

**SOUTH FRANKLIN TOWNSHIP,
WASHINGTON COUNTY**

ORDINANCE NO. 3 OF 2001

DYE TEST ORDINANCE

Section 1. - Findings and Purpose. The Pennsylvania Department of Environmental Resources has directed that all municipalities take those steps necessary and proper to eliminate improper water infiltration into its sanitary sewer system and/or the waters of the Commonwealth of Pennsylvania. In that regard, the Board of Supervisors finds that excessive storm and/or surface waters and/or sewage may be illegally deposited into the waters of the Commonwealth of Pennsylvania as located in South Franklin Township, thus requiring increased and unnecessary and/or inappropriate pollution and, subsequently, curtailing capacity and/or availability of tap-ins for public sewage treatment facilities at such time that the same may be made available. The Board of Supervisors finds that the procedure fees and penalties provided for herein are necessary to achieve the purposes of this Ordinance. The Board of Supervisors does hereby designate the Township zoning Enforcement Officer and/or such other Township Official as designated by Resolution of the Board of Supervisors to administer and enforce the within Ordinance in conjunction with the use of any and all properly credentialed plumbers.

Section 2 – Short Title. This Ordinance may be known and cited as the “Dye Test Ordinance.

Section 3 – Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

AUTHORITY – Such Sewer or Sanitary Authority as may be created in the future.

CODE – South Franklin Township Ordinances, as the same may be from time to time amended.

DOCUMENT OF CERTIFICATION – An official statement from the Enforcement Officer stating that there are no illegal storm or surface water connections nor improper sewage flows on the property to be sold which violate any section of the Code.

ILLEGAL STORM OR SURFACE WATER CONNECTIONS – The discharge of basement seepage or ground water or the connection of downspouts, roof drainage or surface or areaway drainage into the sanitary sewer system.

ILLEGAL SEWAGE FLOWS – The discharge of sewage or untreated waters consumed by occupied structures into the waters of the Commonwealth of Pennsylvania, as situate in South Franklin Township.

MUNICIPAL LIEN AND PROPERTY TAX VERIFICATION – A written letter from the Township concerning municipal liens and property taxes.

PERSON – Any person, syndicate, association, partnership, firm, corporation, institution, agency, authority or other entity recognized by law as the subject of rights and duties

TEMPORARY DOCUMENT OF CERTIFICATION – A temporary statement of certification from the Enforcement Officer issued pursuant to the terms of this Ordinance.

TOWNSHIP – South Franklin Township

Section 4 – Sale of Real Estate Without Document of Certification Prohibited. After the effective date of this Ordinance, it shall be unlawful for any person to sell or purchase real estate within the Township on which a building or improvement exists without first delivering to the purchaser a Document of Certification or a Temporary Document of Certification issued by the Enforcement Officer.

Section 5 – Document of Certification Application.

1. Any person selling real estate located as defined in Section 4 of this Ordinance that is located within the Township (hereinafter referred to as “applicant”) shall make application on a form furnished by the Enforcement Officer at least twenty-one (21) days before the date of closing the sale. The applicant shall then cause to have performed a dye test on the property to be sold. All dye tests shall be performed by an inspector appointed by the Enforcement Officer (hereinafter referred to as “inspector”).
2. The inspection fee shall be an amount set by Resolution of the Board of Supervisors. The inspection fee shall be paid to the Township at the time of making application referred to in this Section.
3. Such inspector shall complete the appropriate portions on the form and certify that the property has been dye tested and certify the results of such test. In the event that there are no illegal storm or surface water connections and/or untreated or improperly treated sewage flows, the Township shall issue a Document of Certification upon payment of such fee as set by Resolution of the Township. When an illegal storm or surface water connection or sewage flows is/are discovered by means of the above-mentioned dye test, no Document of Certification will be issued until the illegal connections and/or flows are removed and certification of such removal and/or remedy by an inspector is received. An additional inspection fee shall be paid by the applicant for each inspection subject to the first inspection referred to in Section 5(1).

Section 6. Duration of Document of Certification. A Document of Certification shall be valid for a period of one (1) year from the date of issuance. Real estate may be sold during the one (1) year effective life of such document without further dye testing or certification.

Section 7. Instances When Document of Certification Not Required. A Document of Certification shall not be required in the following instances:

1. When property is refinanced but no conveyance takes place.
2. When an improvement to real estate has been recently constructed in accordance with a valid building permit and has been inspected by the Township and/or Enforcement Officer and has not been formerly occupied but is now occupied within one (1) year of the issuance of the building permit. If such property is sold after one (1) year of the date of the Certificate of Occupancy, or the inspections referred to in this subsection, compliance with this Ordinance is mandatory.
3. Individual apartment-type units within a single condominium building may be sold without individual certification provided that the building in which the units are located has been certified no longer than one (1) year previous to the date of the sale of the individual condominium unit.
4. When the real estate is such that sanitary sewer systems are not required by law or ordinance.

