulations developed under §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 Acts or State laws or regulations applicable to the treatment or disposal of such effluent or such product.

(*Ord. 350, 2/13/1995, §84-3*)

§18-104. Pretreatment Regulations.

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

2. The pretreatment regulations of the Allegheny County Sanitary Authority are incorporated into this Part by reference as though fully set forth herein.

(*Ord. 350, 2/13/1995, §84-4*)

§18-105. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. In addition, any person violating any provision of the ALCOSAN pretreatment regulations may be subject to administrative and civil penalties as provided for by the pretreatment regulations and administered by ALCOSAN. Such penalties may include, but are not limited to, injunctive relief and penalties of up to \$25,000 per day, per violation, as provided for by the Publicly Owned Treatment Works Penalty Law, 35 P.S. §752.1 *et seq.* Authority to so enforce the pretreatment regulations is granted to ALCOSAN and is in addition to but not in place of any other remedy available to the Borough of Thornburg.

(*Ord. 350, 2/13/1995, §84-5; as amended by Ord. 387, 12/14/2009*)

Part 2**Sewer Charges****§18-201. Imposition of Fee.**

There is hereby imposed a fee or penalty in an amount as established from time to time by resolution of Borough Council for each delinquent Allegheny County Sanitary Authority charge assigned to the Borough of Thornburg. The penalty or fee shall be in addition to the amount of the delinquent account and shall be the amount due and payable to the Borough of Thornburg.

(*Ord. 321, 12/9/1985*; as amended by *Ord. 357, 12/13/1996, §84-6*; and by *Ord. 387, 12/14/2009*)

§18-202. Notice.

The Treasurer of the Borough of Thornburg shall, within 15 days of the assignment of a delinquent account to the Borough of Thornburg by the Allegheny County Sanitary Authority, give notice of the delinquent account and the amount thereof, calculated under the provisions of §18-201 above, by regular mail, postage paid, to the address provided in the assignment of the Allegheny County Sanitary Authority. Notice as herein required shall be given by the Treasurer upon each assignment of delinquent accounts by the Allegheny County Sanitary Authority.

(*Ord. 321, 12/9/1985*)

§18-203. Payment Due.

The notice, as required under the provisions of the preceding §18-202, shall provide for the payment of the amount shown in the notice to be due until the last day of the month next following the date of the notice as herein required to be given by the Treasurer.

(*Ord. 321, 12/9/1985*)

§18-204. Additional Penalty.

Upon the failure to pay the amount due on or before the due date fixed in §18-203, there shall be imposed a penalty of 10 percent, which shall be added to the amount due the Borough of Thornburg and thereafter payable and collected.

(*Ord. 321, 12/9/1985*)

§18-205. Interest.

Upon the failure to pay the amount due on or before the due date fixed in §18-203, interest at the rate of 1 percent for each month or fraction thereof shall be imposed on the amount due the Borough of Thornburg and thereafter payable and collected.

(*Ord. 321, 12/9/1985*)

Part 3**Tap-In Fees****§18-301. Trunk Storm Sewer Tap-In Charge.**

From and after the passage and approval of this Part, a fee shall be assessed as a trunk storm sewer tap-in charge on each individual dwelling, building, structure, parking lot or other drainage area erected on any lot tapping into a storm sewer in the Borough of Thornburg based on use, occupancy and drainage in an amount as established from time to time by resolution of Borough Council.

(*Ord. 305B, 9/8/1997; as amended by Ord. 387, 12/14/2009*)

§18-302. Sanitary Sewer Tap-In Charge.

From and after the passage and approval of this Part, a fee shall be assessed as a sanitary sewer tap-in charge on each individual dwelling, building, structure, parking lot or other drainage area erected on any lot tapping into a sanitary sewer in the Borough of Thornburg based on use, occupancy and drainage in an amount as established from time to time by resolution of Borough Council.

(*Ord. 305B, 9/8/1997; as amended by Ord. 387, 12/14/2009*)

§18-303. Storm Sewer or Sanitary Sewer Tap-In Plan.

