

**BOROUGH OF EDDYSTONE
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE NO. 673**

**AN ORDINANCE AMENDING CHAPTER 242 TO ADD ARTICLE 5 RELATING TO
PRIVATE SEWER LATERAL LINES**

PART 1. FINDINGS.

The Eddystone Borough Council finds that:

1. Defective private lateral sewer lines have resulted in the discharge of sewage onto public and private property creating a public health and safety hazard; and
2. Defective private lateral sewer lines result in significant clear water inflow and infiltration to the public sanitary sewer collection system contributing to sewage overflows and causing Eddystone Borough to incur substantial costs each year for additional wastewater conveyance and treatment.

The Eddystone Borough Council finds that it is in the public health, welfare, and interest to:

1. Test and inspect private lateral sewer lines; and
2. Require repair of defective private sewer lateral sewer lines; and
3. Require maintenance of private lateral sewer lines.

The requirements of this article are intended to comply with requirements of the Commonwealth of Pennsylvania Department of Environmental Protection (PADEP), the Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. 691.1 to 691.1001 ("Clean Streams Law"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. 510-17 ("Administrative Code") and the rules and regulations ("rules and regulations") promulgated hereunder for reducing infiltration and inflow in the Borough of Eddystone sanitary sewer collection system. To this end, this article requires that all private sewer laterals be maintained by their owners in accordance with the standards set forth in this article.

PART 2. CHAPTER 242 of the Municipal Code is amended to add a new chapter to read:

CHAPTER 242 PRIVATE SEWER LATERAL LINES

Section 1. APPLICABILITY.

This Ordinance applies to all properties that receive wastewater service from Eddystone Borough and the Delaware County Regional Water Quality Control Authority (DELCORA)

Section 2. DEFINITIONS.

1. **Certificate of Occupancy** shall mean the certificate required pursuant to Chapter 97 of the Eddystone Borough Code.
2. **Clear Water** shall include all stormwater, rain water, surface water, groundwater, roof runoff, or subsurface discharge.
3. **Final Inspection** shall mean the final visual inspection consisting of a triangular fitting in the lateral line which allows for pipe cleaning operators to access the valve and cleaning and provides the ability to use a pipe snake in two directions.
4. **Municipal Authority** means the Eddystone Borough Municipal Authority and or Eddystone Borough Council.
5. **Borough** shall mean the Borough of Eddystone and or the Eddystone Municipal Authority.
6. **Private lateral** means the segment of the sanitary sewer system located on private property that connects a residence or business to the main sanitary sewer collection system.
7. **Property Owner** shall include any individual, entity, partnership, business, corporation, company or other such similar entity.
8. **Property** shall mean any real property located in Eddystone Borough.
9. **Sanitary Sewer System** shall include piping, lines, sewers, and connection thereto transporting wastewater within the Borough of Eddystone to a destination for sanitization and treatment.
10. **Stormwater** shall include all stormwater, rain water, surface water, groundwater, roof runoff, or subsurface discharge.
11. **Two-way clean out** shall mean a triangular-shaped fitting that enables pipe cleanout in both directions.
12. **Vent Cap** means a tight-fitting cap that can be used to seal the necessary vents associated with private lateral plumbing. The vents shall be manufactured to fit on the type of pipe used in the plumbing and shall provide a tight seal against inflow of stormwater under extraordinarily high precipitation conditions.

Section 3. BUILDING SEWER LATERAL MAINTENANCE.

1. Responsibility.

It shall be the responsibility of the property owner to perform all required maintenance, repairs and inspections to keep the building sewer lateral in the condition as set forth herein.