Section 8. Temporary Document of Certification. A temporary Document of Certification may be issued by the Enforcement Officer, at his sole discretion, when, either:

1. The applicant proves that dye testing cannot be performed because of weather conditions. When such is the case, the applicant shall provide the Township with security in such an amount as the Township, by Resolution, shall establish to guarantee that the dye test will be performed. The applicant will cause to have the dye test performed within fourteen (14) days of written notification from the Enforcement Officer which shall be given at such time as weather conditions make the dye test possible. In addition, the applicant shall provide a signed, written acknowledgement from the purchaser agreeing to correct, at purchaser's sole cost and expense, any violations that may be discovered as a result of subsequent dye tests. Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse purchaser for any costs incurred; provided, however, that primary liability shall run with the land and no such agreement shall affect the Township's enforcement powers or excuse the current owner from compliance with this Ordinance; or
2. When an illegal storm or surface water connection or sewage flow is discovered and the necessary remedial activities to correct such would require a length of time such as to create a practical hardship for the applicant, applicant may apply

to the Township for a Temporary Document of Certification which may only be issued when the applicant provides the Township with all of the following: (i) A bona fide executed contract between the applicant and a contractor to complete the necessary remedial work with the Township listed therein as a third party beneficiary; and (ii) cash security in the amount of said contract is posted with the Township; and (iii) a written agreement by the purchaser to be responsible for all cost overruns and extras related to the remedial work together with a written license to enter upon the property to complete work in case of default of the contractor referred to above. The Enforcement Officer shall determine when such Temporary Document of Certification shall expire. Upon expiration, the security shall be forfeited and the Township may use the security to have the necessary remedial work completed.

Section 9. Municipal Lien and Tax Certification Letters.

1. A request for a Municipal Lien or Tax Certification Letter must be accompanied by a valid Document of Certification issued pursuant to this Ordinance and the payment of the required fees.
2. Where requested by a property owner or his agent and subject to time availability as determined solely by the Enforcement Officer, the Township may issue a Municipal Lien and Tax Certification Letters on two (2) days' notice upon the payment of an expedition fee in addition to the fees set forth above. The amount of the expedition fee shall be established by Resolution of the Board of Supervisors.

Section 10. Regulations. The Township, by and through the Enforcement Officer, is hereby empowered to undertake the duties imposed by this Ordinance, including but not limited to:

1. Establishing acceptable forms of security or guarantee.
2. Establishing the form of (i) applications, (ii) purchaser acknowledgements and (iii) inspector certifications.
3. Limiting the times of year in which the Temporary Document of Certification si available for reasons of weather.

Section 11. Adjustment of Fees. The Township may, by Resolution, change from time to time, the fees authorized in this Ordinance.

Section 12. Conflict with General Police Powers. Nothing in this Ordinance shall limit in any fashion whatsoever the Township'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 13. Penalties and Enforcement.


1. Any person who violates any of the provisions of this Ordinance may be charged with such violation and, upon conviction thereof, shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than Six Hundred (\$600.00) Dollars for each violation or, alternatively, sentenced to pay a fine of not more than the maximum permitted under Pennsylvania law as the same may be from time to time amended and in effect as of the date of conviction. In default of payment of imposed fines, the offender may be imprisoned for a term not to exceed ninety (90) days.
2. Whenever any person violating any of the provisions of the Ordinance is notified of such violation in writing by the Enforcement Officer, each day, or portion thereof, a violation occurs or continues to occur shall constitute a separate violation.
3. In addition to and not in lieu of the foregoing, the Township may seek equitable and legal relief to compel compliance with this Ordinance. Therein, if said person(s) is to be liable by a court of appropriate jurisdiction, said person shall also be responsible for any and all court costs, attorney's fees and/or expenses incurred by the Township in seeking said enforcement.

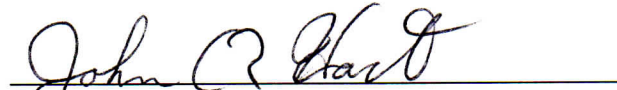
Section 14. Effective Date. This Ordinance shall become effective the 5TH day of NOVEMBER, 2001.

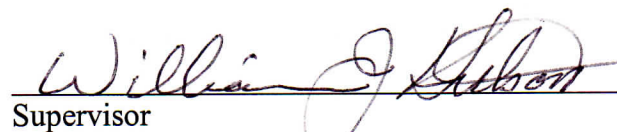
BE IT ORDAINED AND ENACTED this 25th day of October, 2001, by the South Franklin Township Board of Supervisors.

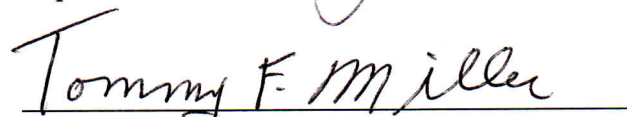
ATTEST:

SOUTH FRANKLIN TOWNSHIP


Secretary


Supervisor


Supervisor


Supervisor