Prior to the payment of the storm sewer or sanitary sewer tap-in fee, there shall be submitted to the Building Inspector for approval by the Borough Engineer, a plan of the proposed storm sewer or sanitary sewer line to the trunk line, including a profile of the line and the place and method of tap-in. Said plan shall conform to acceptable engineering practice and standards under applicable governmental codes and ordinances, and the work done shall thereafter be subject to the inspection and approval of the Borough Engineer. Any and all costs of the plan submission and installation shall be at the sole expense of the applicant.

(*Ord. 305B, 9/8/1997*)

§18-304. Approval of Plan; Payment of Fee.

After approval of the storm sewer or sanitary sewer tap-in plans, the applicable storm sewer or sanitary sewer connection tap-in fee shall be paid to the Borough Secretary and deposited in the general account of the Borough of Thornburg. Evidence of the payment of the tap-in fee shall be provided to the applicant.

(*Ord. 305B, 9/8/1997*)

§18-305. Building Permit or Street Opening Permit.

No building permit or street opening permit which includes the additional use of the storm sewer or sanitary sewer system of the Borough of Thornburg shall be issued until satisfactory evidence is submitted of approval of the plan and of the payment of the fee required under the provisions of this Part.

(*Ord. 305B, 9/8/1997*)

§18-306. Violations and Penalties.

The violation of the provision of this Part or the failure to comply with any of its requirements shall constitute a summary offense. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, in addition to the payment of the applicable fee imposed herein, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 305B, 9/8/1997; as amended by Ord. 387, 12/14/2009)

Part 4**Prevention of Storm, Surface and Subsurface
Water Discharge into the Sanitary Sewer System****§18-401. Prohibited Discharges.**

1. It shall be unlawful for any property owner or occupant whose premises or structure is connected to the sanitary waste water collection system owned and/or operated by the Borough to discharge or permit to be discharged any stormwater, surface water, subsurface water, ground water or well water, from the premises into the Borough's sanitary waste water collection system.

2. It shall be unlawful for any property owner or occupant to maintain any connection of a roof drain, down spout, French drain, or other conveyance of stormwater, surface water, subsurface water, ground water or well water to the Borough's sanitary waste water collection system.

(*Ord. 365, 1/7/2001, §II*)

§18-402. Inspection and Testing.

1. The Borough through its officers, agents, representatives and contractors may conduct periodic dye tests, smoke tests or any other appropriate tests or inspection of all sewer systems, laterals, structures and premises tapped into the Borough's sanitary sewer system for compliance with this Part and any other regulations pertaining to the operation of the Borough's sanitary sewer system.

2. Every owner or occupant of any structure or premises located in Thornburg Borough or adjoining or tapped into the Borough's sanitary sewer system shall submit to such periodic testing by the Borough or its designated testers. The Borough and its designated testers shall have the right to conduct as many tests as are necessary in the opinion of the tester to determine whether any illegal discharge or connection exists. The Borough shall also have the right to rely on the results of any internal televising of the sanitary sewer or connections thereto.

Borough representatives and designated testers are hereby authorized to enter onto private property at such times and places as may be necessary to perform testing hereunder. Such Borough representatives and testers shall give property owners and occupants reasonable advance notice of such entry onto private property.

3. *Fees.* The Borough may establish and impose upon the occupant or owner of any structure or premises which undergoes testing a fee reasonably calculated to reimburse the Borough for costs it incurs in connection with such testing including the costs of establishing and administering such testing programs, the amount of such fee to be set by resolution of Borough Council.

(*Ord. 365, 1/7/2001, §II*)

§18-403. Certification of Testing Results.

1. In the event that testing reveals that there are no illegal discharges into or connections into the Borough's sanitary sewer system, the Borough shall issue to the

property owner a document certifying such result.

2. When an illegal discharge or connection is discovered by means of the above-referenced testing or otherwise, a notice describing the said violation and the required remediation will be sent by the Borough to the owner of the structure or premises found to be in violation.

A. Within 90 days of the issuance of such notice of violation, all necessary work to correct such illegal discharge or connection shall be commenced and completed by the owner or occupant of the premises, weather permitting.