2. Required Maintenance Standards.

2.1. The building sewer lateral must be maintained to meet the following minimum requirements:

- a. The building sewer lateral shall be kept free from roots, grease deposits, and other solids which may impede the flow or obstruct the transmission of waste.
- b. All joints shall be tight and all pipes shall be sound to prevent exfiltration by waste or infiltration by groundwater or stormwater.
- c. The building sewer lateral pipe shall be free of any structural defects, cracks, breaks, or missing portions and the grade shall be uniform without sags or offsets.
- d. No area drains, foundation drains, roof leaders, sump pumps or other direct connections that allow stormwater or groundwater into the building sewer lateral will be allowed.
- e. The building sewer lateral shall have a two-way clean out located approximately at the property line or, in the case where the building sewer is all within private property, in a location approved by the Borough Engineer or duly authorized Borough Codes Department Representative. All clean outs shall be securely capped with an approved cap at all times, except during maintenance activities to prevent the inflow of surface water.
- f. The building sewer lateral shall be free from breaks, openings, and rodent holes.
- g. The building sewer lateral shall not have a damaged or missing cleanout, cover or cap.
- h. The building sewer lateral shall be free of any material that obstructs or prevents the effective maintenance or normal operation of the building sewer lateral or the public sewer main.
- i. Property owners and food service operators are required to control the discharge of fats, oils, and grease (FOG) into the sanitary sewer system from their properties or food service establishments, and not cause or contribute to FOG related sanitary sewer overflows, blockages, or increased maintenance in the sanitary sewer systems according to the current standards established by the municipal authority.

Section 4. LATERAL INSPECTION METHODS

1. The following methods shall be used to inspect private laterals to evaluate building sewers and ensure compliance with the above standards:

a. Closed-circuit video recordings shall be used as the primary testing/inspection method for all laterals that have been in service for 10 years or more. A visual inspection system consists of video inspection using a lighted camera on the end of a cable "push rod." The camera can be pushed into a lateral using the cable or it can be lowered into the lateral and transported by a small tractor. Images from the camera are conveyed back to a display screen and/or recorder, in real-time through the cable. This technique enables the camera operator to inspect the interior of the pipe along its length. The Visual (Video) Inspection shall be performed by certified Plumbing Heating Cooling Contractor – Private Sewer Lateral Inspection Certification (PHCC-PSLI) National Association of Sewer Service Companies (NASSCO) Pipeline Assessment Certification Program (PACP)/Lateral Assessment and Certification Program (LACP) Operator using established PACP/LAPC coding and observations. Lateral inspection methods shall conform to NASSCO standards and defects shall be coded in accordance with the Manual of Sewer Condition Classification (most recent edition) as published by NASSCO, Inc.

b. Smoke testing shall only be appropriate for laterals that are new or exposed and will be conducted according to standard specifications as per the pertinent plumbing codes of Eddystone Borough. Smoke testing of laterals is done by blowing smoke mixed with large volumes of air into the sanitary sewer line and lateral, typically from an entry manhole. The smoke is nontoxic, odorless, and non-staining. Because the area of interest is temporarily sealed off, the smoke follows the path of least resistance and quickly appears at sites that allow surface water to enter the sanitary sewer system. The only places where smoke should be seen escaping are the sewer vents on the roofs of the houses (if there is no house trap). Any other plumes of smoke indicate a source of inflow.

c. Dye testing shall only be appropriate for laterals that are new or exposed and will be conducted according to standard specifications as per the pertinent plumbing codes of Eddystone Borough. During dye testing, a fluorescent, non-toxic, non-staining, biodegradable dye is inserted into locations around a house or lateral alignment that are suspect sites of lateral inflow, including area drains, downspouts, and the earth near the foundation of the house. After the fluorescent dye is inserted, a downstream manhole is opened and observed. If dye is observed in the manhole, it has penetrated the sewer collection system, which indicates breaks in or illegal connections to the sewer lateral.

- d. In addition to the one of the lateral methods specified in this section, all clean outs and vents will be inspected to determine if they are located in an area of ponding or flooding during heavy rain events and if they are sealed to prevent stormwater inflow.

Section 5. COMPLIANCE

1. OWNER RESPONSIBILITIES:

Video disk image samples shall be provided for evaluation by the Borough Engineer or authorized representative.

