

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 507

(Duly Adopted July 25, 2012)

AN ORDINANCE AMENDING CHAPTER 65 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO SANITARY SEWER), TO REQUIRE AN INSPECTION OF EACH IMPROVED PROPERTY CONNECTED TO THE BOROUGH'S SEWER SYSTEM UPON EACH TRANSFER OF THAT PROPERTY, FOR COMPLIANCE WITH CODIFIED ORDINANCES SECTION 65-601(a) (RELATING TO PROHIBITION OF THE DISCHARGE OF STORMWATER, SURFACE WATER, GROUND WATER, ETC. INTO THE BOROUGH'S SEWER SYSTEM) BY AN APPROVED MASTER PLUMBER ENGAGED AND PAID FOR BY THE PROPERTY OWNER, AND THE CORRECTION OF DEFICIENCIES AND VIOLATIONS IDENTIFIED BY SUCH INSPECTION; AND INCREASING THE FINE FOR A VIOLATION OF CHAPTER 65, ARTICLE III TO NOT LESS THAN ONE HUNDRED DOLLARS (\$100) AND NOT MORE THAN THREE HUNDRED DOLLARS (\$300).

WHEREAS, Chapter 65 of the Alburdis Codified Ordinances provides various rules and regulations concerning the use of the Borough's public sanitary sewer system; and

WHEREAS, Section 65-601(a) of the Alburdis Codified Ordinances, prohibits the discharge of stormwater, surface water, springwater, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, drainage from roof leader connections, and overflow or drainage from cesspools into a Sewer pipe, main, or conduit constituting part of the Borough's Sewer System; and

WHEREAS, the Borough is incurring substantial costs to remove infiltration/inflow of stormwater, surface water, groundwater, etc. from its Sewer System in order to satisfy mandates of the U.S. Environmental Protection Agency and the Pennsylvania Department of Environmental Protection; and

WHEREAS, some of this infiltration/inflow is introduced into the Borough’s Sewer System from private properties rather than from leakages in the pipes, connections, and manholes of the Borough’s Sewer System; and

WHEREAS, in order to better enforce the prohibition of such water entering the Borough Sewer System from private properties, Borough Council desires to amend Chapter 65 to require the inspection of such properties for compliance with Alburdis Codified Ordinances § 65-601(a), and the correction of deficiencies and violations identified by such inspection, upon each transfer of an improved property; and

WHEREAS, Borough Council desires to amend Alburdis Codified Ordinances § 1303(a)(1) to increase the criminal penalties for violations of Chapter 65, Article III, as set forth below;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburdis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Codified Ordinances Chapter 65, Article III (relating to Sanitary Sewer—Required Connection to and Use of Borough System) is amended by adding the following new § 65-308 after existing § 65-307:

§ 65-308 Inspection Required Upon Transfer of Improved Property.

(a) Inspection. Prior to any sale or transfer of any Improved Property connected to the Sewer System, the selling or transferring Owner of the Improved Property shall retain the services of a licensed master plumber acceptable to the Borough’s Plumbing Inspector for the purposes of conducting an inspection of the Improved Property, the sewage drainage system of any structure on the Improved Property, the Building Sewer, and the Lateral, to insure compliance with the requirements of § 65-601(a)

(relating to Prohibited Discharge Standards—Stormwater, etc.). The inspection of the Building Sewer and the Lateral shall include a video inspection at an appropriate time to determine whether such pipes or their connections admit stormwater, groundwater, or other drainage prohibited by § 65-601(a).

(b) Report. If the retained master plumber shall identify any deficiencies or violations as a result of his/her inspection, he shall immediately notify the selling or transferring Owner, the prospective purchaser or transferee, and the Borough (through the office of the Executive Secretary) of all such deficiencies/violations and the actions needed to correct the deficiencies/violations. Although retained and paid for by the selling or transferring Owner, the master plumber is acting as the agent of the prospective purchaser or transferee and the Borough in conducting the inspection and has a professional obligation to them.

(c) Correction of Deficiencies/Violations. All deficiencies and violations identified by the master plumber's inspection shall be corrected prior to the settlement on the sale or transfer of the Improved Property. If the Building Sewer, the Lateral, or their various connections shall be found defective so as to admit any stormwater, etc. prohibited by § 65-601(a), the connections shall be repaired, and/or the pipe shall be replaced, relined, or, in limited situations where appropriate, spot repaired, as approved by the Borough Plumbing Inspector, by a certified plumber in accordance with the applicable Code requirements of the Borough.

(d) Certification. If the retained master plumber shall not identify any deficiencies or violations as a result of his/her inspection, or if all identified deficiencies and violations shall have been corrected, the master plumber shall prepare and certify a report to the selling or transferring Owner, the prospective purchaser or transferee, and the Borough (through the office of the Executive Secretary), that the Improved Property is in compliance with § 65-601(a). The Improved Property may not be sold or transferred prior to the issuance of this certification.

(e) Transfer Without Certification. In the event that a sale or transfer of any Improved Property occurs prior to or without a certified report of compliance with § 65-601(a) as required under this Section, the purchaser or transferee of the Improved Property shall be responsible for

obtaining an inspection, correcting deficiencies and violations, and providing a certification to the Borough under this Section to the same extent as the seller or transferor.

(f) **Exception.** This Section shall not apply to the initial transfer of an Improved Property from the developer/contractor who constructed new improvements on the property and first connected the property to the Sewer System, to the first occupant of the improvements on the property.

SECTION 2. Codified Ordinances § 65-1303(a)(1) (relating to Sanitary Sewer—Judicial Enforcement Remedies—Criminal Penalties—Violations of Article III—Penalties) is amended as follows (with deletions indicated by ~~strike-outs~~ and insertions indicated by double underlining):

§ 65-1303 Criminal Penalties.

(a) **Violations of Article III.**

(1) **Penalties.** Any Person who shall violate any provision of Article III of this Chapter shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not less than ~~fifteen dollars (\$15.)~~ one hundred dollars (\$100.00) nor more than ~~twenty-five dollars (\$25.)~~ three hundred dollars (\$300.00), together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

* * *

* * *

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 25th day of July, 2012, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Sharon Trexler, Executive Secretary

AND NOW, this 25th day of July, 2012, the above Ordinance is hereby **APPROVED**.

Robert W. Mader, Mayor