B. In the event that weather does not permit the remedial work to be commenced and completed within 90 days or in the event that the necessary remedial work would create severe economic hardship for the owner or occupant of the premises, application may be made to the Borough for one extension of time up to an additional 4 months to complete said remedial work.

C. In the event the owner or occupant of the premises fails to complete the necessary remedial work within the time permitted, including any extension thereof, the Borough may undertake to have the necessary remedial work completed at the expense of the owner or occupant of the premises, and to make any necessary arrangements for the payment of said work by the owner or occupant of the premises, which arrangement shall be mutually satisfactory to the owner or occupant. In the event satisfactory arrangements for payment are not agreed to by the Borough and the owner or occupant, the Borough may do any or all of the following:

(1) File, pursuant to 53 P.S. §7101 *et seq.*, a lien against the property where the expense incurred by the Borough to perform the work plus 6 percent interest per annum plus a penalty of 5 percent of the amount due, plus attorneys' fees and costs incurred by the Borough, which lien shall remain in effect until payment in full or sale of the property occurs.

(2) Pursuant to the Borough Code, 53 P.S. §45101 *et seq.*, commence prosecution against the property owner and/or occupant.

(3) Commence a civil action against the property owner and/or occupant to recover the amount due, plus interest, plus costs, plus Borough attorneys' fees as permitted by law.

(Ord. 365, 1/7/2001, §II)

§18-404. Standards for Remedial Work.

1. When an illegal discharge is required to be redirected from the Borough's sanitary sewer system, the property owner shall promptly provide and construct, at their own expense, a separate sewer line to carry such discharge from the premises to a storm sewer abutting the property or shall handle the discharge pursuant to such other method as may be approved by the Borough Engineer and which will prevent the drainage from entering onto any neighboring property without an easement from the neighboring property owner.

2. Whenever remedial work is required pursuant to this Part, such work shall not commence until approval has been obtained from the Borough Engineer. In order to secure approval from the Borough Engineer, the property owner or occupant shall

submit a written plan to the Borough Engineer for review and shall provide such information as the Borough Engineer may require.

3. Submission of a remedial plan to the Borough Engineer for review and approval shall be accompanied by a fee in the amount set by resolution of Council, which fee may be calculated to reimburse the Borough for the costs of the Engineer's review.

4. In reviewing and approving the plans for remedial work, the Borough Engineer shall require such work to be designed and constructed in accordance with generally applicable engineering standards and criteria and any applicable Federal, State and/or local regulations.

(Ord. 365, 1/7/2001, §II)

§18-405. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. Prosecution may be commenced by the Borough Police, the Borough Engineer, or any other officer of the Borough as may be designated by Council or by the Allegheny County Health Department.

(Ord. 365, 1/7/2001, §II; as amended by Ord. 387, 12/14/2009)

Part 5**Sanitary Sewer Testing Prior to Sale of Property****§18-501. Definitions.**

Applicant - a person applying for a certificate of compliance or temporary certificate of compliance.

Cash security - cash, certified check, or treasurer's check.

Dye test - any commonly accepted method of testing whereby dye is introduced into the storm, surface or subsurface water collection system and downspouts of structures or improvements to real property to determine if surface stormwater is entering into the sanitary sewer system.

Improved and sewered real property - real property on which any building, driveway or parking pad, other surface or subsurface structure or improvement has been constructed, installed or erected, where the real property or any improvement on the real property is connected to the sanitary sewer system.

Person - any natural person, association, partnership, corporation, syndicate, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.

Sanitary sewer system - the sanitary sewer lines and related facilities maintained and operated by the Borough of Thornburg.

Sell or transfer - the sale, transfer, or assignment of any interest in real property; provided, however, that a refinancing of real property, without a conveyance, is not a sale or transfer under this Part.

Surface stormwater - surface water and ground water including, but not limited to, roof and driveway drainage, basement seepage, and surface and areaway drainage.

(Ord. 376, 10/18/2004, §84-24)

§18-502. Unlawful Connections.

After the date of this Part, it shall be unlawful for any person to connect any rain leader, roof drain, downspout, gutter, parking lot drain, driveway drain, interior or exterior sump, French drain, spring or other collector or source of surface stormwater including, but not limited to, the fresh air vent of the improved and sewered property's sanitary sewer, to the sanitary sewer system.