It shall be the responsibility of the property owner to perform all required inspections of their building sewer lateral, when one or more of the following triggering events occurs:

a. TITLE TRANSFER:

Prior to the sale or transfer of an entire real property, estate or the fee interest in any real property located in the Borough, but not including the sale or transfer of partial interest, including a leasehold. In addition, the following shall not be considered a "title transfer" for purposes of this Ordinance:

- (i) transfer by a fiduciary in the course of the administration of a decedent's estates, guardianship, conservatorship, or trust.
- (ii) transfer from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors.
- (iii) transfer made by a trustor to fund a living trust.
- (iv) transfer made to a spouse or to a person or persons in the lineal blood line of one or more of the transferors.
- (v) transfers between spouses resulting from a decree of dissolution of marriage or domestic decree of legal separation or from a property settlement agreement incidental to a divorce decree.

b. CONSTRUCTION and REMODELING:

Whenever a property owner or authorized agent applies for a building permit for any type of construction on the subject property that exceeds \$50,000 in construction cost.

c. CHANGE IN WATER SERVICE SIZE:

Whenever a property owner or authorized agent applies to the water service provider to increase or decrease the size of the property's water meter.

d. NOTICE OF VIOLATION:

Whenever a property owner or authorized agent has received a written Notice of Violation from the Borough with respect to the condition of the building sewer lateral based on testing conducted by the municipality or its authorized representative.

e. MUNICIPAL INSPECTION:

Whenever the property owner or authorized agent has received a written communication from the Borough with respect to the condition of the building sewer lateral based on observations from the municipal authority or its authorized representative.

2. INDIVIDUALLY OWNED UNITS IN A MULTI UNIT BUILDING:

For all individually-owned units within a multi-unit building, such as a condominium, which is served by a single or shared building sewer lateral(s) the homeowners' association or the responsible party for this type of multi-unit building, shall be responsible for compliance with the following requirements within ten (10) years of the adoption of this Ordinance:

- a. authorize the required inspection(s) to determine if the building sewer lateral(s) serving said property are, as determined by the Borough, in compliance with this Ordinance.
- b. if repair or replacement is required by the Borough, obtain the required building permit, perform such work, and obtain the required inspections as specified by this Ordinance.
- c. Retain records documenting the lateral inspection and remediation to demonstrate compliance in the event of a future property transfer.

3. EXCEPTIONS

- a. A property owner of a structure may request an exemption from the inspection requirement if the building sewer lateral is less than 10 years old from the date of any triggering event described above, and said property owner provides a valid building permit showing that the building sewer lateral was replaced in total, received a Final Inspection, and said building sewer lateral is deemed by the Borough to not otherwise be in violation of this Ordinance.
- b. If at the time of repair or replacement of any building sewer lateral, there is an action in place by the Borough that would prevent the repair or replacement of the lower sewer lateral in compliance with this Ordinance, the Borough may temporarily waive the requirements of this Ordinance for the sewer lateral. Upon conclusion of the municipal action, Eddystone Borough

will rescind the waiver and shall issue a Notice to Proceed to the affected property owner, now directing them to complete the repair or replacement of the sewer lateral within a specific time limit.

4. REQUIRED TIME OF COMPLIANCE

(a) It shall be the responsibility of the property owner to comply with all time limits set forth by Eddystone Borough for any work related to this Ordinance. The time limit for compliance will be established by Eddystone Borough and specified in the first written communication and/or Notice of Violation to the property owner. Non-compliance in excess of said time limits may be deemed a violation of this Ordinance and could subject the property owner Administrative Penalties as specified in this Ordinance.

5. EXEMPTIONS. The Borough may issue an exemption for the disconnection of area drains, foundation drains, roof leaders, sump pumps and other direct connections that allow stormwater or groundwater into the building sewer if, in its opinion, requiring the disconnection would cause an unreasonable financial burden to the property owner. An additional sewer charge above and beyond the normal sewer service charge will be set by the Municipal Authority and paid by each property owner granted such an exemption.

