

INFILTRATION TEST

Ordinance No. 2006-03

Date Enacted 6/12/06

TOWNSHIP OF HOPEWELL

ORDINANCE NO: 2006-03

WHEREAS, the Township of Hopewell believes the elimination of surface storm water inflow to the sanitary sewer system to be necessary to the health and welfare of its residents; and

WHEREAS, the Township of Hopewell has reason to believe that certain residential and commercial properties within the Township of Hopewell have storm water or surface water connections to the sanitary sewer system; and

WHEREAS, the Township of Hopewell desires to institute and enforce testing of all structures located on property within the Township of Hopewell to determine whether surface storm water drains to the sanitary sewer system.

NOW, THEREFORE, in the interest of promoting the health and welfare of the residents of the Township of Hopewell, the Board of Commissioners hereby ordains:

Section 1. Definitions.

- (a) Applicant: A person applying for a Certificate of Compliance or Temporary Certificate of Compliance.
- (b) Cash security: Cash, certified check, or treasurer's check.
- (c) Infiltration Test: Any commonly accepted method of testing whereby dye, smoke or video camera is introduced into the storm, surface or subsurface water collection system and downspouts of structures of improvements to real property to determine if surface storm water is entering into the sanitary sewer system.

- (d) Improved and sewerred 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.
- (e) Person: Any natural person, association, partnership, corporation, syndicate, institution, agency, authority, or other entity recognized by law as the subject of rights and duties.
- (f) Sanitary sewer system: The sanitary sewer lines and related facilities maintained and operated by the Township of Hopewell.
- (g) 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 of transfer under this Ordinance.
- (h) Surface storm water: Surface water and ground water, including, but not limited to roof and driveway drainage, basement seepage, and surface and areaway drainage.

Section 2. Unlawful Connections. After the date of this Ordinance, it shall be unlawful for any person to connect or allow to remain connected 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 storm water, including, but not limited to the fresh air vent of the improved and sewerred property's sanitary sewer, to the sanitary sewer system.

Section 3. Proof of Compliance on Sale or Transfer. After the date of this Ordinance, it shall be unlawful for any person to sell or transfer improved and sewerred real property located within the Township of Hopewell 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.

Section 4. Application for Certificate of Compliance.

- (a) At least Thirty (30) days prior to the date of closing or transfer of any improved real property located within the Township of Hopewell, the seller or transferor or its agent shall submit to the Township Manager/Designee, an Application for Certificate of Compliance, completed as required by Section 4(b) below. The Certificate of Compliance form shall be available upon request from the Township Manager/Designee. The fee for filing the completed Application for Certificate of Compliance shall be established by the Commissioners of the Township of Hopewell from time to time by Resolution.
- (b) Prior to the sale or transfer of any improved real property located within the Township of Hopewell, the seller or transferor shall have an Infiltration Test of the property performed by a representative of Hopewell Township or a plumber licensed to perform such tests as designated or approved by the Township of Hopewell. Upon completion of the Infiltration 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 tested and certifying the results of the test.

Section 5. Issuance of Certificate of Compliance.

- (a) If the Application for Certificate of Compliance, properly completed and filed with the Township Manager/Designee, with the designated filing fee, indicates that there are no connections of surface storm water to the sanitary sewer system, then the Township Manager/Designee shall issue the Certificate of Compliance within ten (10) days of application therefore.
- (b) If the Infiltration Test reveals the existence of one or more surface storm water connections to the sanitary sewer system, the Township Manager/Designee shall not issue the Certificate of Compliance until the connections have been removed and a plumber licensed to perform such tests, as designated or approved the Township of Hopewell to do so, has certified that there is no connection of surface storm water to the sanitary sewer system from the property to be sold or transferred.

Section 6. Temporary Certificate of Compliance.

- (a) When a surface storm water 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 Township Manager/Designee for a Temporary Certificate of Compliance. The seller or applicant must submit the following with the properly completed Application:

- i. A bona fide executed contract with a plumber registered and licensed to perform such work, as designated or approved by the Township of Hopewell, requiring the plumber to complete the remedial work necessary to the removal of the connections of surface storm water to the sanitary sewer system and granting the Township of Hopewell the right and power to enforce the contract.
 - ii. Cash security in an amount equal to one hundred ten (110) percent of the contract described in Subsection (a)(i) above.
 - iii. 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 Township of Hopewell, 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.
 - iv. The filing fee shall be established by the Commissioners of the Township of Hopewell from time to time by Resolution.
- (b) When Infiltration Testing cannot be performed because of weather conditions, the seller or applicant may apply to the Township Manager/Designee for a Temporary Certificate of Compliance. The

seller or applicant must submit the following with the properly completed Application:

- i. Cash security in the amount of One Thousand Dollars (\$1,000.00);
 - ii. The written, signed agreement of the purchaser or transferee to correct, at the purchaser's or transferee's sole expense, any surface storm water connections to the sanitary sewer system disclosed by the subsequent Infiltration Test, together with a license from the purchaser or transferee to the Township of Hopewell, its agents, contractors, and employees, to enter upon the property to conduct the Infiltration Testing, should the applicant fail to do so. Nothing in this subsection 6(b) 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 Township of Hopewell's enforcement powers or excuse the current owner of the property from performance.
 - iii. The filing fee shall be established by the Commissioners of the Township of Hopewell from time to time by Resolution.
- (c) The Township Manager/Designee may reject the Application for Temporary Certificate of Compliance whenever, in his or her sole

judgment, the conditions defined by this Section 6 do not exist or the submissions required by this Section 6 have not been made.

- (d) The Temporary Certificate of Compliance shall be effective for sixty (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 Sections 4 and 5 of this Ordinance, the cash security shall be forfeited, and the Township of Hopewell may use the funds to complete the remedial work or the Infiltration Testing.
- (e) The Application for Temporary Certificate of Compliance form shall be available upon request from the Township Manager/Designee.