(Ord. 376, 10/18/2004, §84-25)

§18-503. Proof of Compliance on Sale or Transfer.

After the date of this Part, it shall be unlawful for any person to sell or transfer improved and sewered real property located within the Borough of Thornburg without having obtained and delivered to the buyer or transferee, at or prior to closing or transfer, a certificate of compliance or temporary certificate of compliance for the property being sold or transferred. A certificate of compliance issued by the Borough subsequent to a Borough dye testing program shall be sufficient proof of compliance hereunder for a period of 1-year from the date of testing.

(*Ord. 376, 10/18/2004, §84-26; as amended by Ord. 387, 12/14/2009*)

§18-504. Application for Certificate of Compliance.

1. At least 14 days prior to the date of closing or transfer of any improved real property located within the Borough of Thornburg, the seller or transferor or its agent shall submit to the Borough Secretary/other designated municipal employee an application for certificate of compliance, completed as required by subsection .2 below. The certificate of compliance form shall be available upon request from the Borough Secretary. The fee for filing the completed application for certificate of compliance shall be established by the Council of the Borough of Thornburg from time to time by resolution.

2. Prior to the sale or transfer of any improved real property located within the Borough of Thornburg, the seller or transferor shall have a dye test of the property performed by a plumber licensed by the Allegheny County Health Department to perform such tests or by such other person designated or approved by the Borough of Thornburg. Upon completion of the dye test, the person who performed the test shall complete the appropriate Section of the application for certificate of compliance, confirming that the property has been dye tested and certifying the results of the test. (*Ord. 376, 10/18/2004, §84-27*)

§18-505. Issuance of Certificate of Compliance.

1. If the application for certificate of compliance, properly completed and filed with the Borough Secretary/other designated municipal employee with the designated filing fee, indicates that there are no connections of surface stormwater to the sanitary sewer system, then the Borough Secretary/other designated municipal employee shall issue the certificate of compliance within 7 days of application therefor.

2. If the dye test reveals the existence of one or more surface stormwater connections to the sanitary sewer system, the Borough Secretary/other designated municipal employee shall not issue the certificate of compliance until the connections have been removed and a plumber licensed by the Allegheny County Health Department or other person approved by the Borough of Thornburg to do so has certified that there is no connection of surface stormwater to the sanitary sewer system from the property to be sold or transferred.

(*Ord. 376, 10/18/2004, §84-28*)

§18-506. Temporary Certificate of Compliance.

1. When a surface stormwater connection to the sanitary sewer system is discovered and the necessary work to remove the connection would require a length of time such as to create a hardship for the seller or applicant, the seller or applicant may apply to the Borough Secretary/other designated municipal employee for a temporary certificate of compliance. The seller or applicant must submit the following with the properly completed application:

A. A bona fide executed contract with a plumber registered and licensed by the Allegheny County Health Department requiring the plumber to complete the remedial work necessary to the removal of the connections of surface stormwater to the sanitary sewer system and granting the Borough the right and power to

enforce the contract.

B. Cash security in an amount equal to 110 percent of the contract described in subsection .1.A above.

C. The agreement of the purchaser or transferee to be responsible for all cost overruns related to the remedial work, together with a license from the purchaser or transferee to the Borough of Thornburg, its agents, contractors, and employees, to enter upon the property to complete the remedial work in case of default by the contractor or the applicant.

D. The filing fee established by the Council of the Borough of Thornburg from time to time by resolution.

2. When dye testing cannot be performed because of weather conditions, the seller or applicant may apply to the Borough Secretary/other designated municipal employee for a temporary certificate of compliance. The seller or applicant must submit the following with the properly completed application:

A. Cash security in an amount as established from time to time by resolution of Borough Council. [*Ord. 387*]

B. The written, signed agreement of the purchaser or transferee to correct, at the purchaser's or transferee's sole expense, any surface stormwater connections to the sanitary sewer system disclosed by the subsequent dye test, together with a license from the purchaser or transferee to the Borough of Thornburg, its agents, contractors, and employees, to enter upon the property to conduct the dye testing should the applicant fail to do so. Nothing in this subsection .2 shall prohibit any purchaser or transferee from requiring the applicant to reimburse the purchaser or transferee for any costs incurred in connection with such remedial work; provided, however, that primary responsibility for the remedial work and all costs thereof shall run with the land, and no such agreement shall affect the Borough of Thornburg's enforcement powers or excuse the current owner of the property from performance.