6. EMERGENCY WORK

Nothing in this Ordinance shall prevent any reasonable person from doing such work and making such excavations as may be necessary for the preservation of life or property when such necessity arises; provided, however, that the person doing such work or excavations shall obtain a building permit as specified in this Ordinance therefore on the next working day.

a. Right of Entry

A representative of the municipality or of the Municipal Authority may enter, inspect, and test any buildings, structures, or premises to secure compliance or prevent a violation of any portion of this Ordinance.

No premises shall be entered until a reasonable notice is given to the property owner or his authorized agent except to protect life or public safety. Inspections must occur between 8:00 am and 8:00 PM after a minimum 72-hour advanced notice.

Section 6. CRITERIA FOR NON-COMPLIANCE

1. A sewer lateral will be considered deficient and require repair or replacement if the test methods in Section 4 of this Ordinance document any of the following conditions:

- a. Visible smoke is detected during a smoke test from any location other than roof vent. If visible smoke is detected, a visual inspection should be performed to determine whether the entire lateral connection must be replaced, or whether there is a break or crack that can be repaired.
 - b. Dye is observed in a downstream manhole during a dye test. If dye is observed in a downstream manhole, visual inspection should be performed to determine whether the entire lateral connection must be replaced, or whether there is a break or crack that can be repaired.
 - c. Visual Inspection results show fifty percent (50%) or greater of the lateral cross-sectional area is blocked by debris. If any tree roots are growing into the pipe, the tree roots must be removed and the damaged section of the lateral pipe must be replaced. If the blockage is grease and debris that have not damaged the pipe, the repair can be accomplished by cleaning the pipe.
 - d. Visual Inspection results show breaks, cracks, or missing sections that contribute observable flow during a rainfall event of at least 0.2 inches of rain in six hours. If inflow is observed to drip, seep, or stream into the lateral, the lateral will require complete replacement of the failing section of pipe.
2. If the vent or clean out is found to be a source of inflow, the property owner will be cited for non-compliance of the conditions of this Ordinance for the vent only and be required to flood-proof the vent, without requirement to repair the lateral.

Section 7. LATERAL CLEANING STANDARDS.

1. Sewers will be cleaned by removing grit, loose solids, grease, and any debris that are present.
2. Cleaning shall be completed by the Contractor within 72 hours and no less than one hour prior to inspection to reduce the impact of the natural flow within the pipeline during inspection.
3. The Contractor shall trap all debris in the clean-out or at the end manhole and properly dispose and haul away debris.

Section 8. ADDITIONAL SEWER CHARGES.

1. Completed Sewer Lateral Inspection Report to be filed with video recording along with required evaluation fee, found in the Borough's fee and rate schedule.
2. All Borough fees under this Chapter may be changed from time to time with the enactment of a duly enacted Resolution.

Section 9. ADMINISTRATIVE PENALTIES.

Any person, corporation or other entity who shall violate any of the provisions of this article or who should fail to comply with any notice of violation herein, upon conviction before a Magisterial District Judge, shall be subject to fines, costs and additional charges in the amount of \$750.00 per quarter until the lateral is repaired.

This Ordinance is hereby adopted this 14th day of November 2022.

EDDYSTONE BOROUGH
DELAWARE COUNTY, PENNSYLVANIA

(SEAL)



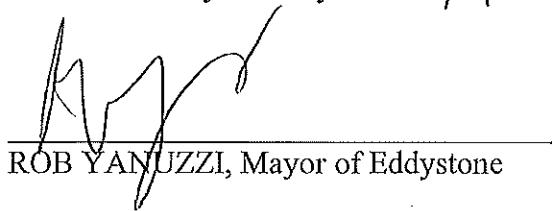
RACHAEL WALKER
President of Eddystone Borough Council

ATTEST:



Dawn Jones
DAWN JONES, Borough Manager

APPROVED by the Mayor this 14th day of November, 2022.



Rob Yanuzzi
ROB YANUZZI, Mayor of Eddystone