

ORDINANCE 2012-2
BOROUGH OF PENNDEL

AN ORDINANCE OF THE BOROUGH OF PENNDEL,
BUCKS COUNTY, PENNSYLVANIA, ESTABLISHING
A REQUIREMENT FOR CERTIFICATION OF
SANITARY SEWER STATUS PRIOR TO THE SALE OF
REAL ESTATE WITHIN THE BOROUGH OF
PENNDEL

WHEREAS, the Borough of Pennel desires to eliminate storm and surface waters from entering into the sanitary sewer system of the Borough; and

WHEREAS, the Borough has determined that it is in the best interests of the health, safety and general welfare of the residents of the Borough to require property owners to demonstrate that the sewer lateral servicing their property is free from inflow and infiltration at the time the property owner sells the property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Pennel, Bucks 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 Pennel on which a building or improvement exists, without first delivering unto the purchaser a **Document of Certification** from the proper officers of the Borough of Pennel.

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. Document of Certification: An official statement from the proper officer of the Borough of Pennel 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.
- C. 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.

- D. Lateral or Sewer Lateral: The sewer line from its originating connection point at the structure to its connection point into the sewer main.

SECTION III – DOCUMENT OF CERTIFICATION APPLICATION

Any person or entity selling real estate located in the Borough of Penndel (hereinafter “APPLICANT”) shall demonstrate to the Borough that the sewer lateral servicing the property is sound and free from inflow and infiltration and that no illegal storm or surface water connections exist. APPLICANT shall make application on a form furnished by the Borough of Penndel at least thirty (30) days before the date of sale. The APPLICANT shall then have a plumber or other qualified contractor televise the lateral. The plumber or qualified contractor shall notify the Borough, at least seven (7) days before the scheduled televising, so that the Borough may witness and review the results of the televising. The plumber or qualified contractor shall complete the appropriate portions of the form and certify that (1) the lateral has been televised; (2) the lateral is free from inflow and infiltration; and (3) no illegal storm or surface water connections exist. A copy of the video shall be delivered to the Borough upon request of the Borough. If there are no illegal storm or surface water connections or inflow and infiltration and the lateral is sound, the Borough of Penndel Building Inspector or his designate shall issue a Document of Certification upon the payment of any established fee.

If an illegal storm or surface water connection exists or inflow and infiltration is present or the lateral is otherwise malfunctioning, no Document of Certification will be issued until the lateral is repaired, the system re-televised and certification of such removal/repair by a registered, licensed plumber is received.

In addition to the above, the Borough shall have the right to rely on the results of any of its own internal televising of the sewer main completed by the Borough or the contractor when determining compliance with this the requirements of this section.

SECTION IV

Nothing in this Ordinance shall limit, in any fashion whatsoever, the Borough’s right to enforce any ordinance or law of the Borough of Penndel, County of Bucks or Commonwealth of Pennsylvania. Northing 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 V

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 VI.

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.

SECTIONS VII.

It is the intent of the Council of the Borough of Penn del that the provisions of this Ordinance shall become and be made a part of the Code of the Borough of Penn del and the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section” or “article” or such other appropriate word or phrase in order to accomplish the intention of the Council.

SECTION VIII.

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 IX

The requirements of this Ordinance shall become effective on the 1st day of April, 2012.

ORDAINED AND ENACTED into law by the Borough Council of the Borough of Penn del, Bucks County, Pennsylvania this 6th day of February, 2012.

ATTEST:

BOROUGH OF PENNDEL

Secretary

Sean Weckerly, Council President

Approved by the Mayor

BY: _____

DATE: _____