C. The filing fee established by the Council of the Borough of Thornburg from time to time by resolution.

3. The Borough Secretary/other designated municipal employee may reject the application for temporary certificate of compliance whenever, he or she determines, based upon the advice of the Borough Engineer, that the conditions defined by this Section do not exist or the submissions required by this Section have not been made.

4. The temporary certificate of compliance shall be effective for 60 days, and the expiration date of the temporary certificate of compliance shall be noted on the certificate. If, upon the expiration of the temporary certificate of compliance, the seller or applicant has not applied for and received a certificate of compliance, as provided for in §§18-504 and 18-505 of this Part, the cash security shall be forfeited, and the Borough may use the funds to complete the dye testing and/or remedial work.

5. The application for temporary certificate of compliance form shall be available upon request from the Borough Secretary or other designated employee.

6. In the event that dye testing after issuance of a temporary certificate of compliance renews the existence of one/or more surface stormwater connections to the sanitary sewer system, the owner of the property shall be required to perform the

necessary remedial work and the Borough will have the rights to perform the remedial work and recover costs in accordance with §§18-403 and 18-404 of this Chapter.

(*Ord. 376, 10/18/2004, §84-29; as amended by Ord. 387, 12/14/2009*)

§18-507. Municipal Lien and Tax Verification Letters.

A request to the Borough of Thornburg for a municipal lien letter or tax verification letter must be accompanied by a valid certificate of compliance or temporary certificate of compliance and by the appropriate fee, which shall be established by the Council of the Borough of Thornburg from time to time by resolution. The Borough of Thornburg shall issue the municipal lien letter or tax verification letter within 7 days of receipt of the appropriately documented request and the applicable fee.

(*Ord. 376, 10/18/2004, §84-30*)

§18-508. Expiration of Certificate of Compliance.

A certificate of compliance issued under this Part shall be valid for a period of 1 year from the date of issuance.

(*Ord. 376, 10/18/2004, §84-31*)

§18-509. Regulations.

The Borough Secretary/other designated municipal employee is hereby empowered to make reasonable rules and regulations for the operation and enforcement of this Part including, but not limited to, establishing the form of applications, acknowledgments and certifications; and limiting the time of year in which temporary certificate of compliance is available for reasons of weather.

(*Ord. 376, 10/18/2004, §84-32*)

§18-510. Conflict with General Police Powers.

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

(*Ord. 376, 10/18/2004, §84-33*)

§18-511. Appeals.

1. Any person aggrieved by the decision to grant or deny a certificate of compliance or temporary certificate of compliance may appeal to the Thornburg Borough Uniform Construction Code Board of Appeals, by filing a written application for appeal with the Borough Secretary within 30 days after the date of the decision appealed from. Such application shall state the grounds for the appeal and shall be accompanied by an appeal fee to be fixed and changed from time to time by resolution of Council.

2. Appeals shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§551 *et seq.*, 751 *et seq.*, and the rules of procedure and operation of the construction code board of appeals. The said rules of procedure and operation shall be applied as nearly as may be in accordance with this Part and shall be applied such that

references in said rules to the Uniform Construction Code shall be read as references to this Part.

(*Ord. 376, 10/18/2004, §84-34*)

§18-512. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 376, 10/18/2004, §84-35; as amended by Ord. 387, 12/14/2009*)

§18-513. Subsequent Dye Testing Program.

This Part shall not preclude the Borough of Thornburg from conducting dye testing or other testing or inspection, or implementing a program of dye testing or inspection, within the Borough of Thornburg for purposes of discovering or locating the inflow of surface stormwater to the sanitary sewer system.

(*Ord. 376, 10/18/2004, §84-36*)