Section 7. Municipal Lien and Tax Verification Letters. A request to the Township of Hopewell 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 Commissioners of the Township of Hopewell from time to time by Resolution. The Township of Hopewell shall issue the municipal lien letter or tax verification letter within seven (7) days of receipt of the appropriately documented request and the applicable fee.

Section 8. Expiration of Certificate of Compliance. A Certificate of Compliance issued under this Ordinance shall be valid for a period of Five (5) years from the date of issuance.

Section 9. Regulations. The Township Manager/Designee is hereby empowered to make reasonable rules and regulations for the operation and enforcement of this Ordinance, including, but not limited to: establishing the form of applications, acknowledgements and certifications; and limiting the time of year in which Temporary Certificate of Compliance is available for reasons of weather.

Section 10. Conflict with General Police Powers. Nothing in this Ordinance shall limit in any fashion whatsoever the Township of Hopewell's right to enforce its ordinances or the laws of the Commonwealth. Nothing in this Ordinance shall be a defense to any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

Section 11. Penalties.

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 Five Hundred Dollars (\$500.00) and costs of prosecution, and in default of payment thereof, to imprisonment for a term not to exceed ninety (90) days.

Section 12. Severability. It is the express intent of the Commissioners of the Township of Hopewell, that the provision of this Ordinance are

severable. If any section, subsection, sentence, clause, or phrase of this Ordinance shall be held to be illegal, invalid, or unconstitutional, the remaining provisions shall not be affected or impaired.

Section 13. Repeal. Any ordinance or any part of any ordinance conflicting with the provisions of this Ordinance is hereby repealed. This Ordinance specifically repeals Ordinance No. 2000-1 known as The Smoke and Dye Test Ordinance and Ordinance No. 2004-11 amending The Smoke and Dye Test Ordinance.

Section 14. Subsequent Testing Program. This Ordinance shall not preclude the Township of Hopewell from conducting other testing or inspection, or implementing a program of testing or inspection, within the Township for purposes of discovering or locating the inflow of surface storm water to the sanitary sewer system.

Section 15. Effective Date. The effective date of this Ordinance shall be

June 12, 2006

ORDAINED AND ENACTED INTO LAW, this th day of , 2006.

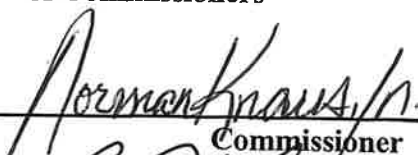
ATTEST:



TOWNSHIP OF HOPEWELL

BY: 
President,

Hopewell Township Board
of Commissioners

BY: 
Commissioner

BY: 
Commissioner

TOWNSHIP OF HOPEWELL

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ATTEST:


TOWNSHIP OF HOPEWELL
BY: 
President,
Hopewell Township Board
of Commissioners

BY: 
Commissioner

BY: 
Commissioner

ORDINANCES

NOTICE OF PROPOSED ORDINANCE
TOWNSHIP OF HOPEWELL

TAKE NOTICE that the Board of Commissioners of the Township of Hopewell, Beaver County, Commonwealth of Pennsylvania shall take action upon a proposed Ordinance at a Public Meeting to be held on Tuesday, September 26, 2006 at 8:00 P.M. at the Hopewell Township Municipal Building, 1700 Clark Boulevard, Aliquippa, Pennsylvania of which this notice is a summary:

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, A FIRST CLASS TOWNSHIP UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A SCHEDULE OF REASONABLE ATTORNEY FEES TO BE RECOVERED BY THE TOWNSHIP IN THE COLLECTION OF ANY DELINQUENT ACCOUNTS INCLUDING MUNICIPAL CLAIMS, MUNICIPAL LIENS, TAXES, TAX CLAIMS, TAX LIENS, WRITS OF SCIRE FACIAS, JUDGMENTS AND EXECUTIONS

This Ordinance will be adopted pursuant to the First Class Township Code and the Municipal Claims and Tax Liens Act, Title 53 §7101 et seq., in order to obtain reimbursement of legal fees associated with said claims.

A copy of the full text of the proposed Ordinance is available for public inspection at the Office of the Hopewell Township Manager, 1700 Clark Boulevard, Aliquippa, Pennsylvania and the Beaver County Law Library, Courthouse, Beaver, Pennsylvania during normal business hours.

After adoption, an official copy of the Ordinance shall be filed in the Beaver County Law Library.

Michael B. Jones, Esquire
Solicitor

09/14/06



McMillen, Urick
Tocci, Fouse
& Jones

ATTORNEYS AT LAW

Keith R. McMillen
Richard Urick
Laura J. Tocci
Dale M. Fouse
Kelly M. Tocci
Michael B. Jones
Michael W. Nalli

September 14, 2006

Of Counsel
Edward T. Duplaga
Edward J. Tocci
Retired

Beaver County Times
ATTN: Lisa Lewis
400 Fair Avenue
Beaver, PA 15009

**RE: Notice of Proposed Ordinance
Hopewell Township**

Dear Ms. Lewis:

Enclosed is a Notice of Proposed Ordinance that I am requesting be published on behalf of Hopewell Township. Please run the Notice One (1) time in the earliest available edition of the Times and bill the undersigned at the address listed below.

Thank you for your cooperation.

Very truly yours,

McMILLEN, URICK, TOCCI, FOUSE & JONES

Michael B. Jones
Telephone: 724-375-6683
Facsimile: 724-375-5099

MBJ:dg
Enclosures (1)
Cc Hopewell Township Board of Commissioners

SENT BY FACSIMILE ONLY TO 724-775-7212