

**ORDINANCE NO. 510**  
**BOROUGH OF FOX CHAPEL**

AN ORDINANCE OF THE BOROUGH OF FOX CHAPEL, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING A REQUIREMENT FOR CERTIFICATION OF SANITARY SEWER STATUS PRIOR TO THE SALE OF REAL ESTATE WITHIN THE BOROUGH OF FOX CHAPEL, AND AS A CONDITION FOR THE ISSUANCE OF MUNICIPAL LIEN LETTERS AND PROPERTY TAX VERIFICATION LETTERS.

WHEREAS, the Borough of Fox Chapel is desirous of eliminating storm and surface waters from entering into the sanitary sewer system of the BOROUGH and,

WHEREAS, the Borough of Fox Chapel is desirous of establishing certain procedures for the issuance of municipal lien and property tax certifications.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Fox Chapel, Allegheny County, Pennsylvania, and it is hereby ordained by and with the authority of the same:

**SECTION I - GENERAL**

After the effective date of this Ordinance, it shall be unlawful for any person to sell real estate within the Borough of Fox Chapel on which a building or improvement exists, without first delivering unto the purchaser a **Document of Certification or Temporary Document of Certification** from the proper officers of the Borough of Fox Chapel.

**SECTION II - DEFINITIONS**

- A. Person: Any person, syndicate, associate, partnership, firm, corporation, institution, agency, Authority, or other entity recognized by law as the subject of rights and duties.
- B. Municipal Lien and Property Tax Verification Letter: A written letter from the proper official of the Borough of Fox Chapel concerning municipal liens and property taxes.
- C. Document of Certification: An official statement from the proper officer of the Borough of Fox Chapel stating that there are no known illegal storm or surface water connections into the sanitary sewer connections on the specific property which is being sold.

- D. Temporary Document of Certification; A temporary statement of certification from the proper officer of the Borough of Fox Chapel, issued pursuant to the terms of Section IV of this ordinance.
- E. Illegal Storm or Surface Water Connections: The discharge of ground or surface water or the connection of downspouts, roof drainage, surface areaway drainage, or foundation or basement drainage into the sanitary sewer system.

**SECTION III - DOCUMENT OF CERTIFICATION APPLICATION**

Any person selling real estate located within the Borough of Fox Chapel (hereinafter "APPLICANT") shall make application on a form furnished by the Borough of Fox Chapel at least seven (7) days before the date of sale. The APPLICANT shall then have a plumber who is registered and licensed by the Allegheny County Health Department perform a dye test, smoke test or air test of the sewer drainage system on the property to be sold, said smoke test to involve the use of nontoxic, nonstaining smoke, which is forced through the sewer system by the use of air blowers. The plumber shall notify the Borough at least two (2) working days before the test is made so that the Borough may witness the test. The Borough shall have the right to approve the test as performed and/or to require that additional tests be made. The Borough shall also have the right to rely on the results of any internal televising of the main sewer completed by the Borough or its contractor. The plumber shall complete the appropriate portions on the form and certify that the property has been dye tested, smoke tested or air tested and certify the results of such test. In the event that there are no illegal storm or surface water connections and the existing drainage system is sound, the Borough of Fox Chapel Building Inspector or his designate shall issue a Document of Certification upon the payment of any established fee. When an illegal storm or surface water connection or malfunctioning drainage system is discovered by the means of the above-mentioned testing, no Document of certification will be issued until the illegal connections/malfunctioning drainage system are removed/repared, the system retested and certification of such removal/repair by a registered, licensed plumber is received.

**SECTION IV - TEMPORARY DOCUMENT OF CERTIFICATION**

A **Temporary Document of Certification** may be issued at the Borough's sole discretion when either:

- A. The APPLICANT proves that such testing cannot be performed because of weather conditions, and when such is the case, the APPLICANT shall provide the Borough with security in the amount of One Thousand Dollars (\$1,000.00) to guarantee that the appropriate test will be performed. The APPLICANT will cause to have performed the appropriate test within fourteen (14) days of subsequent written notification from the Borough, which will be given at such time as weather conditions make such testing possible. In addition, the APPLICANT shall provide a signed written acknowledgement from the purchaser of the real estate, agreeing to correct, at the said purchaser's sole

expense, any violations/defects that may be discovered as the result of subsequent tests. Nothing in this subsection shall prohibit any purchaser from requiring the APPLICANT to reimburse the purchaser for any costs incurred; PROVIDED, NEVERTHELESS, that primary liability shall run with the land and no such agreement shall affect the Borough's enforcement powers or excuse the current owner from performance.

- B. When an illegal storm or surface water connection or malfunctioning drainage system has been discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the APPLICANT, the APPLICANT may apply to the Borough Building Inspector for a Temporary Document of Certification which may only be issued when the APPLICANT provides the Borough with all of the following:
1. A bona fide executed contract between the APPLICANT and a registered, licensed plumber to complete the necessary remedial work with the Borough listed therein as a third party beneficiary;
  2. Cash security in the amount of said contract as posted with the Borough; and,
  3. An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the Borough to enter upon the property to complete work in case of default by the contractor. The Building Inspector shall determine, by regulation, when such **Temporary Document of Certification** shall expire, at which time the security shall be forfeited, and the Borough may use the security to have the necessary remedial work completed.

#### SECTION V

The Building Inspector is hereby authorized, empowered and directed to make reasonable rules and regulations for the operation and enforcement of this Ordinance as he deems necessary, which shall include, but not be limited to:

- A. Establishing acceptable forms of security or guarantees;
- B. Acceptable testing methods.
- C. Establishing the forms of applications, purchaser acknowledgements and plumber certifications;
- D. Limiting the times of year in which **Temporary Documents of Certification** are available for reasons of weather.

All rules and regulations issued pursuant to this Section shall be in writing and be approved by the Fox Chapel Borough Council prior to such rules and regulations being effective.

**SECTION VI**

Nothing in this Ordinance shall limit, in any fashion whatsoever, the Borough's right to enforce any ordinance or law of the Borough of Fox Chapel, County of Allegheny or Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

**SECTION VII**

Any person who shall fail, neglect or refuse to comply with any of the terms or provisions of this Ordinance, or of any regulation or requirement pursuant thereto and authorized thereby shall, upon conviction before any district justice, be sentenced to pay a fine of \$1,000.00 and costs of prosecution, and in default of payment thereof, to imprisonment for a term not to exceed ninety (90) days.

**SECTION VIII**

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

**SECTION IX**

Any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance be and the same are hereby repealed to the extent of such conflict.

**SECTION X**

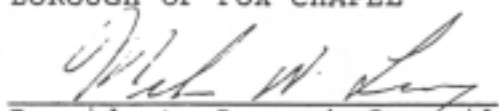
The effective date of this Ordinance shall be the 1st day of July, 1990.

ORDAINED AND ENACTED into law by the Borough Council of the Borough of Fox Chapel, Allegheny County, Pennsylvania this 18th day of June, 1990.

ATTEST:

  
Secretary

BOROUGH OF FOX CHAPEL

  
President, Borough Council