

MUNHALL SANITARY SEWER MUNICIPAL AUTHORITY

RESOLUTION No. 2019-01

A RESOLUTION OF THE MUNHALL SANITARY SEWER MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, 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 Munhall Sanitary Sewer Municipal Authority is incorporated under the Municipality Authorities Act, as amended, 53 Pa.C.S. §5601, *et seq.* (the "Act"); and

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.

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 or Mortgage of any Authority Customer/System User's property, and in addition, to conduct, at its discretion, area wide dye testing for the same purpose; and

WHEREAS, Munhall Borough adopted Ordinance No. 1513 on November 15, 2006, which provides in relevant part that it is unlawful for any person, firm or corporation connected to the Borough of Munhall sanitary system to connect any roof drain thereto or to permit, allow, or cause to enter into the sewer system any storm water or surface water; and

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

1. DEFINITIONS

- a. **AUTHORITY** - The Munhall Sanitary Sewer Municipal Authority.
- b. **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.
- c. **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.
- d. **ILLEGAL STORM OR SURFACE WATER CONNECTIONS** - The discharge of basement seepage or groundwater via the connection of downspout roof drainage, surface drainage, or areaway drainage into the Sanitary Sewer System.
- e. **MORTGAGE** - The transfer, assignment, pledge or hypothecation of any interest in real property to a lender for value, which transfer, assignment, pledge or hypothecation is evidenced by a mortgage, deed of trust or other security instrument.
- f. **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.
- g. **SALE** - The transfer or assignment, with or without consideration, of any interest in real property that receives services from the Authority.
- h. **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 sewer or surface water connections to the sanitary sewer lines.
- i. **SANITARY SEWER SYSTEM** - The collection system consisting of the pipes, laterals, manholes and appurtenances designed to carry only wastewater.

- j. 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.

2. 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, including, but not limited to, roof drain/leader/downspout yard drain, driveway drain, stairway area drain, or foundation drain, nor allow any such drain 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 from any source including, but not limited to, direct connections, broken or defective building connections, sewer pipes or building/other drain pipes.

3. 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 or Mortgage of any interest in 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. The Authority reserves the right to mandate a formal application process for time-of-sale testing.

4. That any Authority Customer/System User Selling or Mortgaging real property receiving Authority service(s) shall request "Dye Test Compliance Certificate" from the Authority and contact an Allegheny County Registered Master Plumber for inspection of sewers and sewer connections at least twenty-one (21) days before the Sale or Mortgage on a form furnished by the Authority. Only after the Authority receives the passing dye test from an Allegheny County Master Plumber will the Authority certify, if appropriate, that the property to be Sold or Mortgaged 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 designee, shall issue a Dye Test Compliance Certificate upon payment of a fee of \$30.00, which may be amended from time to time by Resolution. 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 and the Authority, or designee, performs reinspection confirming disconnection.

5. That the Authority Manager, or designee, is 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 to make exceptions 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 (e) when appropriate, prosecute violators of this Resolution.

6. 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.

7. 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 reinspect the subject property to determine whether the violations have been properly corrected.

8. That authorized Authority employees and/or its designated representatives while enforcing the terms of this Resolution and/or Rules and Regulations shall, upon Notice, have the right to enter onto an Authority Customer/System User property to inspect and test sewer installations, appurtenances, and conditions 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).

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

- a. When wet weather conditions are such that advance notice to the Authority Customer/System User is not feasible due to the exigency of the weather conditions for any property identified to be inspected; and
- b. 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
- c. 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.

10. That from time to time, the Authority may require interior access to a premises.

The below are the most prominent examples of same:

- a. 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 of real property;
- b. 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; and
- c. When the Authority is reinspecting, 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.

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.

11. That after receipt of a notice of violation(s), failure of an Authority Customer/System User to correct any violation and contact the Authority to request reinspection 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 as such hereunder.

12. That the proper Authority officials are hereby authorized and empowered to take reasonable and permissible additional action as they may deem necessary or appropriate to enforce this Resolution and/or Policies/Procedures, based upon circumstances existing then and there, and that require an immediate determination be made.

13. That if exigent circumstances exist that prevent the remedy of a violation(s) within the prescribed twenty-one (21) day period, then the Authority Manager, or designee, may grant a reasonable extension to make repairs. Satisfactory monies shall be escrowed to cover costs of repairs when appropriate, including, but not limited to, when the date of a scheduled closing may be affected.

14. 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.

15. Any Resolution or part thereof in conflict with this Resolution or any its terms are hereby repealed.

RESOLVED AND ADOPTED this 2 day of APRIL, 2019.

ATTEST:


Larry Schamus, Secretary

MUNHALL SANITARY SEWER
MUNICIPAL AUTHORITY


Matthew Bovee, President